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## Rebecca Gayheart, "McSteamy" Eric Dane, Get Gawker Settlement Over Threesome Video

By

[Edecio Martinez](#)

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Eric Dane and Rebecca Gayheart (AP Photo, file)

**NEW YORK (CBS)** The legal battle between Gawker and actors Eric Dane and Rebecca Gayheart has been settled after the website agreed to take down the couple's homemade sex tape in return for them not suing the bejeezuz out of the gossip blog.

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The Grey's Anatomy star and his wife had sued Gawker in September for copyright infringement, after their threesome web video leaked to the internet, showing Dane, Gayheart and former beauty queen [Kari Ann Peniche](#) romping around naked and at times barely coherent.

The lawsuit claimed that Gawker "maliciously" distributed an uncensored version of the sex tape and refused to comply with a cease and desist order.

According to Reuters, Gawker and the couple agreed to private mediation, which facilitated a settlement that was filed with the Los Angeles County Superior Court last week. Sources close to the case valued the settlement in the low-six figures.

Dane and Gayheart were originally asking for more than \$1 million in damages.

"Although we are confident that our use of the video on Gawker was protected fair use -- because the posts already had been available to our readers for nearly a year, and because we already had won an important decision from the court striking large parts of the plaintiffs' damages claims -- we agreed to remove the posts as part of a global settlement to avoid the burden of further litigation," Gawker chief operating officer Gaby Darbyshire said in a statement obtained by Reuters.

Dane first appeared in ABC's highly rated show, "Grey's Anatomy," in 2005, in which he played Dr. Mark Sloan, also known as McSteamy. His popularity with fans led to a regular role on the show.

Gayheart is a television and film actress known for roles in "CSI: Miami," "Nip/Tuck," and "Vanished." She also had a recurring role in the original Beverly Hills 90210 series.

Peniche is a former beauty queen who won Miss United States Teen, but was stripped of her title after appearing nude in Playboy.

At one point in the video, Gayheart, who seems to be holding the camera, says "I need to lay down too. I am very high." She then joins a naked Peniche, who was lounging on the bed.

Gawker had released a 12-minute edited version of the video in which everyone's lower private parts are blurred over. Other sites have been more revealing.

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Breaking News

# Ex-Arnold Schwarzenegger Flight Attendant Files \$40 Million Libel Suit Against Gawker, National Enquirer

By R. Scott Moxley Wed., Aug. 3 2011 at 10:35 AM  
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**Arnold Schwarzenegger's** longtime personal flight attendant has filed a \$40 million lawsuit that claims **Gawker**, the *National Enquirer*, the *London Daily Mail* and other news outlets libeled her in articles portraying her as the ex-California governor's mistress and one of her sons as his secret love child.



Schwarzenegger

In the July 28 suit, filed in Orange County Superior Court, **Tammy Tousignant** of Brea seeks damages for defamation by libel, invasion of privacy and misappropriation of personal images following a series of 2003 and 2011 articles that wrongly alleged she "was Arnold's lover" and that her son, Tanner, "was Arnold's."

**Harry Frank Scolinos**, Tousignant's Pasadena-based lawyer, slammed the publications in his 117-page brief, which includes copies of the offending articles.

"Freedom of the press is a valuable right, but it is not a license for gossipy tabloids to tar and feather innocent citizens and destroy their reputations for the rags' profit," wrote Scolinos. "Given the nearly instantaneous and worldwide availability of on-line and print articles, one would expect more rigorous standards to be imposed on those who report news, particularly where such 'news' involves disclosing very personal and private details of the lives of non-public figures."

According to the lawsuit, Tanner--a graduate of **Brea Olinda High School**--is the August 1992 offspring of Tammy and her husband Tom. The couple--married since 1992--have another son, Conner, who was born in July 1997. Tammy worked as Schwarzenegger's flight attendant on the wealthy Hollywood actor's private jet from 1987 to 1999.

Articles in 2003 claimed that "not only was there an affair between Arnold and Tammy but that Tammy claimed that her son was fathered by Arnold," that Tanner "bears a physical resemblance to Arnold," and that the boy is "Arnold's love child."

Earlier this year, the *Los Angeles Times* reported that Schwarzenegger had privately

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by JOE MARUSAK / The Charlotte Observer

Posted on November 2, 2012 at 9:03 PM

MOORESVILLE, N.C. -- A former Lake Norman High School student is suing two Internet media companies for libel after she says they posted altered yearbook photos on their websites showing what they claim is the student lifting her gown and exposing herself during the school's 2011 graduation ceremony.

Now 19, the Mooresville woman says in her lawsuit that strangers have harassed and ridiculed her since New York-based Gawker Media Group and Deep Dive Media of Beverly Hills, Calif., posted the altered photo with articles and headlines that humiliated her and led to "public scorn."

"Controversy Erupts after North Carolina High School Girl Flashes Crotch in Yearbook Photo," reads the headline on a May 25 article that's still posted on Deep Dive Media's [www.opposingviews.com](http://www.opposingviews.com).

"Female High School Student Accused of Flashing Vagina in Yearbook Photo," says a headline the same day on [www.gawker.com](http://www.gawker.com), which also continues to post the article.

The lawsuit says the websites published a cropped and altered version of a photograph that superimposed a black bar over most of the woman's face. Another black bar, where her legs touch, "is placed so that (she ) appears to have gathered and lifted the fabric of her graduation gown with her hands," the lawsuit says.

The cropped photo makes it appear as if she is standing and posing with her gown lifted, the suit says. The original photo shows the woman seated with fellow graduates and holding a ceremony program on her lap; her hands are resting on her lap, the lawsuit says.

None of her classmates in the original photo are looking, smiling and laughing at her, contrary to articles published on the websites, the lawsuit says.

Deep Dive's article says the woman "flashed her naked crotch," taking "the concept of doing something memorable at graduation to a whole new level," according to the lawsuit.

Gawker's story adds that child pornography charges weren't filed because of the girl's age. The yearbook is a "crotchbook," the article says. Those who kept the yearbook may be "sexually depraved," the article says, but are not "a bunch of degenerate upskirting pedophiles" because the woman is over 18.

The photo and accompanying articles appeared on the sites after WSOC-TV in Charlotte published the photo and related stories beginning on May

The photo and accompanying articles appeared on the sites after WSOC-TV in Charlotte published the photo and related stories beginning on May 23. The station issued an online apology June 14 and also apologized live on air.

The station's apology said any assertion that the woman lifted her gown and exposed her "bare genitals" "was merely the unsupported opinion of one of the parents of a student at the high school..."

No evidence supported the parent's claims, the station's apology said.

The woman's attorney, Christopher Mauriello of Cornelius, said the woman reached a "confidential resolution" with WSOC-TV, which is not a defendant in the lawsuit. The suit was originally filed in Iredell County Superior Court in September but was moved to federal court in Charlotte on Thursday.

The woman seeks up to \$250,000 in damages, according to the lawsuit.

Mauriello sent letters to Gawker and Deep Dive on Aug. 2 asking them to retract their stories and photos. Gawker refused, and Deep Dive hasn't responded, he said. Mauriello said the sites should have verified the claims reported on WSOC before publishing them nationwide. "They published fake statements, and they put her in a false light," he said.

Gawker Media attorney Cameron Stracher said the suit has no merit. "The allegations are baseless," Stracher said in an email to the Observer. "The young woman was already the subject of a pre-existing controversy when the (Iredell-Statesville Schools) alerted parents to the photograph in the school yearbook.

"Gawker merely reported the controversy, never identified the girl, and the only 'altered' photo it posted was a smaller version of the original yearbook photo with a black bar obscuring the girl's face and thighs that had already been published by (WSOC-TV)."

Michael McNulty, managing editor of [www.opposingviews.com](http://www.opposingviews.com), has not

the (Iredell-Statesville Schools) alerted parents to the photograph in the school yearbook.

“Gawker merely reported the controversy, never identified the girl, and the only ‘altered’ photo it posted was a smaller version of the original yearbook photo with a black bar obscuring the girl’s face and thighs that had already been published by (WSOC-TV).”

Michael McNulty, managing editor of [www.opposingviews.com](http://www.opposingviews.com), has not responded to a request by the Observer for comment.

Dawn Creason, spokeswoman for the Iredell-Statesville Schools, said Friday that school system officials met with the student’s parents when the issue surfaced “and together we developed a plan for correcting the 2012 Lake Norman High School yearbook.”

A joint decision was made at the time to send home both a phone message and a letter, “asking parents and students for their cooperation in both repairing the yearbook and being sensitive to this extremely hurtful situation,” Creason said.

She said numerous media outlets across the country published “this inaccurate and unfair story before it was ever called to the attention of Lake Norman High school parents.”

“We certainly understand the frustration of this young woman and her parents, and we share in their embarrassment and anger,” Creason said.

“We wish her and her family much success as they seek justice and attempt to put this horrific situation behind them.”

