

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

ROBERT ARTHUR BURNS, II, ET
UX

NO. 2019 CW 0331

VERSUS

LOUISIANA TELEVISION
BROADCASTING, LLC D/B/A WBRZ
TV CHANNEL 2, ET AL

SEPTEMBER 23, 2019

In Re: Louisiana Television Broadcasting, LLC d/b/a WBRZ-TV
Channel 2 and Christopher Nakamoto, applying for
supervisory writs, 21st Judicial District Court,
Parish of Livingston, No. 156480.

BEFORE: WELCH, CHUTZ, AND PENZATO, JJ.

WRIT GRANTED. The February 19, 2019, ruling of the trial court denying defendants Louisiana Television Broadcasting, LLC d/b/a WBRZ TV Channel 2 and its reporter, Christopher Nakamoto's motion for summary judgment on plaintiff Robert Arthur Burns, II claim for defamation is reversed and the motion for summary judgment is granted dismissing plaintiffs' claims against defendants. In order to prevail on a defamation claim, a plaintiff must prove that the defendant, with actual malice or other fault, published a false statement with defamatory words which caused plaintiff damages. **Costello v. Hardy**, 2003-1146 (La. 1/21/2004), 864 So.2d 129, 139. If even one of the required elements of the tort is lacking, the cause of action fails. **Id.** In this matter, defendants have pointed out the absence of factual support for one or more elements essential to plaintiffs' claims, i.e., false statements and actual malice or other fault in publishing the conclusions of a state agency and Goyeneche's statement of opinion concerning same. Plaintiffs, then, did not produce factual support sufficient to establish the existence of a genuine issue of material fact.

**JEW
WRC
AHP**

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