

TOP TEN TRIAL AWARDS IN MEDIA LIBEL, PRIVACY, AND RELATED TRIALS¹

This section includes both a list of the 10 highest damage awards in trials against the media, based on the amounts awarded, and a second list expressing these results in constant (2004) dollars. The trials included on the two lists are the same, although their order is somewhat different.

1. *MMAR Group, Inc. v. Dow Jones & Co.*,

Civ. No. H-95-1262 (S.D. Tex. 1997).

Claim: Libel

Legal Standard: Negligence

Plaintiff Type: Private

Defendant Type: Print (Newspaper)

Trier of Fact: Jury

Result: Jury verdict for plaintiff

Damages: **\$222,720,000 Total**

\$ 22,700,000 Compensatory

\$200,020,000 Punitive

Summary: In October 1993 the *Wall Street Journal* ran an article on MMAR Group, Inc., a Texas securities firm, entitled "Regulators Study Texas Securities Firm And Its Louisiana Pension Fund Trades." The article alleged an ongoing state and federal investigation into the propriety of MMAR's dealings with the Louisiana State Employees' Retirement System ("LASERS"), as well as MMAR's reckless and extravagant use of client's money. Less than a month later (and two days after being sued by LASERS) MMAR went out of business. The award entered for MMAR, which was treated as a private figure at trial, of \$222,720,000 represents the highest award ever granted by a jury in this REPORT. In April 1999, the trial court ruled that the plaintiff withheld from the defendant evidence which prevented Dow Jones from fully and fairly presenting its case. The court ordered a new trial, and the plaintiff subsequently withdrew from the lawsuit.

Post-Trial Motions: *Partial JNOV as to punitive damages granted*, 25 Media L. Rep. 1747 (S.D. Tex. 1997), *motion for new trial granted unless plaintiff accepts remittitur*, 987 F. Supp. 535, 25 Media L. Rep. 2537 (S.D. Tex. 1997), *new trial ordered*, 187 F.R.D. 282 (S.D. Tex. 1999), *case dismissed at request of plaintiff*, No. 95-CV-1262 (S.D. Tex. final judgment issued Jan. 5, 2000).

New Trial: Plaintiff dropped suit before retrial.

Defense Counsel: David H. Donaldson, Jr., George Donaldson & Ford, Austin, Tex.

2. *Feazell v. A.H. Belo Corp.*

No 86-22271 (Tex. Dist. Ct. McLennan County, Apr. 19, 1991).

Claim: Libel

Legal Standard: Actual Malice

Plaintiff Type: Public

Defendant Type: Audio-Visual (Television)

Trier of Fact: Jury

Result: Jury verdict for plaintiff

Damages: **\$58,000,000 Total**

\$17,000,000 Compensatory

\$41,000,000 Punitive

Summary: In response to persistent rumors that Feazell, a District Attorney, was inexplicably lax in prosecuting drug and related cases and may have taken bribes in drunk driving cases, Dallas' WFAA-TV reporter Charles Duncan investigated and broadcast an 11-part series critical of Feazell's performance, discussing both these allegations and a pending federal investigation. More than two years later, in 1986, plaintiff was indicted on federal racketeering and bribery charges. He was acquitted, but voluntarily resigned as District Attorney and went into private practice. Feazell filed his libel suit against WFAA-TV after his acquittal, and was awarded \$58,000,000 at trial. The case was settled prior to appeal.

Post-Trial Motions: Defendant's motion for JNOV denied.

Appeal: Case settled before appeal.

Defense Counsel: Tom Leatherbury, Vinson & Elkins, Dallas, Tex.

1. Information about trials, such as attorneys' names and affiliations, were current as of the latest development in a case, but may have subsequently changed. Feedback on any errors or omissions is welcomed.

3. *Guccione v. Hustler Magazine*

No. 77CV-04-1692 (Ohio C.P. Franklin County 1980).

Claim: Libel
Legal Standard: Actual Malice
Plaintiff Type: Public
Defendant Type: Print (Magazine)
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$40,300,000 Total**
\$ 3,300,000 Compensatory
\$37,000,000 Punitive

Summary: The June 1979 issue of *Hustler* magazine ran a photograph of a male body engaged in an act of “buggery” upon which was superimposed the head of Bob Guccione, a well known publisher of various magazines (including *Penthouse*). The defendant claimed the caption, “Bob Guccione Discovers Vaseline,” was a somewhat oblique reference to a photographic technique used by the plaintiff. The jury found otherwise. Guccione, a public figure, was awarded \$40,300,000. The award was reduced by an intermediate court and ultimately reversed and dismissed by the Ohio Supreme Court. The U.S. Supreme Court denied certiorari.

Post-Trial Motions: Remittitur to \$5,150,002 granted.

Appeals: *Aff’d in part and rev’d in part*, 1981 Ohio App. LEXIS 10736, 7 Media L. Rep. 2077 (Ohio Ct. App. Oct. 8, 1981) (affirming liability, reversing damages and remanding), *aff’d*, 1982 Ohio App. LEXIS 13222 (Ohio Ct. App. Sept. 14, 1982) (affirming denial of defendants’ JNOV and sanctions motions), *cert. denied*, 459 U.S. 826 (1982).

Defense Counsel: C. William Brownfield, Brownfield, Bowen, Bally & Sturtz, Columbus, Ohio

4. *Lerman v. Chuckleberry Publishing, Inc.*

No. 80 Civ. 1658 (HFW) (S.D.N.Y. 1983).

Prior Proceedings: 496 F. Supp. 1105 (S.D.N.Y. 1980) (granting plaintiff’s motion for partial summary judgment), 521 F. Supp. 228 (S.D.N.Y. 1981) (granting partial summary judgment to plaintiff), 544 F. Supp. 966 (S.D.N.Y. 1982) (granting plaintiff’s cross-motion for partial summary judgment and plaintiff’s motion to consolidate cases)

Claim: Invasion of Privacy
Legal Standard: Unknown
Plaintiff Type: Private²
Defendant Type: Print (Magazine)
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$40,000,000 Total**
\$ 7,000,000 Compensatory
\$33,000,000 Punitive

Summary: *Adelina* magazine, which was distributed by defendant, misidentified two black and white photographs in its May 1980 issue as being Jackie Collins Lerman. The photographs, culled from the movie “Married Men” (whose screenplay was written by Lerman), portrayed an anonymous woman topless as well as another unidentifiable woman participating in an “orgy scene.” Finding that Lerman did not appear in the movies, clothed or otherwise, the jury awarded \$40 million: \$7,000,000 in compensatory damages and \$33,000,000 in punitive damages. The trial court immediately struck \$30,000,000 from the punitive damages, reducing the total award to \$10,000,000. The Second Circuit reversed the award, based in part on the finding that Lerman should have been treated as a public figure, and dismissed the case.

Post-Trial Motions: Remittitur granted reducing punitive award to \$3,000,000

Appeal: *Rev’d sub. nom. Lerman v. Flynt Distributing Co.*, 745 F.2d 123, 10 Media L. Rep. 2497 (2d Cir. 1984), *cert. denied*, 471 U.S. 1054 (1985)

Defense Counsel: Edward S. Rudofsky, Zane & Teitler, New York, N.Y.

2. This determination was found to be improper on appeal.

5. *Sprague (II) v. Philadelphia Newspapers*

No. 1973 3644 (Pa. C.P. Philadelphia County 1990).

Claim: Libel

Legal Standard: Actual Malice

Plaintiff Type: Public

Defendant Type: Print (Newspaper)

Trier of Fact: Jury

Result: Jury verdict for plaintiff

Damages: **\$34,000,000 Total**

\$ 2,500,000 Compensatory

\$31,500,000 Punitive

Summary: In 1973, the defendant published articles linking the plaintiff, then an Assistant District Attorney, to an apparent murder coverup. One particular article not only linked the plaintiff to a cover-up but also questioned the propriety of his involvement in a potential murder case from 10 years prior, when the son of an alleged friend of the plaintiff was the chief suspect in a murder investigation but the case was officially not prosecuted because the plaintiff determined that the death was caused by a blow inflicted in self-defense. The article was republished in 1976, when the *Inquirer* sent a reprint to a commission headed by the plaintiff, which was investigating the assassinations of Dr. Martin Luther King and President John F. Kennedy. The jury originally awarded Sprague, a public official, \$4.5 million in damages (\$1.5 million compensatory, \$3 million punitive), but the judgment was reversed and remanded for a second trial, which resulted in this \$34 million verdict. A Superior Court panel reduced this verdict by \$10 million in punitive damages, and the Pennsylvania Supreme Court denied review. The case was ultimately settled for an undisclosed sum in April 1996.

Post-Trial Motions: Trial court denied remittitur for defendant (appeals court later granted)

Appeal: *Aff'd in part and rev'd in part*, 441 Pa. Super. 1, 656 A.2d 890 (Pa. Super. Ct. 1985) (affirming as to compensatory damages, vacating judgment as to punitive damages, and remanding for new trial on punitive damages or, in the alternative, granting remittitur with entry of new punitive damage judgment of \$21.5 million dollars), *rev. denied*, 441 Pa. Super. 1, 656 A.2d 890 (Pa. 1986).

Defense Counsel: Samuel E. Klein, Dechert, Philadelphia, Pa.

6. *Srivastava v. Harte-Hanks*

(Tex. Dist. Ct. 1990).

Claims: Libel, False Light, Private Facts, Intrusion,
Intentional Infliction of Emotional Distress

Legal Standard: Negligence

Plaintiff Type: Private

Defendant Type: Audio-Visual (Television)

Trier of Fact: Jury

Result: Jury verdict for plaintiff

Damages: **\$29,000,000 Total**

\$11,500,000 Compensatory

\$17,500,000 Punitive

Summary: The plaintiff was a heart surgeon when, in 1985, due to a political and economic dispute with local hospital administrators, he lost privileges at two San Antonio Hospitals. The Harte-Hanks television station ran a series of broadcasts reporting the revocation of Srivastava's privileges and detailing the mishandling of several cases. Harte-Hanks' reports were based in large part upon information, including confidential medical reports, that had been secretly given to the defendant's reporter by the plaintiff's secretary. The reports allegedly triggered an investigation by the state medical board, ultimately vindicating the plaintiff of charges of unnecessary surgery. Srivastava, a private figure, was awarded \$29 million. The station filed an appeal, but then settled.

Post-Trial Motions: None

Appeal: Dismissed upon settlement.

Settlement: Settled prior to appeal for \$8.5 million.³

Defense Counsel: Mark Cannan and Laura Cavaretta, Lang, Ladon, Green, Coughlan & Fisher, San Antonio, Tex.

3. The settlement amount was revealed in a subsequent tax proceeding. See *Srivastava v. Commissioner*, 220 F.3d 353 (5th Cir. 2000).

7. *Pring v. Penthouse International*

No.C79-351B (D. Wyo. 1981).

Claim: Libel, False Light
Legal Standard: Negligence
Plaintiff Type: Private
Defendant Type: Print (Magazine)
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$26,535,000 Total**
\$ 1,510,000 Compensatory
\$25,025,000 Punitive

Summary: The August 1979 issue of *Penthouse* magazine published a short article detailing “Charlene’s” experiences as Miss Wyoming in the Miss America pageant. Prior to taking the stage to perform her baton-twirling in the talent contest, Charlene is depicted as reminiscing about an act of fellatio that caused its recipient, Monty Applewhite (a popular Wyoming football player), to levitate. Charlene is then depicted as taking the stage and performing a fellatio-like act on the baton, stopping the orchestra. The story ends with a description of Charlene and her coach, Corky Corcoran, engaged in fellatio. Pring, the actual Miss Wyoming in that year’s pageant, sued arguing that these depictions “create the impression” that the plaintiff in fact committed fellatio upon her coach, Monty Applewhite and her baton. The jury awarded Pring, considered by the trial court to be a private figure, \$26,535,000, consisting of \$1,510,000 in compensatory and \$25,025,000 in punitive damages. The award was reduced post-trial to \$14,035,000. The Court of Appeals reversed and dismissed the case.

Post-Trial Motions: Remittitur granted reducing punitive damages to \$12,500,000
Appeal: *rev’d*, 695 F.2d 438, 8 Media L. Rep. 2409 (10th Cir. 1982) (instructing trial court to set aside verdict and dismiss), *cert. denied*, 462 U.S. 1132 (1983)
Defense Counsel: Thomas B. Kelley, Cooper & Kelley, Denver, Colo. and Norman Roy Grutman, Grutman & Miller, New York, N.Y.

8. *Graves v. Warner Bros.*

No. 95-494536-NZ (Mich. Cir. Ct., 1999).

Claim: Wrongful death, Negligence
Legal Standard: Negligence
Plaintiff Type: not determined
Defendant Type: Audio-Visual (Television)
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$25,006,500 Total**
\$25,006,500 Compensatory

Summary: Plaintiffs, Patricia Graves and Frank Amedure, Sr., are parents of and personal representatives for the estate of Scott Amedure, the *Jenny Jones* show guest killed days after he revealed a crush on another male guest during a taping of the show. Defendants in the case are Jonathan Schmitz, the object of Amedure’s crush and his now-convicted murderer; Warner Brothers, the owner of the show; and Telepictures, the distributor of the program. Plaintiffs settled all claims against Schmitz before trial, but maintained their claim that the *Jenny Jones* show’s negligence caused Schmitz’s humiliation and therefore indirectly caused their son’s death. The trial court refused to adjourn the case until the end of Schmitz’s criminal trial, leaving the defense without the option of compelling Schmitz’s testimony. Finally, after a six-week trial, the jury awarded plaintiffs a total of \$25,006,500 in compensatory damages.

Post-Trial Motions: Defense motions for JNOV, remittitur and new trial denied (Mich Cir. Ct. Mar. 2000).
Appeal: *rev’d, vacated and remanded*, 253 Mich. App. 486, 656 N.W.2d 195, 31 Media L. Rep. 1255 (Mich. Ct. App. Oct. 22, 2002) (ordering entry of judgment for defendant), *rev. denied*, 666 N.W.2d 665 (Mich. July 17, 2003) (table), *reconsid. denied*, 669 N.W.2d 552 (Mich. Oct 10, 2003) .
Defense Counsel: Jim Feeny and Sarah McLaren, Feeny Kellett Wiener & Bush, Bloomfield Hills, Mich.

9. *Doe v. TCI Cablevision*

No.972-09415 (Mo. Cir. Ct. St. Louis Oct. 31, 2000).

Claim: Misappropriation
Legal Standard: Fault
Plaintiff Type: Public
Defendant Type: Print (Other: Comic Book)⁴
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$24,500,000 Total**
\$24,500,000 Compensatory

Summary: Plaintiff Tony Twist, a professional hockey player, sued over a mob boss character – at first unnamed, but later identified as “Antonio Twistelli” and then “Tony Twist” – in the best-selling *Spawn* comic books. The suit named *Spawn* creator Todd McFarlane, the company which published the comic books, and various companies which produced and distributed toys, television programs, and a film based on the comic book. The trial court dismissed the misappropriation claims against the defendants who merely distributed *Spawn* in some fashion, and libel claims and a conspiracy claim against all defendants, leaving McFarlane, his companies, the comic book publisher and HBO as parties. HBO and the comic book fan magazine *Wizard* settled, and the magazine agreed to produce for discovery an article in which McFarlane acknowledged that he was a hockey fan and discussed the sources of the comic book character names. The judge rejected a defense motion for summary judgment, but ruled that the jury would have to find that the defendants had knowingly used Tony Twist’s name and either derived economic benefit or caused plaintiff direct pecuniary loss. The court, however, abandoned this standard in the instructions, telling the jury that they need only find that the “plaintiff sustained damage.” The jury found for the plaintiff, and awarded \$24.5 million in compensatory damages. But the court then issued an order setting aside the verdict, entering a judgment notwithstanding the verdict, and granting a new trial if the JNOV is not upheld on appeal.

Post-Trial Motions: Defense motion for JNOV or new trial granted.

Appeal: *aff’d*, 2002 WL 1610972, 30 Media L. Rep. 2409 (Mo. Ct. App. Eastern Dist. July 23, 2002)

(affirming grant of JNOV), *reh’g denied*, (Oct. 8, 2002), *aff’d in part, rev’d in part and remanded*, 110 S.W.3d 363, 31 Media L. Rep. 2025 (Mo. July 29, 2003) (reversing JNOV, affirming new trial), *cert. denied sub. nom. McFarland v. Twist*, No. 03-615 (U.S. Jan. 12, 2004).

Defense Counsel: Edwin D. Akers, Jr., Gallop Johnson & Neuman, St. Louis, Mo.

10. *Newton v. NBC, Inc.*

No. CV-LV-81-180-MDC (D. Nev. 1986).

Claim: Libel
Legal Standard: Actual Malice
Plaintiff Type: Public
Defendant Type: Audio-Visual (Television)
Trier of Fact: Jury

Result: Jury verdict for plaintiff
Damages: **\$19,321,750 Total**
\$14,271,750 Compensatory
\$ 5,000,000 Punitive
\$ 50,000 Presumed

Summary: Wayne Newton, a well-known musician, accused NBC of broadcasting a news report that created “the clear and inescapable impression” that Newton sought and received financial backing from Guido Penosi, who had links to organized crime, in his acquisition of the Aladdin Hotel in Las Vegas. The jury awarded Newton, who was a public figure, \$19,200,000: \$14,200,00 in compensatory and \$5,000,000 in punitive damages. In light of Newton’s continued good standing in the community, the trial court reduced the compensatory damages to \$225,000 for physical and mental injury, but upheld \$50,000 in presumed damages and \$5,000,000 in punitive damages. In 1990, the Ninth Circuit Court of Appeals reversed and dismissed the case. The U.S. Supreme Court denied certiorari.

Post-Trial Motions: Remittitur granted reducing compensatory damages to \$225,000, 677 F. Supp. 1066, 14 Media L. Rep. 1914 (D. Nev. 1987).

Appeals: *rev’d*, 930 F.2d 662 (9th Cir. 1990) (reversing judgment against defendant and ordering dismissal), *cert. denied*, 502 U.S. 866 (1991).

Defense Counsel: Floyd Abrams and Thomas Kavalier, Cahill, Gordon & Reindel, New York

4. Despite the caption of this case, the claims against cable defendants were either dismissed or settled before trial.

TOP TEN TRIAL AWARDS IN CONSTANT DOLLARS

The list of “Top Ten” damage awards above does not account for inflation. The list below re-ranks the trials with the highest Initial damage awards, adjusting the results for inflation based on the U.S. Department of Labor’s Consumer Price Index.⁵ The resulting list contains the same trials as the “Top Ten” list in current dollars, but in a slightly different order.

Rank / Case	Damages As Awarded (then-current dollars) ⁶	Adjusted Damages (2004 dollars) ⁹⁶
1. <i>MMAR Group, Inc. v. Dow Jones & Co.</i> (1997)	\$222,720,000	\$262,024,000
2. <i>Guccione v. Hustler Magazine</i> (1980)	\$40,300,000	\$92,431,000
3. <i>Feazell v. A.H. Belo Corp.</i> (1991)	\$58,000,000	\$80,444,000
4. <i>Lerman v. Chuckleberry Publishing, Inc.</i> (1983)	\$40,000,000	\$75,901,000
5. <i>Pring v. Penthouse International</i> (1981)	\$26,535,000	\$55,166,000
6. <i>Sprague (II) v. Philadelphia Newspapers</i> (1990)	\$34,000,000	\$49,133,000
7. <i>Srivastava v. Harte-Hanks</i> (1990)	\$29,000,000	\$41,908,000
8. <i>Newton v. NBC, Inc.</i> (1986)	\$19,321,750	\$33,313,000
9. <i>Graves v. Warner Bros., et al.</i> (1999)	\$25,006,500	\$28,352,000
10. <i>Doe v. TCI Cablevision</i> (2000)	\$24,500,000	\$26,864,000

5. Estimates calculated using estimated 2004 Inflation Conversion Factors calculated by Associate Professor Robert Sahr of the Oregon State University Political Science Department, available http://www.orst.edu/Dept/pol_sci/fac/sahr/cv2004.xls (visited Feb. 1, 2005). Professor Shar’s calculations are the basis of the inflation calculator found on the website of the *Columbia Journalism Review*, <http://www.cjr.org/tools/inflation/>. The calculator itself was not used because it has not been updated. In accordance with Professor Shar’s instructions, amounts have been rounded to the nearest \$1,000.

6. “Current dollars” is defined as the amount in dollars based on their value at the time of the award; in other words, the actual damages figure awarded.

TOP TEN FINAL AWARDS IN MEDIA LIBEL, PRIVACY, AND RELATED CASES

- 1. Feazell v. A.H. Belo Corp.**, No 86-22271 (Tex. Dist. Ct. McLennan County, Apr. 19, 1991).
Trial Verdict: \$58 million jury verdict for plaintiff.
Post-Trial Motions: Defense motion for JNOV denied.
Appeal: None.
Final Award: \$58,000,000.
- 2. Srivastava v. Harte-Hanks**, (Tex. Dist. Ct. 1990).
Trial Verdict: \$29 million jury verdict for plaintiff.
Post-Trial Motions: None.
Appeal: None.
Final Award: \$29,000,000
Settlement: Settled prior to appeal for \$8.5 million.⁷
- 3. Sprague (II) v. Philadelphia Newspapers**, No. 1973 3644 (Pa. C.P. Philadelphia County 1990).
Trial Verdict: \$34 million jury verdict for plaintiff.
Post-Trial Motions: None.
Appeal: *aff'd in part and rev'd in part*, 441 Pa. Super. 1, 656 A.2d 890 (Pa. Super. Ct. 1985) (affirming as to compensatory damages, vacating judgment as to punitive damages, and remanding for new trial on punitive damages or, in the alternative, granting remittitur with entry of new punitive damage judgment of \$21.5 million dollars), *rev. denied*, 441 Pa. Super. 1, 656 A.2d 890 (Pa. 1986).
Final Award: \$24,000,000
- 4. Newcomb & Assoc. v. Plain Dealer Publishing Co.**, No. 93757 (Ohio Ct. C.P. 1990).
Trial Verdict: \$13.5 million jury verdict for plaintiff.
Post-Trial Motions: Defense post-trial motions for JNOV, remittitur and new trial denied.
Appeal: None.
Final Award: \$13,500,000
Settlement: Settled prior to appeal for unknown amount.
- 5. Lee v. Duddy**, No. 540 585-9 (Cal. Super. Ct., Alameda County 1985).
Trial Verdict: \$11.9 million bench verdict for plaintiff.
Post-Trial Motions: None.
Appeal: None.
Final Award: \$11,900,000.
- 6. Prozeralik (II) v. Capital Cities/ABC, Inc.**, (N.Y. Sup. Ct. 1994).
Trial Verdict: \$11.5 million jury verdict.
Post-Trial Motions: None.
Appeal: *aff'd in part* (compensatory) *and rev'd in part* (punitive), 222 A.D.2d 1020 (N.Y. App. Div. 1995), appeal dismissed, 88 N.Y.2d 843, 1v to appeal denied, 88 N.Y.2d 812 (1996).
Final Award: \$11,000,000
Settlement: Settled for unknown amount.
- 7. Cramlet (II) v. Multi-Media Program Productions**, (D. Colo. 1983)
Trial Verdict: \$5.9 million jury verdict.
Post-Trial Motions: None.
Appeal: None.
Final Award: \$5,900,000
Settlement: Settled for unknown amount.

7. The settlement amount was revealed in a subsequent tax proceeding. *See Srivastava v. Commissioner*, 220 F.3d 353 (5th Cir. 2000).

8. *Nguyen v. Nguyen*, No. 14-91-00443-CV (Cal. Super. Ct. 1991).
Trial Verdict: \$14.92 million jury verdict for plaintiff
Post-Trial Motions: Defense motion for remittitur granted; defense motion for new trial denied.
Appeal: None.
***Final Award*: \$5,080,000**
9. *Brown & Williamson v. Jacobson*, No. 82C1648, 644 F. Supp. 1240 (N.D. Ill. 1986).
Trial Verdict: \$5.05 million jury verdict for plaintiff.
Post-Trial Motions: Defense motion for remittitur granted
Appeal: *aff'd in part and rev'd in part*, 827 F.2d 1119, 14 Media L. Rep. 1497 (7th Cir. 1987),
cert. denied, 485 U.S. 993 (1988).
***Final Award*: \$3,050,000**
10. *Weller v. KGO-TV*, No. 120451 (Cal. Super. Ct. 1989).
Trial Verdict:(\$2.3 million jury verdict for plaintiff).
Post-Trial Motions: Defense motions for JNOV, new trial denied.
Appeal: *aff'd sub. nom. Weller v. American Broadcasting Companies, Inc.*, 232 Cal. App. 3d 991,
19 Media L. Rep. 1161 (Cal. Ct. App. 1991).
***Final Award*: \$2,300,000**
Settlement: Settled for unknown amount.

TOP TEN FINAL AWARDS IN CONSTANT DOLLARS

Rank / Case	Damages As Finalized (then-current dollars) ⁸	Adjusted Damages (2004 dollars) ⁹
1. <i>Feazell v. A.H. Belo Corp.</i> (final 1991)	\$58,000,000	\$80,444,000
2. <i>Srivastava v. Harte-Hanks</i> (final 1990)	\$29,000,000	\$41,908,000
3. <i>Sprague (II) v. Philadelphia Newspapers</i> (final 1986)	\$24,000,000	\$41,379,000
4. <i>Lee v. Duddy</i> (final 1985)	\$11,900,000.	\$20,877,000
5. <i>Newcomb & Assoc. v. Plain Dealer Publ'g Co.</i> (final 1990)	\$13,500,000	\$19,509,000
6. <i>Prozeralik (II) v. Capital Cities/ABC, Inc.</i> (final 1996)	\$11,000,000	\$13,237,000
7. <i>Cramlet (II) v. Multi-Media Program Prodms.</i> (final 1983)	\$5,900,000	\$11,195,000
8. <i>Nguyen v. Nguyen</i> (final 1991)	\$5,080,000	\$7,046,000
9. <i>Brown & Williamson v. Jacobson</i> (final 1988)	\$3,050,000	\$3,534,000
10. <i>Weller v. KGO-TV</i> (final 1991)	\$2,300,000	\$3,190,000

8. "Current dollars" is defined as the amount in dollars based on their value at the time of the award; in other words, the actual damages figure awarded.

9. See note [96](#), *supra*.