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Judge punitively dismisses copyright lawsuit against ABC

An acrimonious lawsuit against #ABC has been tossed by a federal judge, who cited a series of problems that include soiled documents and allegedly fabricated evidence presented by the plaintiff.

In a [40-page decision](#) issued Tuesday, U.S. District Judge Beryl Howell dismissed the copyright infringement suit brought by Gregory Slate, over what he said was unauthorized use of videotape in an ABC news report.

As summarized by Howell, the suit involved footage used in a hidden-camera investigation in Chicago in the fall of 2007. Howell summarized that Slate worked on the Chicago project with ABC employees and the Police Complaint Center. ABC had agreed with the PCC to produce the hidden-camera footage and believed that Slate was an agent of the PCC. Slate subsequently claimed that he owned the copyright to the Chicago footage all along.

Among other issues, Howell cited "clear and convincing proof" that Slate had fabricated a letter claiming to be an Emmy winner. Slate further sought to "entangle" ABC anchor Elizabeth Vargas in the lawsuit, Howell concluded; Howell went on:

"Furthermore, the plaintiff has engaged in a course of conduct, which demonstrates that he does not take seriously his obligation to litigate in good faith. Most notably, Mr. Slate has repeatedly attempted to abuse the discovery process, and his persistent course of conduct in this regard strongly suggests that he acted willfully. This conduct includes, but is not limited to: (1) attempting to fraudulently collect evidence;²⁵ (2) producing discovery documents in a soiled envelope that had the strong odor of excrement;²⁶ (3) improperly videotaping his own deposition testimony;²⁷ and (4) producing voluminous amounts of irrelevant and misleading materials."

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"Suits & Sentences" is a legal affairs blog written by Michael Doyle, a reporter for [McClatchy's Washington Bureau](#). He was a Knight Journalism Fellow at Yale Law School, where he earned a Master of Studies in Law; he also earned a Masters in Government from The Johns Hopkins University with a thesis on the Freedom of Information Act. He teaches journalism as an adjunct instructor at The George Washington University's School of Media and Public Affairs.



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