

## Confidential Memorandum

### **For Immediate Release: California Court of Appeal Issues Resounding Affirmance of Million Dollar Jury Verdict Finding that CalCoastNews, Karen Velie and Dan Blackburn Falsely and Maliciously Defamed Charles Tenborg**

Today the California Court of Appeal issued a resounding affirmance of the 2017 San Luis Obispo \$1.1 million jury verdict in the defamation case filed by Charles Tenborg against CalCoastNews and its writers Karen Velie and Daniel Blackburn.

In November of 2013 CalCoastNews published what a jury found to be a malicious article that falsely stated that Mr. Tenborg had illegally transported hazardous waste and obtained contracts to haul waste improperly. The jury also found that CalCoastNews had even maliciously reported through words and photographs that Mr. Tenborg supposedly had been hauling radioactive waste—a deliberately and knowing falsehood on the part of the online tabloid and its writers.

In 2017 a San Luis Obispo jury unanimously found that the article was entirely false and caused Tenborg to suffer serious damages for which he was awarded \$600,000 against CalCoastNews, Velie and Blackburn. The jury also found that the article was published maliciously and awarded Tenborg an additional \$500,000 in punitive damages against the tabloid and its publisher, Karen Velie.

In today's unanimous 3-0 decision, the Court of Appeal affirmed the jury's finding that it was false and defamatory to say Tenborg illegally hauled waste (or even any radioactive waste). The Court's opinion confirms that the jury's award of over \$1 million in damages was fully justified. In today's ruling, the Court strongly chastised CalCoastNews, Velie and Blackburn for not preparing a proper record as they did not obtain transcripts from all parts of the trial as required for a successful appeal.

In its ruling, the Court emphasized that newspapers, including online publications, do not have a license to print false stories and that Charles Tenborg was entitled to the protection of his good name. Tenborg's attorney, James Wagstaffe of Wagstaffe, Von Loewenfeldt, Busch, and Radwick, said "We are extremely gratified that the Court of Appeal has unanimously affirmed the jury's well-justified defamation verdict." Wagstaffe continued that in his view, "Today's ruling underscores that the First Amendment and its free speech protections are not a hunting license for malicious and unprofessional scandal mongers like CalCoastNews."