

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

PHIL BYRANT

PLAINTIFF

VERSUS

CIVIL ACTION NO: 45CI1:23-cv-00238-JM

**MARY MARGARET WHITE &
DEEPSOUTH TODAY d/b/a MISSISSIPPI TODAY**

DEFENDANTS

**ANSWER OF *DEEP SOUTH TODAY* d/b/a *MISSISSIPPI TODAY*
AND MARY MARGARET WHITE TO COMPLAINT**

COME NOW Defendants *Deep South Today* d/b/a *Mississippi Today* ("*Mississippi Today*") and Mary Margaret White and file this their Answer to the Complaint filed by Plaintiff Phil Bryant as follows:

FIRST DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

SECOND DEFENSE

Plaintiff is precluded from recovery by virtue of the First Amendment to the United States Constitution guaranteeing freedom of speech and the press.

THIRD DEFENSE

Plaintiff is precluded from recovery by virtue of Mississippi Constitution Article III, § 13 guaranteeing the right to free speech and the press and guaranteeing that free speech is a cherished right.

FOURTH DEFENSE

Section 95-1-5 Mississippi Code applies to this case.

FIFTH DEFENSE

Defendant is free of any negligence.

SIXTH DEFENSE

The news story about which Plaintiffs complains involves issues of public interest and concern requiring Plaintiff to prove *New York Times v. Sullivan* malice by clear and convincing evidence, which as a matter of law, he cannot do.

SEVENTH DEFENSE

Plaintiff is a public figure and was a public official, requiring him to prove *New York Times v. Sullivan* malice by clear and convincing evidence, which as a matter of law, he cannot do.

EIGHTH DEFENSE

Plaintiff is precluded from recovery by the Fair Comment Doctrine.

NINTH DEFENSE

Plaintiff is precluded from recovery by the Neutral Reportage Doctrine.

TENTH DEFENSE

To the extent the speech about which Plaintiff complains is opinion, he is precluded from recovery.

ELEVENTH DEFENSE

The publications about which Plaintiff complains are true or substantially true which precludes any recovery by Plaintiff.

TWELFTH DEFENSE

Any damages or injury about which Plaintiff complains was caused by or contributed to by Plaintiff or someone other than Defendants.

THIRTEENTH DEFENSE

Plaintiff failed to mitigate any injury or damage about which he complains.

FOURTEENTH DEFENSE

Section 85-5-7 Mississippi Code applies to this case.

FIFTEENTH DEFENSE

Plaintiff's claims are barred by applicable statutes of limitation, including § 15-1-35 Mississippi Code.

SIXTEENTH DEFENSE

Plaintiff's claims are barred by the Single Instance Rule.

SEVENTEENTH DEFENSE

Plaintiff's claims are barred by the Incremental Harm Doctrine.

EIGHTEENTH DEFENSE

Plaintiff is not entitled to punitive damages.

NINETEENTH DEFENSE

Plaintiff is not entitled to presumed damages.

INTRODUCTION

1.1 Defendants deny the allegations contained in Paragraph 1.1 of the Complaint.

1.2 Defendants deny the allegations in Paragraph 1.2 of the Complaint, except they admit *Mississippi Today* published that Bryant misused and squandered at least \$77 million dollars in federal welfare funds.

1.3 Defendants deny the allegations contained in Paragraph 1.3 of the Complaint.

1.4 Defendants deny the allegations contained in Paragraph 1.4 of the Complaint, except they admit the allegations concerning the Pulitzer Prize and the fact of the *Mississippi Today* publication.

1.5 Defendants deny the allegations contained in Paragraph 1.5 of the Complaint, except they say in the publication that Plaintiff Bryant had not been accused of committing a crime.

1.6 Defendants admit the allegations contained in Paragraph 1.6 of the Complaint, except they deny the allegations concerning falsity, misleading, defamation and slander.

1.7 Defendants deny the allegations contained in Paragraph 1.7 of the Complaint, except they admit they said Plaintiff had not been charged with a crime.

1.8 Defendants deny the allegations contained in Paragraph 1.8 of the Complaint.

PARTIES

2.1 Defendants are without sufficient knowledge to admit or deny the residency of Plaintiff but admit the balance of the allegations contained in Paragraph 2.1 of the Complaint.

2.2 Defendants admit the allegations contained in Paragraph 2.2 of the Complaint.

2.3 Defendants admit the allegations contained in Paragraph 2.3 of the Complaint.

SERVICE OF PROCESS

3.1 Defendants admit the allegations contained in Paragraph 3.1 of the Complaint.

3.2 Defendants admit the allegations contained in Paragraph 3.2 of the Complaint.

3.3 Defendants admit the allegations contained in Paragraph 3.3 of the Complaint.

JURISDICTION AND VENUE

4.1 Defendants admit the allegations contained in Paragraph 4.1 of the Complaint.

4.2 Defendants admit the allegations contained in Paragraph 4.2 of the Complaint.

4.3 Defendants admit the allegations contained in Paragraph 4.3 of the Complaint and would affirmatively show that Madison County is not the only proper venue.

FACTUAL BACKGROUND

I. Wolfe slandered Bryant in December 2021.

5.1 Defendants admit the allegations contained in Paragraph 5.1 of the Complaint, except they deny the bold face emphasis, and except they deny “I. Wolfe slandered Bryant in December 2021”.

5.2 Defendants admit the allegations contained in Paragraph 5.2 of the Complaint and would affirmatively show the reference was also to other inquiry and civil investigations.

5.3 Defendants admit the allegations contained in Paragraph 5.3 of the Complaint.

5.4 Defendants deny the allegations contained in Paragraph 5.4 of the Complaint.

5.5 Defendants deny the allegations contained in Paragraph 5.5 of the Complaint.

5.6 Defendants deny the allegations contained in Paragraph 5.6 of the Complaint.

5.7 Defendants deny the allegations contained in Paragraph 5.7 of the Complaint, except they admit Adam Ganucheau and Anna Wolfe had a discussion with Journalist's Resource concerning legal experts.

5.8 Defendants deny the allegations contained in Paragraph 5.8 of the Complaint.

II. *Mississippi Today* defamed Bryant in August 2022

5.9 Defendants admit the allegations contained in Paragraph 5.9 of the Complaint, except they deny "II. *Mississippi Today* defamed Bryant in August 2022".

5.10 Defendants admit the allegations contained in Paragraph 5.10 of the Complaint, except they deny the bold face emphasis.

5.11 Defendants deny the allegations contained in Paragraph 5.11 of the Complaint.

5.12 Defendants deny the allegations contained in Paragraph 5.12 of the Complaint.

5.13 Defendants deny the allegations contained in Paragraph 5.13 of the Complaint.

5.14 Defendants deny the allegations contained in Paragraph 5.14 of the Complaint.

5.15 Defendants deny the allegations contained in Paragraph 5.15 of the Complaint.

5.16 Defendants admit the allegations contained in Paragraph 5.16 of the Complaint.

5.17 Defendants deny the allegations contained in Paragraph 5.17 of the Complaint, except they admit the authenticity of Exhibit 2.

III. White slandered Bryant in February 2023.

5.18 Defendants admit the allegations contained in Paragraph 5.18 of the Complaint, except they deny “III. White slandered Bryant in February 2023”.

5.19 Defendants admit the allegations contained in Paragraph 5.19 of the Complaint.

5.20 Defendants deny the allegations contained in Paragraph 5.20 of the Complaint, except they admit that Defendant Mary Margaret White was a panelist at the forum and that the discussion was recorded.

5.21 Defendants deny the allegations contained in Paragraph 5.21 of the Complaint, except they admit Mary Margaret White discussed matters concerning *Mississippi Today's* business and reporting and admit she made a statement including some of the quoted language.

5.22 Defendants admit the allegations contained in Paragraph 5.22 of the Complaint.

5.23 Defendants admit the allegations contained in Paragraph 5.23 of the Complaint.

5.24 Defendants admit the allegations contained in Paragraph 5.24 of the Complaint.

5.25 Defendants deny the allegations contained in Paragraph 5.25 of the Complaint.

5.26 Defendants are without sufficient knowledge to admit or deny the allegations contained in Paragraph 5.26 of the Complaint, and as a result they deny them.

5.27 Defendants deny the allegations contained in Paragraph 5.27 of the Complaint.

5.28 Defendants deny the allegations contained in Paragraph 5.28 of the Complaint.

5.29 Defendants deny the allegations contained in Paragraph 5.29 of the Complaint.

5.30 Defendants deny the allegations contained in Paragraph 5.30 of the Complaint.

5.31 Defendants deny the allegations contained in Paragraph 5.31 of the Complaint.

IV. Media outlets throughout Mississippi republished White's slanderous accusation.

5.32 Defendants are without sufficient knowledge to admit or deny the allegations contained in Paragraph 5.32 of the Complaint, and as a result they deny them. Defendants deny "IV. Media outlets throughout Mississippi republished White's slanderous accusation".

5.33 Defendants deny the allegations contained in Paragraph 5.33 of the Complaint.

5.34 Defendants deny the allegations contained in Paragraph 5.34 of the Complaint, except they admit that an editorial was published.

5.35 Defendants deny the allegations contained in Paragraph 5.35 of the Complaint.

5.36 Defendants deny the allegations contained in Paragraph 5.36 of the Complaint.

5.37 Defendants deny the allegations contained in Paragraph 5.37 of the Complaint.

5.38 Defendants deny the allegations contained in Paragraph 5.38 of the Complaint.

5.39 Defendants deny the allegations contained in Paragraph 5.39 of the Complaint.

V. *Mississippi Today* defamed Bryant in May 2023.

5.40 Defendants admit the allegations contained in Paragraph 5.40 of the Complaint, except they deny the bold face emphasis, and except they deny “V. *Mississippi Today* defamed Bryant in May 2023”.

5.41 Defendants deny the allegations contained in Paragraph 5.41 of the Complaint.

5.42 Defendants deny the allegations contained in Paragraph 5.42 of the Complaint.

5.43 Defendants deny the allegations contained in Paragraph 5.43 of the Complaint.

5.44 Defendants deny the allegations contained in Paragraph 5.44 of the Complaint.

5.45 Defendants deny the allegations contained in Paragraph 5.45 of the Complaint.

5.46 Defendants deny the allegations contained in Paragraph 5.46 of the Complaint, except they admit Plaintiff sent the notice.

5.47 Defendants deny the allegations contained in Paragraph 5.47 of the Complaint, except *Mississippi Today* told counsel for Plaintiff that there was nothing to be retracted or corrected.

VI. Ganucheau and Wolfe made false and misleading statements to preserve a thin veneer of impartiality for *Mississippi Today*.

5.48 Defendants admit the allegations contained in Paragraph 5.48 of the Complaint, except they deny “VI. Ganucheau and Wolfe made false and misleading

statements to preserve a thin veneer of impartiality for *Mississippi Today*".

5.49 Defendants admit the allegations contained in Paragraph 5.49 of the Complaint.

5.50 Defendants deny the allegations contained in Paragraph 5.50 of the Complaint.

5.51 Defendants deny the allegations contained in Paragraph 5.51 of the Complaint.

5.52 Defendants deny the allegations contained in Paragraph 5.52 of the Complaint.

VII. Bryant provided statutory notice, and White responded with a non-apology-apology.

5.53 Defendants admit that Mississippi has adopted § 95-1-5(1) Mississippi Code and would affirmatively show that *Mississippi Today* complied with that statute, except they deny "VII. Bryant provided statutory notice, and White responded with a non-apology-apology".

5.54 Defendants deny the allegations contained in Paragraph 5.54 of the Complaint, except they admit that Plaintiff served Defendants with the May 10, 2023 correspondence and that the retraction statute does not apply as Plaintiff there alleges.

5.55 Defendants deny the allegations contained in Paragraph 5.55 of the Complaint, except they admit *Mississippi Today* was correct not to publish the statutory demand as other media may have.

5.56 Defendants admit the allegations contained in Paragraph 5.56 of the Complaint.

5.57 Defendants admit the allegations contained in Paragraph 5.57 of the Complaint except counsel for Defendants telephoned counsel for Plaintiff.

5.58 Defendants are without sufficient knowledge to admit or deny the allegations in Paragraph 5.58 of the Complaint, and as a result they deny them, except they admit that the Knight Foundation removed the recording at Mary Margaret White's request with the quoted language.

5.59 Defendants admit Mississippi has adopted § 95-1-5(2) Mississippi Code and would affirmatively show that *Mississippi Today* complied with that statute.

5.60 Defendants deny the allegations contained in Paragraph 5.60 of the Complaint.

VIII. White, Ganuchau, and Wolfe violated Society of Professional Journalists' Code of Ethics.

5.61 Defendants deny the allegations contained in Paragraph 5.61 of the Complaint, except they admit the website states its adherence to the Society of Professional Journalists' Code of Ethics.

5.62 Defendants deny the allegations contained in Paragraph 5.62 of the Complaint.

CAUSES OF ACTION

CLAIM 1: DEFAMATION (versus White)

6.1 Defendants adopt and reallege their heretofore pleaded admissions and denials, except they deny "Claim 1: Defamation (versus White)".

6.2 Defendants deny the allegations contained in Paragraph 6.2 of the Complaint, except they admit that it sets forth a portion of the definition of defamation.

6.3 Defendants deny the allegations contained in Paragraph 6.3 of the Complaint.

6.4 Defendants deny the allegations contained in Paragraph 6.4 of the Complaint.

6.5 Defendants deny the allegations contained in Paragraph 6.5 of the Complaint.

6.6 Defendants deny the allegations contained in Paragraph 6.6 of the Complaint.

6.7 Defendants deny the allegations contained in Paragraph 6.7 of the Complaint.

6.8 Defendants deny the allegations contained in Paragraph 6.8 of the Complaint.

CLAIM 2: FALSE LIGHT (versus White)

7.1 Defendants adopt and reallege their heretofore pleaded admissions and denials, except they deny “Claim 2: False Light (versus White)”.

7.2 Defendants deny the allegations in Paragraph 7.2 of the Complaint, except they admit that it sets forth a portion of the definition of false light.

7.3 Defendants deny the allegations contained in Paragraph 7.3 of the Complaint.

7.4 Defendants deny the allegations contained in Paragraph 7.4 of the Complaint.

7.5 Defendants deny the allegations contained in Paragraph 7.5 of the Complaint.

CLAIM 3: RESPONDEAT SUPERIOR (versus *Mississippi Today*)

8.1 Defendants adopt and reallege their heretofore pleaded admissions and denials., except they deny “CLAIM 3: RESPONDEAT SUPERIOR (versus *Mississippi Today*)

8.2 Defendants deny the allegations contained in Paragraph 8.2 of the Complaint, except they admit that Defendant Mary Margaret White was acting within the course and scope of her employment.

8.3 Defendants deny the allegations contained in Paragraph 8.3 of the Complaint.

8.4 Defendants deny the allegations contained in Paragraph 8.4 of the Complaint.

8.5 Defendants deny the allegations contained in Paragraph 8.5 of the Complaint.

8.6 Defendants deny the allegations contained in Paragraph 8.6 of the Complaint.

CLAIM 4: DEFAMATION (versus *Mississippi Today*)

9.1 Defendants adopt and reallege their heretofore pleaded admissions and denials, and they deny “Claim 4: Defamation (versus *Mississippi Today*)”.

9.2 Defendants deny the allegations contained in Paragraph 9.2 of the Complaint.

9.3 Defendants deny the allegations contained in Paragraph 9.3 of the Complaint.

9.4 Defendants deny the allegations contained in Paragraph 9.4 of the Complaint.

9.5 Defendants deny the allegations contained in Paragraph 9.5 of the Complaint.

CLAIM 5: FALSE LIGHT (versus *Mississippi Today*)

10.1 Defendants adopt and reallege their heretofore pleaded admissions and denials, and they deny “Claim 5: False Light (versus *Mississippi Today*)”.

10.2 Defendants deny the allegations contained in Paragraph 10.2 of the Complaint.

10.3 Defendants deny the allegations contained in Paragraph 10.3 of the Complaint.

10.4 Defendants deny the allegations contained in Paragraph 10.4 of the Complaint.

10.5 Defendants deny the allegations contained in Paragraph 10.5 of the Complaint.

Defendants deny all other allegations contained in the Complaint whether they be headings or allegations underneath headings.

WHEREFORE, PREMISES CONSIDERED, Defendants *Deep South Today* d/b/a *Mississippi Today* and Mary Margaret White file this the Answer to the Complaint filed by Plaintiff Bryant and request that the Complaint be dismissed with prejudice at the cost of Plaintiff, with attorney’s fees awarded to Defendants.

Respectfully submitted, this the 25th day of August, 2023.

DEEP SOUTH TODAY d/b/a *MISSISSIPPI
TODAY* and MARY MARGARET WHITE,
Defendants

By: s/ Henry Laird
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CERTIFICATE OF SERVICE

I, Henry Laird, do hereby certify that I have this day electronically filed the foregoing pleading with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

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SO CERTIFIED, this the 25th day of August, 2023.

By: S/ Henry Laird
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