

IN THE CIRCUIT COURT OF MADISON COUNTY, MISSISSIPPI

PHIL BYRANT

PLAINTIFF

VERSUS

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

**MARY MARGARET WHITE &
DEEP SOUTH TODAY d/b/a MISSISSIPPI TODAY**

DEFENDANTS

**BRIEF OF DEFENDANTS *DEEP SOUTH TODAY* d/b/a *MISSISSIPPI TODAY*
AND MARY MARGARET WHITE IN RESPONSE TO MEMORANDUM IN
SUPPORT OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON CLAIM 1 OF THE FIRST AMENDED COMPLAINT [DOC. #39]**

INTRODUCTION

This is one of six (6) motions for partial summary judgment the Plaintiff has filed during the first few days of October 2023. The motion centers on a statement made by Defendant Mary Margaret White at her presentation on February 22, 2023 in Miami, Florida at the Knight Foundation. Ms. White was a panelist on a discussion concerning not for profit news media. Of everything Ms. White said at the forum, Plaintiff singles out the following paragraph claiming it defames Plaintiff:

We're the newsroom that broke the story about \$77 million in welfare funds, intended for the poorest people in the poorest state of the nation, being embezzled by a former governor and his bureaucratic cronies to be used on pet projects like a state-of-the-art volleyball stadium at Brett Favre's alma mater.

Defendants say that Plaintiff is precluded from entry of his requested motion for partial summary judgment since there exists genuine issues of material fact precluding entry of summary judgment. Additionally, Defendants strongly believe that instead it is they who are entitled to summary judgment on all five (5) claims made by Plaintiff in his Complaint and Amended

Complaint, including his Claim Number 1 concerning the above quoted statement. At the appropriate time, as cautioned by the Mississippi Supreme Court on Rule 56 motions for summary judgment, Defendants will be filing their own motions for summary judgment on all claims made by Plaintiff, including his Claim Number 1 concerning the above quoted language.

As a matter of law, there is no genuine issue of material fact disputing that under the First Amendment to the United States Constitution and Mississippi Constitution Article 3, §13, all six (6) claims are precluded since the publications are neither defamatory nor false light invasion of privacy.

As preliminary matters, Plaintiff admits that he is a public official and public figure requiring him to prove that Defendants published words “with actual malice to establish the fault element of defamation”. See page 1 of Plaintiff’s memorandum supporting motion or partial summary judgment [Doc. #39].

Also, Plaintiff correctly admits that the threshold question of the defamation suit “whether the published statements are false: requiring Plaintiff to prove falsity with “clear and convincing evidence”. See page 3 of Plaintiff’s memorandum supporting motion for partial summary judgment [Doc. 39].

At page 1 of his brief in support of his motion for partial summary judgment [Doc #30], Plaintiff correctly states one definition of a slander claim which is:

The elements of a slander claim are (1) a false statement that can injure the plaintiff’s reputation; (2) an unprivileged publication of the false statement to a third party; (3) negligence or more significant fault on the part of the publisher; and (4) either actionability of the false statement irrespective of special harm or the existence of special harm caused by the publication of the false statement.

Speed v. Scott, 787 So. 2d 626, 631 (Miss. 2001).

Plaintiff's entire 41 page memorandum brief can be broken down into three categories: (1) Ms. White's statement is false; (2) Ms. White "published" her remarks; and (3) Ms. White made her remarks with actual malice.

Mississippi Rule of Civil Procedure 56 requires that before summary judgment can be entered in favor of Plaintiff Bryant, there must be no genuine issues of material fact. Parties such as Defendants here are entitled to have a jury decide Plaintiff's claim if reasonable minds could differ, assuming that Plaintiff has enough evidence entitling him to a trial. Thus far, he has not done that. *Stegall v. WTWW, Inc.*, 609 So. 2d 348, 351 (Miss. 1992). Trial courts should make use of summary judgments with great caution. *Stegall*, 350. This Court should deny Plaintiff's motion for partial summary judgment.

ARGUMENT

I.

PLAINTIFF HAS NOT PRESENTED SUFFICIENT EVIDENCE ON HIS MOTION FOR PARTIAL SUMMARY JUDGMENT THAT THE STATEMENT IN ISSUE IS FALSE.

The burden of proving falsity in this case is always upon Plaintiff Bryant. *Blake v. Gannett Co., Inc.*, 529 So. 2d 595, 602 citing *Reaves v. Foster*, 200 So. 2d 453 (Miss. 1967). In order to prevail in defending a claim of falsity, a defamation defendant need only show that the statement at issue is "substantially true". *Blake*, 603 citing *Smith v. Byrd*, 83 So. 2d 172, 175 (Miss. 1955).

In *Smith v. Byrd*, the Mississippi Supreme Court reversed the circuit court which found the plaintiff sheriff there had been defamed when the *Lexington Advertiser* newspaper reported that the sheriff had told an unarmed man who was a part of a large gathering to "get goin", struck one person in the head, and afterwards, shot the man as he moved away in the back of his leg. The Mississippi Supreme Court reversed the circuit court's entry of judgment in favor of the sheriff in defamation, finding that the plaintiff sheriff failed to prove the necessary falsity in his defamation

claim since the “sheriff had shot a man was substantially true even though it was a sheriff’s deputy who actually fired the shot”. *Smith v. Byrd*, 603.

In the instant case, an un rebutted fact is that John Davis has pleaded guilty in the Southern District of Mississippi Federal District Court for his part in the TANF welfare fraud.

In 2016, then Mississippi Governor Bryant appointed Mr. Davis as Director of the Mississippi Department of Human Services. §43-1-2 Mississippi Code.

Section 43-1-2 Mississippi Code gave the power to Governor Bryant to remove Mr. Davis as Director at any time, which the Governor never did. Until Mr. Davis left the Director’s position at the Mississippi Department of Human Services, he was part of Governor Bryant’s administration.

A fair reading of the above quoted statement from the Mary Margaret White article is that Governor Bryant’s executive department committed fraud. John Davis pleaded guilty to federal welfare fraud charges along with four other defendants. Since pleading guilty, Mr. Davis has never been sentenced for his admitted crimes, presumably because he is cooperating with federal authorities in an ongoing criminal investigation. Therefore, that statement was substantially true, just as was the statement in *Smith v. Byrd* that the sheriff rather than his deputy had shot a man in the back.

On July 15, 2022, Mississippi’s U.S. Congressman Bennie Thompson wrote a letter to U.S. Attorney General Merrick B. Garland seeking Justice Department investigation into the following:

RE: Request for Federal Investigation into **Former Governor Phil Byrant’s Embezzlement** of Temporary Assistance for Need Families (TANF) Funds.

The letter stated:

It has come to my attention that the State of Mississippi has consistently misspent Temporary Assistance for Needy Families (**TANF**) funds. **Specifically, Governor**

Bryant is alleged to have steered money toward individuals who did not meet the criteria for eligibility.

* * *

In 2028, the Mississippi Department of Human Services (MDHS) received \$135 million in TANF dollars, yet \$77 million of those dollars were **misdirected due to the influence of the governor's office**. The governor's influence was blatantly apparent in a conversation between retired NFL quarterback Brett Favre and a contractor regarding the new MDHS Director Christopher Freeze's attentiveness to where funds were being directed. In the text message conversation, Brett Favre referred to another conversation where the new director was classified as "*not being their type*", the contractor responded, "*well we may need the governor to make him our type*". **Governor Phil Bryant**, has clearly taken actions consistent with ensuring Mississippi's poorest citizens are denied welfare funds meant to benefit their households.

* * *

In January of 2016, Governor Phil Bryant announced his appointment of John Davis, the former director of the Mississippi Department of Human Services and **one of six indicted embezzlement charges** for the misuse of welfare funds. In **July of 2016**, The Mississippi Community Education Center (MCEC), one of the non-profit organizations intertwined in the scheme, received \$11.4 million in funding for FY2017 after receiving roughly \$1.1 million from MDHS the previous year. In **July of 2017**, MDHS doubled its funding for FY2018 to MCEC to \$22.4 million. In **October of 2017**, MCEC used federal welfare dollars to pay \$5 million in cash to build a state-of-the-art volleyball facility on the University of Southern Mississippi campus. In **September of 2018**, the accountant for MCEC conspired to transfer at least \$2 million of funds from MDHS to personal accounts. In January of 2019, there was an illegal transfer of \$750,000 MCEC funds for a personal investment in a medical technology company in Florida, which was the first of many illegal transfers. In **October of 2019**, there was an illegal transfer of \$2.1 million from MCEC to two Florida companies using Mississippi Welfare funds.

* * *

Previously, the court evidence showed that the **funds were misspent under the leadership of former Governor Phil Bryant amidst speculation that Bryant was directly involved**. We now know from a Hinds County Court filing that **Governor Bryant has been formally accused of directing the MS DHS to direct \$1.1 million to Brett Favre**. The people of Mississippi are entitled to a proper investigation into the embezzlement of TANF funding meant for families in need. It is egregious that news reports produce critical information that has yet to be addressed in the current investigations by state and local agencies.

* * *

This gross misuse of TANF dollars must illicit a review of former Governor Phil Bryant's involvement. Such an investigation should also examine the intolerable activity of retired NFL quarterback Brett Favre and how his actions were aided by Governor Bryant.

* * *

I urge you to work with the Department of Health and Human Services to conduct a federal investigation into the Mississippi TANF **embezzlement** scheme that centers around the role of former Governor Phil Bryant. The people of Mississippi deserve answers, and accountability for breaking the law must be upheld for all who were involved: especially for Governor Bryant.

(Emphasis added.)

See Exhibit "K" to Defendant's response to this motion for partial summary judgment.

Therefore, approximately a year before Plaintiff Phil Bryant instituted the instant defamation and false light litigation, he had been referred to the United States Attorney General for an investigation into his "embezzlement", misspending TANF funds, and for "breaking the law" for which he should especially be held accountable. These are charges leveled by one of this country's highest ranking elected officials and certainly one of Mississippi's highest ranking elected officials, i.e., Congressman Bennie Thompson. As is the case with the federal investigation continuing after six Mississippians pleaded guilty to TANF welfare fraud in federal district court in Jackson, Defendants in this case are still in the dark about the status of the federal investigation requested by Congressman Thompson to the United States Attorney General.

Mississippi Today is not the only news medium which has reported on the TANF scandal. Many others are reporting on those facts which illuminate only to a certain degree what was Governor Bryant's involvement in that scandal. But, involved he was.

On July 4, 2022, the *Magnolia State Live* reported in the headline “Phil Bryant on Involvement in Welfare Fraud Scandal: It Doesn’t Look Good” as questions remain 3 years after the case broke”. Exhibit “P”, *Magnolia State Live*.

“Revelations about involvement of Bryant and Former NFL Star Quarterback Brett Favre have fueled these questions. Text messages obtained by Mississippi Today reveal that Bryant was at least briefed through texts about the flow of state money from welfare officials he oversaw to a private pharmaceutical venture Favre was backing. Bryant was set to accept stock in the company hours after he left office – until the auditor made arrests in the case.”

State Auditor Shad White has said the fraudulent scheme is the largest embezzlement case on record.

On June 23, 2022, the *Winona Times* and *Carroll County the Conservative* ran a story on the TANF scandal “Whipping Child: Nancy New Asked Highest Officials for Help Before Arrests in Welfare Scandal”. See Exhibit “O” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment.

Referring to Nancy New and her son, the report went on to state “The News had been in charge of spending tens of millions of federal welfare dollars in Mississippi, but the state didn’t hire their nonprofit to provide tangible resources to the poor. Instead, it was to run a private referral center, while the state would use the nonprofit as its piggybank for projects it couldn’t find funding for elsewhere”.

“And Nancy New’s financing of a private pharmaceutical firm was explained in text messages that retired NFL quarterback Brett Favre sent to the states’ highest official, then-Gov. Phil Byant”.

“That could help explain why the News seemed surprised to find themselves the subject of a probe that officials eventually called the **largest public embezzlement bust in state history**. In Nancy New’s many role, she was often carrying out the vision of the Gov. Bryant and his wife, Deborah Bryant”.¹ (Emphasis added.)

“Nancy New was such a close friend of Deborah Bryant that on the same day she plotted with her sons to ‘go after’ her to detractors, she lent some of her clothes to the First Lady to try on. Nancy New arranged delivery of the items to the house of the Governor’s daughter, Katie Bryant Snell, in text messages with her son, Zack New, days before their arrests....”

“While the auditor was closing in on the News, Bryant was preparing to accept shares in Prevacus according to text messages *Mississippi Today* first reported, the company to which Nancy New had illegally funneled welfare funds”. “The texts also show Favre had told Bryant that Prevacus was working with welfare officials in receiving funds from Mississippi. Bryant backed out of the deal after the New arrests”.

“Prosecutors say the investigation is ongoing, but three years after it began, they have yet to publicly scrutinize the former Governor’s deal with Prevacus”.

On July 19, 2022, the *Newton County Appeal.com* ran a story “Whistles Blowing Toward Bryant”. See Exhibit “Q” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment. “It doesn’t look as though Nancy New will be providing more wardrobe advice to former First Lady Deborah Bryant any time soon”.

¹ On April 20, 2022, Nancy New pleaded guilty to 18 U.S.C. §1957 wire fraud charges involving the misspent TANF funds. See Exhibit “R” to Defendants’ response to this motion for partial summary judgment. She awaits sentencing.

“New has apparently decided her friendship with the Bryants isn’t worth taking the wrap for many of the financial shenanigans that occurred with the state’s welfare money during Phil Bryant’s final years in office as governor”.

“New, who has already pleaded guilty **to fraud and bribery charges**, has claimed in her response to a lawsuit filed by the Department of Human Services, the state’s welfare agency, that a chunk of the money she is being asked to repay was spent at Bryant’s direction”. (Emphasis added.)

“Bryant, through a spokesman, has denied the allegation, but the scrutiny of the former governor over **one of the largest cases of public corruption in state history is intensifying**”. (Emphasis added.)

On September 14, 2022, the *Green Bay Press Gazzette* (Wisconsin) ran a story entitled “Former Gov. Phil Bryant Helped Brett Favre Secure Welfare Funding for Southern Mississippi Volleyball Stadium, Texts Reveal”. See Exhibit “L” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment.

“Text messages entered Monday into the state’s ongoing civil lawsuit over the welfare scandal reveal that former Gov. Phil Bryant pushed to make NFL legend Brett Favre’s volleyball idea a reality”.

“When Favre asked Bryant how the new agency director might affect their plans to fund the volleyball stadium, Bryant assured him, ‘I will handle that... long story but had to make a change. But I will call Nancy and see what it will take,’ according to the filing and a text Favre forwarded to New”.

On July 23, 2023, the New York Times newspaper ran a story entitled “Mississippi Fires Lawyer Trying to Recoup Misused Welfare Funds”. See Exhibit “M” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment.

Referring to the State of Mississippi’s civil suit to recoup the misspent TANF funds, the story reported “More recently, an allegation surfaced in court documents that Mr. Bryant, a former 2-term governor, directed the 1.1 million dollar payment to Mr. Favre, a claim Mr. Bryant reportedly denies. Both Mr. Bryant and Tate Reeves, the current Governor, are republicans”.

On May 9, 2022, the State of Mississippi through its Department of Human Services, filed its Complaint against multiple defendants, including Nancy New and her Mississippi Community Education Center, Inc. which was a conduit from the State of Mississippi to the various entities the TANF funds were channeled. The suit was brought to recoup those misspent TANF funds from those who allegedly benefited from the funneling of those funds to them. See *Mississippi Department of Human Services v. Mississippi Community Education Center, Inc., et al*, Cause No. 22-cv-00286-EFP in the Circuit Court for the First Judicial District of Hinds County, Mississippi.

On July 11, 2022, Nancy New filed her Answer and Affirmative Defenses to that Complaint. See Exhibit “G” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment. At page 2 of her Answer, she refers to Governor Phil Bryant, among others, as “MDHS Executives”.

In her ninth defense Ms. New alleges “MDHS acting through MDHS Executives, was contributorily negligent in directing and/or approving the expenditures described in the Complaint, to the extent these expenditures were **not Permissible TANF Expenditures**”. (Emphasis added.)

At paragraph 137 of her Answer, Ms. New alleged “Governor Phil Bryant directed Defendant to provide funds to Brett Favre, and Defendant caused MCEC to contract with Favre

Enterprises, Inc. in the amount of \$1,100,000.00 in consideration for Favre speaking at events, keynote speaking, radio and promotional events, and business partner development....”

In her 21st defense, Ms. New alleged “Defendant reasonably relied upon then-Governor Phil Bryant, acting within his broad statutory authority as Chief Executive of the State, including authority over MDHS and TANF and his executive knowledge of Permissible TANF Expenditures from 12 years as state auditor, four years as Lt. Governor, and a number of years as Governor leading up to and including the relevant time period”.

Mississippi Today investigated these specific misspent TANF funds. On April 2, 2022, Plaintiff Bryant gave an interview to *Mississippi Today* reporter, Anna Wolfe. See Exhibit “N” to Defendants’ Response to Plaintiff’s Motion for Partial Summary Judgment. One of the series of questions and answers dealt with funds the State of Mississippi is attempting to recoup from Defendant Brett Favre in the above referenced civil litigation.

MT: But if you had assisted a company while you were in office and then took ownership in it –

Bryant: Oh, that would be wrong.

MT: - two days after you left.

Bryant: **It would be terrible.** That’s why I didn’t do it.

MT: In early January, Brett told Jake, “**I think you should offer the governor a package that will get him determined to see it through.**” On January 16th, Jake said, “**I’d like to give you a company package for all your help.**” **You responded, “Sounds good.** Where would be the best place to meet: I am n ow going to get on it hard.” (Emphasis added.)

Former Gov. Phil Bryant’s own words about his role in the state’s welfare fraud scandal are a great understatement.

All of these news stories and some pleadings in civil cases regarding the state’s effort to recoup the misspent TANF funds, including many from others than Defendant *Mississippi Today*,

make it is clear that the Plaintiff as former Governor of Mississippi was deeply involved in the misspending of federal welfare funds sent to the State of Mississippi². It all happened on his watch as governor.

Plaintiff's good friend as well as his wife, Deborah's good friend, Nancy New, has pleaded guilty and has yet to be sentenced in the federal court. See Exhibit "R" to Defendants' response to this motion for partial summary judgment.

The Governor's Appointee, John Davis, as head of the Mississippi Department of Human Services, was a part of then Governor Phil Bryant's administration. Mr. Davis likewise has pleaded guilty to a federal fraud count and is likewise awaiting sentencing by the federal district court.

Not only is it substantially accurate to report that Governor Bryant's office was involved in misspending federal TANF funds, it is absolutely clear he was involved. The Plaintiff cannot prove requisite falsity in his slander claim against Defendants. Certainly, he has not proved it in this motion for partial summary judgment.

II.

PUBLICATION.

Defendants admit that the statement at issue in this particular motion for partial summary judgment was "published", however as we have already pointed out and will point out in the next

² Also see the entire Backchannel series published by *Mississippi Today* which support the accuracy of the February 22, 2023 statement in issue and that it was published without *New York Times* malice – Exhibit "C" to the response to this motion for summary judgment and see the December 16, 2021 *Mississippi Today* interview of Ronnie Shows – Exhibit "D" to Defendants' response to this motion for partial summary judgment. See also Exhibit "G" through "Q" to Defendants' response to this motion for summary judgment, which are other news stories and pleadings in civil actions concerning the state's attempt to recoup misspent TANF finds. See also Affidavits of Mary Margaret White (Exhibit "A") and Adam Ganucheau (Exhibit "B") to this response to motion for partial summary judgment.

section of this brief, the publication was done in a good faith belief of the accuracy of the statement with no malice or ill will directed at the former Governor.

III.

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT [DOC. #38]
MUST FAIL SINCE IT DOES NOT PROVE BY CLEAR AND CONVINCING
EVIDENCE THAT DEFENDANTS KNEW THE PUBLICATION ABOVE
REFERRED TO WAS FALSE WHEN MARY MARGARET
WHITE SPOKE THE WORDS SHE DID IN MIAMI.**

Freedom of speech and the press are sacred rights enjoyed by all Mississippians and publishers. The Mississippi Constitution Article 3, §13 provides:

The freedom of speech and of the press shall be held sacred; and in all prosecutions for libel the truth may be given in evidence, and the **jury shall determine the law and the facts** under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. (Emphasis added.)

The Mississippi Supreme Court has held that Article 3, §13 of the Mississippi Constitution is “more protective of the individual’s right to freedom of speech than does the First Amendment since our Constitution makes it worthy of religious veneration”. *Gulf Publishing Company, Inc. v. Lee*, 434 So. 2d 687, 696 (Miss. 1983). *Gulf Publishing Company, Inc. v. Lee* reversed a circuit court defamation in favor of the plaintiff since he failed to prove by clear and convincing evidence that the story in issue was published in reckless disregard for the truth. *Gulf Publishing Company, Inc. v. Lee*, 696. In that case, a reporter for the *Daily Herald* newspaper in Gulfport reported that a circuit clerk and state representative had Harrison County pave a road on their property with public funds, which was and is a crime.

The *Daily Herald* reporter’s name was David Bean who talked with Mr. Hue Snowden, a Harrison County Supervisor, prior to publishing his story. Mr. Snowden told Mr. Bean, the reporter, that he did not pave any road on private property owned by those defamation plaintiffs.

The reporter asked the supervisor “Why would you pave the Hilltop Road and not pave Huston Ladner Road [another road]?”. The supervisor replied “David, you know damn well that I did not pave the Hilltop Road”. The supervisor then told the reporter that private developers had paved their own road on their property.

The reporter was simply confused about which road was being paved, and the story reported erroneously that the county had used public funds to pave a road on plaintiff’s private property.

The Mississippi Supreme Court reversed a jury’s defamation verdict and quoted *St. Amant v. Thompson*, 390 U.S. 727, 88 SC 1323, 20 (1968) for the proposition that the United States Supreme Court “requires an examination of the mental state of the libeler”. *Lee and Gollot*, 696.

Those plaintiffs were required, and failed, to prove “by clear and convincing evidence that the defendants acted with actual malice as defined in *New York Times v. Sullivan*”.... *Lee and Gollot*, 696.

A publisher acts with actual malice when he prints a story with the knowledge that it is false or with reckless disregard for the truth. *Lee and Gollott*, 696 citing *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342, 94 S.C. 2997 (1974).

Lee and Gollott held that even though he had been told prior to his story being published by the *Daily Herald* that the road he was reporting on was paid by private funds rather than public funds, the reporter simply made an honest mistake and reported incorrectly that the private property had been paid with public funds, which was not clear and convincing evidence that the reporter or the *Daily Herald* knew the material was false or entertained serious doubts as to its accuracy. *Lee and Gollott*, 696.

“There must be sufficient evidence to permit the conclusion that the defendant *in fact* entertained *serious doubts* as to the truth of his publication”. *Lee and Gollott*, 696. *Lee and Gollott* held as evidence of the absence of malice was the fact that the *Daily Herald* reporter told his superior that he thought he had “messed up” after he learned of his mistake. “This evidenced a state of mind contrary to any supposition that when he submitted the article for publication he either knew or seriously doubted that it was false”. ... *Lee and Gollott*, 697.

All commentary, opinion and statements of fact regarding a public figure such as Plaintiff Bryant are qualifiedly privileged. In order to recover for defamation, a person defamed must prove that Defendants here either “(a) knew clearly that the utterance was false, defamatory and otherwise actionable, or (b) acted in reckless disregard of whether it was false, defamatory and otherwise actionable”. *Ferguson v. Watkins*, 448 So. 2d 271, 279 (Miss. 1984). Public figure and public official defamation plaintiffs such as Plaintiff Bryant here must prove one of the two sub-parts of this test by “clear and convincing evidence of actual malice”. *Ferguson v. Watkins*, 279.

Considering Defendant Mary Margaret White’s affidavit (Exhibit “A” to this response and other the exhibits attached to Defendants’ response to this motion for partial summary judgment, including her outline and notes preliminary to her February 22, 2023 Miami panel discussion (Exhibit “E”) and panel discussion transcript (Exhibit “F”) to the response to this motion for summary judgment, respectively, it is clear that Plaintiff Bryant is not entitled to summary judgment since as a matter of law he has not proved a culpable state of mind on the part of Defendant Mary Margaret White, i.e., that she knew clearly her statement was false or acted in disregard of whether it was false. In fact, her statement at the Knight Foundation forum in Miami was a simple human mistake, one we all make often. It was a misstatement for which she apologized and corrected on the record.

CONCLUSION

Defendants request the Court to dismiss Plaintiff's motion for partial summary judgment since Plaintiff has failed to prove the nonexistence of genuine issues of material fact concerning falsity and reckless disregard for the truth, both of which are required to prove his defamation claim.

Respectfully submitted, this the 31st day of October, 2023.

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

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been filed with the Clerk of Court using this Court's MEC system and same was served on the following counsel of record:

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SO CERTIFIED, this the 31st day of October, 2023.

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