

Court Advisory

Fourth Court of Appeals
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FOR IMMEDIATE RELEASE
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Fourth Court of Appeals to Hear Oral Argument

The Fourth Court of Appeals will hear oral arguments in one appeal on Tuesday, June 28, 2022, beginning at 9:00 a.m., before the following panel of justices: Justice Patricia O. Alvarez, Justice Irene Rios, and Justice Beth Watkins.

The following appeal will be presented:

Netflix, Inc., Netflix Worldwide Entertainment, LLC, Kyoko Miyake, Sarit G. Work, Samantha Knowles, Kate Gill, Jigsaw Productions, LLC, Muddy Waters Productions, LLC, and Alex Gibney v. Tonya Barina – This appeal involves a defamation suit and the Texas Citizens Participation Act (TCPA).

Appellants produce a series titled *Dirty Money*. In one episode titled “Guardians, Inc.,” the show featured guardianships, including the guardianship of San Antonio business owner Charles Thrash. Appellee sued Appellants for defamation over their portrayal of her in her role as Charles Thrash’s estate guardian.

Appellants moved to dismiss the defamation suit under the TCPA. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 27.003(a). They argued that Appellee did not establish a prima facie case for defamation by clear and specific evidence. Appellants argued that their portrayal was substantially true and protected as to allegations made by third parties. Appellee alleged that the entire gist of Appellants’ portrayal was defamatory. The trial court denied Appellants’ motion.

Appellants now bring this interlocutory appeal. *See id.* § 51.014(a)(12). They argue that the trial court erred by denying their motion to dismiss.

The case will be submitted after oral argument. *See* TEX. R. APP. P. 39.8.

In accordance with the Texas Supreme Court’s emergency orders in response to the COVID-19 pandemic, the oral argument will be held through the Fourth Court of Appeals’ Zoom license.

The argument can be accessed using the following link:
<https://www.youtube.com/channel/UCiaWJQ7eW5OQIALdyLN6s3A>