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## Media Law

Steptoe's Media Law team counsels and represents publishers, broadcasters, online content providers, outdoor advertising companies, reporters, authors, and other business interests in nearly all aspects of information gathering and publishing. For example:

- Defending clients against defamation, invasion of privacy, and related content-based claims;
- Prosecuting actions under the Freedom of Information Act (FOIA) and Arizona information-access laws, including access to courts, other public bodies, and their records;
- Responding to civil, criminal, and grand-jury subpoenas seeking testimony from reporters, editors, and others, including the protection of anonymous speech;
- Advising clients on advertising, commercial speech and corporate expression; and
- Reviewing content to minimize the likelihood of any successful defamation, privacy, or other action against media companies, and advising clients on digital and social media issues.

The Media Law team represents communications industry clients in a host of challenging legal matters, ranging from intellectual property (copyright and trademark) to complex commercial disputes. These matters have included the sale of television and radio stations, non-competition agreements, changes in talent/personnel, government licensing and regulation, advertising disputes, and agreements involving the development of television shows, books, and other media.

## Representative Matters

### Broadcasting

We have represented broadcasters on a wide range of regulatory and transactional matters. A few examples:

- Representing national and local television news programs in efforts to secure camera coverage of court proceedings, challenges to gag orders, and access to records;
- Defending television networks, local affiliates, and their on-air talent in defamation and privacy lawsuits;

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- Challenging a protective order that shielded from public disclosure hundreds of pages of police records concerning an officer's shooting of a mentally-ill teenager, obtaining relief from the protective order and an award of attorneys' fees on behalf of a major daily newspaper and one of its columnists;
- Representing Arizona publishers and broadcasters in several matters involving access to court records and discovery in cases concerning allegations of priest pedophilia in the dioceses of Phoenix and Tucson;
- Represented a major newspaper chain in the \$28 million sale of several radio stations;
- Represented a licensee of multiple radio stations in the expansion and later sale of FM radio stations; and
- Negotiated the resolution of EEO complaints filed against an FM radio station.

## Cable Television

We have represented cable television operators on local franchising and FCC regulatory matters:

- Represented District Cablevision in the local franchising process leading to the receipt of its cable license for the District of Columbia;
- Developed an innovative solution for a local telephone company to build broadband transport facilities for a cable company without violating the Modified Final Judgment or the FCC's rules on cross-ownership;
- Defended a cable franchise approval against antitrust and other attacks by losing bidders;
- Obtained FCC CARS licenses for a cable franchisee;
- Negotiated pole attachment agreements with an electric utility and telephone companies on behalf of a cable company; and
- Advised a Michigan city in negotiations over renewal of the local cable franchise.

## Publishing

We have represented newspaper, magazine, and other publishers, internationally and in many different jurisdictions domestically. For example:

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- Prosecuting an action under the Digital Millennium Copyright Act on behalf of a major on-line legal publisher seeking redress for the copying of electronic content;
- Representing one of Japan's largest newspapers in US District Court in connection with a motion to quash discovery aimed at top corporate officials in Tokyo;
- Winning a unanimous Arizona Supreme Court decision ordering the dismissal, under the First Amendment, of an intentional infliction of emotional distress claim over a letter to the editor about the Iraq war (*Citizen Publishing Co. v. Miller*, 201 Ariz. 513, 115 P.3d 107 (2005));
- Securing published decisions from the Eastern District of New York (and an unpublished affirmance from the Second Circuit) in a trademark action involving comparative advertising on the Internet (*New Sensor Corp. v. CE Distribution LLC*, 303 F. Supp. 2d 304 (E.D.N.Y. 2004), and 367 F. Supp. 2d 283 (E.D.N.Y. 2005) (awarding fees);
- Represented a major national newspaper in the litigation of a defamation action brought in London by a Russian businessman and former public official; and
- Secured an order quashing a subpoena served on a Phoenix broadcaster by county authorities investigating allegations of child pornography.

## Outdoor Advertising

We have represented outdoor advertising companies in a variety of matters pertaining to First Amendment law, real estate, land use and zoning, regulatory, and environmental matters:

- Represented plaintiffs who sought to place a supergraphic sign that covered the east wall of the historic Hollywood Roosevelt Hotel. The federal district court issued a preliminary injunction in favor of our clients, who obtained the benefits of a sign permit the City had previously denied. Ultimately, the case settled on terms that included a stipulated award for the clients' attorney's fees and costs;

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- Represented an association of California’s leading outdoor advertising companies in challenging the state’s permit fee for displays located near major highways. Steptoe attorneys obtained a judgment that invalidated the fee and awarded \$1.9 million in refunds, interest and attorney’s fees, and a settlement securing substantially reduced permit fees;
- Represented outdoor advertising companies in a variety of sign-related disputes involving the California Outdoor Advertising Act and numerous local ordinances;
- Served as lead appellate counsel in *Desert Outdoor Advertising, Inc. v. City of Moreno Valley*, 103 F.3d 814 (9th Cir. 1996), where the court reversed summary judgment against the outdoor plaintiffs and held the city sign ordinance unconstitutional;
- Represented outdoor advertising companies in condemnation matters involving valuation of advertising displays; and
- Advised media companies on newsrack, transportation-related, and other outdoor advertising issues.

## Freedom of Information Act (FOIA)

- Securing access to search warrant records, and hundreds of e-mail records from Pima Community College, in the aftermath of the mass shootings near Tucson, Arizona in January 2011;
- Prepared amicus brief for media clients in the Arizona Supreme Court to help secure the right of access to public-record “metadata” (*Lake v. City of Phoenix*, 222 Ariz. 547, 218 P.3d 1004 (2009));
- Obtaining e-mail records sent and received by County Manager, who later pled guilty to criminal charges (*Griffis v. Pinal County*, 215 Ariz. 1, 156 P.3d 418 (2007));
- Enforcing the First Amendment journalists’ privilege by securing a protective order against the disclosure of confidential journalistic information and winning attorneys’ fees and costs in the trial court and the Ninth Circuit after further litigation to preserve the protective order became necessary (*Aloe Vera of America, Inc. v. United States*, 376 F.3d 960 (9th Cir. 2004));

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- Obtaining public access to questions from the pilot version of a new high school graduation test under the Arizona Public Records Law (*Phoenix Newspapers, Inc. v. Keegan*, 201 Ariz. 344, 35 P.3d 105 (Ct. App. 2001));
- Securing access to transcripts of closed hearings discussing alleged jury tampering in the criminal trial of the then-sitting governor of Arizona (*Phoenix Newspapers, Inc. and KPNX Broadcasting v. United States District Court*, 156 F.3d 940 (9th Cir. 1998));
- Helping to establish the scope of the First Amendment journalists' privilege in the Ninth Circuit (*Shoen v. Shoen*, 48 F.3d 412 (9th Cir. 1995));
- Representing Arizona newspaper and broadcaster to secure access to records in high-profile cases involving allegations of public corruption in the Maricopa County Sheriff's Office, and camera coverage of Arizona Supreme Court disciplinary hearings against former Maricopa County Attorney; and
- Representing an author in FOIA litigation against the FBI seeking disclosure of documents involving the first major defector to the United States from Stalinist Russia, obtaining the requested documents and obtaining payment of attorneys' fees.