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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Opinion No. 5375 (S.C. Ct. App. Filed January 13, 2016)

Mark KelleyRespondent,
v.
David Wren and Sun Publishing Co., Inc., d/b/a *The Sun News*,Petitioners.

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF BY THE THOMAS
JEFFERSON CENTER FOR THE PROTECTION OF FREE EXPRESSION, THE
SOCIETY OF PROFESSIONAL JOURNALISTS, THE REPORTERS COMMITTEE
FOR FREEDOM OF THE PRESS, AND 7 OTHER NEWS MEDIA ORGANIZATIONS
IN SUPPORT OF PETITION FOR CERTIORARI BY DAVID WREN AND SUN
PUBLISHING CO., INC., D/B/A *THE SUN NEWS***

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Attorneys for Amici Curiae

Pursuant to Rule 213, SCACR, the following 10 organizations respectfully request leave to file an *amici curiae* brief in support of the Petition for Certiorari: the Thomas Jefferson Center for the Protection of Free Expression; the Society of Professional Journalists; the Reporters Committee for Freedom of the Press; the Associated Press; Gannett Co., Inc., and *The Greenville News*, a division of Gannett GP Media, Inc.; the National Newspaper Association; the Newspaper Association of America; Osteen Publishing Company, d/b/a *The Sumter Item*; TEGNA Inc.; and the Georgia Association of Broadcasters. The proposed *amici curiae* brief is being conditionally filed concurrently with this Motion.

This case is of significant interest to *amici* because it implicates important principles of defamation law. Under controlling precedents from this Court and the United States Supreme Court, journalists enjoy strong legal protections, rooted in the First Amendment, when publishing information about public figures and issues of public concern. As is more fully set forth in *amici*'s brief, the Court of Appeals decision in this case contravened those precedents and, unless reviewed by this Court, threatens to sow confusion in the law of defamation in South Carolina. Furthermore, if the decision below is allowed to stand, it risks chilling the exercise of legitimate journalism about public issues throughout the state.

The statements of interest for each of the individual *amici* are as follows:

Located in Charlottesville, Virginia, the Thomas Jefferson Center for the Protection of Free Expression is a nonprofit, nonpartisan institution whose sole mission is the protection of the First Amendment rights of free speech and free press. Since its founding in 1990, the Center has pursued its mission in a variety of ways, including the filing of *amicus curiae* briefs in federal and state courts across the country.

The Society of Professional Journalists (“SPJ”) is dedicated to improving and protecting journalism. It is the nation’s largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

The Reporters Committee for Freedom of the Press is a voluntary, unincorporated association of reporters and editors that works to defend the First Amendment rights and freedom of information interests of the news media. The Reporters Committee has provided assistance and research in First Amendment and Freedom of Information Act litigation since 1970.

The Associated Press (“AP”) is a news cooperative organized under the Not-for-Profit Corporation Law of New York, and owned by its 1,500 U.S. newspaper members. The AP’s members and subscribers include the nation’s newspapers, magazines, broadcasters, cable news services and Internet content providers. The AP operates from 300 locations in more than 100 countries. On any given day, AP’s content can reach more than half of the world’s population.

Gannett Co., Inc., and *The Greenville News*, a division of Gannett GP Media, Inc.:
Gannett Co., Inc. is an international news and information company that publishes 108 daily newspapers in the United States and Guam, including USA TODAY. Each weekday, Gannett’s newspapers are distributed to an audience of more than 8 million readers and the digital and mobile products associated with the company’s publications serve online content to more than 100 million unique visitors each month.

The National Newspaper Association is a 2,400 member organization of community newspapers founded in 1885. Its members include weekly and small daily newspapers across the United States. It is based in Columbia, Missouri.

The Newspaper Association of America (“NAA”) is a nonprofit organization representing the interests of more than 2,000 newspapers in the United States and Canada. NAA members account for nearly 90% of the daily newspaper circulation in the United States and a wide range of non-daily newspapers. The Association focuses on the major issues that affect today’s newspaper industry, including protecting the ability of the media to provide the public with news and information on matters of public concern.

Osteen Publishing Company, d/b/a *The Sumter Item*: Osteen Publishing Company and *The Sumter Item* were founded by Hubert Graham Osteen on October 15, 1894, in Sumter, South Carolina. The company owns several newspapers in Florida, Alabama and New Mexico.

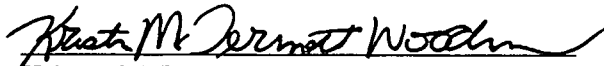
TEGNA Inc. owns or services (through shared service agreements or other similar agreements) 46 television stations in 38 markets.

The Georgia Association of Broadcasters, Inc. (“GAB”) is a Georgia corporation. GAB is a trade association which represents the interests of Georgia broadcasters. GAB’s members include television and radio stations throughout the State of Georgia. GAB is interested in the appeal in this action because GAB believes that the legal issues presented are of great importance to all publishers and broadcasters.

WHEREFORE, for the foregoing reasons, *amici* respectfully request that this Court grant this Motion and order that the accompanying brief be deemed filed.

May 6, 2016

Respectfully Submitted,



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CERTIFICATE OF SERVICE

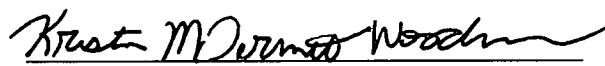
The undersigned certifies that, on May 6, 2016, the foregoing Motion for Leave to File *Amici Curiae* Brief by the Thomas Jefferson Center for the Protection of Free Expression et al. in Support of Petition for Certiorari by David Wren and Sun Publishing Co., Inc., d/b/a *The Sun News*, was served on counsel for the Petitioners and Respondent by United States mail, first class, postage prepaid, addressed to:

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May 6, 2016


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