

SUPREME COURT OF THE UNITED STATES

Anderson v. Liberty Lobby, Inc.

477 U.S. 242 (1986) · No. No. 84-1602 · Decided June 25, 1986

SUMMARY

The U.S. Supreme Court held that a court deciding a motion for summary judgment in a defamation case governed by *New York Times Co. v. Sullivan* must consider the applicable clear-and-convincing evidence standard for actual malice. Summary judgment is improper when the evidence would permit a reasonable jury to find for the nonmoving party under that standard, but a plaintiff may not rely solely on the possibility that the jury will disbelieve the defendant. The Court vacated and remanded the Court of Appeals' judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the United States                                                                                                                                                                          |
| WRITING FOR THE COURT | Justice White; Chief Justice Burger; Justice Brennan; Justice Marshall; Justice Blackmun; Justice Powell; Justice Rehnquist; Justice Stevens; Justice O'Connor                                              |
| JURISDICTION          | Federal                                                                                                                                                                                                     |
| DECIDED               | June 25, 1986                                                                                                                                                                                               |
| DOCKET                | No. 84-1602                                                                                                                                                                                                 |
| DISPOSITION           | vacated                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Petitioners sought Supreme Court review of a decision of the United States Court of Appeals for the District of Columbia Circuit reversing in part a grant of summary judgment in a diversity libel action. |
| STANDARD OF REVIEW    | De novo review of summary judgment; the court determines whether the evidence presents a genuine issue of material fact under the substantive evidentiary standard governing the claim.                     |
| PRECEDENTIAL VALUE    | binding                                                                                                                                                                                                     |
| PARTIES               | Jack Anderson, Bill Adkins, Investigator Publishing Co. v. Liberty Lobby, Inc., Willis A. Carto                                                                                                             |

TOPICS

- summary judgment
- defamation
- free speech
- first amendment
- civil procedure

## PRACTICE AREAS

civil procedure

defamation

constitutional law

first amendment

## QUESTIONS PRESENTED

1. Whether a court ruling on summary judgment in a libel action governed by *New York Times Co. v. Sullivan* must consider the requirement that actual malice be shown by clear and convincing evidence.
2. What standard governs whether a genuine issue of material fact exists under Federal Rule of Civil Procedure 56.
3. Whether a plaintiff may defeat a properly supported summary-judgment motion merely by relying on the possibility that the jury could disbelieve the defendant's denial of actual malice.

## HOLDINGS

1. In a libel action involving a public figure and governed by *New York Times*, the court must consider the clear-and-convincing evidentiary standard when determining whether a genuine issue of actual malice exists on summary judgment.
2. A factual dispute is genuine only when the evidence is sufficient for a reasonable jury to return a verdict for the nonmoving party; a mere scintilla of evidence, evidence that is merely colorable, or evidence that is not significantly probative is insufficient.
3. A plaintiff cannot defeat a properly supported summary-judgment motion merely by asserting that the jury might disbelieve the defendant's denial of actual malice; the plaintiff must produce affirmative evidence from which a reasonable jury could return a verdict in the plaintiff's favor.

## KEY QUOTATIONS

*“summary judgment will not lie if the dispute about a material fact is “genuine,” that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.”* (at 248)

*“Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge”* (at 255)

*“the appropriate summary judgment question will be whether the evidence in the record could support a reasonable jury finding either that the plaintiff has shown actual malice by clear and convincing evidence or that the plaintiff has not.”* (at 256)

## FACTUAL BACKGROUND

The Investigator magazine published articles portraying Liberty Lobby and its founder, Willis Carto, as neo-Nazi, anti-Semitic, racist, and Fascist. Liberty Lobby and Carto brought a diversity libel action alleging that 28 statements and two illustrations were false and derogatory. The articles' author submitted an affidavit stating that he had conducted substantial research, relied on numerous sources, and believed the articles were truthful, while the plaintiffs offered evidence that some sources were unreliable and that an editor had characterized the articles as terrible and ridiculous.

## PROCEDURAL HISTORY

Liberty Lobby and Willis Carto sued Anderson, Adkins, and Investigator Publishing Co. in the United States District Court for the District of Columbia. After discovery, the District Court granted petitioners summary judgment, holding that the defendants' investigation and reliance on numerous sources precluded a finding of actual malice. The D.C. Circuit affirmed as to 21 statements but reversed as to 9, holding that the clear-and-convincing standard did not apply at the summary-judgment stage. The Supreme Court vacated and remanded because the appellate court applied the wrong standard.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The decision of the Court of Appeals was vacated and the case was remanded for further proceedings consistent with the opinion.

## CASES CITED

- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)
- Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974)
- Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967)
- First National Bank of Arizona v. Cities Service Co., 391 U.S. 253 (1968)
- Adickes v. S. H. Kress & Co., 398 U.S. 144 (1970)
- Dombrowski v. Eastland, 387 U.S. 82 (1967) (per curiam)
- Brady v. Southern R. Co., 320 U.S. 476 (1943)
- Wilkerson v. McCarthy, 336 U.S. 53 (1949)
- Improvement Co. v. Munson, 14 Wall. 442 (1872)
- Sartor v. Arkansas Gas Corp., 321 U.S. 620 (1944)
- Bill Johnson's Restaurants, Inc. v. NLRB, 461 U.S. 731 (1983)
- Jackson v. Virginia, 443 U.S. 307 (1979)
- United States v. Taylor, 464 F.2d 240 (2d Cir. 1972)
- United States v. Feinberg, 140 F.2d 592 (2d Cir. 1944)
- Poller v. Columbia Broadcasting System, Inc., 368 U.S. 464 (1962)
- Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485 (1984)
- Calder v. Jones, 465 U.S. 783 (1984)
- Waldbaum v. Fairchild Publications, Inc., 627 F.2d 1287 (D.C. Cir. 1980)
- Kennedy v. Silas Mason Co., 334 U.S. 249 (1948)

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