



Peter Frattarelli Quoted in Delaware Law Weekly Article “Evidence Against Fox News in Del. Case May Support Strongest-Ever Argument for Actual Malice”

In the News

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Peter Frattarelli, Chair of Archer’s [Labor & Employment Law](#) Group, was recently interviewed by Ellen Bardash and quoted in the Delaware Law Weekly article, “Evidence Against Fox News in Del. Case May Support Strongest-Ever Argument for Actual Malice.” The article is centered around the Dominion Voting Systems’ defamation case against Fox News and parent company Fox Corporation, which is scheduled to go to trial for five weeks beginning on April 17, 2023. Dominion will argue that Fox New executives acted with actual malice following the 2020 presidential election results.

Being less than two weeks out from the trial, Dominion has entered into the record a mass amount of communications among Fox executives and employees that prove the false statement about the election results were knowingly broadcasted. The article acknowledges, “attorneys with experience in defamation law say they can’t remember another case, in Delaware or otherwise, in which a plaintiff had such a high likelihood of being able to win against a media company.” Peter is quoted stating, “I think there’s certainly enough behind the scenes here... Particularly, I think what might be most damning would be the evidence that shows that there seemed to be a profit motive here. That’s evidence that you don’t typically have when trying to show malice. It’s usually a personal grudge, that type of thing.”

Peter goes on to acknowledge even if Dominion successfully argues that Fox acted with malice, the trial outcome still may not give Dominion the \$1.6 billion they are seeking. He is quoted saying, “That is the only issue that I think is an unknown here. Dominion could get a complete win and then only get a verdict of \$5 [million] or \$10 [million] or \$20 million... I don’t think this is a case where the jury is going to feel hamstrung and not going to go that high; I think they’re going to look at what’s in front of them.”

To read the article, [click here](#).

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