

















































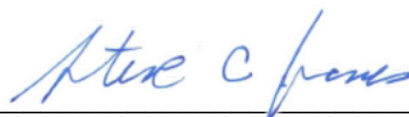
Cabrera that occurred four days before the on-air commentary. Doc. No. [22], 11.<sup>15</sup>

Under the Supreme Court's holding in New York Times Company v. Sullivan, 376 U.S. 254, 280 (1964) a public figure plaintiff must prove that an allegedly libelous statement was made with actual malice, that is, made "with knowledge that it was false or with reckless disregard of whether it was false or not." After review, the Court finds that because its substantial truth analysis, supra, is determinative, an actual malice plausibility ruling is not required at this time. As stated above, Project Veritas's Complaint is legally insufficient.

#### IV. CONCLUSION

For the above stated reasons, the Motion to Dismiss filed by Defendant Cable News Network, Inc. Doc. No. [20] is **GRANTED**. The Clerk is **DIRECTED** to enter judgment and close this case.

**IT IS SO ORDERED** this 17th day of March, 2022.



**HONORABLE STEVE C. JONES**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>15</sup> "Those who have voluntarily sought and attained influence or prominence in matters of social concern are generally considered public figures." Celle, 209 F.3d at 176. "Whether a plaintiff is a public figure is a question of law for the court." Id.