

No Privacy Expectation or Defamation for TV Reporter For Poolside Video

A television reporter videotaped in her halter top at the pool of a person of interest in a notorious missing person case cannot sue a rival station for defamation, invasion of privacy, or the loss of her job, an Illinois appellate court ruled.

The appellate court affirmed the trial court's grant of summary judgment for CBS Broadcasting, Inc. The court found Amy Jacobson, a reporter for the Chicago NBC affiliate did not prove malice in her defamation case and had no expectation of privacy when she was videotaped at the pool of Craig Stebic, a person of interest in the disappearance of his wife.

Ms. Jacobson was fired by NBC for her actions at the Stebic house after CBS aired the videotape and reported the *Chicago Tribune* and *Chicago Sun-Times* reported the story. Some media observers publicly criticized her actions.

The appellate court disagreed with the trial court's finding that Ms. Jacobson was a public figure for all purposes. See our [earlier blog](#) on the trial court's decision. Instead, the appellate court found she was a limited public figure, which still required her to prove actual malice. The appellate court found that Ms. Jacobson's "access to the Stebic family and her tenacious aspiration to 'get to the bottom' of the case, that thrust her even further into the public spotlight, invited scrutiny of her methods, and gave rise to the ethical predicament in which she found herself on July 7."

Because she was a limited public figure, the court said she was required to show that CBS acted with malice in videotaping her and airing the videotape. Ms. Jacobson argued that CBS edited the tape "to achieve the ultimate defamatory sexual message." However, the appellate court found that, when the tape was viewed "in its proper context, the plaintiff's evidence fails to create a triable issue that, when CBS edited and broadcast the videotape, it did so with the intent to publish a false report about the plaintiff, or with a reckless disregard as to the truth of the report."

As to any expectation of privacy, the appellate court said the pool was visible from a sidewalk. "The expectation of privacy was further diminished by the fact that the video was of the backyard of Craig Stebic, who was at the time subject to observation not only by law enforcement, but by the media, which the evidence showed maintained a near constant presence around his house."

Jacobson v. CBS Broadcasting, Inc., Ill. App. Court, 2014 IL App (1st) 132480, issued September 30, 2014.