

The Press Enterprise

Ward's libel lawsuit against paper tossed

COURT: The former "Batman" actor sued over a story about a dog rescue operation in Norco.

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By MIKE KATAOKA / The Press-Enterprise

RIVERSIDE - A judge has tossed out Burt Ward's libel suit against The Press-Enterprise, finding the "Batman" television actor failed to make his case for a jury trial on whether he was falsely portrayed as a polluter.

Ward, who played Robin the Boy Wonder on the hit 1960s series, sued the newspaper and reporter Paige Austin last November. The suit contended that Ward was defamed by Austin's article, published April 2, 2003, about contaminated water runoff possibly originating from his wife's dog-rescue operation in Norco.

Riverside County Superior Court Judge Sharon Waters granted the newspaper's motion to dismiss the case under a state statute that protects against lawsuits designed to chill free speech and other constitutional rights.

"Our coverage of water runoff at the dog-rescue operation in Norco was scrutinized by the court, and we prevailed," said Maria De Varenne, editor and vice president/news.

"The court said what we have been saying for months: Paige Austin's stories presented a true report for our readers about the Santa Ana Regional Water Quality Control Board's investigation into the water runoff issue."

Paul Hoffman, Ward's co-counsel, said the libel case was one of the strongest he's seen in nearly 30 years of practice and that Waters' ruling will be appealed.

"We believe that the judge misapplied the legal standards to the case," the Venice lawyer said.

Kelli Sager, co-counsel for The Press-Enterprise, said she was surprised Ward pursued the civil action based on the evidence in the case.

The suit asserted that Ward and his wife never were directed by the Santa Ana Regional Water Quality Control Board to clean up the runoff and officials never determined the source of elevated fecal bacteria levels on land adjoining the Great Dane Rescue Center.

"The gist (of the article) is false in every respect," Hoffman said at a court hearing last week.

But attorneys for the newspaper and Austin countered that the article was substantially true and fairly summarized official government proceedings involving the board.

In her May 21 decision, Waters adopted the newspaper's position on both grounds, said Sager, a Los Angeles lawyer.

Sager noted at the hearing last week that a scientist from the board investigated a neighbor's complaint that dog excrement from Ward's property was being hosed off onto adjoining land.

The scientist took samples from a ravine that drains into the Santa Ana River and found bacteria levels 40 times the river's legal limit, Sager said.

A board engineer drafted a notice of violation but it was never sent to Ward, who denied causing the problem but voluntarily installed a pipeline to send any runoff to a septic tank.

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