

5 January 1969

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NEWS MSG

NEW ORLEANS -- THE 5TH U.S. CIRCUIT COURT OF APPEALS HAS REVERSED A LOWER COURT RULING AND ORDERED A DECISION IN FAVOR OF LIFE MAGAZINE IN A \$6 MILLION LIBEL SUIT AGAINST THE PUBLICATION.

MICHAEL J. MCLANEY FILED THE SUIT AFTER AN ARTICLE IN LIFE ON FEB. 3, 1967, CONCERNING GAMBLING IN THE BAHAMAS.

THE COURT SAID FRIDAY IT CONCLUDED THAT LIFE "WAS ENTITLED TO A SUMMARY JUDGMENT BECAUSE, FOLLOWING A MOTION FOR SUCH JUDGMENT, AND AFTER PROOF WAS TAKEN TO SHOW, IF POSSIBLE, THE EXISTENCE OF MALICE, THE RECORD IS SILENT AS TO ANY FACTS WHICH WOULD PERMIT A FACT FINDER TO CONCLUDE THAT THE STANDARD LAID DOWN BY THE SUPREME COURT HAD BEEN MET BY THE PLAINTIFF."

"THE JUDGMENT DENYING MOTION FOR SUMMARY JUDGMENT IS REVERSED AND THE CASE IS REMANDED TO THE DISTRICT COURT (OF FLORIDA) WITH DIRECTIONS THAT A SUMMARY JUDGMENT FOR THE DEFENDANT BE ENTERED."

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