

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STEVE WILSON
and JANE AKRE,

Plaintiffs,

CASE NO. 98-2439 Div. D

vs.

NEW WORLD COMMUNICATIONS
OF TAMPA, INC. d/b/a WTVT-TV,
a Florida Corporation,

Defendant.

**DEFENDANT'S MOTION TO VACATE THE VERDICT IN FAVOR
OF PLAINTIFF JANE AKRE ON COUNT III OF THE AMENDED
COMPLAINT AND FOR ENTRY OF JUDGMENT ON COUNT III IN
ACCORDANCE WITH THE MOTION FOR DIRECTED VERDICT**

Pursuant to Fla. R. Civ. P. 1.480, defendant New World Communications of Tampa, Inc., d/b/a WTVT-TV ("WTVT"), hereby moves the Court to vacate the jury's verdict in favor of plaintiff Jane Akre on Count III of the Amended Complaint under § 448.102(1), *Fla. Stat.*, and for entry of judgment in accordance with the motion for directed verdict. As set forth more fully in the accompanying Memorandum, the grounds for this motion are as follows:

1. There is insufficient evidence to support a damages verdict for retaliatory personnel actions.
2. As a matter of law, Akre failed to establish that any applicable "law, rule, or regulation" is involved in this case.

3. There is insufficient evidence that Akre had an objectively reasonable, good-faith belief that WTVT engaged in prohibited news distortion.
4. Akre failed to establish that any conduct of WTVT was in fact "in violation" of a law, rule, or regulation.
5. Akre's claim is preempted by the FCC's exclusive authority to determine whether broadcast licensees are acting in the public interest and otherwise should be dismissed subject to the doctrine of primary jurisdiction.

Respectfully submitted,

Patricia Fields Anderson / TGM

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