

JOSEPH R. LARSEN
DIRECT LINE: (713) 306-1937
E-MAIL: JLARSEN@GRFIRM.COM

March 14, 2024

Via Electronic Filing

Clerk of the Supreme Court
201 W. 14th Street
Austin, TX 78701

Re: *Netflix, Inc., NetFliz Worldwide Entertainment, LLC, Kyoko Miyake, Sarit G. Work, Samantha Knowles, Kate Gill, Jigsaw Productions, LLC, and Alex Gibney v. Tonya Barina*, No. 22-0914 pending in the Supreme Court of Texas

Dear Clerk of the Court:

The following entities/organizations wish to file this notice of joinder as additional amici curiae in support of Brief of Proposed Amici Curiae Documentarians, Authors, and Texas Lawyers in Support of Petition for Review.

Statements of Interest:

The amici who join are listed below.

The Freedom of Information Foundation of Texas, Center for Investigative Reporting, The Media Institute, Tully Center for Free Speech, Freedom of the Press Foundation, Motion Picture Association, Inc., The Authors Guild, National Coalition Against Censorship, The Association of American Publishers, Inc., The Association of American Publishers, Inc., National Press Photographers Association, The Freedom to Read Foundation, American Booksellers for Free Expression, News/Media Alliance, First Amendment Foundation, Inc. and The Media Coalition Foundation, Inc. respectfully join as additional Amici Curiae (collectively “Amici”) in support of the Amici Curiae Documentarians, Authors, and Texas Lawyers in Support of Petition for Review. Joining Amici are all organizations that have a heightened interest in and support for investigative reporting in the public interest, the free flow of information and open government and, accordingly, in the correct application of Texas law regarding substantial truth law and defamatory meaning and the rejection of “amorphous” defamation claims, reminiscent of false light, that threaten to chill reporting.

In accordance with Texas Rule of Appellate Procedure 11(c), Amici hereby disclose that no counsel for a party authored this notice of joinder or the underlying brief in whole or in part, and no person other than Amici, their members, or their counsel made a monetary contribution to its preparation or submission. This notice of joinder was commissioned by the following Amici:

The Freedom of Information Foundation of Texas (“FOIFT”) is a non-profit Texas based organization representing a broad spectrum of Texas citizens concerned about the free flow of information and dedicated to open government. Since its founding in 1978, FOIFT's mission has been to serve as a statewide clearinghouse of information on open government and First Amendment issues and to take action in the public interest on open government and First Amendment problems. FOIFT has not received nor will receive any fee for preparing this brief. Counsel for this entity is Joseph R. Larsen.

Center for Investigative Reporting: The Center for Investigative Reporting is the nation’s oldest nonprofit investigative newsroom in the country that runs the brands Mother Jones, Reveal, and CIR Studios. Mother Jones is a reader-supported news magazine and website known for groundbreaking investigative and in-depth journalism on issues of national and global significance. Reveal produces investigative journalism for the Reveal national public radio show and podcast, and CIR Studios produces feature length documentaries distributed on Netflix, Hulu and other streaming channels. Reveal often works in collaboration with other newsrooms across the country.

The Media Institute: The Media Institute is a nonprofit foundation specializing in communications policy issues. The Institute exists to foster three goals: freedom of speech, a competitive media and communications industry, and excellence in journalism. The Media Institute is one of the country’s leading organizations focusing on the First Amendment and speech-related issues.

Tully Center for Free Speech: The Tully Center for Free Speech began in Fall, 2006, at Syracuse University’s S.I. Newhouse School of Public Communications, one of the nation’s premier schools of mass communications.

Freedom of the Press Foundation (FPF): FPF is a non-profit organization that protects, defends, and empowers public-interest journalism. FPF regularly advocates against and participates in legal proceedings to oppose legislation, government policies and judicial orders that violate the First Amendment and undermine press freedoms.

Motion Picture Association, Inc. (“MPA”): MPA is a not-for-profit trade association founded in 1922. The MPA serves as the voice and advocate of the film and television industry, advancing the business and art of storytelling, protecting the creative and artistic freedoms of storytellers, and supporting the creative ecosystem that brings entertainment and inspiration to audiences worldwide.

The Authors Guild: The Author’s Guild was founded in 1912 and is a national non-profit association of more than 13,000 professional, published writers of all genres. The Guild counts historians, biographers, academicians, journalists, poets, translators, and other writers of non-fiction and fiction as members. The Guild works to promote the rights and professional interest of authors in various areas, including copyright, fighting censorship, and taxation. Many Guild members earn their livelihoods through their writing. Their work covers important issues in history, biography, science, politics, medicine, business, and other areas; they are frequent contributors to the most influential and well-respected publications in every field. One of the Authors Guild’s primary areas of advocacy is to protect the free expression rights of authors.

National Coalition Against Censorship (“NCAC”) is an alliance of 60 national non-profit literary, artistic, religious, educational, professional, labor, and civil liberties groups that are united in their commitment to freedom of expression. NCAC works to protect the First Amendment rights of artists, authors, students, readers, and the general public. Since its founding, it has had a special interest in supporting artistic expression that is threatened with suppression because of its sexual content. The views presented in this brief are those of NCAC and do not necessarily represent the views of each of its participating organizations.

The Association of American Publishers (“AAP”):

AAP is a not-for-profit organization that represents the leading book, journal, and education publishers in the United States on matters of law and policy, advocating for outcomes that incentivize the publication of creative expression, professional content, and learning solutions. AAP’s member includes approximately 130 individual members, who range from major commercial book and journal publishers to small, non-profit, university, and scholarly presses, as well as leading publishers of educational materials and digital learning platforms. AAP’s members publish a substantial portion of the general, educational, and religious books produced in the United States in print and digital formats, including critically acclaimed, award-winning literature for adults, young adults, and children. AAP represents an industry that not only depends upon the free exercise of rights guaranteed by the First Amendment, but also exists in service to our Constitutional democracy, including the unequivocal freedoms to publish, read, and inform oneself.

National Press Photographers Association (“NPPA”): NPPA is a 501(c)(6) not-for-profit organization dedicated to the advancement of visual journalism in its creation, editing, and distribution. NPPA’s members include video and still photographers, editors, students, and representatives of businesses that serve the visual journalism community. Since its founding in 1946, the NPPA has been the Voice of Visual Journalists, vigorously promoting the constitutional and intellectual property rights of journalists as well as freedom of the press in all its forms, especially as it relates to visual journalism.

The Freedom to Read Foundation (“FTRF”): FTRF is an organization established to promote and defend First Amendment rights, foster libraries as institutions that fulfill the promise of the First Amendment, support the right of libraries to include in their collections and make available to the public any work they may legally acquire, and establish legal precedent for the freedom to read of all citizens.

American Booksellers for Free Expression (“ABFE”): American Booksellers for Free Expression is the free speech initiative of the American Booksellers Association (“ABA”). ABA was founded in 1900 and is a national not-for-profit trade organization that works to help independently owned bookstores grow and succeed. ABA represents 2,474 bookstore companies operating in 2,881 locations. ABA’s core members are key participants in their communities’ local economy and culture. To assist them, ABA provides education, information dissemination, business products, and services; creates relevant programs; and engages in public policy, industry, and local first advocacy.

News/Media Alliance: News Media Alliance represents the newspaper, magazine, and digital media industries, including nearly 2,200 diverse news and magazine publishers in the United States and internationally. It is a nonprofit, non-stock corporation organized under the laws of the commonwealth of Virginia. It has no parent company.

First Amendment Foundation, Inc. is a 501(c)(3) tax-exempt, non-profit organization created to ensure government openness and transparency by providing education and training, monitoring open records and meetings laws, and assisting citizens and journalists in obtaining access to government information and proceedings. Amicus has a strong interest in this proceeding because it, and the citizens and journalists it supports, all routinely exercise their First Amendment rights by promoting and engaging in speech on matters of public concern that must be free from the chilling fear of prosecution.

The Media Coalition Foundation, Inc.: Media Coalition Foundation, Inc. monitors potential threats to free expression, and engages in litigation and education to protect free speech rights, as guaranteed by the First Amendment.

Amici have no personal or financial interest in the subject matter of the case. All fees for preparation of this amicus curiae notice of joinder letter have been paid for by amici. All text has been prepared by amici.

The Amicus Curiae brief filed previously by Documentarians, Authors, and Texas Lawyers thoroughly presents the legal issues and policy concerns that amici have in this case. Because that brief is so comprehensive and well stated, the above amici hereby join the arguments in that brief and adopt them as their own.

Respectfully submitted,

Joseph R. Larsen

Joseph R. Larsen

SBN: 11955425

Gregor Wynne Arney PLLC

4265 San Felipe St # 700

Houston, Texas 77027

Attorney for the Freedom of Information Foundation of Texas

CERTIFICATE OF SERVICE

I certify that on March 14, 2024, this Letter of Joinder of Amici was served on counsel of record by electronic service:

Katherine M. Bolger
Rachel F. Strom
Davis Wright Tremaine LLP
1251 Avenue of the Americas, 21st Floor
New York, NY 10020

Laura Lee Prather
Catherine Lewis Robb
Haynes & Boone LLP
600 Congress Avenue, Suite 1300
Austin, Texas 78701

Carl J. Kolb
501 Congress #150
Austin, TX 78767

Glenn Deadman
1515 N. St. Mary's St.
San Antonio, TX 78215

/s/ Joseph R. Larsen

Joseph R. Larsen

Automated Certificate of eService

This automated certificate of service was created by the e filing system.
The filer served this document via email generated by the e filing system
on the date and to the persons listed below:

Joseph Larsen
Bar No. 11955425
jlarsen@grfirm.com
Envelope ID: 85545525
Filing Code Description: Letter/Notice
Filing Description: Notice
Status as of 3/14/2024 9:55 AM CST

Associated Case Party: Netflix, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Harriet O'Neill	27	honeill@harrietonelllaw.com	3/14/2024 9:49:59 AM	SENT
Stephanie Sanchez		stephanie.sanchez@haynesboone.com	3/14/2024 9:49:59 AM	SENT
Hannah Keck		hannah.keck@haynesboone.com	3/14/2024 9:49:59 AM	SENT

Associated Case Party: Tonya Barina

Name	BarNumber	Email	TimestampSubmitted	Status
Coyt Johnston	10834400	randy@jtlaw.com	3/14/2024 9:49:59 AM	SENT
Chad Baruch		chad@jtlaw.com	3/14/2024 9:49:59 AM	SENT
Jacqueline Jaramillo		jacqueline@jtlaw.com	3/14/2024 9:49:59 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Laura LeePrather		laura.prather@haynesboone.com	3/14/2024 9:49:59 AM	SENT
Glenn J. Deadman	785559	Glenn@deadmansalaw.com	3/14/2024 9:49:59 AM	SENT
Catherine Robb		Catherine.robb@haynesboone.com	3/14/2024 9:49:59 AM	SENT
Jim Hemphill		jhemphill@gdhm.com	3/14/2024 9:49:59 AM	SENT
Carey Wallick		carey.wallick@haynesboone.com	3/14/2024 9:49:59 AM	SENT
Jo McMillan		jo@txparalegal.com	3/14/2024 9:49:59 AM	SENT
Rachel Strom		rachelstrom@dwt.com	3/14/2024 9:49:59 AM	SENT
Katherine Bolger		katebolger@dwt.com	3/14/2024 9:49:59 AM	SENT
Carl Kolb	11660480	service@carlkolblaw.com	3/14/2024 9:49:59 AM	SENT
Joseph Larsen		jlarsen@gwafirm.com	3/14/2024 9:49:59 AM	SENT