

FLORIDA LEGAL REVIEW

Miami Federal Judge Sides With BuzzFeed in Steele Dossier Case

by Robert Storace

U.S. District Judge Ursula Ungaro granted BuzzFeed Inc.'s motion for summary judgment, dismissing a defamation lawsuit filed by Russian businessman Aleksey Gubarev over the news outlet's publication of the Steele dossier.

Ungaro said BuzzFeed satisfied its "burden as to each element of the fair report privilege" and that "summary judgment is appropriate."

The case stemmed from BuzzFeed's 2017 publication of an unverified intelligence dossier on Russian interference in the 2016 presidential election. The document by Christopher Steele, former head of the Russia desk for British intelligence, was also known as the Trump-Russia dossier. It included claims that Gubarev helped a Russian spy agency hack Democrats during the election.

BuzzFeed's January 2017 article was titled "These Reports Allege Trump Has Deep Ties To Russia" and included the 35-page dossier. In the article, BuzzFeed described the dossier as a compilation assembled "for political opponents of Trump by a person who is understood to be a former British Intelligence agent." It also contained the statements about Gubarev, who is a resident of the Republic of Cyprus.

Gubarev sued, alleging BuzzFeed's report included false allegations, but Ungaro found the BuzzFeed report accu-



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ately conveyed an official government document.

The portion of the report in question, some of which is redacted, states that a company called XBT/Webzilla and its affiliates had been using botnets and porn traffic to transmit viruses, plant bugs, steal data and conduct "altering operations" against the Democratic Party leadership. The report continues: "Entities linked to one Alexei Gubarev

were involved and he and another hacking expert, (were) both recruited under duress by the FSB."

In her ruling, Ungaro found "the fair report privilege exists to protect the press as it carries out" its functions. The press, she wrote, also "provides the public with the information it needs to exercise oversight of the government and with information concerning the public welfare." The

judge also said that BuzzFeed "need not show official action with respect to the specific allegations concerning plaintiffs."

BuzzFeed attorney Roy Black of Miami-based Black, Srebnick, Kornspan & Stumpf applauded the judge's ruling Wednesday.

"The court found that BuzzFeed behaved properly in printing the Steele dossier," Black said. "The ruling is a strong affirmation of the First Amendment. It's more important that the public know what is being discussed at the highest levels of government than anything else."

Black and colleague Jared Lopez joined with New York and Washington attorneys from Davis Wright Tremaine to represent BuzzFeed. The Davis Wright Tremaine team were partners Katherine Bolger and Nathan Siegel and associates Adam Lanzier and Alison Schary. Representing Gubarev are Valentin Gurvits and Matthew Shayefar of the Boston Law Group; Evan Fray-Witzer of Mirick, O'Connell, DeMallie & Lougee in Boston; and Brady Cobb of Tripp Scott in Fort Lauderdale. Shayefar referred comment to Gurvits, who could not be reached by press time. Fray-Witzer and Cobb did not immediately respond to a request for comment.

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