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TO: Robert G. Grant  
Karen N. Bennett-Clayton

FROM: Jennifer McNamara

DATE: May 12, 2011

RE: *Trout Point Lodge, Ltd. v. Louisiana Media Company, LLC* – Yar. No.  
328248

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### INTRODUCTION TO REPORT

In response to your April 18, 2011 letter requesting my opinion on Louisiana law regarding the causes of actions pled by the Plaintiff in *Trout Point Lodge, Ltd. v. Louisiana Media Company, LLC*, I have prepared this report detailing my analysis and opinion regarding the following causes of action under Louisiana law: (i) defamation; (ii) injurious falsehood; (iii) intentional interference with economic relations; (iv) copyright infringement; and (v) misappropriation of identity. Although I have been retained by Defendant Louisiana Media Company, LLC, I am providing an objective opinion for the assistance of the court in the above-referenced matter.

With respect to these claims, and as set forth in more detail herein, there is no separate cause of action for injurious falsehood separate and apart from a claim for defamation under Louisiana law. Nor does Louisiana law recognize a cause of action for intentional interference with economic relations, although Louisiana courts have recognized limited causes of action for intentional interference with contract and tortious interference with business relations. Louisiana does recognize misappropriation of identity under a cause of action for invasion of privacy under Louisiana law. It is also important to note that analysis of Plaintiff's claims for defamation and copyright infringement require the application of federal law of the United States of America because freedom of speech and the press is protected by the First Amendment of the United States Constitution and a claim for copyright infringement arises under federal statutory law.

My legal opinion regarding claims for defamation, intentional interference with contract, tortious interference with business relations, copyright infringement, and misappropriation of identity under applicable federal and Louisiana law includes the essential elements that must be established by a Plaintiff for each of these causes of action and applicable substantive and procedural defenses.

In formulating and preparing my opinions on the essential elements and applicable defenses to these claims, I reviewed the Amended Statement of Claim filed the Plaintiff on January 24, 2011 and the Amended Notice of Defence filed on January 26, 2011. I conducted statutory and case law research on each of the claims alleged by the Plaintiff and additional research on intentional interference with contract, interference with business relations, and claims for invasion of privacy under federal and Louisiana law. I consulted and consider relevant the legal authorities cited in this report. Where certain general principals have not been explicitly addressed by courts in Louisiana, I noted this fact and cited to additional sources and authorities reviewed to express my opinion. I identified additional literature I consulted in formulating, arriving, and preparing my opinion on the list attached to this report. Also attached is my resume.

This report includes everything I regard as relevant to my expressed opinion and draws attention to anything that could reasonably lead to a different conclusion. I will cooperate with responding to written questions put by parties as soon as possible after receipt of the written questions, and I will notify each party in writing of a change in the opinion, or of a material fact that was not considered when this report was prepared and could reasonably affect my opinion, as soon as possible after arriving at the changed opinion or becoming aware of the material fact.

**BAKER, DONELSON, BEARMAN,  
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BY:

  
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Jennifer McNamara

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