

## IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

CRAIG MALIN, Plaintiff,  vs.  SARAH WATSON, DEB ANSELM, ASTRID GARCIA, and LEE ENTERPRISES, INC., Defendants.	CASE NO. LACE136939  GRANTING THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
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INTRODUCTION

On May 15, 2025, this case came before the Court on the Defendant's Motion for Summary Judgment, the Plaintiff's Motion for Partial Summary Judgment, and the Defendant's Motion to Strike the Plaintiff's Motion for Partial Summary Judgment. Attorney, Jenny Juehring argued on behalf the Defendants (collectively "Lee Enterprises"). Attorney, John Flynn argued on behalf of Plaintiff, Craig Malin ("Malin"). For the following reasons, the Court GRANTS Lee Enterprises' Motion for Summary Judgment.

FACTUAL BACKGROUND

"The resignation followed controversy over a deal to grade the lot at the privately owned casino," and "Spiegel was Malin's assistant city administrator from August 2015 through June 2015." These lines appeared in a Quad-City Times ("QC Times") article dated September 3, 2023. Just over a month later, Malin (the former city administrator of the City of Davenport) filed this defamation lawsuit against Lee Enterprises.

This is not Malin's first lawsuit against Lee Enterprises. Twice before, he has litigated against the publisher. The first time because of the QC Times' reporting on Malin's role in the construction of the Rhythm City Casino—reporting which contributed to Malin's departure from

his position as the city administrator for the city of Davenport.<sup>1</sup> The second time because several of Lee Enterprises' newspapers published editorials denouncing Malin's lawsuit against the QC Times.<sup>2</sup> Both of these lawsuits were decided against Malin.

According to Malin, Lee Enterprises' statements in the September 2023 article were false and defamatory for two reasons: (1) Malin did not 'resign' his position with the city of Davenport and (2) Spiegel was not the 'assistant city administrator,' she was the 'assistant *to the* city administrator.' Malin sues for: (1) False Light Invasion of Privacy, (2) Defamation, and (3) for Injunctive Relief. Malin requests that the Court award damages, grant an injunction, and order Lee Enterprises to append the following note to its September 2023 article:

1) Craig Malin did not hire Corri Spiegel as Assistant City Administrator for the City of Davenport.

2) Craig Malin did not resign from his position as Davenport City Administrator. Malin left the City of Davenport pursuant to a Separation, Succession and Transition agreement, with a laudatory letter signed by every alderman.

Lee Enterprises answered Malin's Petition, then moved for summary judgment. Malin resisted and filed a cross motion for partial summary judgment. Lee Enterprises moved to strike that motion. Because the Court finds that Lee Enterprises is entitled to summary judgment, it DENIES Malin's Motion for Partial Summary Judgment and Lee Enterprises's Motion to Strike Malin's Motion for Partial Summary Judgment.

### DISCUSSION

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<sup>1</sup> See generally *Malin v. Quad-City Times*, 964 N.W.2d 10 (Iowa Ct. App. 2021) (describing Malin's original lawsuit).

<sup>2</sup> See generally *Malin v. Lee Enters., Inc.*, 4 N.W.3d 468 (Iowa Ct. App.), cert. denied, 145 S. Ct. 165 (2024) (describing Malin's second lawsuit).

Malin seeks damages for False Light Invasion of Privacy and Defamation; he also asks the Court for Injunctive Relief.

#### **A. FALSE LIGHT INVASION OF PRIVACY**

Malin's first claim is for False Light Invasion of Privacy, this claim arises in the following circumstances:

One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if (1) the false light in which the other was placed would be highly offensive to a reasonable person, and (2) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.<sup>3</sup>

False Light Invasion of Privacy is often pled as an alternative to Defamation. Like other speech-based torts, the claim implicates the First Amendment to the United States' Constitution.

##### **1. CONSTITUTIONAL STRICTURES**

The First Amendment protects speech from government intrusion; therefore, a False Light Plaintiff must overcome several constitutional barriers before he can recover damages:

“[F]alse light” cases are subject to the same constitutional restraints as defamation cases. It is unreasonable to allow a party to evade the standards surrounding defamation law because the plaintiff has pled an alternative theory. In an action such as this, both parties are subject to the restraints of the law of defamation, even if a “false light” action has been pled.<sup>4</sup>

The limitations that the Constitution places on Defamation law vary depending on the identity of the plaintiff. If the plaintiff is a private citizen, then the Court needs only consider state law—any

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<sup>3</sup> *Bierman v. Weier*, 826 N.W.2d 436, 465 (Iowa 2013).

<sup>4</sup> *Jones v. Palmer Commc'ns, Inc.*, 440 N.W.2d 884, 894 (Iowa 1989), disapproved of on other grounds by *Schlegel v. Ottumwa Courier, a Div. of Lee Enters., Inc.*, 585 N.W.2d 217 (Iowa 1998) (internal citations omitted).

quantum of proof greater than strict liability is permissible. If, however, the party alleging defamation is a “public figure,” then he must prove “actual malice.”<sup>5</sup>

There are two ways in which a person may qualify as a public figure:

In some instances an individual may achieve such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues. In either case such persons assume special prominence in the resolution of public questions.<sup>6</sup>

The question whether a person is a public figure is one that the Court must decide as a matter of law.<sup>7</sup> If the Court finds that the plaintiff is a public figure, then, to succeed on his defamation claim, he must demonstrate that the defendant acted with “actual malice.”

Actual malice may be found if the plaintiff proves, “that the falsehood was published with knowledge of its falsity or with reckless disregard of whether it was true or false.”<sup>8</sup> Because

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<sup>5</sup> See *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342 (1974); See also *Jones v. Palmer Commc'ns, Inc.*, 440 N.W.2d 884, 890–91 (Iowa 1989), disapproved of on other grounds by *Schlegel v. Ottumwa Courier, a Div. of Lee Enters., Inc.*, 585 N.W.2d 217 (Iowa 1998) (“Speech concerning public officials and public figures was still protected by the actual malice requirement. For private plaintiffs, the states were free to interpret state law and apply any level of protection for the defendant below strict liability. Gertz also provided that the actual malice standard applied to any award of punitive damages in an action for defamation.”)

<sup>6</sup> *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 826 (Iowa 2007)

<sup>7</sup> § 29:43. Questions for court—Law, 8A American Law of Torts § 29:43 (“It is a question of law for the court whether a plaintiff, within the modern doctrine of constitutional privileges and limitations on recovery for asserted defamation, is a public official or a public figure.”); *Rosenblatt v. Baer*, 383 U.S. 75, 88 (1966) (“We remark only that, as is the case with questions of privilege generally it is for the trial judge in the first instance to determine whether the proofs show respondent to be a ‘public official.’”); see also *Anderson v. Low Rent Hous. Comm'n of Muscatine*, 304 N.W.2d 239 (Iowa 1981) (upholding a Court’s determination as a matter of law that the plaintiff was a public figure).

<sup>8</sup> *Id.* at 77; see also *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964) (“The constitutional guarantees require, we think, a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.”)

Malin's claim fails irrespective of his "public figure" status, the Court will analyze the elements as though he were a private citizen.

In order to succeed on his false light claim, Malin must show: (1) publicity, (2) falsity, (3) malice, and (4) offensiveness.

## 2. PUBLICITY

The Iowa Supreme Court has adopted the Second Restatement of Torts' definition of publicity. That definition states:

"Publicity" [for an invasion of privacy claim] means that the matter is made public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge. The difference is not one of the means of communication, which may be oral, written or by any other means. It is one of a communication that reaches, or is sure to reach, the public.

Thus it is not an invasion of the right of privacy ... to communicate a fact concerning the plaintiff's private life to a single person or even to a small group of persons. On the other hand, any publication in a newspaper or a magazine, even of small circulation, or in a handbill distributed to a large number of persons, or any broadcast over the radio, or statement made in an address to a large audience, is sufficient to give publicity within the meaning of the term.... The distinction, in other words, is one between private and public communication.<sup>9</sup>

Here, Lee Enterprises undoubtedly gave publicity to matters concerning Malin. The QC Times has a wide readership, it published a story referring to Malin by name, and it intended—quite explicitly—to circulate its story to the public.

## 3. FALSITY

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<sup>9</sup> Restatement (Second) of Torts § 652D cmt. a, at 384–85.

Turning to the second element, if Malin is to succeed on his False Light claim, then he must show falsity.<sup>10</sup> In defining falsity, the Iowa Supreme Court has stated that, “[t]he statement that the plaintiff must prove false is not the literal wording of the statement but what a reasonable reader or listener would have understood the author to have said.”<sup>11</sup>

Here, the statements at issue are: (1) “The resignation followed controversy over a deal to grade the lot at the privately owned casino,” and (2) that Malin hired now-former Davenport City Administrator Corrin Spiegel to be his Assistant City Administrator. These are fact statements, meaning that they can be either true or false. If they are false in the relevant sense, then Malin has carried his burden to show falsity and the case may proceed. If, on the other hand, the statements are true—or substantially true—then Malin has not shown falsity and his case must fail.

To qualify as “true,” a statement need not be literally and semantically true in every particular; it is enough that the statement is “substantially true.” As the Iowa Supreme Court has noted:

[I]t is no longer necessary for a libel defendant to establish the literal truth of the publication in every detail as long as the “sting” or “gist” of the defamatory charge is substantially true.

The gist or sting of the defamatory charge, according to one court, is “the heart of the matter in question—the hurtfulness of the utterance.” *Vachet v. Central Newspapers, Inc.*, 816 F.2d 313, 316 (7th Cir.1987). We determine the gist or sting by “look[ing] at the highlight of the [publication], the pertinent angle of it, and not

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<sup>10</sup> *Anderson v. Low Rent Hous. Comm'n of Muscatine*, 304 N.W.2d 239, 248 (Iowa 1981) (“The ‘false light’ variety of invasion of privacy is predicated upon an untruthful publication which places a person before the public in a manner that would be highly offensive to a reasonable person. The essential element of untruthfulness differentiates “false light” from the other forms of invasion of privacy and many times affords an alternate remedy for defamation even though it is not necessary for a plaintiff to prove that he or she was defamed.” (Internal citations omitted. Underlining supplied.)).

<sup>11</sup> *Yates v. Iowa W. Racing Ass'n*, 721 N.W.2d 762, 771 (Iowa 2006).

to items of secondary importance which are inoffensive details, immaterial to the truth of the defamatory statement.” *Id.* (newspaper articles falsely stated plaintiff was arrested on a warrant; method of arrest held immaterial to the truth of defamatory statement that plaintiff was arrested and charged with harboring suspected rapist of an elderly woman).

If the underlying facts as to the gist or sting of the defamatory charge are undisputed, the court may determine substantial truth as a matter of law. In that event, the test, for summary judgment purposes, is whether the plaintiff would have been exposed to any more opprobrium had the publication been free of error.<sup>12</sup>

Here the “gist” of Lee Enterprises article is that Malin was hired as an expert witness to opine on the foreseeability of the Davenport building collapse. The article identifies Malin, it explores his expert report, and it describes his work experience and his history with the City of Davenport. Because the underlying facts are undisputed, the Court may determine substantial truth as a matter of law. It will take Malin’s complaints in turn.

i. *MALIN’S OBJECTIONS TO THE SENTENCE, “THE RESIGNATION FOLLOWED CONTROVERSY OVER A DEAL TO GRADE THE LOT AT THE PRIVATELY OWNED CASINO.”*

With respect to the first statement, Malin objects to two points: first, he asserts that he did not “resign” his position with the City; second, he argues that the “controversy” surrounding the casino is a Potemkin village—a false creation proceeding from Lee Enterprises’ brain.

According to Malin, Lee Enterprises use of the term “resignation” in the sentence “The resignation followed controversy over a deal to grade the lot at the privately owned casino,” is a false statement. Malin asserts that he did not resign; instead, he “separated” from his employment with the city of Davenport. Malin goes on to state that he specifically insisted that the City not describe his departure from city government as a resignation, and, therefore, the QC Times and Lee Enterprises’ use of the term “resignation” is defamatory. The Court cannot agree.

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<sup>12</sup> *Behr v. Meredith Corp.*, 414 N.W.2d 339, 342 (Iowa 1987) (some internal citations omitted).

Black's Law Dictionary defines "resign" as:

To formally announce one's decision to leave a job or an organization <to resign from the army>. 2. To give up or give back (an office, trust, appointment, etc.) to those by whom it was given; to surrender <the officer resigned his commission>. 3. To abandon the use or enjoyment of; to give up any claim to <the monk resigned his inheritance>.<sup>13</sup>

It defines "resignation" as:

The act or an instance of surrendering or relinquishing an office, right, or claim. 2. A formal notification of relinquishing an office or position; an official announcement that one has decided to leave one's job or organization, often in the form of a written statement. 3. Hist. The surrender to the lord of the vassal's interest in land. — resign, vb.<sup>14</sup>

The American Heritage Dictionary defines "resign" as:

2. To give up (a position, for example), especially by formal notification.  
3. To relinquish (a privilege, right, or claim). See Synonyms at relinquish.  
v.intr.  
To give up one's job or office; quit, especially by formal notification: resign from a board of directors.<sup>15</sup>

It defines "resignation" as: "An oral or written statement that one is resigning a position or office: submitted his resignation."<sup>16</sup> Other definitions run in the same vein.

By whichever definition the Court adopts, Lee Enterprises' article is substantially true, and, therefore, Malin cannot show falsity. The simple fact is that Malin *did* "give up" his position as Davenport City Administrator. Not only did he give up his position, he did so by formal notification i.e. an official written agreement with the city.<sup>17</sup> The mere existence of a more precise synonym to describe Malin's departure from city government does not make the QC Times' statements false.

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<sup>13</sup> RESIGN, Black's Law Dictionary (12th ed. 2024).

<sup>14</sup> RESIGNATION, Black's Law Dictionary (12th ed. 2024).

<sup>15</sup> RESIGN, American Heritage Dictionary (5th ed. 2022).

<sup>16</sup> RESIGNATION, American Heritage Dictionary (5th ed. 2022).

<sup>17</sup> Defendant's App. pg. 17–35.



Furthermore, the Court cannot find that Malin, “would have been exposed to any more opprobrium had the publication been free of error.” Malin would not have suffered any additional obloquy had the disputed sentence read, “The *separation* followed controversy over a deal to grade the lot at the privately owned casino.”

Malin’s second objection to the first statement is the article’s use of the word “controversy.” Essentially, Malin argues that the only “controversy” preceding his departure from his position as Davenport City Administrator was created by false reporting from Lee Enterprises’ publications. Again, the Court cannot agree.

Black’s Law Dictionary defines “controversy” as: “A disagreement or a dispute, esp. in public.”<sup>18</sup> The American Heritage Dictionary, in similar language, defines “controversy” as: “A dispute, especially a public one, between sides holding opposing views.”<sup>19</sup>

Here, Lee Enterprises and its publications took one position on the propriety of Malin’s arrangements with Rhythm City Casino, Malin took the opposite position. This debate occurred in public. It was a controversy. It does not matter that Lee Enterprises and the QC Times unearthed the controversy—that is often what reporting does. But even granting the entirety of Malin’s theory (that the statement was false and that the controversy was a simulacrum), he would have suffered no greater opprobrium had the sentence been error free. Again, the Court finds that the disputed statement was “substantially true” and, therefore, it cannot be grounds for a claim of False Light Invasion of Privacy.

ii. *MALIN’S OBJECTION TO THE STATEMENTS THAT HE HIRED CORRIN SPIEGEL TO BE HIS ASSISTANT CITY ADMINISTRATOR.*

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<sup>18</sup> CONTROVERSY, Black’s Law Dictionary (12th ed. 2024).

<sup>19</sup> CONTROVERSY, American Heritage Dictionary (5th ed. 2022).

Malin next takes exception to Lee Enterprises' report that he, Malin, hired Corrin Spiegel to be his Assistant City Administrator. This statement is false, Malin argues, because Spiegel was the Assistant *to the* City Administrator. This alleged error is so inconsequential that it may be a scrivener's error. In any event, the omission of a preposition (to) and a definite article (the) in an government title do not go to the "gist" and "sting" of the article.<sup>20</sup> Simply put, the alleged error is not the sort of "falsity" with which a False Light claim is concerned. Moreover, were the sentence error free, no more opprobrium would accrue to Malin's account.

#### 4. MALICE

A False Light plaintiff must show not only that the Defendant published false claims, but also that "the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed." Here, Malin has not shown that Lee Enterprises published false statements. Consequently, he cannot show malice.

#### 5. OFFENSIVENESS

A False Light Plaintiff may recover if and only if the objectionable statement "would be highly offensive to a reasonable person." In defining offensiveness, the Second Restatement of Torts creates a spectrum: on the one side, if a statement contains only minor errors, then the Plaintiff will not be able to recover; on the other side, if the statement contains major

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<sup>20</sup> *Behr v. Meredith Corp.*, 414 N.W.2d 339, 342 (Iowa 1987) ("We determine the gist or sting by "look[ing] at the highlight of the [publication], the pertinent angle of it, and not to items of secondary importance which are inoffensive details, immaterial to the truth of the defamatory statement." *Id.* (newspaper articles falsely stated plaintiff was arrested on a warrant; method of arrest held immaterial to the truth of defamatory statement that plaintiff was arrested and charged with harboring suspected rapist of an elderly woman).")

misrepresentations as to the Plaintiff's history or character, then the Plaintiff may be able to recover.<sup>21</sup>

In this case, taking Malin's claims in their best light, Lee Enterprises' mistakes amount to nothing more than minor errors. No reasonable person would be highly offended by the use of "resignation" instead of "separation," or by the use of "Assistant City Administrator" instead of "Assistant *to the* City Administrator." These mistakes, minor as they are, cannot be highly offensive.

Malin fails in this case to raise a genuine issue of material fact as to falsity, malice, and offensiveness. Therefore, the Court GRANTS Lee Enterprises' Motion for Summary Judgment as to Malin's False Light claim.

## **B. DEFAMATION**

As an alternative to his False Light claim, Malin accuses Lee Enterprises of Defamation.

A trial court's initial task in a defamation action is to decide whether the challenged statement is "capable of bearing a particular meaning, and whether that meaning is defamatory." Restatement (Second) of Torts § 614(1) (1977); *see also Levy v. Am. Mut. Liability Ins. Co.*, 196 A.2d 475, 476 (D.C.1964) ("It is only when the court can say that the publication is not reasonably capable of any defamatory meaning and cannot be reasonably understood in any defamatory sense that it can rule, as a matter of law, that it was not libelous.").<sup>22</sup>

As noted above, the First Amendment restricts the scope of Defamation claims. The limitations that the Constitution places on Defamation law vary depending on the identity of the plaintiff. If the plaintiff is a private citizen, then the Court needs only consider state law—any quantum of

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<sup>21</sup> Restatement (Second) of Torts § 652E Cmt. C (1977)

<sup>22</sup> *Yates v. Iowa W. Racing Ass'n*, 721 N.W.2d 762, 771–72 (Iowa 2006).

proof greater than strict liability is permissible. If, however, the party alleging defamation is a “public figure,” then he must prove “actual malice.”<sup>23</sup>

There are two ways in which a person may qualify as a public figure:

In some instances an individual may achieve such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues. In either case such persons assume special prominence in the resolution of public questions.<sup>24</sup>

The question whether a person is a public figure is one that the Court must decide as a matter of law.<sup>25</sup> If the Court finds that the plaintiff is a public figure, then, to succeed on his defamation claim, he must demonstrate that the defendant acted with “actual malice.”

Actual malice may be found if the plaintiff proves, “that the falsehood was published with knowledge of its falsity or with reckless disregard of whether it was true or false.”<sup>26</sup>

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<sup>23</sup> See *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 342 (1974); See also *Jones v. Palmer Commc'ns, Inc.*, 440 N.W.2d 884, 890–91 (Iowa 1989), disapproved of on other grounds by *Schlegel v. Ottumwa Courier, a Div. of Lee Enters., Inc.*, 585 N.W.2d 217 (Iowa 1998) (“Speech concerning public officials and public figures was still protected by the actual malice requirement. For private plaintiffs, the states were free to interpret state law and apply any level of protection for the defendant below strict liability. Gertz also provided that the actual malice standard applied to any award of punitive damages in an action for defamation.”)

<sup>24</sup> *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 826 (Iowa 2007)

<sup>25</sup> § 29:43. Questions for court—Law, 8A American Law of Torts § 29:43 (“It is a question of law for the court whether a plaintiff, within the modern doctrine of constitutional privileges and limitations on recovery for asserted defamation, is a public official or a public figure.”); *Rosenblatt v. Baer*, 383 U.S. 75, 88 (1966) (“We remark only that, as is the case with questions of privilege generally it is for the trial judge in the first instance to determine whether the proofs show respondent to be a ‘public official.’”); see also *Anderson v. Low Rent Hous. Comm'n of Muscatine*, 304 N.W.2d 239 (Iowa 1981) (upholding a Court’s determination as a matter of law that the plaintiff was a public figure).

<sup>26</sup> *Id.* at 77; see also *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964) (“The constitutional guarantees require, we think, a federal rule that prohibits a public official from recovering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with ‘actual malice’—that is, with knowledge that it was false or with reckless disregard of whether it was false or not.”).

Because Malin's claim fails irrespective of his "public figure" status, the Court will analyze the elements as though he were a private citizen.

So, in order to succeed on his Defamation claim, Malin must make out a *prima facie* case of the following: "(1) publication, (2) of a defamatory statement, (3) which was false and (4) malicious, (5) made of and concerning the plaintiff, (6) which caused injury."<sup>27</sup>

There is no doubt that the first and fifth elements support Malin: it is clear that Lee Enterprises published an article of and concerning him. However, on the remaining elements (defamatory nature, falsity, malice, and injury) Malin's case falls flat.

#### 1. DEFAMATORY NATURE

The Court must first determine whether the disputed statement had a defamatory meaning: "A communication is defamatory if it tends so to harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him."<sup>28</sup>

Here, Malin has not shown that the statement is defamatory. The statement that Malin "resigned" after "controversy" does not, without more, harm his reputation or deter other parties from associating with him—neither does the statement that Malin hired Corrin Spiegel to be his "Assistant City Administrator."

#### 2. FALSITY

As noted above, the Court finds that Malin has not shown that the disputed statements were false, thereby failing to overcome Lee Enterprises "substantial truth" defense.

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<sup>27</sup> *Bierman v. Weier*, 826 N.W.2d 436, 443 (Iowa 2013).

<sup>28</sup> Restatement (Second) of Torts § 559 (1977).

### 3. MALICE

A Defamation plaintiff must show not only that the Defendant published false claims, but also that the publication was with “malice.” “To show malice, there must be an intent to inflict harm through falsehood. Actual antagonism or contempt has been held insufficient to show malice.”<sup>29</sup> Here, Malin cannot show malice because Lee has not published false statements. But even assuming for the sake of argument that the statements are false, Malin has not marshalled any evidence that Lee Enterprises acted with any intent to harm him. Indeed, had Lee Enterprises wanted to damage Malin’s reputation, it could have used more pointed language and made more ludicrous claims.

### 4. INJURY

Finally, Malin fails to show any injury. At the hearing, he suggested that employers may be less willing, because of Lee Enterprises’ reporting, to hire him. Malin’s argument is little more than speculation. He provided no affidavit from a potential employer who was warned away by Lee Enterprises’ reporting. He provided no chart demonstrating a loss of income or any other cognizable damages.

## **C. INJUNCTIVE RELIEF**

Because the Court GRANTS the Defendants’ Motion for Summary Judgment, Malin is not entitled to Injunctive Relief.

## CONCLUSION

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<sup>29</sup> *Jones v. Palmer Commc'ns, Inc.*, 440 N.W.2d 884, 894 (Iowa 1989), disapproved of on other grounds by *Schlegel v. Ottumwa Courier, a Div. of Lee Enters., Inc.*, 585 N.W.2d 217 (Iowa 1998).

Part of the First Amendment's purpose is to stand as a bulwark, protecting people's freedom to speak and write without fear of government oversight. Malin's suit invites the Court to overstep that bulwark and act as Lee Enterprises' copy editor. The Court declines that invitation. For the reasons stated above, the Court GRANTS the Defendants' Motion for Summary Judgment in its entirety, and it DENIES Malin's Partial Motion for Summary Judgment.

**SO ORDERED**



State of Iowa Courts

**Case Number**

LACE136939

**Type:**

**Case Title**

MALIN CRAIG VS LEE ENTERPRISES INC  
ORDER FOR JUDGMENT

So Ordered

A handwritten signature in black ink, appearing to read "Mark D. Cleve", written over a horizontal line.

Mark D. Cleve, District Court Judge,  
Seventh Judicial District of Iowa

Electronically signed on 2025-06-04 11:52:28