

VIRGINIA LAWYERS WEEKLY

Vol. 25, No. 38

February 21, 2011

www.valawyersweekly.com

Student scores \$5M jury verdict for libel

BY ALAN COOPER

Patrick Bristol, a student at Chesapeake's Great Bridge High School, told a reporter for The Virginian-Pilot that fellow student Kevin Webb routinely shoved and taunted him at school.

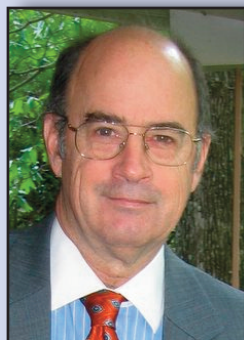
The Pilot reported that allegation as fact, an assertion that Webb denied before a Chesapeake Circuit Court jury. The jury believed Webb and returned a \$5 million libel verdict against The Pilot on Feb. 11.

Webb's attorney, Jeremiah A. Denton III of Virginia Beach, contended that Louis Hansen, the reporter for The Pilot, emphasized the bullying allegation even though it was a relatively small piece of a larger incident involving the parents of both students and Kevin's older brother, Brian.

Although Hansen had a privilege against a libel action if he had reported the circumstances of criminal charges against the Webb brothers accurately and completely, he lost that privilege by giving a biased account of them, Denton argued. The jury deliberated for two hours at the end of a seven-day trial before returning its verdict, which included the payment of interest from the date the article appeared in December 2009.

According to testimony during the criminal proceedings and in the civil case, Bristol appeared at the Webb home about 9 p.m. on Nov. 5, 2008, and demanded that Kevin come outside.

Webb's father, Phil Webb, an assistant principal at another Chesapeake high school, said Bristol had a group of 20 to 30 young males



DENTON

Kevin and Brian Webb went to the Bristol home and confronted Patrick Bristol and his father, Robert. A fight ensued, and the Webb brothers were charged originally with malicious wounding, assault and trespassing.

They were convicted of misdemeanor assault, the older brother for attacking both Bristol and his father and Kevin for assaulting the father.

According to testimony in the civil case, Bristol's mother, Lori, was upset that the brothers were not convicted of felony charges. She also was frustrated that Kevin Webb was allowed to remain at the school while school officials offered to let Patrick finish his final year at another school. He dropped out and earned a GED instead.

The mother contacted The Pilot, which followed up on her belief that Kevin Webb was getting favorable treatment from the courts and the school system because of his father's employment and Kevin's success as a pole vaulter on the track team.

Hansen checked the court records, interviewed the Bristol family and attended the sentencing hearing for the brothers. They received suspended sentences and were ordered to pay fines and court costs. Brian Webb also was sen-

tenced to 30 days in jail. Bristol put the number at five or six. A neighbor who saw the confrontation described it as five carloads.

Bristol acknowledged hurling an expletive at Phil Webb before leaving when the father refused to allow his son to come outside.

Twenty-six hours later,

tenced to 30 days in jail.

The reporter had made no effort to contact the Webbs before the sentencing, but approached Phil Webb outside the courtroom and asked to speak to him. When Webb refused, Hansen responded, "The Bristols want a story printed, and its going to be one-sided unless you talk to me," according to testimony at the civil trial.

Denton characterized the comment as a threat and also emphasized an exchange of e-mails between Hansen and his colleagues at The Pilot. Hansen responded to a message expressing anticipation about the reaction to the article with, "I love the smell of napalm in the morning."

The Pilot's attorney, Conrad Shumadine of Norfolk, argued that the article was accurate and that any harm to Kevin Webb's reputation from it was based on the assault conviction and his behavior in that incident.

Denton pointed out that there was testimony about only one instance of bullying from anyone other than Patrick Bristol. Robert Bristol identified Kevin Webb as the young man he saw taunt his son at a grocery store. Webb testified that Robert Bristol must have mistaken him for someone else.

"The article was extremely damaging to this young boy," Denton said. It still appears as the first item of a Google search for "Kevin Webb" and Chesapeake, he noted.

Judge Randall D. Smith delayed entering judgment in *Kevin Webb v. Virginian-Pilot Media Cos. LLC* so post-trial motions could be filed. A call requesting comment from Shumadine was not immediately returned.

Denton also has filed a libel suit based on the article on behalf of Phil Webb.

Verdict or Settlement: Verdict

Amount: \$5,000,000

Attorney for plaintiff: Jeremiah A. Denton III, Virginia Beach

Attorneys for defendant: Conrad M. Shumadine and Brett A. Spain, Norfolk

Type of action: Defamation

Injuries alleged: Reputation, humiliation, embarrassment

Name of case: Kevin Webb v. Virginian Pilot Media Companies LLC

Court: Chesapeake Circuit Court

Case no.: CL10-451

Tried before: Jury

Judge: Randall D. Smith

Date: Feb. 11, 2011

Demand: No demand because plaintiff's counsel believed from initial conference with client and family case had unlimited potential

Offer: Defense counsel declined to make offer absent a demand