



Planned Parenthood of the Columbia/Willamette v. American Coalition of Life Activists

518 F.3d 1013 (9th Cir. 2008), 422 F.3d 949 (9th Cir 2005), 290 F.3d 1058 (9th Cir. 2002) (en banc)

Topics Covered: Physician Safety

Outcome: Very Favorable

Issue

The issue in this case was whether the First Amendment protected an anti-abortion website that incited violent acts against persons who performed abortions.

AMA Interest

The AMA supports the right of access to medical care and opposes acts of intimidation that may impede physicians' ability to care for their patients.

Case Summary

The American Coalition of Life Activists, a group of anti-abortion protesters, established a website that identifies various physicians and other persons who supposedly perform abortions or otherwise support the right to have an abortion. The website accuses the identified persons of having committed crimes against humanity and urges that they be made to pay for such crimes. The website also links to the AMA website and suggests that the AMA supports abortion rights.

The plaintiffs sued the people who established the website, claiming that the language used was so inflammatory as to present an imminent danger to the physical safety of the persons listed. Following a trial, a jury agreed with these charges and awarded the plaintiffs \$538 million in compensatory damages and \$108.5 million in punitive damages.

The defendants appealed to the Ninth Circuit, claiming that their right to freedom of speech would be violated if the jury verdict were upheld. A Ninth Circuit panel agreed with the defendants and reversed the lower court's judgment. On re-hearing by the entire Ninth Circuit court, the judgment was affirmed except as to punitive damages, but remanded to the trial court

for consideration of whether the award was appropriate based on constitutional limitations. On remand, the trial court reinstated the punitive damages in full. On a further appeal, the Ninth Circuit reduced punitive damages to \$4.7 million. In its most recent opinion, the Ninth Circuit allowed post-judgment interest on the reduced punitive damages award.

AMA Involvement

The AMA filed an amicus curiae brief supporting the petition for re-hearing. The brief argued that the matter was of unusual national importance and that the Ninth Circuit panel unduly extended the defendant's first amendment rights. The defendants, however, opposed the filing of the AMA brief. The Ninth Circuit ordered a rehearing by the full court (i.e., *en banc*).