

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 1

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the language used in the first article complained of in the plaintiff's first cause of action exposes the plaintiff to public ridicule or contempt, though it does not embody an accusation of crime, the law presumes damage to the reputation, and pronounces it actionable per se.

*Guinn*  
*W. J. Hearin*

JIMMY FAULKNER V. MOBILE PRESS REGISTER, INC. and W. J. HEARIN

PLAINTIFF'S JURY CHARGE NO. 2

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the language used in the ~~second~~ <sup>second</sup> article complained of in the Plaintiff's ~~first~~ cause of action exposes the Plaintiff to public ridicule or contempt, though it does not embody an accusation of crime, the law presumes damage to the reputation, and pronounces it actionable per se.

6  
Given  
W. J. Hearin

JIMMY FAULKNER V. MOBILE PRESS REGISTER, INC. and W. J. HEARIN

PLAINTIFF'S JURY CHARGE NO. 3

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the language used in the <sup>third</sup> ~~first~~ article complained of in the Plaintiff's <sup>first</sup> cause of action exposes the Plaintiff to public ridicule or contempt, though it does not embody an accusation of crime, the law presumes damage to the reputation, and pronounces it actionable per se.

6

Gruen  
W. J. Hearin

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 4

The Court charges the jury that any false publication, when expressed in printing or writing, or by signs or pictures, is a libel which tends to bring an individual into public hatred, contempt, or ridicule, or charges an act odious and disgraceful in society. This general definition may be said to include whatever tends to injure the character of an individual, blacken his reputation, or imputes fraud, dishonesty, or other moral turpitude, or reflects shame, or tends to put him without the pale of social intercourse.

*6*  
*Crier*  
*W. J. Hearin*

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 5

The Court charges the jury that actual or express malice may be shown by evidence of previous ill will, or hostility, or threats, or rivalry, or other actions, or former libels or slanders emanating from the defendants, or by the violence of the defendant's language, or the mode and extent of publication, including the recklessness of the publication.

6  
Gruen  
W. J. Hearin -

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 6

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the plaintiff was maliciously defamed by the defendants, and if you infer from the manner of the publication and the surrounding circumstances that this was the result of actual or express malice, then in addition to the damages which you find to reasonably compensate the plaintiff for injury proximately resulting from such defamation, you may also find in your discretion for the plaintiff damages called punitive damages, which damages are awarded to the plaintiff, to punish the defendants for their malicious wrongful defamation of the plaintiff, and to deter these defendants and others similarly situated from committing like wrongful acts in the future.

*Over*  
*W. J. H.*

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 8

The Court charges the jury that actual or express malice may be inferred from the manner and extent of the publication of the defamatory matter, including the recklessness of the publication.

G  
Given  
W. J. Hearin

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 13

The court instructs the jury that before the test  
of reckless or knowing falsity can be met, there must be a  
false statement of fact.

6  
Given  
W. L. Haynes



JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 35

The court instructs the jury that however offensive to the plaintiff any opinion expressed or quoted in the defendants' articles may have been, liability cannot be imposed on the defendants for the publication of such opinion.

*W. J. Hearin*  
*W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 26

The court instructs the jury that if you are reasonably satisfied from the evidence in this case that the articles were substantially true in all material respects relating to the plaintiff, then you cannot return a verdict for the plaintiff.

*a*  
*Given*  
*W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 27

The court instructs the jury that a true statement of  
fact cannot be the foundation for imposition of any  
liability on the defendants.

C  
Crier  
W. H. Hay

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 7

The Court charges the jury that the purpose of awarding punitive or exemplary damages is to allow money recovery to the plaintiff by way of punishment to the defendants, and for the added purpose of protecting the public by deterring the defendants and others from doing such wrong in the future. The imposition of punitive damages is entirely discretionary with the jury. Should you award punitive damages, in fixing the amount, you must take into consideration the character and degree of the wrong as shown by the evidence in the case, and the necessity of preventing similar wrongs.

R  
Referred  
W. J. Hearin

JIMMY FAULKNER v. MOBILE PRESS REGISTER, INC. and W. J. HEARIN.

PLAINTIFF'S JURY CHARGE NO. 9

The Court charges the jury that actual malice can be inferred from the refusal of the defendant to retract a libelous statement when called upon to do so.

*R*  
*Referred*  
*W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 1

The court instructs the jury that the articles complained  
of are not libelous per se of the plaintiff.

R

Refused  
W. J. H. G.

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 2

The court instructs the jury that the First and  
Fourteenth Amendments to the Constitution of the United  
States protect freedom of discussion and of the press.

R

Referred  
W. L. King

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 3

The court instructs the jury that under the First  
and Fourteenth Amendments to the Constitution of the United  
States, you cannot return a verdict for the plaintiff in  
this case.

R

Refused  
with Hwy



JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 4

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the Bay Minette Infirmary and published in the Mobile Press on May 29, 1975 is defamatory of and concerning the plaintiff. The court further instructs the jury that the article does not support the innuendo ascribed to it by the plaintiff, and, as a matter of law, it is not defamatory of and concerning him.

*R*  
*Referred*  
*with Henry*

JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. 5

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the Bay Minette Mills and published in the Mobile Press on June 12, 1975 is dafamatory of and concerning the plaintiff. The court further instructs the jury that the article does not support the innuendo ascribed to it by the plaintiff, and, as a matter of law, it is not defamatory of and concerning him.

*Q*  
*Approved*  
*W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
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DEFENDANTS' REQUESTED CHARGE NO. 6

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the city of Bay Minette Industrial Development Board and published in the Mobile Press on June 13, 1975 is defamatory of and concerning the plaintiff. The court further instructs the jury that the article does not support the innuendo ascribed to it by the plaintiff, and, as a matter of law, it is not defamatory of and concerning him.

R  
Refused  
W. C. Hy

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 7

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the Captive County Road Program in Baldwin County and published in the Baldwin County Edition of the Mobile Press Register on December 18, 1975 is defamatory of and concerning the plaintiff. The court further instructs the jury that the article does not support the innuendo ascribed to it by the plaintiff, and, as a matter of law, it is not defamatory of and concerning him.

*Referred*  
*W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 8

The court instructs the jury that the plaintiff was a public figure with respect to the matters reported in each of the defendants' articles which are the subject of this lawsuit.

*R*  
*Refract*  
*WJH*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 10

The court instructs the jury that the plaintiff was a public figure or a public official with respect to the matters reported in each of the defendants' articles which are the subject of this lawsuit.

R  
Prepared  
W. L. King

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 9

The court instructs the jury that the plaintiff was a public official with respect to the matters reported in each of the defendants' articles which are the subject of this lawsuit.

Q  
Referred  
W. J. Hearin

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 1

The court instructs the jury that failure or refusal of  
the defendants to retract after written demand is not, as a  
matter of law, any evidence of ~~constitutional~~ actual malice,  
~~or fault.~~

*a*  
*Referred*  
*W. J. H. G.*



JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO 12

The court instructs the jury that, as a matter of law,  
no defamatory falsehood relating to the plaintiff was published  
by the defendants with knowledge that it was false or with  
reckless disregard of whether it was false or not.

R  
Refused  
W. J. Hearin

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 14

The court instructs the jury that, as a matter of law, the  
bonds referred to in the article entitled "Bondholders Still  
Awaiting Repayment" were ~~past due~~ past due at the time the article was  
published.

R  
Referred  
with Hay

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 15

The court instructs the jury that if you are not clearly convinced from the evidence in this case that a defamatory falsehood relating to the plaintiff was published by the defendants with knowledge that it was false or with reckless disregard of whether it was false or not, then you cannot return a verdict for the plaintiff.

*a*  
*Referred*  
*W. L. King -*

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 16

The court instructs the jury that in order for plaintiff to recover in this case he must prove the defendants' articles were published with actual malice toward him. For the plaintiff to meet his burden of proving that the defendants had actual malice toward the plaintiff, you must clearly be convinced by the evidence that the articles contained a statement of fact of and concerning the plaintiff which is false in a material respect and you must also clearly be convinced by the evidence that such false statement defamed the plaintiff, and you must also be clearly convinced by the evidence that such false statement was published by the defendants with a knowledge of its falsity or with reckless disregard of whether it was false or true.

R  
Referred  
with [unclear]

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 17

The court instructs the jury that the term "reckless disregard for the truth" as used in the Court's instructions to you in this case may be legally defined as the equivalent of (1) the defendants having a high degree of awareness of the probable falsity of a statement; or (2) that the defendants entertained a serious doubt as to the truthfulness of a statement; or, (3) that the defendants published a calculated falsehood; and the Court further instructs you that the burden is on the plaintiff in this case to present clear and convincing proof that defendants published a statement <sup>of fact</sup> knowing that it was false or with a reckless disregard for the truthfulness of such statement *and by such statements defamed the plaintiff.*

R  
Referred  
W. H. H. H.

JIMMY FAULKNER vs. THE MOBILE PRESS  
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HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 18

The court instructs the jury that the plaintiff is not entitled to recover in this case unless the defendants' articles were published with actual malice toward him. For the purposes of this case, you cannot find that the defendants had actual malice toward the plaintiff unless you are clearly convinced by the evidence that the articles contained a statement of fact of and concerning the plaintiff which is false in a material respect and unless you are also clearly convinced by the evidence that such false statement defamed the plaintiff, and unless you are also clearly convinced by the evidence that such false statement was published by the defendants with a knowledge of its falsity or with reckless disregard of whether it was false or true.

*Referenced  
W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. *19*

The court instructs the jury that in determining whether the defendants had a reckless disregard of whether the publication was false or not, you must not consider whether a reasonably prudent man would have published the article, or would have made an additional investigation; and you cannot return a verdict for the plaintiff unless you have been clearly convinced by the evidence in this case that the defendants, in fact, actually entertained serious doubts as to the truth of the publication.

*R*  
*Referred*  
*W. H. Hay-*

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 20

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the Bay Minette Infirmary and published in the Mobile Press on May 29, 1975 is defamatory of and concerning the plaintiff. The plaintiff claims, however, that defamatory charges of and concerning him are implied by the article. The defendants deny that such is implied by the article and also say that no such implication was intended by them. It is for you, the jury, to determine whether or not the average lay person reading the article would construe it to be defamatory of and concerning the plaintiff and, you must be clearly convinced by the evidence that such would be the construction. Further, even if you find that it would be so construed by the average lay person, in order to return a verdict for the plaintiff, you must be clearly convinced by the evidence that the article was published by the defendants with the actual intention that it be construed to so charge the plaintiff, or with reckless disregard as to whether or not it would be so construed, and you must be clearly convinced by the evidence that the article contained a false statement of fact which was defamatory of the plaintiff.

*Refused R*  
*W. J. Hearin*



JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. 21

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning Bay Minette Mills and published in the Mobile Press on June 12, 1975 is defamatory of and concerning the plaintiff. The plaintiff claims, however, that defamatory charges of and concerning him are implied by the article. The defendants deny that such is implied by the article and also say that no such implication was intended by them. It is for you, the jury, to determine whether or not the average lay person reading the article would construe it to be defamatory of and concerning the plaintiff and, you must be clearly convinced by the evidence that such would be the construction. Further, even if you find that it would be so construed by the average lay person, in order to return a verdict for the plaintiff you must be clearly convinced by the evidence that the article was published by the defendants with the actual intention that it be construed to so charge the plaintiff or with reckless disregard as to whether or not it would be so construed and you must be clearly convinced by the evidence that the article contained a false statement of fact which was defamatory of the plaintiff.

Refused R  
W. H. Kay

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 22

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the city of Bay Minette Industrial Development Board and published in the Mobile Press on June 13, 1975 is defamatory of and concerning the plaintiff. The plaintiff claims, however, that defamatory charges of and concerning him are implied by the article. The defendants deny that such is implied by the article and also say that no such implication was intended by them. It is for you, the jury, to determine whether or not the average lay person reading the article would construe it to be defamatory of and concerning the plaintiff and, you must be clearly convinced by the evidence that such would be the construction. Further, even if you find that it would be so construed by the average lay person, in order to return a verdict for the plaintiff you must be clearly convinced by the evidence that the article was published by the defendants with the actual intention that it be construed to so charge the plaintiff, or with reckless disregard as to whether or not it would be so construed, and you must be clearly convinced by the evidence that the article contained a false statement of fact which was defamatory of the plaintiff.

*Referred  
W. J. Hearin*

JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. 23

The court instructs the jury that under the evidence in this case, no statement actually set forth in the article concerning the Captive County Road Program in Baldwin County and published in the Baldwin County Edition of the Mobile Press Register on December 18, 1975 is defamatory of and concerning the plaintiff. The plaintiff claims, however, that defamatory charges of and concerning him are implied by the article. The defendants deny that such is implied by the article and also say that no such implication was intended by them. It is for you, the jury, to determine whether or not the average lay person reading the article would construe it to be defamatory of and concerning the plaintiff, and you must be clearly convinced by the evidence that such would be the construction. Further, even if you find that it would be so construed by the average lay person, in order to return a verdict for the plaintiff you must be clearly convinced by the evidence that the article was published by the defendants with the actual intention that it be construed to so charge the plaintiff or with reckless disregard as to whether or not it would be so construed, and you must be clearly convinced by the evidence that the article contained a false statement of fact which was defamatory of the plaintiff.

*Refused*  
*W. J. Hearin*

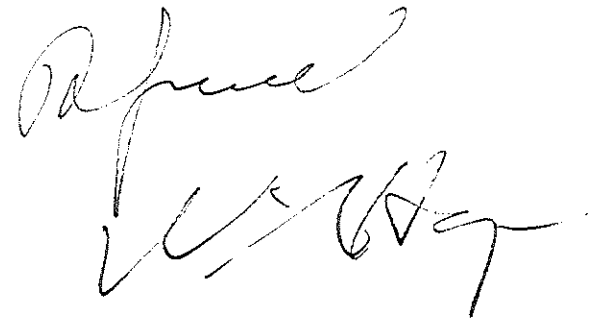
JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. 24

The court instructs the jury that the first and fourteenth amendments to The Constitution of the United States protect freedom of discussion and freedom of the Press. Those constitutional provisions are applicable to this case. The matters reported in the defendants' articles were of legitimate and general public interest and concern, which the defendants had a constitutional right to report and which the public had a right to know. The plaintiff had made himself a public figure or public official by voluntarily taking part in such matters of public interest and concern. As a result, all of the facts reported with respect to the plaintiff's association and involvement with the City of Bay Minette Industrial Development Board, Bay Minette Mills, Inc., the Bay Minette Infirmary, the Captive Road Program, the County Commission, <sup>and</sup> the state legislature were matters of legitimate public interest which defendants were constitutionally entitled to report. In order for the defendants to be held liable on account of anything said in the articles with respect to the plaintiff you must be clearly convinced by the evidence in this case that the articles contain a statement of fact of and concerning the plaintiff which is false in a material respect and you must further clearly be convinced by the evidence in this



case that such a false statement was defamatory of the plaintiff, and you must further be clearly convinced by the evidence in this case that such false and defamatory statement of fact was published by the defendants with knowledge of its falsity or with reckless disregard of whether it was false or true.

A handwritten signature in cursive script, appearing to read "R. J. [unclear]". The signature is written in dark ink and is located on the right side of the page.

JIMMY FAULKNER vs. THE MOBILE PRESS  
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DEFENDANTS' REQUESTED CHARGE NO. 28

The court instructs the jury that the plaintiff has failed to prove that the articles of which plaintiff complains damaged the plaintiff's reputation.

a  
Reframed  
W. L. Key -

JIMMY FAULKNER vs. THE MOBILE PRESS  
REGISTER, a corporation and W. J.  
HEARIN, Civil Action No. 13,536

DEFENDANTS' REQUESTED CHARGE NO. 29

The court instructs the jury that if you return a  
verdict for the plaintiff in this case, you cannot award  
the plaintiff any damages other than nominal damages.

<sup>R</sup>  
Refused  
W. H. H. -