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Gibson Dunn Helps Secure Preliminary Injunction Quashing Texas AG's Investigation into Media Matters

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In a sweeping victory for speech rights against overreach by state officials, Gibson Dunn and Elias Law Group convinced a D.C. federal court to enjoin an investigation by Texas Attorney General Ken Paxton into Media Matters, a non-profit research and information center that reports on misinformation and political extremism in the U.S. media. On November 16, 2023, Media Matters published a post reporting that ads for Apple, Bravo, IBM, Oracle, and Xfinity were showing up next to antisemitic content on X (formerly Twitter). In response, X's owner Elon Musk posted that he would bring a "thermonuclear lawsuit" against Media Matters, filing suit on November 30, 2023 in the Northern District of Texas—despite Media Matters being located in Washington, D.C. Virtually simultaneously, Texas AG Paxton opened an investigation of Media Matters for potential fraudulent activity in violation of Texas's Deceptive Trade Practices Act (DTPA). Invoking the DTPA's authority, Paxton served a broad and intrusive Civil Investigative Demand (CID) upon Media Matters, seeking a broad array of records relating to Media Matters's reporting, funding, and reporter and editorial communications—despite Media Matters's lack of any relevant connection to Texas. Gibson Dunn and Elias Law Group sought a preliminary injunction in the D.C. federal court, arguing that Paxton lacked jurisdiction to issue and enforce the CID, that the CID was a retaliatory action for speech in violation of the First Amendment, and that the overbroad document requests violated D.C. and Maryland reporters' shield laws. Enforcement of the CID had chilled and would further chill Media Matters's core First Amendment-protected speech, the motion argued, and was a direct assault on its newsgathering function. The United States District Court for D.C. ruled in favor of Media Matters, issuing a preliminary injunction enjoining Paxton and his office from enforcing the CID. The court ruled that it had personal jurisdiction over Paxton under D.C.'s long-arm statute, that Media Matters had suffered cognizable First Amendment injury, that D.C. was the right venue, and that plaintiffs have proven a likelihood of success on the merits, noting that the threat of administrative intrusion into the newsgathering process would likely deter protected speech and undermine newsgathering and reporting in violation of the First Amendment. The victory sets valuable precedent for journalistic outfits and other entities targeted by overreaching out-of-state AGs, allowing them to fight back without having to submit to the jurisdiction of the AG's home state. The Gibson Dunn team includes partners Ted Boutrous (Los Angeles), Amer S. Ahmed (New York), Anne Champion (New York), and Jay Srinivasan (Los Angeles), as well as New York associates Iason Togias and Apratim Vidyarthi.

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