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Court strikes lawsuit against BANANAS!*

Press release:

Holding that the film Bananas!*, a "documentary on the topic of [Dole's] treatment of its workers and use of pesticides" was an exercise of the "right of free speech," a Los Angeles Superior Court today granted an anti-SLAPP motion filed by Swedish filmmakers Fredrik Gertten, Margarete Jangård and their production company WG Film, and struck the defamation complaint filed by Dole Food Company, Inc.

Although Dole had voluntarily dismissed the lawsuit a year ago after defendants filed the anti-SLAPP motion, the dismissal was "without prejudice" and the threat that Dole would reinstitute the action served to thwart the distribution of the film.

In granting the motion, the Court lifted the cloud over the film, holding that Dole's lawsuit was "what is commonly known as a SLAPP" (which stands for "Strategic Lawsuit Against Public Participation") that lacked "minimal merit." Indeed, the Court found that a "careful review of the film does not support Dole's assertions" in the complaint. The Court rejected Dole's contention that the "overall tone" and purported implications made in the film were defamatory, holding that the film accurately and fairly portrayed the events surrounding a trial that took place in Los Angeles in which Nicaraguan banana workers sued Dow Chemical and Dole for its use of a pesticide that causes sterility.

In addition to striking the lawsuit with prejudice, the Court ordered Dole to pay attorneys fees and costs in the amount of \$199,959.25. This ruling comes over one year after the filmmakers filed their anti-SLAPP motion and upholds the filmmakers' contentions that Dole's lawsuit had no merit.

"We are extremely happy and relieved with the Court's ruling after this year-long struggle" said director Fredrik Gertten. "Corporations such as Dole must respect freedom of speech and the freedom of the press. These conglomerates have unlimited resources available to them to get their messages out, while independent filmmakers who are under attack while trying to uncover the truth, have very limited means to defend ourselves. We are pleased that BANANAS!* can now reach a larger audience in the United States and that the important issues raised in the film such as human rights for farm workers in third world countries can continue to be discussed and debated."

"The Court's ruling is a complete vindication for my clients and their documentary"

said the filmmakers' lawyer, Lincoln Bandlow of Lathrop & Gage LLP in Los Angeles. ***"The fee award is particularly gratifying because it sends a very important message - to corporations who believe they can use their unlimited wealth and the sword of litigation to squelch speech with which they disagree - that there is a price to pay for such attacks. I'm very happy to tell my Swedish clients that the First Amendment is still alive and well in America."***

BANANAS!* is the non-fiction film centering on the issues surrounding the treatment of banana workers in Nicaragua and covers one of the many lawsuits filed by these workers against Dole and other companies regarding the adverse health effects suffered as a result of the use of the pesticide DBCP in banana fields. The film was screened in June 2009 at the Los Angeles Film Festival out of competition to sold out audiences even after Dole had tried to stop its screenings. BANANAS!* has gone on to win awards and accolades and to play to sold out audiences at over 50 film festivals throughout the world including the Berlin International Film Festival this past January. In addition, distribution rights have been sold to more than 15 countries worldwide. In the US, Oscilloscope Laboratories will distribute the film.

Downloads:

- [Anti-SLAPP ruling](#) » (November 17, 2010)
- [Anti-SLAPP hearing transcript](#) » (October 22, 2010)
- [Anti-SLAPP motion](#) » (September 10, 2009)

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