

# One Hundred Third Legislature - First Session - 2013

## Introducer's Statement of Intent

### LB498

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**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: March 14, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB498 adds the following provisions to Nebraska's libel statute:

Subsection (1) defines the terms "foreign defamation action" and "foreign defamation judgment."

Subsection (2) provides conditions under which a foreign defamation judgment is not conclusive. These conditions are modeled after the SPEECH (Securing the Protection of Our Enduring and Established Constitutional Heritage) Act passed by Congress and signed into law the President Obama in 2010.

Subsection (3) provides conditions under which a foreign defamation judgment is not recognized or granted comity.

Subsections (4)-(5) provide key tools for defendants against the enforcement of a foreign defamation judgment. Subsection (4) allows the defendant to bring a declaratory judgment action in district court for a declaration with respect to the liability of such person for the judgment and to determine whether the foreign defamation judgment should be deemed unenforceable. Subsection (5) allows the defendant to bring an action for injunctive relief against a foreign defamation action under certain conditions.

Subsection (6) outlines the boundaries of the court's personal jurisdiction for the purposes of rendering a declaratory judgment or injunctive relief.

Subsection (7) states that the court cannot sustain a dilatory exception of *lis pendens* subsequent to the foreign defamation action.

Subsection (8) describes where an action for declaratory judgment or injunctive relief can be brought for the purposes of this section.

**Principal Introducer:** \_\_\_\_\_

**Senator Lydia Brasch**