



Written by [James Murphy](#) on March 10, 2024

Steyn Set to Appeal Verdict in Defamation Case Against Michael Mann

Writer and conservative television and radio personality Mark Steyn has filed an appeal of the controversial decision against him in a defamation case brought by Michael Mann, the creator of the widely discredited “hockey stick” graph that featured so prominently in Al Gore’s fantasy film *An Inconvenient Truth*.

The DC court, helmed by Judge Alfred Irving, ruled in favor of Mann, awarding the scientist \$1 in compensatory damages and \$1 million in punitive damages from Steyn. Fellow defendant Rand Simberg was also found to have defamed the climate scientist, but his penalty was far smaller, only \$1 in compensatory damages and \$1,000 in punitive damages.



AP Images
Michael Mann

In 2021, the entities who published the alleged defamation — the Competitive Enterprise Institute and *National Review* — were found not liable for any defamation.

Writer Amy K. Mitchell [referred to the verdict](#) as “a bad day for America.” She wrote: “The precedent set today ... means that disagreement and/or criticism of a matter of public policy — the founding principle of this country — is now in doubt. And should you choose to give voice to any dissent, you can [be] brought before a jury, held responsible, and fined.”

On Friday, Steyn filed a [stay of execution](#) of the \$1 million award, arguing that “the \$1,000,000 punitive damage award is unlawful for numerous reasons”; a motion for judgment as a matter of law ([JMOL](#)); and a motion for a [new trial](#), arguing that Mann gave false testimony during the trial, that his lawyers elicited that false testimony, and that those attorneys used “highly improper and prejudicial jury arguments.”

Among other things, Mann’s attorneys compared Steyn and Simberg to Donald Trump and the January 6 rioters, which is especially ironic since one of Mann’s main complaints was that the defendants compared Penn State University’s (Mann’s former employer) investigation of Mann’s hockey stick graph with the university’s hapless investigation of convicted child molester Jerry Sandusky.

STEYN: “The law states closing arguments “must not be used to inflame the minds and passions of the jurors so that their verdict reflects an emotional response”

— Phelim McAleer (@PhelimMcAleer) [March 9, 2024](#)

While the case was supposedly about defamation, Mann’s attorneys repeatedly brought up climate



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change and how “these attacks on climate scientists have to stop,” for which the court admonished Mann’s attorneys.

Steyn contends that the actions of Mann’s attorneys argued for a new trial. “Counsel’s highly improper argument that ‘these attacks on climate scientists have to stop’ requires a new trial to avoid a miscarriage of justice.”

In a [statement](#) after the verdict, Mann said he hoped it would send a message to those who would criticize climate scientists: “I hope this verdict sends a message that falsely attacking climate scientists is not protected speech.”

But Steyn pointed out in his [motion for a new trial](#) that “sending a message” is something that attorneys are forbidden from asking juries to do:

The Court of Appeals “has stated repeatedly that an attorney must not ask a jury to ‘send a message’ to anyone.” *Bowman v. United States*... This is the law for good reason: “Juries are not in the message-sending business. Their sole duty is to return a verdict based on the facts before them.”

Steyn’s request for a new trial went on: “Telling the jury ‘these attacks on climate scientists have to stop’ was a forbidden send-a-message argument.”

Also at issue is the astounding \$1 million in punitive damages against Steyn, even though the compensatory damage was only assessed at \$1. The [motion for judgment](#) states:

“Under the law of the District of Columbia, one cannot receive punitive damages if only nominal damages are sought and awarded.” *Unidisco, Inc. v. Schattner*... In the District, “a verdict assessing punitive damages can be returned only when there is also a verdict assessing compensatory or actual damages.”

Simberg, who was only dinged \$1,001 for his supposed defamation of Mann, also appealed the ludicrous verdict.

“We think this is a very important case for First Amendment freedoms, and even though the verdict was only for \$1,001 and we prevailed on half of the statements, the underlying principles in this case merit pursuing an appeal,” [said Simberg attorney Mark DeLaquil](#).

“We’re in a lot of trouble if people can be held liable just because they disagree with a government report,” he added, referencing the inclusion of Mann’s research in a 2001 UN report.

Michael Mann and all climate zealots envision a world where others simply acquiesce to their pronouncements and never ask any questions about how they arrived at their fanciful conclusions of climate disaster. If this ridiculous verdict is allowed to stand, Mann is on his way to getting his wish.



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