

NEWS RELEASES

PUBLISHED: APRIL 10, 2012

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Husch Blackwell Client Vertis Dismissed Without Prejudice in Case Against Michael Jordan as Plaintiff

Argument Involved Free Speech vs. Commercial Speech

Husch Blackwell has successfully defended its client Vertis Inc. in a case where Michael Jordan sued for violating his right of publicity, among other claims, and sought more than \$10 million in damages.

On Sept. 11, 2009, Michael Jordan was inducted into the Naismith Memorial Basketball Hall of Fame. *Sports Illustrated* published a commemorative issue that was distributed in Chicago, home of Jordan's Chicago Bulls team, and other areas of the country. Among other distribution outlets, the commemorative issue was made available in Jewel-Osco Food Stores, a Chicago-area grocery chain. Time Inc., the parent company of *Sports Illustrated*, offered Jewel-Osco a free full-page advertisement in the magazine.

Husch Blackwell's client Vertis — a third-party defendant in the case — is an advertising company that produced Jewel-Osco's advertisements, including its weekly grocery circulars. Jewel-Osco representatives contacted Vertis and asked it to create a Jordan tribute piece for the commemorative *Sports Illustrated* issue. The piece contained the number 23 (Jordan's player number) and Jordan's name, which led to his lawsuit.

Husch Blackwell Kansas City Partner Bill Corum, Kansas City Partner Patrick Kuehl and Chicago Partner Sherry Rollo received the ruling in the U.S. District Court for the Northern District of Illinois. District Judge Gary Feinerman first ruled that the tribute was non-commercial speech protected by the First Amendment, then subsequently dismissed all of Jordan's claims.