

St. Louis judge largely favors Georgia poll workers in court wrangling with The Gateway Pundit

A St. Louis Circuit judge has ruled that The Gateway Pundit, the far-right conspiracy website owned by James Hoft, must provide much of the information his accusers have been seeking for six months in their defamation suit against him.

Judge Jason M. Sengheiser sided largely with attorneys for the two Georgia poll workers, Ruby Freeman and Wandrea Moss, who sued The Gateway Pundit for repeatedly falsely accusing them of having cheated against President Donald J. Trump in their vote counting. The Gateway Pundit's accusations continued long after they were refuted by Georgia voting authorities and led to death threats and other harassment against the two women, who are mother and daughter.

Judge Sengheiser set Feb. 19, 2024—more than a year from now—as the date for the beginning of a five-day jury trial in the case.

The suit has drawn national attention as one of a handful across the country in which far right websites and news organizations including Fox News, One America News Network and others have been accused — in their reporting on alleged fraud in the 2020 election — of topping the very high bar that protects media organizations from libel judgments involving public officials. That bar is proof of “actual malice” or reckless disregard for the truth.

Advocates for these plaintiffs see an opportunity to punish some of the most egregious purveyors of misinformation. They notched their first big victory recently by obtaining nearly

\$1.5 billion in judgments against Alex Jones, the host of the InfoWars podcast and website, in connection with his coverage of the 2012 massacre at Sandy Hook Elementary School in Connecticut.

Some observers, however, fear that more such judgments in defamation cases could lead to a weakening of the protections offered even to traditional media by the First Amendment. And conversely, if the defendants largely escape unharmed, purveyors of misinformation could be emboldened even further.

The Gateway Pundit and its owner, Jim Hoft, are based in St. Louis.

As the GJR [reported](#), Sengheiser conducted a hearing Dec. 15 where he heard arguments in the wrangling over pre-trial discovery in the case against The Gateway Pundit. The lawyers for Freeman and Moss said the defendants – who also include Jim Hoft’s identical twin brother, Joe, a contributor to The Gateway Pundit – had not produced a single shred of the non-public information they had sought since they had begun asking six months earlier. They essentially accused the defendants of having been deliberately uncooperative and asked for the judge to order them to pay for their fees in seeking their cooperation.

The defendants responded that many of the requests were “unduly burdensome and wildly inappropriate.” They asked the Judge to have the plaintiffs pay for their legal fees.

Sengheiser didn’t pick a winner in the dispute over the legal fees, allowing each side to pay for its own. And he sided with the defendants in a few respects.

For example, he said the lawyers for the two women had indeed been “unduly burdensome” with their initial sweeping request for Google Analytics information that would shed light on the popularity and profitability of The Gateway Pundit’s stories accusing the two women. But he noted that the plaintiffs’

lawyers had also made a more limited request for Google Analytics information, and he ordered the defense to comply with that.

Moreover, Judge Sengheiser ruled that most of the plaintiffs' discovery requests had not been "unduly burdensome," or vague, overbroad, ... or irrelevant," as The Gateway Pundit's lawyers had asserted. He ordered the defendants to answer them.

In addition, the lawyers for The Gateway Pundit had claimed they shouldn't have to answer many of the requests because the Hoft brothers, they said, are reporters and have the right to protect their sources. The judge, citing legal precedent, said the defendants didn't have the right to such blanket protection without providing information that, "without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection." He ordered The Gateway Pundit to prepare "a privilege log" listing the materials they claim are privileged to enable Plaintiffs to assess the applicability of the claimed privilege.

"The Court notes that the reporter's shield privilege is not an absolute privilege in Missouri and that Defendants may be ordered to produce documents withheld under this privilege, potentially following an evidentiary hearing," Sengheiser ruled.

The judge ordered the defendants to comply with his order within 20 days.

Matt Ampleman, an attorney with Dowd Bennett, the St. Louis law firm that is part of the legal team for the two women, had no comment. John C. Burns, the St. Louis attorney representing The Gateway Pundit, couldn't be reached immediately.

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investigative [report](#) earlier this year for GJR on the involvement of St. Louis Republican officials in the election denial myth.