

Panel Says 'Shock Jock' Can Sue College for Defamation

By Laura Ernde
Daily Journal Staff Writer

A former "shock jock" at a college radio station can sue the school and its general counsel for defamation after he drew fire on campus for his on-air rants, an appellate court ruled Tuesday.

A three-judge panel of the 2nd District Court of Appeal reversed a lower court's ruling dismissing the lawsuit by Jason Antebi, who graduated from Occidental College in Los Angeles in 2004. *Antebi v. Occidental College*, B186951.

After Antebi's on-air rants caused a stir on campus, general counsel Sandra Cooper allegedly yelled at him in a public hallway, calling him a "racist," "sexist," "misogynist," "anti-Semite," "homophobe," "unethical" and "immoral" "trash," according to his complaint.

For that, Antebi can sue for defamation, according to the unanimous opinion by a three-judge panel.

Antebi's show included "political satire, parody, provocative humor, and mockery of people of every size, religion, gender, or political affiliation," the opinion said.

The panel ruled that Los Angeles County Superior Court Judge Jane Johnson was correct in throwing out the rest of Antebi's claims of discrimination and invasion of privacy because he failed to exhaust his appeals at the administrative level before going to court.

Costa Mesa attorney Christopher W. Arledge, who represents Antebi, said the panel's decision was only a partial win for his client.

Arledge said he believes the court erred when it ruled in the

published portion of the opinion that Antebi was not protected by "the Leonard Law."

The panel said the law, a 1992 statute named for its author that seeks to ensure First Amendment rights for private school students, doesn't apply to Antebi because he had already graduated and was no longer a student.

"This leaves a gaping hole in the Leonard law. The court just opened up a giant loophole that colleges are going to take advantage of," said Arledge, who said he may request that the state Supreme Court hear the issue.

Arledge said he can't understand why Occidental is fighting against the First Amendment rights of a student, which seems to run contrary to the college's mission.

"I don't know why they're not willing just to let free speech reign. That's disappointing to me," he said.

Occidental spokesman Jim Tranquada said he couldn't comment because attorneys for the college had not yet reviewed the appellate opinion. Cooper was unavailable for comment Tuesday, he said.

Antebi used his show on the college radio station to fire back

against three students who had published statements that he was racist and an anti-Semitic. The students filed separate sexual harassment claims against him, and the school's dean of students removed him from the show.

Antebi is now working as a producer for Ken Gallacher's political talk show on KFI-AM in Los Angeles, Arledge said.