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Discovery Beats Defamation Lawsuit as Judge Ponders What's True in "Reality" Television



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Cody Lundin sued over his final episode on 'Dual Survival.'

footage to make him look mentally unstable. On Friday, a federal judge in Arizona took a look

Discovery Communications has finally prevailed in a lawsuit brought by Cody Lundin, one of the original co-hosts on *Dual Survival*, who alleged his departure prompted producers to deceptively edit

at the episode of the series in question before coming to the conclusion that some scenes were "completely factually accurate while others were only substantially true."

Then again, we're talking about reality television. In any event, there was nothing actionable, according to U.S. District Court Judge Roslyn Silver.

The case was hardly an easy one for Discovery as earlier this year, Silver [wouldn't allow the "assumption of risk" section of Lundin's talent agreement to foreclose his defamation claims.](#)

So, the case got to the summary judgment stage, where each side attempted to explain to Silver the show and the context behind allegedly fabricated scenes. The judge notes in the decision she had never until now seen an episode of *Dual Survival*, the Discovery Channel series about survival experts in challenging environments, nor had she heard of Lundin or his co-star Joseph Teti, who would continue to be featured on the show after Lundin was ousted.

What Silver lacks in familiarity, she makes up for in evidence presented to her. The judge uses it to rip the facade off of *Dual Survival*.

"In deciding whether Lundin was falsely and unlawfully portrayed, it is significant that the show more than just occasionally falsely depicted what was actually occurring," she writes. "For example, the show often portrayed the hosts as having little access to food and water. In reality, the hosts ate breakfast and dinner at 'resorts, hotels, [and] game lodges' while lunches were catered on location. In addition, one episode depicted Teti tracking and killing an allegedly wild boar. In truth, the show arranged to have a domestic pig tied to vegetation so Teti could easily locate and kill it. And another episode depicted Lundin and Teti as unexpectedly coming across a rattlesnake. That rattlesnake, however, was purchased and

transported to the filming location in a container. The rattlesnake was then placed in an area for Lundin and Teti to 'find.' Overall, *Dual Survival* lied 'to the show's audience about nearly all aspects of the so-called "reality" show and the characters on the show.'

Lundin's claims targeted an episode titled "Journey's End to a New Beginning," depicting his departure from the show. As the judge writes, the episode was structured around the fact that either Lundin or Teti would not continue on the show. The conflict between the two was played up — and Lundin alleges that the episode viewed as a whole depicted a "false narrative" of him "walking off the show in disgrace as a burned-out, irrational, incompetent and mentally ill has-been."

The judge spends time analyzing eight portions of Lundin's last episode filmed in Hawaii. In that episode, Lundin is shown throwing items that need to stay dry into a pool and cursing at Teti. A narrator comments that "nobody really knows exactly what happened," as Teti then adds, "I don't know, is he freaking dehydrated or just like had a complete brain fart. I don't know. It's unacceptable."

There's a cooling-off scene where the production is represented as being "down for two days." Afterwards, Lundin is shown standing in a pool of water, looking down, exclaiming "I'm [BEEP] looking for rubies. [BEEP] this [BEEP] show. I'm going to look for rubies."

Later, after Teti kills a rattlesnake in a scene filmed in New Mexico, Lundin is shown laughing for an extended period of time. Teti: "Cody's laughing. I'm like, what are you laughing at? This is not funny. This is a deadly venomous snake."

And so forth and so on.

The judge looks at everything and determines Lundin hasn't clearly articulated major misrepresentations of his character and that any discrepancies and exaggerations aren't enough to carry his defamation claims. Further, while Lundin clearly wishes the episode presented more context how his "looking for rubies" was a joke, among other objectionable scenes, the judge says producers caught the gist.

The full ruling is below.

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