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at MAY 1, 2014 by PHOENIXMETROPROPERTIES.COM in LOCAL-REAL ESTATE NEWS



An appeals court is considering whether an Arizona-based gossip Website should have been allowed to be sued for defamation by a former Cincinnati Bengals cheerleader convicted of having sex

with a teenager, AP reports.

Attorneys for both sides argued their case Thursday before the 6th U.S. Circuit Court of Appeals in Cincinnati. The court could rule any time.

Internet giants including Google and Facebook are watching the case to see how it may affect their immunity from many types of lawsuits under a federal Internet law passed in 1996.



Arizona gossip Website at center of cheerleader alleged defamation case

In 2012, former Bengals cheerleader Sarah Jones sued Nik Richie, the owner of thedirty.com, over posts about her sex life. In July, a jury found that Richie had acted with malice or reckless disregard, and Jones was awarded \$338,000.

**Statement by Chris Ingle:** "I have been following this case very closely. On one hand, I tend to root against these Websites that refuse to remove false and defamatory posts. On the other hand, as much as I want the cheerleader to win, I honestly cannot get behind the judge's finding that the name "The Dirty" is inherently defamatory in and of itself.

"In this particular case, the devil is in the details, as always. David Gingras is correct that under the Communications Decency Act of 1996, a Website cannot be held liable for what third parties post on the site. However, there is a difference between Websites that host only user-submitted content and Websites that add their own commentary. In this case, for example, Nik Richie admits that he added his own comments to the posts on the site. That takes him squarely out of the protection of the Communications Decency Act.

"The law exists to protect Websites from lawsuits over what other people post; it does not exist to immunize a Website owner for what he or she posts on their own site. The Communications

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Decency Act does not say that Websites cannot be liable for anything under any circumstances whatsoever, which is the result that Mr. Gingras is trying to obtain. The Dirty is essentially trying to get the benefit of the immunity law without actually complying with the requirements of that law.

"I predict that The Dirty loses this case again. They've lost it twice already."

If you'd like to discuss cyber law, contact Chris Ingle, chairman Rose Law Group Cyber-Law Department, [cingle@roselawgroup.com](mailto:cingle@roselawgroup.com)

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