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6th Circuit Court of Appeals Sides with Huddleston Bolen Client in Landmark Internet Case

< **Huntington, W.Va., June 13, 2014**> In a decision that has far-reaching implications for the companies who publish Internet content, the U. S. Court of Appeals for the 6th Circuit overturned a lower court ruling and found in favor of Huddleston Bolen’s client, the operator of a popular gossip website - TheDirty.com.

The case, *Jones v. Dirty World L.L.C.*, was a matter of first impression for the Sixth Circuit. The appeal required the Court to analyze and construe an important federal statute known as the Communications Decency Act of 1996 (CDA). The CDA was created to protect companies that publish Internet content, such as Facebook, Amazon, and TripAdvisor, from legal actions resulting from content created by third parties.

“The 6th Circuit’s decision protects the Internet as a medium to freely share information,” said Huddleston Bolen Partner, Alex Ward, who represented the website’s owner, Dirty World, and its founder Mr. Richie. “We have all come to rely on information provided by third party users to help us make informed decisions when we purchase a washing machine, book a hotel, or hire a contractor. We rely on the Internet for information about our communities, government officials, and others. All of this was in peril with the lower court’s ruling,” Ward said. “We are pleased that the rights of our client were upheld and that the right for all of us to read and share legal content on the Internet has been preserved,” he said.

In the case, Ms. Sarah Jones, a member of the Cincinnati Bengals, BenGals, cheerleading squad and High School teacher, accused the firm’s client of defamation, libel, “false light”, and intentional infliction of emotional distress resulting from unflattering posts made by a third party to the

website, thedirty.com. The posts alleged that Ms. Jones was promiscuous and had sexually transmitted diseases. The website enables users to anonymously upload comments, photographs, and video, which its operator, Nik Lamas-Richie, also a defendant in the case, selects and publishes.

The 6th Circuit's three judge panel unanimously overturned a lower court ruling in favor of Ms. Jones. In doing so, it affirmed the "material contribution test" used by other Circuit Courts to determine whether a website actually developed the improper content or simply published content created by others. The Test requires that the website be responsible for the elements which make the displayed content allegedly unlawful. In applying material contribution test to Jones, the Court found that while the website encouraged its followers to post content, it did not encourage or reward the posting of unlawful or defamatory content. Moreover, the Court found that the fact that Mr. Richie made minor edits to the posts, such as removing profanity, did not trigger liability as if he had actually developed the improper content. In its ruling, the Court also expressed frustration with the trial judge's refusal to allow the defendants to immediately appeal the court's decision.

David Gingras, co-counsel for the Defendant said, "Sarah Jones filed her lawsuit against Nik Richie and TheDirty back in December 2009. Since then, we have spent 4 ½ years fighting against a closed-minded judge who decided our fate before we even set foot in court. I cannot emphasize enough how frustrating and unfair that process has been....both for (Mr.) Richie and for (Ms.) Jones. Both sides deserved much more respect from the court.

When the trial judge rejected our legal arguments at the start of the case he had the option of allowing us to immediately appeal that decision. He refused, and as a result both sides have wasted nearly half a decade waiting to take the issue up to a higher court."

Huddleston Bolen LLP is a law firm with attorneys practicing in offices located in Huntington and Charleston, West Virginia and Ashland and Louisville, Kentucky. The firm, which traces its roots back to 1871, represents clients in many practice groups, including litigation, labor and employment, transportation, appellate, natural resources, health care, real estate, and banking and finance. For more information about Huddleston Bolen, visit the firm's website at www.huddlestonbolen.com.

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Background Material

[Ruling, U.S. Court of Appeals for the 6th Circuit](#)

[Amicus Brief Filed by the American Civil Liberties Union of Kentucky, the American Civil Liberties Union, Electronic Frontier Foundation, Center for Democracy & Technology, and the Berkman Center for Internet and Society](#)

[Alex Ward's Bio](#)

[David Gingras' LinkedIn Profile](#)