

## Former LSU Student Files Libel Claim Against

### Digital Media and Data Privacy Law Blog

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Posted in Internet

A former Louisiana State University student recently filed a libel complaint against the student newspaper, the *Daily Reveille*, its management staff, and several officials associated with the university for alleged defamatory comments about the plaintiff that were anonymously posted on the newspaper's website. The Student Press Law Center provides a link to the amended complaint in a story about the lawsuit and also reports that the lawsuit has been dismissed in this follow up article.

The amended complaint alleged that the editor-in-chief and managing editor of the *Daily Reveille* "maintain control over approval and disapproval of all comments made" on the newspaper's website. The plaintiff pointed to four different allegedly libelous comments by anonymous posters published on the website. The *Daily Reveille* apparently published a news story in print and online concerning the filing of the lawsuit, which prompted the plaintiff to amend his complaint to include claims that the *Daily Reveille's* coverage of the lawsuit "leads readers to believe that a possibility exists that the comments" identified as being libelous in the complaint "were indeed facts."

The LSU case was an interesting twist on the pattern of anonymous Internet speech cases that we have reported on several times. For example, we recently wrote about [Independent Newspapers, Inc. v. Brodie](#), in which the Maryland Court of Appeals (the state's highest court) ruled that anonymous posters to an Internet news web site were protected by the First Amendment from having their identities disclosed to a civil litigant. Like the LSU case, [Independent Newspapers](#) involved a defamation complaint concerning anonymous posts to a news website. But, unlike [Independent Newspapers](#), the plaintiff in LSU sought to hold the newspaper (and university officials) responsible for the allegedly defamatory content. In [Independent Newspapers](#), the plaintiff sought to compel the newspaper to reveal the posters' identities through third-party discovery—the lawsuit was filed directly against the anonymous poster.

The plaintiff in the LSU case faced an uphill battle to hold the *Daily Reveille* liable for the posts due to Section 230 of the Communications Decency Act. Indeed, according to the SPLC, the judge dismissed the lawsuit based on Section 230 immunity.

Section 230 provides that providers or users of "interactive computer services" are generally not to be treated as the publishers of third-party content, and most courts that have considered the issue have interpreted the law so that newspaper websites qualify as providers of "interactive

Former LSU Student Files Libel Claim Against University Newspaper and Officials

computer services.” Thus, a newspaper that provides online news is generally immune from liability for defamatory statements made by anonymous (or non-anonymous) posters on the newspaper’s website. For more information on Section 230, including illustrative cases and examples of how immunity may be lost, see the Citizen Media Law Project’s website.

As noted by a source in the SPLC article on the LSU case, the usual way for a plaintiff to attempt to recover for anonymous Internet speech is to file a John Doe lawsuit and seek to compel disclosure of the posters’ identities through third-party discovery, as in Independent Newspapers. The SPLC reports that the LSU student plans to pursue the anonymous posters directly now that his claim against the newspaper has been dismissed. Of course, federal and state law often stand in the way of such compelled disclosure as demonstrated by Independent Newspapers and other cases, including Beal v. Calobrisi from Florida recognizing the application of the state reporter’s shield law to anonymous posters’ identities, IP addresses, and other identifying information.