

Google Ordered to Reveal "Skank" Blogger

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A New York trial judge ruled recently that cover model Liskula Cohen was entitled to learn the identity of the anonymous author of the short-lived "Skanks in NYC" blog. Cohen claimed that the blogger had defamed her in August 2008 when the blogger wrote: "I would have to say that the first place award for 'Skankiest in NYC' would have to go to Liskula Gentile Cohen." The blogger later called Cohen a "psychotic, lying, whoring . . . skank."

The blog was hosted by Google, so in January, Cohen asked a judge to order Google to disclose the blogger's identity. A lawyer appeared for the blogger, identified in court documents as "Anonymous Blogger," and argued that the posts were not defamatory and therefore disclosure was not warranted.

In particular, the attorney asserted that the statements were simply "non-actionable opinion and/or hyperbole" that no reader would interpret to be statements of fact. This is especially true, the blogger's attorney argued, in the context of the blogosphere where "loose hyperbolic" speech is ever-present.

The judge disagreed, holding that Cohen had satisfied her burden of showing a meritorious claim, especially because the speech at issue was linked to several "sexually provocative" pictures of Cohen. The comments, when read together with the pictures, "convey 'facts' that are capable of being proven true or false." Specifically, the blog posts can reasonably be read to say that Cohen was sexually promiscuous, which can be defamatory if it is false.

After the ruling, the blogger's identity was revealed in media reports to be a woman angry about things Cohen allegedly said to the woman's boyfriend. According to the New York Post, Cohen initially filed a \$3 million defamation suit against the woman, but quickly decided to drop it.