

Litigation Alert - Reputational Recovery

March 17, 2015

Landmark UK Judgment Against Author of False Online Review

When Google users searched for The Bussey Law Firm, P.C., they would not be able to miss a scathing review calling Mr. Bussey a “scumbag” who “loses 80% of his cases.” Discovery revealed the disgruntled “client” to be a 20-year-old young man named Jason Page, who was living with his parents in Telford, England. Mr. Page had no relationship with the law firm and may have been paid to post the negative review. Whether a defamatory review is the work of a competitor or an Internet troll using a computer in his parent’s home, the damage from a reputational attack can be devastating. There are concrete steps available to affected companies and individuals to protect their reputation from such anonymous attacks.

Background

On January 27, 2012, a Google user identified as “Jason” described Timothy Bussey as a “scumbag” who “pays for false reviews [and] loses 80% of his cases.” The review appeared any time a user searched for the law firm on Google Maps. The firm found no record of any dissatisfied client named Jason. Less than two months after the offending review was posted, the firm sued “John Doe, whose true name is unknown” for defamation in the U.S. District Court for the District of Colorado.

On March 26, 2012, the firm served a subpoena duces tecum on Google at its headquarters in Mountain View, California. Google produced responsive records indicating that the author of the review was an individual named Jason Page of Telford, England.

The firm sued Mr. Page for defamation in London’s High Court of Justice. The defendant claimed his account was hacked. Citing the sophisticated security measures in place, the court stated that the “overwhelming probability” was that Mr. Page wrote the review. On March 6, 2015, the court ordered Mr. Page to pay £100,000 in damages and costs, reportedly the largest amount ever awarded by a U.K. court for online defamation.

Analysis

The case highlights the power of strategic litigation to identify an anonymous threat. Internet Service Providers (ISPs) can help neutralize and identify an anonymous online threat, but it usually takes a court order to get the ISP’s attention. In this case, Google initially refused to remove the offending review for approximately one year and declined to provide information that would identify the user. The lawsuit in federal court unlocked the discovery tools that ultimately led to the identification of Mr. Page. Once the defendant was identified, the ISP took down the review. With the facts in hand, the firm was able to go on offense against an anonymous threat typed on a computer halfway around the world by a troll who thinks the Internet allows him to hide.

The full U.K. opinion is available [here](#).

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