

Publications

Internet Defamation Removal and the Known Defamer: How Knowing the Identity of a Defamer Changes the Court Order Technique

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Whitney C. Gibson

Colleen M. Devanney

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Defamatory content posted online can significantly harm the reputation of a business or individual, especially when it is listed among top search engine results. In general, accuracy is irrelevant to search engines, as their respective search results are organized by relevancy and not quality. Thus, false information can spread just as easily as legitimate complaints or criticisms. Fortunately, internet defamation victims are not without recourse.

In order to minimize the harm caused by defamatory statements posted online, it is critical to remove damaging content as quickly and inexpensively as possible. One strategy involves threatening legal action to be taken if the harmful information is not removed, subject to a website's policy (other posts have made clear that some websites are not as cooperative than others, including those that do not allow users to edit or remove content). Other techniques include getting internet service providers to pressure the defamer, as well as getting cooperation from website owners or hosts.

In other cases, defamatory content can be removed after obtaining a court order and submitting it to the website. Many websites will honor these court orders and remove defamatory information. A court order can be obtained by suing the defamer, a course of action that depends on whether the identity of the defamer is known.

This court order approach has been addressed in other posts, although specifically discussed in the context of identifying anonymous defamers (such as on [Yelp](#) or [Craigslist](#)). If the identity of the defamer is known, the individual can be named in the complaint. After being served with a lawsuit, the defamer will often agree to a stipulated court order to remove the defamatory material. Alternatively, he or she may not answer the complaint and a default judgment can be obtained.

The length of time it takes to remove the content also depends on whether the identity of the person posting false statements is known. If the defamer's identity is known, the content can typically be removed in less than eight weeks. In some instances, it can be as short as a

single week. This largely depends on how cooperative the defamer is, whether the defamer answers the complaint, and if the defamer attempts to claim that the statements are actually true.

In contrast, when the defamer's identity is anonymous, it may take up to three months just to identify that person through the subpoena process.

Attorneys can also obtain temporary restraining orders or preliminary injunctions to stop someone from defaming or otherwise harassing a business or individual.

For more information, contact Whitney Gibson at 855.542.9192 or wcgibson@vorys.com. Read more about the practice at <http://www.internetcrisesattorneys.com/>