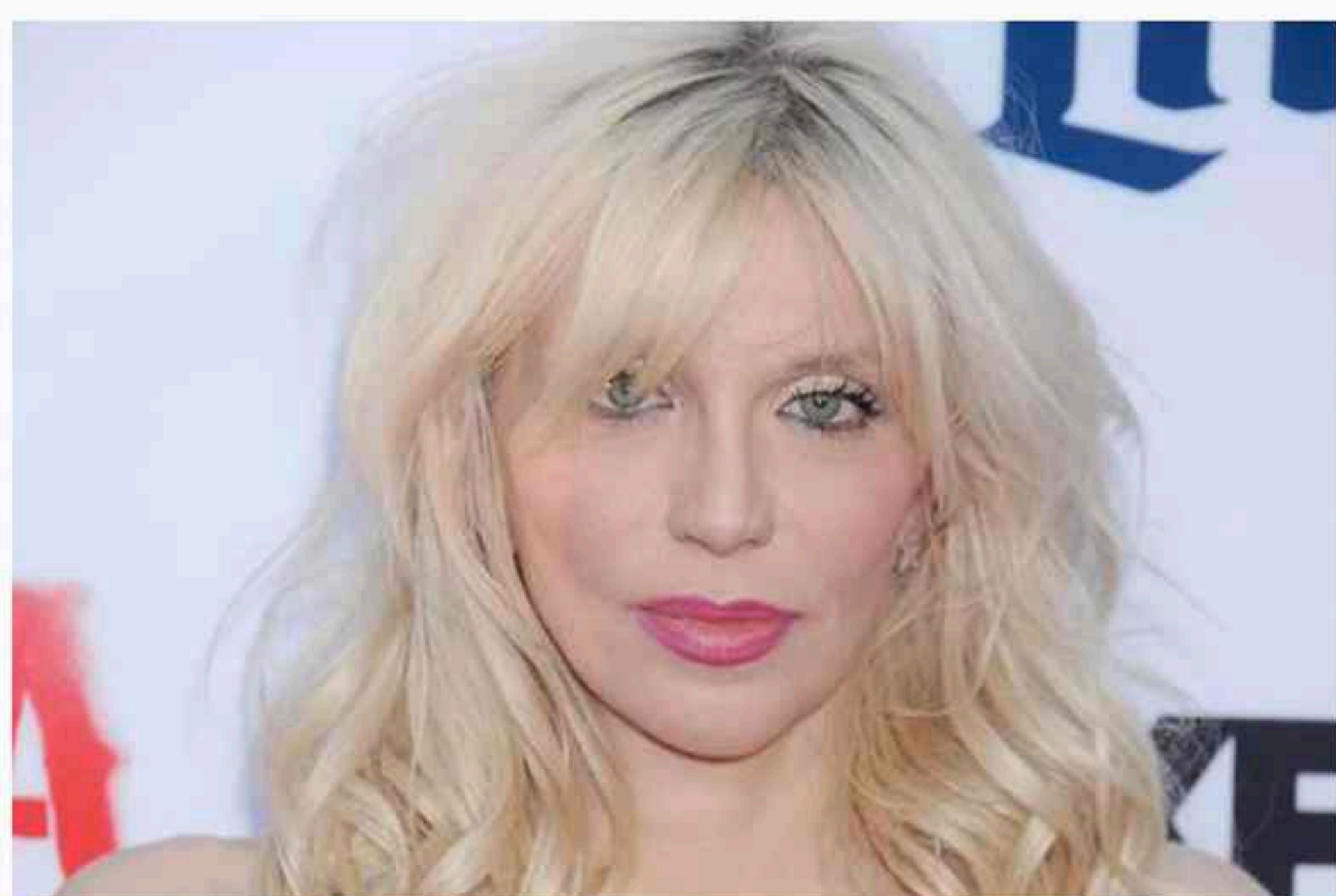


Courtney Love Fails to Thwart Defamation Lawsuit

CULTURE | By Travis Reilly on February 26, 2015 @ 4:03 pm

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The singer doesn't have the following of Marlon Brando, says the judge, calling her claim "self-serving and factually shallow"

Courtney Love's attempts to dismiss her defamation lawsuit were thwarted on Thursday, when an appellate judge ruled the entertainer could indeed be sued, as she was less popular than Marlon Brando and her case lacked First Amendment implications.

Dawn Simorangkir, the plaintiff in the lawsuit, is a fashion designer who goes by the nickname "Boudoir Queen," and this is the second lawsuit she has levied against Love.

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Simorangkir successfully sued the former Hole frontwoman for Twitter-based (a.k.a. "Twibel") defamation in 2011 to the tune of \$430,000, after the singer had called her a prostitute and drug pusher on the popular social media platform. The new case stems from comments Love made in 2014 on Pinterest and during an interview on "The Howard Stern Show."

The singer and recurring star of Fox's "Empire" filed an Anti-SLAPP motion — based around a California law protecting the petition and free speech rights of the state's residents — hoping to have the new lawsuit dismissed. But on Thursday the Court of Appeal of the State of California ruled that Love wasn't actually covered under that statute.

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In 2004, Marlon Brando's housekeeper, Blanche Hall, sued producers of a TV show examining the actor's will, which named her as a beneficiary. The court eventually ruled against her, deciding that the TV producers were protected by free speech as Brando's probate was in fact an issue of widespread public interest.

Judge Allan Goodman cited the Brando case in Thursday's ruling, but ultimately decided Love did not fit the bill.

"Nothing in the record in this case suggests that defendant has the public interest or following that Brando had; the only evidence in the record is her self-serving and factually shallow claim, coupled with a profession of celebrity by one of her lawyers. Nor is there is any socially important implication in this case akin to that presented by Brando's gift to his housekeeper to the exclusion of his heirs at law," Judge Goodman wrote.

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Love's legal team argued that her comments should be protected from litigation because they somehow enrich the conversation surrounding freedom of expression, but the judge was unconvinced.

"Defendant in this case contends that her comments on the 'Howard Stern Show' and on the internet have a relationship to the public interest in that they foster debate about the scope of freedom of expression on the internet and in other public fora," he continued. "Yet, defendant presented no admissible evidence that any such debate followed either her appearance on the Howard Stern show or after her Internet postings."

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Simorangkir's attorney Bryan Freedman told TheWrap he was pleased with the outcome: "Our client is thrilled that the court of appeal ruled in her favor and looks forward to going to trial and proceeding onward against Ms. Love. Courtney Love's conduct has become an annuity for our client and our firm. We are thrilled at the court's ruling."

Love's attorney, meanwhile, stressed the dismissal of the anti-SLAPP motion has no affect on any potential liability.

"The appellate court's ruling is in no way a determination of liability on the underlying defamation claims. In cases such as this that deal with first amendment issues, it is common to file anti-SLAPP motions at the outset. The real case has not even begun yet, and Ms. Cobain looks forward to the opportunity to defend herself before a fair and impartial jury, as she has successfully done on prior occasions," Richard Dongell, of Dongell Lawrence Finney LLP, said.

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Previously, Love was sued for Twitter-based libel after tweeting out comments at her former attorney Rhonda Holmes, which the lawyer said damaged her reputation. However, the entertainer was cleared after the courts decided she had not acted with malice.

Pamela Chelin contributed to this report.