

## TECH

# The Report: Celebrity Tweets on Trial

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## Courtney Love heads to court for the first-ever defamation showdown over Twitter rants.

Courtney Love was very upset. The firebrand rocker had been locked in a dispute with **Dawn Simorangkir**, a fashion designer who was demanding payment for a few thousand dollars worth of clothes.

So on March 17, 2009, Love took to her Twitter account and began hurling a stream of shocking insults at the designer known as the “Boudoir Queen.” Love’s tweets, which instantly landed in the Twitter feeds of her 40,000 or so followers (and countless others via retweets), announced that Simorangkir was a drug-pushing prostitute with a history of assault and battery who lost custody of her own child and capitalized on Love’s fame before stealing from her. “She has received a VAST amount of money from me over 40,000 dollars and I do not make people famous and get raped TOO!” Love wrote.

That tirade, along with others the Hole frontwoman unleashed on social media platforms including MySpace and Etsy.com during the next four days, form the basis of a unique lawsuit headed to court in January: the first high-profile defamation trial over a celebrity’s comments on Twitter.

“There has never been anything like this case before,” says Simorangkir attorney **Bryan Freedman**, who will attempt to convince a Los Angeles jury that Love’s false statements destroyed his client’s fashion career, thus entitling her to potentially millions of dollars in damages.

In an age when public figures from **Kanye West** to **Ryan Seacrest** communicate influential messages to thousands — sometimes millions — of followers on social platforms, the Love case raises the question of whether celebrities, like the news media, should be liable for what happens if they intentionally put untrue and damaging statements in front of their loyal readers.

“We don’t believe there’s any defamation, and even if there were defamatory statements, there was no damage,” says **James Janowitz**, an attorney for Love.

A key to the case, say First Amendment lawyers, could be whether an average Twitter user would interpret Love’s vicious tweets as facts rather than merely her opinion.

“I’ll be interested to see if the court gives people posting on Twitter more latitude than other media,” says **Alonzo Wickers**, a defamation expert who has handled matters for such media clients as Comedy Central and TMZ. “The way Twitter is evolving, it seems to be more of a means to express opinion. I would hope courts give tweets the same latitude as they do an op-ed piece or a letter to the editor.”

To aid her case, Simorangkir plans to call to the stand **Jessie Stricchiola**, a social media expert who was tasked with studying how many people saw the Love rants and what kind of credibility is given to statements made on a casual forum like Twitter. Stricchiola will report her findings at trial.

Love, who is scheduled to testify in court, already gave a deposition in the case, during which she argued that she was only repeating in her tweets what she had heard from Simorangkir herself. (Simorangkir denies truth in any of Love’s tweets.) She did acknowledge Love’s influence as a fashion icon, of sorts, and Simorangkir plans to use those statements at trial to demonstrate that Love was enough of a trendsetter to effectively kill her reputation. In addition, e-mails and phone calls made by Love to Simorangkir in the aftermath of her Twitter rampage, some of which purportedly exhibit remorse about the comments, will be introduced to jurors.

Love’s attorneys have their own witnesses, including a medical expert who plans to testify that even if Love’s statements were untrue, her mental state was not “subjectively malicious” enough to justify the defamation lawsuit.

That claim — something akin to an insanity defense for social media — suggests that Twitter was so appealing and addictive for Love that she had no appreciation for how the comments she posted would be received by others.

The trial is scheduled to begin Jan. 18 in Los Angeles.