

Corporate & Financial Weekly Digest

July 8, 2011 by [William M. Regan](#)

Facebook Profile Subject to Discovery

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The U.S. District Court for the Middle District of Pennsylvania recently considered whether information contained within a party's Facebook account is properly subject to discovery.

The case arose from a November 2008 car accident that, according to the plaintiff, caused severe injuries limiting his ability to sit, walk, stand, bend, stoop, push, pull and lift. Plaintiff specifically claimed that he could not drive for any period of time and was physically limited with regard to riding his bicycle or motorcycle. In addition, Plaintiff alleged that the accident caused decreased sociability and lack of intimacy.

Defendants requested information from plaintiff's social media accounts during discovery. Both parties invited the judge to examine the plaintiff's Facebook profile to determine the extent to which information in the account was subject to discovery under Federal Rule of Civil Procedure 26(b)(1).

After an *in camera* review of the plaintiff's Facebook account, the court found that much of the information was irrelevant, but that postings suggesting that plaintiff engaged in certain activities subsequent to the car accident were discoverable. Specifically, the court found that various postings showing the plaintiff had taken post-accident motorcycle rides, mule rides and hunting trips were relevant and discoverable in light of plaintiff's impaired mobility claims. (*Offenback v. L.M. Bowman, Inc.*, 2011 WL 2491371 (M.D.Pa. June 22, 2011))

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