



## North Carolina Law Life

### Proposed Help for People who are SLAPPed.

By: Donna Ray Chmura. *This was posted Friday, June 4th, 2010*

You are excited, there's a new restaurant down the street that has a good buzz. You're going. You check in with [TriOutNC](#) when you get to the New Neighborhood Pizza Joint (NNPJ). You send a running commentary on your [Twitter](#) feed about your experience, and it auto-posts to your [Facebook](#) page:

7:03 p.m. At #NNPJ. Nice atmosphere. Friendly staff.  
7:13 p.m. At #NNPJ. Does anybody want to take my order?  
7:17 p.m. At #NNPJ. Anyone? Anyone?  
7:35 p.m. At #NNPJ. Grrr... strawberry margarita instead of rocks  
7:45 p.m. At #NNPJ. Salads here. Hardly worth the wait.  
7:52 p.m. At #NNPJ. H8 it when entrée arrives b4 salad finished.  
7:53p.m. At #NNPJ. Crust soggy  
7:53p.m. TwitPic of rubbery, congealed cheese.  
8:03 p.m. At #NNPJ. Where's the check?  
8:19 p.m. At #NNPJ. Anyone? Anyone?

You create a Facebook Page: *1,000 Durhamites Against NNPJ*. Four hundred people join in the next two weeks, and post their own bad experiences.

Then you are served with a defamation lawsuit claiming your online postings have hurt business and demanding \$50,000 in damages, plus attorneys fees.

What ever happened to freedom of speech? You have been [SLAPPed](#).

In many cases, online comments are protected opinions or true statements (and as such are not defamatory), but the subject of such criticism files meritless or frivolous lawsuits to try to punish the speaker and get the content taken down. These are known as Strategic Lawsuits Against Public Participation or SLAPP suits. About half the states have anti-SLAPP statutes, which allow a defendant to file a motion and stop the lawsuit until the plaintiff justifies the suit. North Carolina does [not](#).

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SLAPP suits were often used by government officials or businesses against people who wrote critical letters, gave testimony at public hearings or otherwise spoke up. With social media, however, comments that might have been made to a few people at the local watering hole are now public and permanent. Businesses have more incentive than ever to remove negative reviews or opinions, and [some](#) are using SLAPP suits to shut down online critics.

Congress is considering legislation to make it harder to file such a suit. A Federal anti-SLAPP [bill](#), modeled after the California anti-SLAPP statute, has been proposed by two Democratic congressmen, Steve Cohen of Tennessee and Charlie Gonzalez of Texas.

Under the proposed law, a defendant who believes he is the subject of a SLAPP suit can petition to have the case dismissed and have the plaintiff pay his/her legal fees.

For more articles about defamation, click [here](#).

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