



## Paper Chase 2.0: Posting Your Way to Personal Jurisdiction

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Web 2.0 litigation gives us Defendants with colorful names such as “AK47,” “A horse walks into a bar” and “:D”.

*Doe I v. Ciolli*, 2009 U.S. Dist. LEXIS 37625 (D. Conn. Apr. 30, 2009) is the tale of two female law students from Connecticut attending Yale Law School, who are suing thirty-nine pseudonymous names on a post-graduate admissions website (AutoAdmit.com). The students identified Defendant Matthew Ryan as “:D” from Texas, who brought a motion to dismiss for lack of subject matter and personal jurisdiction. *Ciolli*, 1-2.

“:D” lost.



AutoAdmit is a discussion board for post-graduate schools where people can post information pseudonymously. The Plaintiffs claimed they were the targets of defamatory, threatening, and harassing statements posted on AutoAdmit. *Ciolli*, 2.

The Doe Plaintiffs sued thirty-nine pseudonymous named Defendants for the following:

- (1) Copyright Infringement, 17 U.S.C. § 501;
- (2) Appropriation of another’s name or likeness;
- (3) Unreasonable publicity given to another’s life;
- (4) Publicity that places another in a false light before the public;
- (5) Intentional infliction of emotional distress;
- (6) Negligent infliction of emotional distress; and
- (7) Libel. *Ciolli*, 3.

The Copyright claim was a Federal Question, thus giving the Court jurisdiction over the case.

The issue of whether personal jurisdiction was proper required determining whether:

- (1) The conduct satisfies the requirements of the Connecticut long-arm statute, and
- (2) The conduct satisfies the “minimum contacts” requirement of the Due Process Clause of the Fourteenth Amendment. *Ciulli*, 11.

The Defendant argued he had never been to Connecticut, never done business, nor owned property, nor knowingly post information on websites in Connecticut or any other activity related to the state of Connecticut. *Ciulli*, 11-12.

The Plaintiffs claimed personal jurisdiction was proper because the Defendant committed a tort in Connecticut, because his “tortious conduct (online statements) were specifically targeted at victims he knew to be in Connecticut.” *Ciulli*, 13.

The Connecticut Long Arm Statute is satisfied when “a nonresident commits a tortious act within the state by sending a tortious communication into the state.” *Ciulli*, 13.

Courts generally do not allow personal jurisdiction for general internet postings. Connecticut Courts require something more than a “mere posting,” but that a resident is “specifically targeted” by the out-of-state Defendant for there to be personal jurisdiction. *Ciulli*, 13-17.

The Defendant admitted in deposition it was “possible” Yale law students could have seen his posts about the Plaintiffs. Additionally, some of the Defendant’s off color comments on AutoAdmit showed he believed Doe II was attending Yale. *Ciulli*, 17-18.

The Court found the Defendant had sufficient minimum contacts to satisfy constitutional due process because of his voluntary and repeated postings on AutoAdmit. The Defendant knew the Plaintiffs were law students at Yale and that his comments about them were publicly available on AutoAdmit. *Ciulli*, 19-20.

These cases will become more common. One does not need to spend much time on a social networking site to see people post rude, hurtful and off-color comments with impunity. It is only a matter of time before there is litigation over a “ReTweet” or Status Message.