

Harvard Alum Files Entertainment Lawsuit After Being Omitted from Facebook Movie

by Anthony Caruso on February 16, 2012

Facebook, Inc. is at the center of yet another legal dispute over who first came up with the idea for the popular social networking site. This time, however, the plaintiff is going after the makers of the film that chronicled its creation, *The Social Network*.

While many other people have sought compensation for their roles in the creation of Facebook, this case has an interesting legal spin in that Aaron Greenspan is going after Columbia Pictures. Specifically, Greenspan's entertainment lawsuit alleges that he was defamed by being omitted from the award-winning film about Facebook's now infamous rise to fame.

As detailed by the Hollywood Reporter, Greenspan's allegations against Columbia Pictures rest on a theory of "defamation by omission." While defamation generally involves the issuance of a false statement about another person, which causes that person to suffer harm, Greenspan contends that his reputation was harmed by what was not said. In essence, he argues that Columbia Pictures should be held liable because *The Social Network* failed to tell the whole story (in his opinion).

While Greenspan's argument is certainly novel, its success is far less certain. While most courts are reluctant to recognize a claim of defamation by omission, a few courts have held that omitting facts in published work can lead to liability if the material omissions are misleading and lead to harmful inferences. In these cases, the plaintiff must generally show that the statement left a false impression that would be contradicted by the inclusion of omitted facts.

Despite the legal precedent, Columbia is not buying the defamation by omission argument. In court documents, it responded by stating:

"Nothing about the defamation by omission line of cases suggests that the allegedly defamatory statements need not be of and concerning the plaintiff. Here the Complaint alleges defamation against Columbia on the ground that plaintiff is not a character in Columbia's film at all. Because *The Social Network* is not 'of and concerning' Greenspan, the Complaint fails to state a cause of action against Columbia for defamation."

Given the arguments raised, the motion picture and publishing industries will likely both be watching the outcome of this case. If Greenspan is successful, it could open a

Pandora's box of claims by plaintiffs claiming their story was omitted in various books and movies.

We will, of course, keep you updated on this entertainment lawsuit as new developments arise.