

Web Site Disclaimer Results in Court's Dismissal of Lawsuit

November 1, 2005

Angela Tomlinson ("Tomlinson") filed a class action law suit in Oklahoma state court against H&R Block, Inc. ("Block") alleging that Block engaged in false and deceptive practices relating to the use of her social security number in violation of the company's privacy policy. Block removed the action to federal court, then moved to dismiss on the basis that Block did not conduct any business in the state of Oklahoma. After the district court dismissed the case, Tomlinson appealed to the 10th U.S. Circuit Court of Appeals. Tomlinson argued that Block's web site boasted that it serves 18.7 million customers nationwide and that the court should infer that many of those customers are located in Oklahoma. The court refused to make the inference, instead relying on Block's web site disclaimer that Block is a holding company without employees and that any business conducted on the site was not by Block but by one of its operating subsidiaries.

For more information about web site terms of use, regulations relating to the Internet or any other Information Technology law issue, contact your Miller Canfield attorney. This message is for general information only and should not be used as a basis for specific action without obtaining further legal advice.