

Online Activity Expands Where You Can Be Sued

June 1, 2009

An increasing number of people are engaging in social networking, blogging and other forms of online communications. Without doubt, such activity can be both personally and professionally beneficial. At the same time, online activity includes legal risks, not the least of which is the risk of subjecting yourself to a lawsuit somewhere you have never even been.

From 2005 to 2007, an anonymous poster to an Internet discussion board repeatedly made allegedly derogatory comments (some with accompanying photographs) about two female students at Yale Law School. The two students, designated as "Doe I" and "Doe II", discovered the identity of the poster as Matthew Ryan ("Ryan") and filed a copyright infringement lawsuit against him in federal court in Connecticut. Ryan, a resident of Texas, filed a motion to dismiss the case on the basis that the court did not have personal jurisdiction over him, as he had never been to Connecticut, did no business there, owned no property there and had no other ties to the state.

The court rejected Ryan's argument, ruling that his posts on the web site were 'specifically targeted' at Doe I and Doe II whom he knew were located in Connecticut. The court also considered that Ryan admitted that he had a pretty good idea that some posters to the web site were Yale law students. The court held that, under applicable Connecticut law, even though it may be "burdensome" for Ryan, there was a sufficient basis for personal jurisdiction over him in Connecticut.

Obviously, care should be taken when engaging in online communications to avoid the risk of lawsuits. Remember that, in addition to the general risk of being sued, your online activity could subject you to personal jurisdiction in a distant, inconvenient place.