MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FOURTH AMENDED COMPLAINT

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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MEANITH HUON,	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.:
-against-	)	1:11-CV-3054 (JJT)
	)	
GAWKER MEDIA LLC, et at.	)	
	)	
Defendants	)	
	)	

MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FOURTH AMENDED COMPLAINT

NOW COME THE DEFENDANTS, Gawker Media a/k/a Gawker.com, Jezebel.com, Nick Denton, Irin Carmon, and Gaby Darbyshire (collectively, "Gawker," or "Defendants"), by their attorneys, David Feige and Oren Giskan of Giskan Solotaroff Anderson & Stewart LLP, and move this court to dismiss plaintiff's complaint pursuant to Fed. R. Civ. Pro. 12(b)(6).

PRELIMINARY STATEMENT

In his fourth amended complaint, Meanith Huon ("Plaintiff") seeks to bring an action against the Defendants for a kitchen sink of tortious conduct including intentional infliction of emotional distress, defamation *per quod*, defamation *per se*, false light, invasion of privacy, cyberstalking, cyberbullying, tortious interference, and civil conspiracy. All of plaintiff's claims arise out of an eleven sentence item posted on a website (Jezebel.com) which reported on a separate defamation suit Plaintiff filed against co-defendant AbovetheLaw.com. In the initial suit (now consolidated with the instant

matter) Plaintiff sued AbovetheLaw.com for reporting on a rape Plantiff had been charged with.[1] To date Mr. Huon has filed suit against more than 500 government, media and "John Doe" defendants seeking damanges exceeding a quarter of a billion dollars. To put this in perspective, Mr. Huon believes himself entitled to greater compensation than has been paid collectively to every American inmate ever exonerated after being wrongly convicted of a crime.

THE PARTIES

PLAINTIFF Meanith Huon is an Illinois attorney, serial plaintiff[2], and former criminal defendant who has filed multiple lawsuits against news organizations that have reported on the criminal allegations filed against him. According to a criminal complaint filed against him, in July 2008, Plaintiff was arrested after he forced a woman to have oral sex with him, fondled her vaginal area and her breasts and refused to let her out of the car while driving in Madison County. (Exhibit A) The woman was allegedly lured over the Internet by the possibility of a job, telling authorities that she talked to Huon by telephone and got the impression that the job was promoting alcohol sales in area taverns. She and Huon met in downtown St. Louis, and he offered to drive her to a local saloon to check out how the business was going. Instead of going to the tavern, Mr. Huon allegedly sexually abused and assaulted her. According to the account of Capt. Brad Wells of the Madison County Sheriff's Department, the woman eventually jumped out of the car and contacted police. (Exhibit B).

[1] The rape charges reported on by the ATL defendants concern the incident in Madison County not the criminal charges brought against Plaintiff in Chicago.

[2] Plaintiff's history of using defamation lawsuits precedes the instant matter, having already had a defamation case dismissed. In that case Mr. Huon claimed partners at his law firm defamed him when they decided to fire him after his associate review. After years of litgation, the circuit court's dismissal of Plaintiff's claims was upheld by the Illinois Appellate Divison on March 25th 2011.

Subsequent to his arrest on the sexual assault charges, Plaintiff was arrested again, this time for using the internet to harass and cyberstalk the alleged victim in the first case. (Exhibit C). In this second case he was accused of contacting his alleged victim via the Internet and communicating indirectly with her in such a way as to cause her emotional distress, as well as maintaining an Internet Web page or Web site to harass the victim or an immediate family member.

After Plaintiff was acquitted of the 2008 sexual assault charges, he began a campaign of lawsuits, suing, to date, over 500 government, media and "john doe" defendants who had in some way reported on or been involved in his case. These suits now include the instant Gawker Defendants whose allegedly tortious conduct seems to stem from reporting on these lawsuits and linking to an article plaintiff found offensive. Subsequent to filing the raft of suits, including the instant suit, Plaintiff, was arrested again, this time charged with posing as "Nick Kew" a casting agent for the William Morris, and thereafter committing four counts of battery involving the fondling of the breasts and vaginal area of a different complainant. (Exhibit D).

DEFENDANT Gawker Media a/k/a Gawker.com operates news and information websites which report on a wide variety of topics including media and politics. Among the websites operated by Defendant Gawker Media are defendant Gawker.com and defendant Jezebel.com. Defendant Nick Denton, is the founder of Gawker Media, and Defendant Gaby Darbyshire is the Chief Operating Officer of Gawker Media. Defendant Irin Carmon is a reporter for Jezebel.com.

STATEMENT OF FACTS

On or about May 6, 2010, the website abovethelaw.com published a story concerning rape charges then pending against Plaintiff. Plaintiff subsequently filed suit against abovethelaw.com for fifty million dollars ($50,000,000.00) for what plaintiff believed were tortious inaccuracies in the abovethelaw.com article. Upon plaintiff's acquittal of the rape charges against him, plaintiff also sued Madison County, Illinois, and numerous other defendants for a combined one hundred and thirty million dollars ($130,000,000.00) for a number of torts related to his arrest. On or about May 11, 2011, defendant Jezebel.com published a brief eleven sentence item concerning Plaintiff's lawsuit against Abovethelaw.com, which included a hyperlink to the abovethelaw.com article. Plaintiff then sued the instant Defendants.

Plaintiff now seeks One Hundred Million Dollars ($100,000,000.00) injunctive relief, the transfer of Defendants' domain names, as well as an injunction preventing any future party from relying on Defendants' article as a source, and costs.

ARGUMENT

In his complaint, plaintiff lists many things that bother him, and dozens of facts he wishes someone would report on. What he fails to do, however is actually state a cause of action against the Gawker Defendants for what *was* published. Nothing in the eleven sentence item posted on Jezebel.com is actionable under any of the legal theories plaintiff advances. For this reason, his complaint should be dismissed.

I. IT IS PLAINTIFF'S BURDEN TO PLEAD A VALID CLAIM

A motion to dismiss should be granted where, as here, Plaintiff pleads no facts that allow a court "to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Plaintiff's factual

allegations must demonstrate the existence of claims that are plausible on their face, *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007), and she must show "more than a sheer possibility that [defendants have] acted unlawfully." *Iqbal*, 556 U.S. at 678. While Plaintiff's at this stage are often accorded some deference, Professors Wright and Miller have explained that:

> [o]ver the years, one significant exception to the general rule that the complaint will be construed liberally on a Rule 12(b)(6) motion has been employed by a number of federal courts. When the claim alleged is a traditionally disfavored "cause of action," such as malicious prosecution, libel, or slander, the courts have tended to construe the complaint by a somewhat stricter standard and have been more inclined to grant a Rule 12(b)(6) motion to dismiss.

5B Charles A. Wright & Arthur R. Miller, *Fed. Practice & Procedure* § 1357 (3d ed. current through Sept. 2012).

Here, plaintiff's claims against Gawker should all be dismissed because it is apparent from the face of his Fourth Amended Complaint that he has not, and cannot, state a claim upon which any relief can be granted.

II. PLAINTIFF'S FALSE LIGHT AND DEFAMATION CLAIMS ARE INSUFFICIENT AS A MATTER OF LAW

None of Plaintiff's allegations concerning the post supports a claim for defamation or false light since the statements that Plaintiff identifies would not "tend[ ] to cause such harm to [Plaintiff's] reputation . . . that it lowers [Plaintiff] in the eyes of the community or deters third persons from associating with him." Parker v. House O'Lite Corp., 324 Ill. App. 3d 1014, 1020 (Ill. App. Ct. 1st Dist. 2001). Indeed, every sentence is immunized as a fair report, innocous because it can be innocently construed, or is simply non-actionable opinion. Though Gawker will address Plaintiff's allegations here,

a simple chart (attached hereto as Exhibit E), goes through every statement in the post, indicating which of these many defenses applies.

A. The Post Provides a Fair Report of Judicial Proceedings

The information in the Post that Plaintiff claims is defamatory and casts him in a false light is immunized from liability by the First Amendment as a fair and accurate report of his arrest, trial and his lawsuit against instant co-defendants. Indeed, as the chart attached hereto as Defendants' Exhibit E will clearly demonstrate, *every single sentence, and every single allegation in Defendants' Post is immunized under this rule*. The Accurate reports of court proceedings are privileged against liability by the First Amendment, even if the information stated in those proceedings is otherwise false or defamatory. O'Donnell v. Field Enters., Inc., 145 Ill. App. 3d 1032, 1036 (Ill. App. Ct. 1st Dist. 1986). "The fair report privilege . . . promotes our system of self-governance by serving the public's interest in official proceedings, including judicial proceedings." Solaia Tech., LLC v. Specialty Publ. Co., 221 Ill. 2d 558, 585 (Ill. 2006). "If the news media cannot report what it sees and hears at governmental and public proceedings merely because it believes or knows that the information is false, then self-censorship by the news media would result." O'Donnell, 145 Ill. App. 3d at 1036. Thus, "the fair report privilege overcomes allegations of either common law or actual malice." Solaia, 221 Ill. 2d at 587. A report need not be a "complete report of the proceedings" to be privileged "so long as it is a fair abridgment" or "substantially correct account" of the proceedings. Id. at 589 (quoting Restatement (Second) of Torts § 611, cmt. f, at 300 (1977)); O'Donnell, 145 Ill. App. 3d at 1036.

To evaluate the fair report privilege, the Court may take judicial notice of the transcript of the first day of Plaintiff's trial, which is attached to co-defendants Abovethelaw.com's motion and are incorporated by reference here. The court may also take judicial notice of Plaintiff's initial complaint and subsequent proceedings in the instant matter, as well as the certified copies of Plaintiff's arrests, attached hereto. See Ray v. City of Chicago, 629 F.3d 660, 665 (7th Cir. 2011) ("[D]istrict courts may take judicial notice of certain documents—including records of administrative actions—when deciding motions to dismiss."); Venture Assocs. Corp. v. Zenith Data Sys. Corp., 987 F.2d 429, 431 (7th Cir.1993) ("Documents that a defendant attaches to a motion to dismiss are considered part of the pleadings if they are referred to in the plaintiff's complaint and are central to her claim."); United States v. Hope, 906 F.2d 254, 260 (7th Cir. 1990) (taking judicial notice of state court hearing transcript). The Jezebel item is a fair and accurate summary of statements in those documents, as Exhibit E demonstrates.

B. The Remaining Statements at Issue are Protected Opinion

As Exhibit E makes clear, every other statement at issue in the Jezebel item is either non-actionable, or protected opinion. Only statements of fact, not opinion, are actionable as defamation or false light; "[t]here is no such thing as a false idea or opinion." O'Donnell, 145 Ill. App. 3d at 1039-40 (affirming dismissal of defamation claim based on editorial concerning criminal investigations and arrests because "it is clear that the ideas and opinions in the item do not imply undisclosed defamatory facts as their bases" and "[t]o the extent that the editorial makes disclosed factual statements, the statements are privileged" under the fair report privilege.); see, e.g., Horowitz v. Baker, 168 Ill. App. 3d 603 (Ill. App. Ct. 3d Dist. 1988) (affirming dismissal of a defamation claim, holding that

statements in a newspaper article describing a previously-reported transaction as a "cozy little deal" and a "rip off" were "rhetorical hyperbole" and "an average reader would not regard the statements as factual reporting"). All of the statements that Plaintiff claims are defamatory fall into this category – and thus are protected.

C. The Allegedly Defamatory Statements Caused No Actionable Harm to Plaintiff's Reputation

Plaintiff has stated no claim for defamation as a matter of law for the still further reason that, under the "incremental harm" doctrine, an allegedly false statement that causes only incremental damage to reputation is insufficient to state a claim for defamation. This court may take judicial notice of matters of public record without converting a 12(b)(6) motion into a motion for summary judgment. *Henson v. CSC Credit Servs.*, 29 F.3d 280, 284 (7th Cir. 1994); United States v. Wood, 925 F.2d 1580, 1582 (7th Cir.1991). ("On a motion to dismiss, we may take judicial notice of matters of public record outside the pleadings.") (citations omitted) Pension Benefit Guar. Corp. v. White Consolidated Indus., 998 F.2d 1192, 1196-1197 (3rd Cir.1993); 5B Charles A. Wright & Arthur R. Miller, *Fed. Practice & Procedure* § 1357 (3d ed. current through Sept. 2012). ("In determining whether to grant a Rule 12(b)(6) motion, the court primarily considers the allegations in the complaint, although matters of public record ... also may be taken into account." Thus, in evaluating whether anything contained in the Gawker Defendants' brief item was capable of causing any further damage to Plaintiff's reputation, the court can take judicial notice of the fact that prior to the publication of Defendants' article, Plaintiff had been criminally charged with four counts of criminal sexual abuse, one count of unlawful restraint, one count of harassment of a witness, and one count of cyberstalking. The allegations were widely reported in Madison County and

on the internet. In addition, the court can take judicial notice of the fact that Plaintiff was subsequently arrested and criminally charged with posing as "Nick Kew" a casting agent for the William Morris agency, and thereafter committing four counts of battery for fondling the breasts and vaginal region of a woman he met over the internet.

The doctrine of incremental harm is "logically driven, as 'falsehoods which do no incremental damage to the plaintiff's reputation do not injure the only interest that the law of defamation protects.'" Gist v. Macon County Sheriff's Dep't, 284 Ill. App. 3d 367, 371, 671 N.E.2d 1154, 1157 (Ill. App. Ct. 4th Dist. 1996) (quoting Haynes v. Alfred A. Knopf, Inc., 8 F.3d 1222, 1228 (7th Cir. 1993). "Falsehoods that do not harm the plaintiff's reputation more than a full recital of the true facts about him would do are . . . not actionable." Haynes, 8 F.3d at 1228. A publication "that contains a false statement is actionable only when 'significantly greater opprobrium' results from the report containing the falsehood than would result from the report without the falsehood." Id. (quoting Herron v. King Broadcasting Co., 776 P.2d 98, 102 (Wash. 1989). As a matter of law, even based solely on what the court may consider in a 12(b)(6) motion, there was nothing in Defendants' brief item that could have brought greater opprobrium upon plaintiff, than his situation and status had already assumed.

D. Plaintiff is Suing Over Information He Wishes Were Included in the Post Rather Than What was Actually There

Plaintiff has also sued over a number of items, whose *absence* from Gawker's eleven sentence item, in Plaintiff's mind constitutes defamation. See FASC. ¶ 148(a)-(p) (e.g. Plaintiff insists the post should have included a statement that the alleged victim "sustained minor injuries from walking or running in a cornfield."). While these items

are addressed in the chart attached, it is worth mentioning that there is nothing in the law that supports Plaintiff's theory of recovery concerning omitted items.

III. PLAINTIFF HAS NOT SUFFICIENTLY ALLEGED INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

To state a claim for intentional infliction of emotional distress, Plaintiff must show that first, Defendants' conduct was extreme and outrageous, going beyond all possible bounds of decency; second, that Defendants intended to inflict severe emotional distress or knew that there was a high probability that their conduct would inflict severe emotional distress; and third, that Defendants' conduct did cause severe emotional distress. Naeem v. McKesson Drug Co., 444 F.3d 593, 605 (7th Cir. 2006); Green v. Chicago Tribune Co., 286 Ill. App. 3d 1, 11 (Ill. App. Ct. 1st Dist. 1996).

Here, too, Plaintiff's claim must fail. First, Plaintiff alleges no facts or circumstances to suggest that Defendants' behavior is extreme or outrageous; instead, Defendant states mere conclusions that fail to meet the required pleading standard. See. Twombly, 550 U.S. at 555. Moreover, nothing in Defendants' behavior was extreme or outrageous, going beyond all possible bounds of human decency. Writing and posting an eleven sentence item about Plaintiff's lawsuit is well within the realm of Defendants' job as journalists and publishers, and is nowhere near the level of extreme and outrageous behavior required to state a claim for intentional infliction of emotional distress. Second, Plaintiff again fails to allege non-speculative facts to show that Defendants intended to or knew that there was a high probability that their conduct would inflict severe emotional distress. Third, Plaintiff makes no showing anywhere in his complaint that he has suffered any actual damages. Plaintiff asserts that he has suffered damages "including a decline in prospective business, loss of job or economic opportunities, loss of clients and

business deals. (FASC ¶164) and that the article has "negatively affected Plaintiff's personal relationships and have caused him to experience shame, severe emotional distress, loss of social status, esteem, and impairment of normal social functioning." *Id.* But in place of specifics, Plaintiff then concedes that "Plaintiff's damages including both economic and personal injury damages are unknown at this time and have not yet been fully realized" (*Id. at* ¶165). Assertions such as those here that do not rise above the level of speculation are not sufficient to state a claim for which relief can be granted. Twombly 550 U.S. at 555; see also Salamone v. Hollinger Int'l, Inc., 347 Ill. App. 3d 837 (finding as insufficient assertions that members of the Plaintiff's community ceased associating with him, repeat customers ceased patronizing his grocery store, and that he suffered jokes and ridicule from his community, sleeplessness, depression, and weight loss). A failure to prove special damages is, in itself, fatal to a defamation claim. See Haynes v. Alfred A. Knopf, Inc., 8 F.3d 1222, 1226 (7th Cir. 1993).[3]

IV. PLAINTIFF FAILS TO STATE A CLAIM FOR CONSPIRACY

To state a claim for civil conspiracy, Plaintiff must prove: (1) an agreement between a combination of two or more persons to accomplish by concerted action either an unlawful purpose or a lawful purpose by unlawful means, (2) in the furtherance of which one of the conspirators committed an overt tortious or unlawful act. Fritz v. Johnson, 807 N.E.2d 461, 470 (Ill. 2004); Reuter v. MasterCard Int'l, Inc., 397 Ill. App. 3d 915, 928 (Ill. App. Ct. 5th Dist. 2010). Moreover, Plaintiff must allege an injury caused by Defendants. Reuter v. MasterCard Int'l, Inc., 397 Ill. App. 3d 915, 927 (Ill.

[3] It is worth noting that any damage to Plaintiff's reputation alleged caused by an eleven sentence item which reported on a lawsuit Plaintiff filed against Abovethelaw.com must be considered in the context of Plaintiff's extent reputation in the wake of his publicized arrest in connection with allegations of rape, witness tampering, and cyberstalking.

App. Ct. 2010). Finally, "a conspiracy claim alleging a tort as the underlying wrongful act is duplicative where the underlying tort has been pled," Thermodyne Food Serv. Prods. V. McDonald's Corp., 940 F.Supp. 1300, 1310 (N.D. Ill. 1996), because allowing a separate claim for civil conspiracy would lead to double damages. Id. First, Plaintiff has not made any showing of fact suggesting that any Gawker Defendant has made any agreement with any other defendant listed. See Twombly, 550 U.S. at 555. In Reuter v. MasterCard Int'l, Inc., 397 Ill. App. 3d 915, 928 (Ill. App. Ct. 5th Dist. 2010), the court held that while the plaintiff alleged sufficient facts to demonstrate knowledge of illegal acts, the plaintiff failed to allege sufficient facts to demonstrate an agreement. Here, Plaintiff falls far short of alleging sufficient facts to demonstrate that any Gawker Defendant had any knowledge of any illegal facts, much less that there was any agreement whatsoever.

Second, even if a Gawker defendant had made an agreement with any other defendant, the second factor must fail because Plaintiff fails to allege sufficiently that any of the defendants committed any overt tortious or unlawful act, in furtherance of an alleged conspiracy beyond their own publications. As the court observed in Hurst v. Capital Cities Media, Inc., 323 Ill. App. 3d 812, 823 (Ill. App. Ct. 5th Dist. 2001) "Conspiracy is not a separate and distinct tort in Illinois. . . . There is no cause of action unless an overt, tortious, or unlawful act is done that, in absence of the conspiracy, would give rise to a claim for relief." In addition, the allegations of this count are so vague as to fail to state a claim under Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, 129 S. Ct. 1937 (U.S. 2009). "A pleading that offers 'labels and conclusions' or 'a formulaic recitation of the elements of a cause of action will not do.'

Nor does a complaint suffice if it tenders 'naked assertion[s]' devoid of 'further factual enhancement.'" Iqbal, 129 S. Ct. at 1949 (citing Twombly, 550 U.S. at 555, 557).

V. "CYBERSTALKING" IS NOT A CIVIL CAUSE OF ACTION

Plaintiff's complaint confuses something most law students understand by the time they receive their first year course schedules—civil and criminal laws are different. The fact that there is a criminal statute on the books does not, in itself create a civil private right of action nor does it imply that a claim will sound in tort. While it is understandable that Plaintiff is familiar with the "cyberstalking" statute (he has, after all been criminally charged with violating it), invoking it here is unavailing. Either Plaintiff is actually confused as to his power to prosecute on behalf of the State of Illinois—a curious state of affairs given Plaintiff's law degree and history--or these counts are merely a continuation of the legal harassment typical of the rest of Plaintiff's pleading. According to the Illinois statute he himself cites, cyberstalking is solely criminal, and there is no associated civil right of action. 720 ILCS 5/12-7.5(b) ("Cyberstalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony."). There is no good faith in such a pleading, and this count runs so far afield as to qualify as fully frivolous under Fed. R. Civ Pro. Rule 11.

VI. SECTION 230 OF THE COMMUNICATIONS DECENCY ACT BARS ANY CLAIMS AGAINST DEFENDANTS FOR READERS' COMMENTS

It appears that in this--his Fourth Amended and Supplemental Complaint (FASC), Plaintiff has dropped the 400 John Doe defendants, he had previously filed against, preferring to try to hold the Gawker Defendants liable for comments posted by others. As shown in Defendants' Exhibit E, most of Plaintiff's allegations against the Gawker

defendants concern information or statements contained in comments, or posts other than the actual Jezebel.com item. (See FASC ¶ 122 A-L)

Section 230 of the Communications Decency Act states that "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230(c)(1). A website is an interactive computer service when it enables computer access by multiple users to a computer server. See, e.g., Dimeo v. Max, 248 Fed. App'x. 280, 282 (3rd Cir. 2007). In other words, "an online information system must not be treated as the publisher or speaker of any information provided by someone else." Chi. Lawyers' Comm. for Civ. Rights Under Law, Inc. v. Craigslist, Inc., 519 F.3d 666, 671 (7th Cir. 2008) (internal quotation marks omitted). This law preempts any state law to the contrary: "No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section." 47 U.S.C. § 230(e)(3).

Plaintiff's own complaint establishes that Defendants provide an interactive computer service, such that readers may post commentary in the "comments" section of each article. (FASC ¶ 48). Plaintiff's defamation claim treats Defendants as the publishers of the posts at issue (FASC ¶ 122) while acknowledging that they were provided by other content providers, namely, the readers who wrote the posts. (FASC ¶ 122). His own pleadings thus establish the applicability of Section 230. See Shiamili v. Real Estate Group of New York, Inc., 892 N.Y.S.2d 52, 54 (N.Y. App. Div. 2009), aff'd 2011 N.Y. LEXIS 1452 (N.Y. June 14, 2011). Moreover, the core of Plaintiff's complaints against the Gawker defendants concerns statements that were not even contained in the Jezebel.com post, but rather in the Abovethelaw.com post which was

linked to. In such a case, the Gawker defendants are clearly entitled to CDA immunity. As many courts have observed, The CDA is worded broadly enough to protect not only ISPs, but also individuals who operate websites and web forums to which other individuals can freely post content. Donato v. Moldow, 374 N.J. Super. 475, 487-88 (App. Div. 2005) (citing cases). Plaintiffs' allegations in this case—are essentially that the Gawker Defendants republished a defamatory web posting. As multiple courts have accepted, there is no relevant distinction between a user who knowingly allows content to be posted to a website he or she controls and a user who takes affirmative steps to republish another person's content; CDA immunity applies to both. *See* Barrett v. Rosenthal, 40 Cal. 4th 33, 62 (Cal. 2006); Carafano v. Metrosplash.com Inc., 339 F.3d 1119, 1123-25 (9th Cir. Cal. 2003); Ben Ezra, Weinstein, and Co., Inc. v. Am. Online Inc., 206 F.3d 980, 986 (10th Cir. N.M. 2000). As the Ninth Circuit aptly noted in Batzel v. Smith, 333 F.3d 1018, 1032 (2003), "The scope of immunity cannot turn on whether the publisher approaches the selection process as one of inclusion or removal, as the difference is one of method or degree, not substance." Similarly, it does not matter *how* Defendants republished the alleged defamatory statements—whether by email, website post, or some other method. The point is that the Gawker Defendants—acted as re-publishers of another person's information, and as such they are protected by the CDA. Consequently, Section 230 stands as an absolute bar to every one of Plaintiff's claims based on reader's comments.

VII. PLAINTIFF'S CLAIMS AGAINST NICK DENTON AND GABY DARBYSHIRE MUST BE DISMISSED

Without pleading any facts to support his claims, plaintiff has named two officers of Gawker Media, Nick Denton and Gaby Darbyshire, as defendants. Under Illinois law,

however, "[T]he debts, obligations, and liabilities of a limited liability company, whether arising in contract, tort, or otherwise, are solely the debts, obligations, and liabilities of the company. A member or manager is not personally liable for a debt, obligation, or liability of the company solely by reason of being or acting as a member or manager." 805 ILCS 180/10-10(a).

As Gawker Media is a limited liability company, this statute clearly applies to Denton and Darbyshire. Absent any specific allegations (which are not present in Plaintiff's complaint), the alleged torts of the company cannot be magically grafted onto its managers. Therefore, all claims against defendants Denton and Darbyshire personally should be dismissed.

CONCLUSION

For all the forgoing reasons defendants hereby pray that the court dismiss each and every count of the plaintiff's case, and award costs and fees, enter an Order barring Plaintiff from filing additional lawsuits without leave of the Court, and other such relief as the court should deem appropriate.

Dated: New York, New York
January 7, 2013

Respectfully Submitted,

GAWKER MEDIA LLC, GAWKER SALES, GAWKER ENTERTAINMENT, GAWKER TECHNOLOGY, NICK DENTON, IRIS CARMON, GABY DARBYSHIRE

By: /S/ David Feige
One of their attorneys

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CERTIFICATE OF SERVICE

Under penalties of law, I attest the following documents or items have been or are being electronically served on all counsel of record for all parties on 1/7/13

Dated: New York, New York
January 7, 2013

Respectfully Submitted,

By: ____/S/ David Feige_____
David Feige

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EXHIBIT A

07/02/2008 Scanned

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

No. 08-CF- 1496
Class

FILED
JUL 02 2008
CLERK OF CIRCUIT COURT #32
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

MEANITH NMI HUON
M/A DOB [redacted]

Defendant

INFORMATION

William A. Mudge, State's Attorney in and for the County of Madison, State of Illinois, in the name and by the authority of the People of the State of Illinois, charges that:

MEANITH NMI HUON

On the 29th day of June, 2008, at and in the County of Madison, in the State of Illinois, committed the offense of:

COUNT I: CRIMINAL SEXUAL ASSAULT (CLASS 1) in that said defendant, committed an act of sexual penetration upon D.C., in that by the use of force the said defendant placed his penis in the mouth of D.C., in violation of 720 ILCS 5/12-13(a)(1), and against the peace and dignity of the said People of the State of Illinois.

COUNT II: CRIMINAL SEXUAL ASSAULT (CLASS 1) in that said defendant, committed an act of sexual penetration upon D.C., in that by the use of force the said defendant placed his finger in the vagina of D.C., in violation of 720 ILCS 5/12-13(a)(1), and against the peace and dignity of the said People of the State of Illinois.

COUNT III: CRIMINAL SEXUAL ABUSE (CLASS 4) in that said defendant, committed an act of sexual conduct with D.C., in that said defendant, by the use of force intentionally fondled the breast of D.C. for the purpose of the sexual arousal of the defendant, in violation of 720 ILCS 5/12-15(a)(1), and against the peace and dignity of the said People of the State of Illinois.

COUNT IV: CRIMINAL SEXUAL ABUSE (CLASS 4) in that said defendant, committed an act of sexual conduct with D.C., in that said defendant, by the use of force intentionally touched the vagina of D.C. for the purpose of the sexual arousal of the defendant, in violation of 720 ILCS 5/12-15(a)(1), and against the peace and dignity of the said People of the State of Illinois.

COUNT V: UNLAWFUL RESTRAINT (CLASS 4) in that said defendant knowingly and without authority detained D.C. , in that the said defendant repeatedly refused to allow D.C. to exit his vehicle, a Honda Civic, in violation of 720 ILCS 5/10-3(a), and against the peace and dignity of the said People of the State of Illinois.

William A. Mudge
State's Attorney, Madison County, Illinois

Bail is set at $ 100,000

JUDGE

The undersigned on oath, says that the facts set forth in the foregoing information are true in substance and matter of fact.

Madison County Sheriff's Department #10

SWORN to before me this 2nd day of July, 2008.

Notary Public

"OFFICIAL SEAL"
JENNIFER E. HAWKINS
Notary Public, State of Illinois
My commission expires 02/15/2010

EXHIBIT B

THETELEGRAPH.com
We deliver the River Bend – and more.

Chicago lawyer accused of harassing woman

By SANFORD J. SCHMIDT
2009-07-23 22:07:48

EDWARDSVILLE — A Chicago lawyer arrested and charged last year with criminal sexual assault, sexual abuse and unlawful restraint now faces charges of harassing his alleged victim and cyber stalking.

Meanith Huon, 39, was charged this week in Madison County Circuit Court with harassment of a witness and cyber stalking.

He is accused of contacting his alleged victim of last year via the Internet and communicating indirectly with her in such a way as to cause her emotional distress.

He also is accused of maintaining an Internet Web page or Web site to harass the victim or an immediate family member.

After being arrested last year for allegedly forcing the victim to perform sexual acts while driving on Interstate 55 in Madison County, he posted $10,000 cash bond and went back to Chicago.

Authorities say Huon began posting comments directed at the alleged victim, telling her he loves her and claiming that God wants them to be together.

The postings include a wide variety of professions of love, along with religious references. As recently as July 17, he posted: "I haven't kissed anyone since you kissed me. I miss you. There's nothing I can do about it. I follow God's Commandments. I walk the line because I love you."

He also posted "10 reasons why I'd make a good husband for you." The No. 1 reason was listed as "God brought us together." The suspect also allegedly posted the words: "We'd have great kids. My brains. Your looks."

Huon was arrested in early July 2008 after he allegedly forced a woman to have oral sex with him, fondled her vaginal area and her breasts and refused to let her out of the car while driving on I-55 into Madison County.

The woman allegedly was lured over the Internet by the possibility of a job.

She told authorities she talked to Huon by telephone and got the impression that the job was promoting alcohol sales in area taverns. She met Huon in downtown St. Louis, and he offered to drive her to a local saloon to check out how the business was going.

However, they did not go to the tavern, and Huon instead allegedly sexually abused and assaulted her, Capt. Brad Wells of the Madison County Sheriff's Department said last year. The woman eventually jumped out of the car and contacted police.

Police found evidence on the most recent case by obtaining a search warrant for the company that operates the Web site used by Huon. Once the evidence was obtained, Huon again was arrested July 19, this time at his home in Chicago, where he was being held Thursday in lieu of $75,000 bail.

Huon still is awaiting trial on the original Madison County charges, authorities said.

EXHIBIT C

07/17/2009Scanned

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS

vs.

No. 09-CF- 1688

FILED

JUL 17 2009

CLERK OF CIRCUIT COURT #36
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

MEANITH NMI HUON
M/A DOB [redacted]

Defendant

INFORMATION

William A. Mudge, State's Attorney in and for the County of Madison, State of Illinois, in the name and by the authority of the People of the State of Illinois, charges that:

MEANITH NMI HUON

At and in the County of Madison, in the State of Illinois, committed the offense of:

COUNT I: HARASSMENT OF A WITNESS (CLASS 2) Between the 11th day of July, and the 17th day of July, 2009 in that said defendant with the intent to harass D.C., a person who is expected to serve as a witness in a legal proceeding, communicated indirectly with D.C. in such a manner as to produce emotional distress, in violation of 720 ILCS 5/32-4a, and against the peace and dignity of the said People of the State of Illinois.

COUNT II: CYBERSTALKING (CLASS 4) On or about the 11th day of July and the 17th day of July, 2009 in that said defendant knowingly and without legal justification, created and maintained an internet website or webpage which is accessible to one or more third parties for a period of at least twenty-four hours, and which contains statements harassing another person and which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, in violation of 720 ILCS 5/12-7.5, and against the peace and dignity of the said People of the State of Illinois.

William A. Mudge
State's Attorney, Madison County, Illinois

Bail is set at $ 75,000

Janet Heflin
JUDGE

CH/JH

The undersigned on oath, says that the facts set forth in the foregoing information are true in substance and matter of fact.

[illegible] 310
Madison County Sheriff's Department

SWORN to before me this 17th day of July, 2009.

J Hawkins
Notary Public

"OFFICIAL SEAL"
JENNIFER E. HAWKINS
Notary Public, State of Illinois
My commission expires 02/15/2010

EXHIBIT D

29-2 (Court Branch # or District #) | 26 Jul 2011 (Court Date/Time) | CPD-630 (Arresting Agency #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655, CCMC-0222 & CCMC-0225) (Rev. 12/7/00) CCCR 0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois, Plaintiff

v.

HUON, Meanith Defendant.

NO. 11231631

[redacted] (Complainant's Name Printed or Typed) complainant, now appears before The Circuit Court of Cook County and states the following:

That: HUON, Meanith (defendant) of [redacted] (address) has, on or about April 20, 2011 (date) at the location of 1000 N. Lake Shore Drive, Chicago, Illinois (place of offense)

committed the offense(s) of BATTERY-Contact of Insulting Nature

in that he/she without legal justification, knowingly and intentionally made physical contact with [redacted] while riding in a cab, in that he fondled the buttocks of [redacted] after posing as a casting agent for William Morris, Inc.

In violation of 720 (Chapter) Illinois Compiled Statutes 5 (Act) / 12-3-A-2 (Sub Section)

AOIC Code

FILED
MC-Br-29
JUL 6 2011
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

STATE OF ILLINOIS } ss:
COOK COUNTY }

(Complainant's Signature)

(Complainant's Address)

(Complainant's Telephone) [redacted]

(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

[redacted] (Complainant's Signature)

Subscribed and sworn to before me on this 05TH day of JULY, 2011

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, Judge _____ Judge's No.
or
WARRANT ISSUED, Bail set at: _____
or
BAIL SET AT: _____ Judge _____ Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

29-2 (Court Branch # or District #) | 26 Jul 2011 (Court Date/Time) | CPD-630 (Arresting Agency #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655, CCMC-0222 & CCMC-0225) (Rev. 12/7/00) CCCR 0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois, Plaintiff

v.

HUON, Meanith Defendant.

NO. _____

[redacted] (Complainant's Name Printed or Typed) complainant, now appears before The Circuit Court of Cook County and states the following:

That: HUON, Meanith (defendant) of [redacted] (address) has, on or about April 20, 2011 (date) at the location of 650 N. Dearborn, Chicago, Illinois (place of offense)

committed the offense(s) of BATTERY-Contact of Insulting Nature

in that he/she without legal justification, knowingly and intentionally made physical contact with [redacted] in that he fondled the breast of the victim after posing as a casting agent for William Morris, Inc.

in violation of 720 (Chapter) Illinois Compiled Statutes 5 (Act) / 12-3-A-2 (Sub Section)

AOIC Code

FILED
MC-Br-29
JUL 6 2011
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

STATE OF ILLINOIS
COOK COUNTY } ss:

(Complainant's Signature)

(Complainant's Address)

(Complainant's Telephone) [redacted]

(Complainant's Name Printed or Typed)

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SUMMONS ISSUED, Judge _____
or
WARRANT ISSUED, Bail set at: _____ Judge's No.
or
BAIL SET AT: _____ Judge _____ Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

29-2 (Court Branch # or District #) | 26 Jul 2011 (Court Date/Time) | CPD-630 (Arresting Agency #)

MISDEMEANOR COMPLAINT (This form replaces CCG-0655, CCMC-0222 & CCMC-0225) (Rev. 12/7/00) CCCR 0655

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois, Plaintiff

v.

HUON, Meanith
Defendant.

NO. _____

[redacted] (Complainant's Name Printed or Typed) complainant, now appears before

The Circuit Court of Cook County and states the following:

That: HUON, Meanith (defendant) of [redacted] (address) has, on or about

April 20, 2011 (date) at the location of 650 N. Dearborn, Chicago, Illinois (place of offense)

committed the offense(s) of BATTERY-Contact of Insulting Nature

in that he/she without legal justification, knowingly and intentionally made physical contact with [redacted] in that he fondled the vagina of the victim after posing as a casting agent for William Morris, Inc.

in violation of 720 (Chapter) Illinois Compiled Statutes 5 (Act) 12-3-A-2 (Sub Section)

AOIC Code

FILED
MC-Br-29
JUL 6 2011
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

STATE OF ILLINOIS
COOK COUNTY } ss:

(Complainant's Signature)

(Complainant's Address)

(Complainant's Telephone) [redacted]

(Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

[redacted] (Complainant's Signature)

Subscribed and sworn to before me on this 05TH **day of** JULY, 2011

(Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, or **Judge** _____ Judge's No.

WARRANT ISSUED, or **Bail set at:** _____

BAIL SET AT: _____ **Judge** _____ Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

29-2 (Court Branch # or District #) | 26 Jul 2011 (Court Date/Time) | CPD-630 (Arresting Agency #)

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

The People of State of Illinois, Plaintiff

v.

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NO. _____

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committed the offense(s) of BATTERY-Contact of Insulting Nature

in that he/she without legal justification, knowingly and intentionally made physical contact with [redacted] while riding in a cab, in that he fondled the breast of [redacted] after posing as a casting agent for William Morris, Inc.

in violation of 720 (Chapter) Illinois Compiled Statutes 5 (Act) / 12-3-A-2 (Sub Section)

AOIC Code

FILED
MC-Br-29
JUL 6 2011
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

STATE OF ILLINOIS
COOK COUNTY } ss:

_____ (Complainant's Signature)

_____ (Complainant's Address)

_____ (Complainant's Telephone)

[redacted] (Complainant's Name Printed or Typed)

The complainant, being first duly sworn on oath, deposes and says that he/she read the foregoing complaint by him/her subscribed and that the same is true.

[redacted] (Complainant's Signature)

Subscribed and sworn to before me on this 05TH day of JULY, 2011

_____ (Judge or Clerk)

I have examined the above complaint and the person presenting the same and have heard evidence thereon, and am satisfied that there is probable cause for filing same. Leave is given to file said complaint.

SUMMONS ISSUED, or Judge _____ Judge's No.

WARRANT ISSUED, or Bail set at: _____

BAIL SET AT: _____ Judge _____ Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CHICAGO 'E DEPARTMENT
ARREST .PORT
3510 S. Michig . Avenue, Chicago, Illinois 60653
(For use by Chicago Police Department Personnel Only)
CPD-11.420C(REV. 6/30)

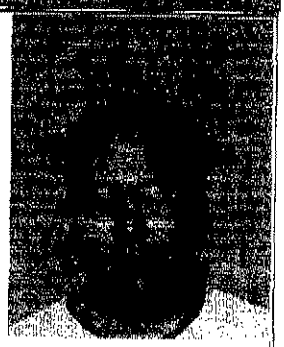
FINAL APPROVAL

CB #: 18180658
IR #: 1937979
YD #:
RD #: HT259967
EVENT #: 1111113014

OFFENDER — ARREST REPORTING

Name: HUON, Meanith
Res: [redacted]
312-[redacted]-2789
Attorney
Beat: 923
DOB: [redacted]
AGE: [redacted]
POB: Cambodia/Khmer Republic/Kampuchea
SSN: [redacted]
DLN: H50054070053
ARMED WITH Unarmed

Male
Asian/Pacific Islander
5' 05"
185 lbs
Brown Eyes
Black Hair
Short Hair Style
Medium Complexion



INCIDENT

Arrest Date: 05 July 2011 15:14 **TRR Completed?** No
Location: 2452 W Belmont Ave **Beat:** 1913
Chicago, IL 60618
292 - Government Building/Property
Holding Facility: District 019 Male Lockup
Resisted Arrest? No

Total No Arrested: 1 **Co-Arrests** **Assoc Cases**
DCFS Ward ? No
Dependent Children? No

CHARGES

			Victim
1	Offense As Cited	**720 ILCS 5.0/12-3-A-2** BATTERY - MAKE PHYSICAL CONTACT Class A - Type M	[redacted]
2	Offense As Cited	**720 ILCS 5.0/12-3-A-2** BATTERY - MAKE PHYSICAL CONTACT Class A - Type M	[redacted]
3	Offense As Cited	**720 ILCS 5.0/12-3-A-2** BATTERY - MAKE PHYSICAL CONTACT Class A - Type M	[redacted]
4	Offense As Cited	**720 ILCS 5.0/12-3-A-2** BATTERY - MAKE PHYSICAL CONTACT Class A - Type M	[redacted]

FILED
MC-Br-29
JUL 6 2011
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL

RECOVERED NARCOTICS

NO NARCOTICS RECOVERED

WARRANT

NO WARRANT IDENTIFIED

VICTIM / NOK / COMPLAINANT

Name: [redacted]

[redacted]

DOB: [redacted]
Age: [redacted]

Injured? [redacted] Deceased? [redacted]

Hospitalized? [redacted]

Treated and Released [redacted]

Comments:

ARRESTEE VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTY

Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR HUON, Meanith, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

Meanith HUON turned himself in to Area Three Detectives accompanied by his attorney Kent Delgado. The victim [redacted] signed complaints in that the offender who posed as Nick Kew, a casting agent for William Morris Inc., fondled her breasts, buttocks and vagina during what was suppose to be an audition for the movie Basic Instinct. HUON was advised of his Constitutional Rights and invoked same.

☐

Name check clear-No Investigative Alerts

☐

Has I.D.

☐

$500.00 U.S.C.

COURT

Desired Court Date: 26 July 2011
Branch: 29-2 2452 W BELMONT - Room
Court Sgt Handle? No
Initial Court Date: 26 July 2011
Branch: 29-2 2452 W BELMONT - Room
Docket #:

BOND

Bond Date: 05 July 2011 18:10
Type: Recognizance
Receipt #: I7565127
Amount: $1,000.00

REPORTING PERSONNEL

ARRESTING OFFICER

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer:	#21103	HEALY, B E (PC0M240)	05 JUL 2011 16:23

ARRESTING OFFICER(S)

			Beat
1st Arresting Officer:	#21117	LA PALERMO, K A (PC0E484)	5327
2nd Arresting Officer:	#21103	HEALY, B E (PC0M240)	5327

APPROVING SUPERVISOR

Approval of Probable Cause :	#257	MAGRUDER, J G (PC0P076)	05 JUL 2011 16:36

LOCKUP KEEPER NOTES

Holding Facility: District 019 Male Lockup
Received in Lockup: 05 July 2011 16:48
Prints Taken: 05 July 2011 16:52
Palmprints Taken: Yes
Photograph Taken: 05 July 2011 16:51
Released from Lockup: 05 July 2011 18:12

Time Last Fed:
Time Called:
Phone#:
Cell #: 3-5

Transport Details : 1PO

VISUAL OBSERVATIONS OF ARRESTEE

Is there obvious pain or injury?	
Is there obvious signs of infection?	
Under the influence of alcohol/drugs?	
Signs of alcohol/drug withdrawal?	
Appears to be despondent?	
Appears to be irrational?	
Carrying medication?	

QUESTIONS FOR ARRESTEE

Presently taking medication?	No
(If female)are you pregnant?	
First time ever been arrested?	
Attempted suicide/serious harm?	
Serious medical or mental problems?	
Are you receiving treatment?	

REFUSAL OF ARRESTEE TO ANSWER QUESTIONS

LOCKUP KEEPER COMMENTS

EMERGENCY CONTACT

Name : REFUSED
Res:
Beat:

INTERVIEWS LOGGED

NO INTERVIEWS LOGGED

VISITORS LOGGED

NO VISITORS LOGGED

MOVEMENT LOG INFORMATION NOT AVAILABLE

Watch Commander Comments:

DOES NOT APPLY TO THIS ARREST

Searched By:	#16095	ESCAMILLA, V J (PC0U924)	**Beat**
Lockup Keeper:	#19879	KUBON, R S (PC0K853)	
Fingerprinted By:	#16095	ESCAMILLA, V J (PC0U924)	

Final Approval of Charges :	#257	MAGRUDER, J G(PC0P076)	05 JUL 2011 17:47	**Beat**

EXHIBIT E

Where applicable, the chart cites to pages of the transcript of Plaintiff's trial that demonstrate the applicability of the fair report privilege.	**Source**	**Opinion**	**Fair Report**	**Section 230**	**Non-Defamatory/Innocent Construction**
Eleven Sentence Item on Jezebel.com (sentence by sentence)					
A Chicago man who was acquitted on a sexual assault charge is suing the legal blog Above The Law for implying that he's a serial rapist.	Instant Lawsuit		X		X
If Meanith Huon gets his way, blogger sloppiness may cost ATL $50 million.	Instant Lawsuit	X			X
Huon, a lawyer, was initially charged with two counts of sexual assault, two counts of sexual abuse, and one count of unlawful restraint.	Exhibit A		X		X
A woman had jumped out of his car, ran through a cornfield barefoot, and knocked on a random person's door saying he had forced her into sexual activity.	Trans. 169-171, 177, 184		X		X
She later said she believed she was spending time with him for a job opportunity related to alcohol promotions, until he allegedly yelled at her to perform oral sex.	Trans. 195-227		X		X
Huon's version was that it was a consensual encounter, and partly on the strength of a bartender's testimony that the woman had been drinking and asked where to go to have fun, the jury believed him.	Trans. 150-157***		X		X
Huon is also suing local law enforcement authorities in Madison County, Illinois for prosecutorial misconduct.	Northern District of Illinois, Eastern Division: Case: 1:11-cv-0305		X		X
His beef with Above The Law stems from a roundup post entitled "Rape Potpurri," in which blogger Elie Mystal mistakenly believes that news accounts of the same incident are different incidents that should have tipped the woman off that Huon was a serial offender.	Instant Lawsuit	X	X		X
"The content of the article were [sic] defamatory in that it incorrectly and recklessly portrayed Mr. Huon as a serial rapist by treating the same complaining witness as three different women," says the complaint, according to *Forbes*.	Forbes/ Plaintiff's Complaint			X	X
"And this, people, is why God invented Google," wrote Mystal in the original post, linking to articles that in fact described the same case.	Above the Law			X	X
The lesson learned: Google only takes you so far.	N/A	X			X