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## Commercial Litigation: Court Decision Addresses Court's Jurisdiction to Hear a Lawsuit Alleging Defamatory Internet Posts

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The rise of social media has seen a corresponding rise in lawsuits seeking redress for alleged defamatory statements posted on Internet sites. This raises many novel legal issues, including whether a person can be sued in a faraway state because he or she posted a statement on the Internet that allegedly harmed someone who resides in that faraway state.

The California Court of Appeal recently issued an interesting opinion in *Burdick v. Superior Court*, analyzing whether a California state court has personal jurisdiction over an out-of-state defendant who allegedly posted defamatory statements on Facebook about a California resident. The court held that posting defamatory comments on a website while knowing that a plaintiff resides and will be damaged in California is insufficient on its own for the minimal contacts necessary for personal jurisdiction. Personal jurisdiction must be based on the defendant's forum-related acts instead of the plaintiff's forum contacts, so to establish jurisdiction it is necessary that the defendant: "expressly aim or specifically direct his or her intentional conduct at the forum, rather than at the plaintiff who lives there."

While the facts in *Burdick* were insufficient to establish jurisdiction over an out-of-state defendant in California, the parameters of personal jurisdiction over a defendant who intentionally damages a resident of another state via the Internet is sure to be a hot topic for years to come.



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