

Publications

Defamation and ‘TheDirty’: Why You Don’t Want to Sue TheDirty.com

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Nik Richie, founder and editor of controversial “reality” blog TheDirty.com, does not hide what his website is all about. Scroll down to the very bottom of the gossip website and you will find a note that its content is comprised of “rumors, speculation, assumptions, opinions, and” – lastly – “factual information.” The website even discloses that it “may contain erroneous or inaccurate information.”

Needless to say, there are many people who have taken issue with Richie and his website over the years. The problem for the individuals upset with Richie (and want to sue him) is that he is not the speaker of these controversial statements. Rather, other people (members of the so-called “Dirty Army”) submit the content to Richie directly through his website or via email.

Richie is protected by § 230 of the [Communications Decency Act](#) (CDA), which essentially shields “interactive” website operators, such as Richie, from being held liable for statements made by third party users. What is unique about TheDirty.com, however, is that Richie is more involved with the website than, say, editors from a major news publication that allow readers to comment on articles directly on their website. Richie generally adds one or two lines of commentary at the end of each post (signed “-nik”). However, he would argue this still does not make him a “content provider,” under the CDA, a point which he has demonstrated that he is willing to fight over. (See *S.C. v. Dirty World, LLC*, 2012 WL 3335284 (W.D.Mo. 2012)).

Thus, it is generally not worth your time or money to try to fight Richie in court, as it most likely will be difficult to win, given his arguable immunity under the CDA. Instead, consider going after the real perpetrator: the person who actually submitted the information to TheDirty.com. If you know who that person is, you can simply file a lawsuit against him or her. Alternatively, you can file a lawsuit against a John Doe defendant and serve discovery (i.e. a subpoena to TheDirty.com) to obtain identifying information related to the person who submitted the content to the website, and then sue that person.

If you obtain a judgment in your favor against the content provider, in most cases TheDirty.com will remove the posting. Although a court order is not against Richie or TheDirty.com itself – and, thus, they are not legally required to remove the post – it is not surprising that they are generally willing to do so.

Indeed, removal of a post subject to court order against the poster is consistent with Richie's position that he is not the content owner, and thus not responsible for any false or defamatory statements made by TheDirty.com users. Furthermore, as a blog operator, it is likely in his best interest to keep the content on his website as accurate as possible. No matter how scandalous most of the website's content is, it would lose more credibility if courts consistently made determinations of false information and the inaccuracies were not fixed.

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