

FOR RELEASE: Middle District of Florida Dismisses Case Against Consumer Advocate

Tuesday, 19 October 2010

For Immediate Release:

MIDDLE DISTRICT OF FLORIDA DISMISSES LANDMARK PERSONAL JURISDICTION CASE

(ORLANDO, FL - October 5, 2010) The United States District Court for the Middle District of Florida has found that the Florida Supreme Court's interpretation of the state's long-arm statute in *Internet Solutions Corporation v. Marshall* does not support jurisdiction of a website operator located in Washington. The Court's 14-page Order, written by Judge Anne Conway, effectively reversed the Florida Supreme Court's unanimous ruling in favor of jurisdiction over Tabatha Marshall, a website operator whose site criticized a business with Florida locations.

The court held that Marshall's internet postings, available in the same form across the globe, were not purposely directed at Florida. Because there was no relationship between Marshall's website and Florida that she could have foreseen or benefited from, there was no basis for her to have to defend the lawsuit in Florida.

An amicus curiae brief submitted by Public Citizen (www.citizen.org), a national public-interest organization, virtually predicted the Middle District's ruling. Public Citizen argued that more than minimum legal protections were necessary for Florida courts to exercise personal jurisdiction over a non-resident defendant where the alleged harm — defamation — occurred over the Internet. Moreover, enacting such a standard would be harmful not only to individuals and consumers, but to businesses as well.

Initially argued before the Florida Supreme Court by Marc Randazza in March 2010, the Court unanimously found that the state's long-arm statute — the law defining Florida's courts' ability to make non-residents stand trial in the state — allowed the Middle District of Florida to hear the case against Marshall. Presciently, Randazza described this as a "ministerial issue," calling the Supreme Court battle "the scrimmage before the game." Just as predicted, Marshall won the game.

This decision is a victory for bloggers and other website operators. Previously, posting content that merely mentioned Florida or a Florida-based company would have been enough for a court to exercise jurisdiction over them, requiring costly legal representation. Website operators can now speak freely about people and companies based in Florida without fearing a baseless lawsuit to silence their opinions or efforts to expose fraud and poor business practices.

Tabatha Marshall is the proprietor of TabathaMarshall.com and PhishBucket.org, which focuses on exposing job scams and fraudulent online hiring practices, helping consumers protect themselves from online threats. She has been a vocal critic of many companies' questionable business practices and has spared millions of visitors from falling victim to online job scams.

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For a copy of the dismissal:

<http://www.citmedialaw.org/sites/citmedialaw.org/files/2010-09-30-Marshall%20second%20dismissal.pdf>

For a copy of the Supreme Court decision:

<http://www.citmedialaw.org/sites/citmedialaw.org/files/2010-06-17-Florida%20Supreme%20Court%20Decision.pdf>

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