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No. 72321-9

**IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I**

DEBORAH THOMSON,

Appellant,

v.

JANE DOE, et al.,

Appellee.

REPLY TO RESPONSE BRIEF OF JANE DOE

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2018 FEB 24 AM 10:37
COURT OF APPEALS
STATE OF WASHINGTON

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REPLY TO BACKGROUND

Doe's Background is versed as a law review article. Along with a large portion of the rest of Doe's Response, it is a word-for-word duplicate of briefs submitted to courts in other states¹ involving anonymous internet speakers. This Background is not fact specific to this case.

REPLY TO FACTS AND PROCEEDINGS BELOW

Doe alleges, without reference to a record cite per Washington Rule 10.3(a)(5), that Thomson did not respond to reviews by Google and Yelp. She argues that Thomson was forum shopping when she chose to file a claim against Avvo. This is false. While Thomson is an attorney licensed to practice in Florida, she practices family law exclusively (CR.4). Although irrelevant to this factual, case-specific issue, Thomson did respond to all reviews. (Appendix A). Further, Google actually removed the defamatory review upon her request. (Appendix A).

Doe asserts that Avvo's correspondence shows that she had been Thomson's client.² This is a stretch unsupported by the record. The actual record shows that counsel for Avvo stated that he reached out to Doe and then emailed the following to Thomson: "While I can't give you the specifics, it included information sufficient for me to believe the reviewer was a client of yours." (CR.79).

¹ Counsel for Doe has authored articles promoting internet anonymity.

² Doe makes numerous factual assertions in her brief that do not cite to the record. For instance, Footnote Four alleges inquiries to Yelp and discussions with Doe denying said involvement in the other site reviews. Appellant requests this court strike any and all allegations made by Doe that are not cited in the record or Appendix. Wash. Rule 10.3(a)(5) ("Reference to the record *must* be included for each factual statement").

REPLY TO ARGUMENT

Doe's Summary of Argument is not tailored in a responsive nature to Appellant's Initial Brief. It is a carbon copy of brief material previously used by counsel for Doe in other cases. The actual Argument also follows the same format as the briefs written in those other cases rather than being responsive to Appellant's Initial Brief. Thomson responds to these issues in the same format for ease of review.

REPLY TO DOE'S FIRST ARGUMENT

WHILE THE CONSTITUTION DOES PROTECT FREE SPEECH, THERE ARE LIMITS TO ITS PROTECTION.

Doe states that "[t]he right to speak anonymously is fully applicable online." (Doe Response 18). Thomson has not suggested otherwise. Doe suggests that it is typical for lawyers in this type of case to file suit even if they do not intend on pursuing legal action (Doe Response 20). This is a large over-generalization and a bold assertion with no cited support.³ Perhaps instead of suggesting that lawyers commonly subpoena records to obtain information without an intent on proceeding, one may assume that it is commonplace for every post to be considered false because of the lack of verification of online posts unless it can be proven otherwise. The results of either are absurd.

Doe cites to an article⁴ for the idea that "[t]he mere filing of the John Doe action will probably slow the postings." (Doe Response 20). However, this quote does not suggest that a party file suit just to discover an anonymous poster's identity and then drop it; rather,

³ In fact, Doe refers to one cite in particular that has not been available despite the many times Thomson has searched for same: Werthammer, *RNN Sues Yahoo Over Negative Web Site*. Daily Freeman, Nov. 21, 2000, www.zwire.com/site/news.cfm?newsid=1098427&BRD=1769&PAG=461&dept_id=4969&rfi=8

⁴ Eisenhofer & Liebesman, *Caught by the Net*, 10 Business Law Today No. 1 (Sept. – Oct. 2000), at 40.

it suggests that it is possible that when a poster is identified, such may bring forth information or alternative solutions as part of the discovery process. Just like discovery in any other matter, the goal is to obtain answers to questions, which inevitably directs a party's action in a case.

Doe cites *Swiger v. Allegheny*, 2006 WL 1409622 (E.D. Pa. May 19, 2006), *aff'd*, 540 F.3d 179 (3rd Cir. 2008). There, a company filed a Doe lawsuit, obtained a poster's identity who happened to be an employee, and then proceeded to fire the employee and dismiss the suit. Doe's reliance on this is misplaced, as it actually supports Thomson's position. This company obtained a valuable remedy that was discovered after the identity of the poster was known. Only then, *after this necessary discovery*, was the company able to proceed with its own remedy, and *only then* was it discovered that judicial intervention was no longer necessary. Without this discovery tool, the company would not had have access to any remedy at all, judicial or not. There is nothing to indicate that the party filed suit with no intention of proceeding; the facts show that a suit was filed, discovery was obtained, and then an available remedy that did not require judicial intervention was discovered. Oddly, after two pages explaining this flawed theory, Doe then goes on to state that she was not suggesting that Thomson brought the suit for such a purpose.

REPLY TO DOE'S SECOND ARGUMENT

WHILE SOME COURTS HAVE PROVIDED FOR A STRICT EVIDENTIARY SHOWING FOR IDENTIFICATION OF A DOE DEFENDANT, THIS COURT SHOULD FOLLOW THOSE THAT HAVE REQUIRED A MOTION TO DISMISS OR GOOD FAITH STANDARD.

Doe asserts that the “leading decision” is *Dendrite v. Doe*, 775 A.2d 756 (N.J. App. 2001)(Doe Response 23)⁵ along with *Doe v. Cahill*, 884 A.2d 451 (Del. 2005). While Thomson acknowledges that these two cases have been cited by other courts, they most certainly are not the only direction courts have taken on this issue. Doe mentions that five states endorse *Dendrite*⁶ and four states endorsed *Cahill*⁷. Doe then attempts to minimize that many states have not addressed it at all, and three others chose not to endorse it, one in particular (Virginia) with the legislature having extensively considered the issue and determined that *Dendrite* was not appropriate.

As of 2010, more than twenty courts have either promulgated unmasking standards or outlined specific criteria that parties seeking to identify anonymous internet speakers must satisfy before compelling discovery. These unmasking standards have been promulgated primarily at the state and federal district court levels and have been formulated on a jurisdiction-by-jurisdiction basis, resulting in what has been described as an “entire spectrum” or, less charitably, a “morass” of unmasking standards.

<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3120&context=bclr>) (pgs. 98-99). “The U.S. Supreme Court has yet to consider the proper calculus for weighing the conflicting rights of an anonymous online speaker and other parties who wish to unmask them... In the absence of such guidance, state courts and federal trial courts have developed a range of standards that plaintiffs must satisfy in order to obtain information related to an anonymous speaker’s identity.” Ashley Kissinger & Katherine Larsen. *Protections for*

⁵ Based on professional courtesy, it should be pointed out that Doe actually supported Thomson’s position when it stated, “Washington should require no less [than to follow *Dendrite*] and ... the trial court’s decision should therefore be **reversed** based on the first four parts of the test alone.” (Doe Response 24). Thomson recognizes that this is a scrivener’s error on Doe’s part, but agrees with this assertion.

⁶ The following states were noted by Doe as following *Dendrite*: Arizona, Maryland, New Hampshire, Pennsylvania, and Indiana. (Doe Response 25-26).

⁷ The following states were noted by Doe as following *Cahill*: California, Texas, District of Columbia, and Kentucky. (Doe Response 26-27).

Anonymous Online Speech, Communications Law in the Digital Age, at 826 (PLI Nov. 2011). “Last year in a decision involving nonexpressive speech, *Arista Records, LLC v. Doe 3*,⁸ the Second Circuit vaguely noted that the low burden test typically applied in copyright infringement actions ‘constitute[d] an appropriate *general* standard for determining whether a motion to quash to preserve the objecting party’s anonymity, should be granted.’” *Id.* at 830.

“[S]everal state appellate courts have crafted guidelines that trial courts can apply in reviewing a plaintiff’s motion or petition to unmask anonymous online posters. . . . Despite this trend, however, a handful of appellate courts, two most recently in Illinois and Michigan, have simply rejected the need to develop any guidelines or test at all. They take the position that their states’ civil discovery procedures are perfectly capable of performing this function.” Samuel Morley. *Unmasking Anonymous Internet Posters: Can Civil Procedure Rules Adequately Protect Online Speech?* Vol. 30, No. 1 Communications Lawyer, Nov. 2013. Doe attempts to minimize these cases that have chosen not to endorse *Dendrite* or *Cahill*. She refers to *Thomas M. Cooley Law School v. Doe*, Case No. 307426 (Mi. Ct. App. 2013), and *Ghanam v. Does*, Case No. 312201 (Mi. Ct. App. 2014). *Cooley* did not apply *Dendrite* and Doe argues that it was because state law procedures were adequate to meet First Amendment Standards. However, the *Ghanam* court had completely different facts, but still chose not to apply these cases.

The *Ghanam* case concerned a public official where the requirements are most stringent. Here, we are not dealing with a public official. The court held “that when a plaintiff seeks disclosure of the identity of an anonymous defendant who might not be

⁸ *Arista Records, LLC v. Doe 3*, 604 F.3d 110 (2d Circ. 2010).

aware of the pending defamation lawsuit, the plaintiff is first required to make reasonable efforts to notify the defendant of the lawsuit, and, in addition, the trial court is required to analyze the complaint under MCR 2.116(C)(8)⁹ to ensure that the plaintiff has stated a claim on which relief can be granted.” *Id.* at 135. The court concluded that it was bound by the *Cooley* decision because the rules were “sufficient to protect a participating defendant’s First Amendment rights.” *Id.* at 141. The court invited the Legislature or Supreme Court to consider this question, which has since been denied. In *Ghanam*, the claim was denied in part because, unlike here, the plaintiff did not identify the exact language claimed to be defamatory.¹⁰ The concurring opinion by Judge Stephens noted, “I understand that there is a significant split of opinion among other jurisdictions on this issue.” *Id.* at 146. This issue is not as clear cut as Doe would have this court believe.

Doe also attempts to minimize the important case of *Yelp, Inc. v. Hadeed Carpet Cleaning*, 752 S.E.2d 554 (2014), appeal granted, No. 140242 (Va. Sup. Ct.), and argues that it should not apply because Virginia had a statute addressing the issue. However, this is actually where this Court *should* focus. In *Hadeed*, the statute¹¹ that guided the result provides the following general requirements,

“[A] plaintiff seeking to uncover the identity of an anonymous Internet speaker in the Commonwealth must show a circuit court that

⁹ “The motion may be based on one or more of these grounds, and must specify the grounds on which it is based: (8) the opposing party has failed to state a claim on which relief can be granted.” While Doe may suggest that this type of language refers to a Summary Judgment or Prima Facie standard, this is inaccurate. Section Mich. Ct. R. 2.116(C)(10) of this same rule provides another alternative, “Except to the amount of damages, there is no genuine issue of material fact and the moving party is entitled to judgment or partial judgment as a matter of law.” The statute refers specifically to summary judgment standard, rendering rule Mich. Ct. R. 2.116(C)(8) to be a lesser motion to dismiss standard.

¹⁰ The court did note another rule that stated “if summary disposition is appropriate under MCR 2.116(C)(8), as is the case here, plaintiffs shall be given the opportunity to amend their pleadings, unless the amendment would be futile.” *Ghanam*, at 142.

¹¹ Virginia Statute §8.01-407.1

- (1) he has given notice of the subpoena to the anonymous communicator via the Internet service provider;
- (2)(a) communications made by the anonymous communicator are or may be tortuous or illegal *or*
 - (b) the plaintiff ‘has a legitimate, good faith basis to contend that such party is the victim of conduct actionable in the jurisdiction where the suit is filed,’;
- (3) other ‘reasonable efforts to identify the anonymous communicator have proven fruitless,’;
- (4) the identity of the anonymous communicator is important, is centrally needed to advance the claim, is related to the claim or defense, or is directly relevant to the claim or defense;
- (5) no motion challenging the viability of the lawsuit is pending; and
- (6) the entity to whom the subpoena is addressed likely has responsive information.”

752 S.E.2d at 564 (citations omitted). The legislative intent behind this statute is critically important in understanding *why* this court *chose* not to follow *Dendrite*. This matter had already been well-thought out and numerous options considered.

In 2002, the Office of the Executive Secretary of the Virginia Supreme Court prepared a ninety-eight page report at the direction of the General Assembly, resulting in Senate Document No. 9 presented to the Governor and the General Assembly of Virginia entitled “Discovery of Electronic Data.”¹² The Report demonstrates that the State of Virginia has strong First Amendment protections, higher than the federal guarantees, and

¹² [http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/SD92002/\\$file/SD9_2002.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/SD92002/$file/SD9_2002.pdf)

considered *Dendrite* yet still chose another route. This lengthy report stated **and** considered as follows¹³:

- [I]t is incumbent upon the Commonwealth and its courts to **apply** a rigorous **standard** to ensure that “[p]eople who have committed no wrong [can] **participate** online without fear that someone who wishes to harass or embarrass them can file a frivolous lawsuit and thereby gain the power of the court’s order to discover their identity.” Pg.2
- **The right to speak anonymously, while not absolute, is broadly protected under the First Amendment.** Pg.14
- **Section 12 of the Virginia Bill of Rights may offer even greater protection for freedom of speech than does the First Amendment to the federal Constitution.** Pg.19
- **The Supreme Court has emphasized that an author’s decision to remain anonymous, like other decisions concerning omissions or additions to the content of a publication, is an aspect of the freedom of speech protected by the First Amendment.** Pg.23
- **Attempts to apply the prevailing constitutional standards in the specific context of disclosure of the identities of anonymous communicators over the Internet have been made by trial courts in Virginia, and a handful of other jurisdictions.** Pg.25
- **Nationally, only two ‘tests’ [at the time of this report] have been reported. One is a California federal district court synthesis of the considerations that has also been applied by a New Jersey state trial court. This approach requires the applicant for a subpoena to provide the court with (1) information about the unknown party to document that the person is a real individual or entity, (2) a listing of all prior steps to identify the unknown party, (3) a demonstration that plaintiff’s underlying tort suit could withstand a motion to dismiss, (4) a copy of the discovery request, specifying the persons who are likely to have identifying information.** Pg.26
- **The other test was applied by a federal trial court in Washington state, which ruled that in evaluating a civil subpoena that seeks the identity of an anonymous Internet user who is not a party to the underlying litigation, the court should consider whether (1) the subpoena was sought in good faith and not for any improper purpose, (2) the information sought relates to a core claim or defense, (3) the identifying information is directly and materially relevant to that claim**

¹³ Underlined sections provide emphasis added by Thomson. All bold and italicized sections were already supplied.

or defense, and (4) whether there is information sufficient to establish or to disprove that claim or defense is unavailable from any other source. Pg.26

- ***This Report actually considered Dendrite, but chose not to apply it:*** “The Appellate Division [in *Dendrite*] noted that a good approach stops short of a full ‘motion to dismiss’ test for the enforcement of a subpoena, and should be satisfied where there is sufficient showing of the bona fides of plaintiff’s case to provide assurance that the discovery procedures to ascertain the identities of unknown defendants are not being undertaken to harass, intimidate or silence critics in the public forum opportunities provided by the Internet.” Pg.27
- This Report also considered California’s Anti-SLAPP approach referred to by Doe (Doe Response 8, 40) but chose not to apply or incorporate same. Pgs.36-38
- *Extent of the Applicant’s Proof Burdens* (a) The showings that an applicant must make can be defined by category, but the level of proof required is as important or *more* important than the topics themselves. Thus, much of the existing body of case law recognizes a threshold concern that the applicant indicate **(a) that one or more communications that are [or may be] tortious or illegal have been made by the anonymous person.** Whether this must be “suggested,” “shown,” “demonstrated,” etc., and at what level assurance, will have a dramatic effect on the number and efficacy of the applications. Probably the best approach to this issue is the language used in some existing Virginia trial court case law on point, calling for a showing “that the party requesting the subpoena has a legitimate, good faith basis to contend that it may be the victim of conduct actionable in the jurisdiction where suit was filed.” This formulation avoids the impractical and inappropriate spectacle of the local judge responding to a contested subpoena request attempting to rule on the ultimate merits of a nascent lawsuit, perhaps a litigation in a foreign forum applying the substantive tort law of another jurisdiction. Pg.45
- Other formulations of the strength of this showing use the concept of the claim being capable of withstanding a motion to dismiss (or demurrer). That standard is less desirable, for it requires a definitive ruling from the court entertaining the subpoena application on the viability vel non of the underlying lawsuit. The good faith basis test suggested above allows reasoned adjudication without turning the Virginia proceeding into a final decision on the merits of the action, in a factual vacuum and applying what may be unfamiliar legal principles. Pg.45
- [E]xisting trial court responses to these issues suggest that the applicant should show **that other efforts using reasonable diligence to identify the anonymous communicator have proven fruitless.** This modest exhaustion requirement is consistent with the notion that there should be a real need for information before the protection for anonymous speech is assailed. Pg.45

- Another requirement, “also consistent with the notion that constitutional conflicts should be avoided if possible, is **that the actionability of the communications cannot be determined while the author remains anonymous.**” Pg.46-47
- Another practical requirement that appears appropriate is that **the applicant shall provide the court with a statement why the persons to whom the subpoena is addressed are likely to have responsive information.** Pg.47
- The significance of Internet communications, and the freedom of expression rights of the federal and Virginia Constitutions that underlie such communications, suggest that fundamental societal values are at stake in the encouragement of unfettered expression through the medium of anonymous Internet speech. Pg.57
- Because constitutional interests are involved, and because the General Assembly has evidenced in the present Study Resolution and other enactments that it is concerned that Virginia remain among the Nation’s most hospitable environments for the development and use of electronic media, it seems highly appropriate that legislation be considered to make certain (A) that the Commonwealth’s citizens have the full protections the Virginia and federal Constitutions provide to them, and an appropriate and fair opportunity to protect those rights; and (B) that enterprises who possess identifying information be protected from unnecessary entanglement with litigations, and are compelled to make disclosure only when proper standards have been met; and (C) that the Commonwealth’s judges are provided with the information they need for full and fair consideration of the relevant factors in ruling on such disputes. Pg.57

The language of the Virginia Statute was extensive, well-researched, and drafted with precision. It was not just a random court case in any particular state, but rather, this demonstrates an extensive amount of time and energy on this issue, including considering, and rejecting, the case that Doe would have this Court follow. The reasoning behind the Virginia Statute and case law following and abiding by same presents a much stronger and more logical argument that protects *both* the party seeking to protect anonymity as well as a defamed party, rather than making it near impossible for an injured party to obtain recovery due to extreme exacting standards.

To be certain, the parties are each entitled to protection. “The right of a man to the protection of his own reputation from unjustified invasion and wrongful hurt reflects on more than our basic concept of the essential dignity and worth of every human being – a concept at the root of any decent system of ordered liberty.” *Rosenblatt v. Baer*, 383 U.S. 75, 92 (1966)(Stewart, J. concurring). “Behind anonymous masks of their screen names, people may be more willing to say things that they would not ordinarily, and this uninhibited communication can produce more defamation. People, believing that they cannot be caught, can use the internet to damage the reputation of others. As one commentator has proclaimed, ‘[i]ndividuals say and do things online that they would never consider saying or doing offline because they feel anonymous.’” (quoting Nathaniel Gleicher. *John Doe Subpoenas: Towards a Consistent Legal Standard*, 118 Yale L. J. 320, 324 (Nov. 2008)(quoting Danielle Keats Citron. *Cyber Civil Rights*, 89 B. U. L. Rev. (2009)).

As a preliminary matter, most jurisdictions require that the plaintiff provide the defendant with notice. Courts then apply one of the four tests. The good faith standard requires the plaintiff to meet the lowest burden of all the tests. Under a good faith standard, the plaintiff is required to prove that they are bringing their suit in good faith and not solely to silence the defendant.^[14] Under the motion to dismiss standard, the plaintiff must prove that his or her claim can survive a motion to dismiss before the defendant is unmasked. A prima facie evidentiary standard requires the plaintiff to prove that he or she can make a prima facie showing that the content was false and defamatory. The summary judgment standard requires that the plaintiff to meet the highest burden, or prove that his or her case can withstand a summary judgment challenge.

Courtney T. Shillington. *Unmasking Online Assailants: When Should an Anonymous Online Poster be Exposed for Defamatory Content?*, Selected Works, pg. 4 (April 2011) http://works.bepress.com/courtney_shillington/1. Here, the trial court automatically

¹⁴ This is where the Virginia statute provides requirements to ensure that both parties are given protection. See Va. Code §8.01-407.1.

required the highest scrutiny, but a more reasonable scrutiny in this type of factual scenario, and at this juncture in this case, would be the motion to dismiss standard or a standard mirroring the guide of Virginia. The summary judgment and prima facie standard present too high of a burden on a plaintiff, particularly here, where it is pre-discovery. This heightened standard puts a trial judge in a difficult position of attempting to rule on the merits of a new lawsuit that is not yet at issue and ready to be decided because of its early status. The results will lead to arbitrary and inconsistent decisions by the trial court.

Doe's next argument in this section suggests that the evidence is that Avvo verified that Doe was one of Thomson's clients. This is inaccurate. The specific language from Avvo's counsel, in his email to Thomson, stated "While I can't give you the specifics, it included information sufficient for me to believe the reviewer was a client of yours." (CR.79). This is completely subjective, and is *not* determinative that this poster *was*, in fact, a client. There is nothing in the record indicating what information Avvo uses to make this determination, or if, in fact, this is Avvo's way of encouraging posts by not allowing information to be obtained. There is simply no verification that Doe was actually Thomson's client. Did Doe allegedly just state to Avvo that she was a client? Did she produce something on letterhead? Did she submit a billing statement? Did Avvo check the accuracy of whatever was allegedly submitted or stated by Doe, understanding that if someone was going to go through the lengths to defend a defamation post, one would not be constrained by legality or morals? These are all unanswered questions.¹⁵

¹⁵ Thomson is not suggesting that counsel for Doe falsified information in his email or affidavit to the court. Thomson merely points out that the record does not reflect what type of "information" was received or considered by Avvo in coming to the conclusion that Doe may have been a client, nor does the record reflect if said information was verified. This is concerning to Thomson, as the record already does show that Avvo does not verify its user's online posts (CR.11).

The cases that Doe cites for the proposition that federal courts have repeatedly followed *Dendrite* or *Cahill* are all factually different from the case at bar. The cases cited involve a copyright claim¹⁶, a non-profit member corporation operating more than 4,000 hotels¹⁷, a publicly traded corporation that manages domestic and offshore hedge funds with assets totaling several billion dollars¹⁸, and an international “educational and humanitarian” organization dedicated to teaching the spiritual lessons of “His Holiness Ravi Shankar” that is based in Bangalore, India and has chapters in more than 140 countries.¹⁹ Thomson is an individual that operates a small family law firm in Tampa — minor compared to the large corporations subject in these cases.

Doe also suggests that *In re Anonymous Online Speakers*, 661 F.3d 1168 (9th Cir. 2011) does not help Thomson’s argument. Appellant respectfully disagrees. The statements in that case were factual allegations, similar to those made in the case at bar.²⁰

¹⁶ *Doe I and Doe II v. Individuals Whose True Names are Unknown*, 561 F. Supp. 2d 249 (D. Conn. 2008).

¹⁷ *Best Western Int’l v. Doe*, 2006 WL 2091695 (D. Ariz. 2006)(also noting that “If BWI believes that it can satisfy the summary judgment standard, it may seek to do so in a renewed motion to be filed with the Court”).

¹⁸ *Highfields Capital Mgmt. v. Doe*, 385 F. Supp. 2d 969, 976 (N.D. Cal. 2005).

¹⁹ *Art of Living Foundation v. Does 1010*, 2011 WL 5444622 (N.D. Cal. Nov. 9, 2011)(dealing with misappropriation of trade secrets, copyright infringement, and trade libel and stating that “if Defendants’ pending motions are unsuccessful, disclosure of Skywalker’s identity **may be necessary** in order to conduct a pre-trial deposition and to enforce any judgment ultimately obtained against him. However, the proper scope of discovery can be fashioned at that time”, and that “[a]ny discovery related solely to Skywalker’s identity is stayed pending resolution of Defendants’ motions to strike and for summary judgment. At that time, Plaintiff **may renew its motion to compel discovery.**”).

²⁰ The following were quotes at issue in this case: “Quixtar has regularly, but secretly, acknowledged that its products are overpriced and not sellable”; “Quixtar refused to pay bonuses to IBOs in good standing”; that Quixtar “terminated IBOs without due process”; “Quixtar currently suffers from systemic dishonesty”; and “Quixtar is aware of, approves, promotes, and facilitates the systemic noncompliance with FTC’s Amway rules.”

The court **takes** caution to note that some speech is not given protection. Defamation is just that kind of speech. While Doe asserts that the court found it was **not** an abuse of discretion to **apply** the *Cahill* standard (Doe Response 30), to the contrary, **the** court stated that “*Cahill*’s bar extends too far.” *Id.* at 1177. The court reasoned that *Cahill* involved political speech; but, there was no political speech in that case. The court **directed** that the nature of the speech should be a driving force in determining the right standard to apply. *Id.* Similarly, there is no political speech here, so even if this court chooses to apply a test other than the good faith test or one that follows Virginia’s lead, this court should not be applying a strict scrutiny analysis.

Doe also argues that the “criticism of her lawyer” does not constitute commercial speech. First, Doe’s assertion that Thomson is “her lawyer” is not factual, and is part of the core issue sought to be determined pursuant to the subpoena in this matter. Next, Doe cites cases involving companies such as Consumer Reports – a national magazine, and cases that involve unfair competitive practices and trademark issues to lend support to his argument. The cases cited do not involve defamation, nor any facts remotely similar to the case at bar.

In her final assertion in this section, Doe suggests that the *Cahill* and *Dendrite* cases do not present too onerous a burden and that “an order identifying the anonymous defendant is a form of relief, relief that can injure the defendant (by exposing the defendant to retaliation at the hands of the plaintiff and/or its supporters), and relief that can benefit the plaintiff by chilling future criticism as well by identifying critics so that their dissent can be more easily addressed.” (Doe Response 31). This is a flawed argument.

Thomson is seeking an IP address and discovery of the author of a defamatory post. If the content of the post was truthful, what is the harm to the poster? If the content was truthful, why are there no allegations of a Bar Complaint against Thomson for such behavior in the record. Doe was not stating an unpopular political or religious view that would subject her to persecution if her identity became known, Doe was not an employee of Thomson, and anonymous reviewers like her have no other apparent interest in protecting her anonymity other than her desire to remain anonymous. The only consequence of her being unmasked is that she may be held legally accountable for her defamatory statements. Such a risk of legal liability for committing defamation is not a valid ground for preserving one's anonymity. Further, the argument that a poster would be required to defend any baseless defamation claims is unrealistic because if this was an actual client and the statements made were true, then same would not be actionable.

“In a world where employers [or potential clients] frequently do a Google search before hiring potential employees [or representation], unproven assertions on the internet could deprive a person of a job [or income or a good reputation]. The standard should not be so high as to deprive plaintiffs who have been harmed from unmasking their attackers because they cannot meet a procedural threshold.” *Unmasking Online Assailants: When Should an Anonymous Online Poster be Exposed for Defamatory Content?* at 39.

Further, Doe argues that the court used a summary judgment standard. Determining summary judgment without a hearing impacts a party's due process interests. An order effectively granting a summary judgment at this stage is unfair to parties like Thomson

because she **did** not receive a hearing nor notice that the matter could be essentially dismissed. There are rules²¹ and cases²² in place to prevent this type of situation.

The **due process** clauses of the fifth and fourteenth amendments prohibit federal and state governments from depriving individuals of “liberty, or property, without **due process** of law.” This is a procedural right to “some kind of hearing” that arises when the government deprives an individual of a constitutionally protected liberty or property interest. This hearing must occur “at a meaningful time and in a meaningful manner.” The essence of this right “reflects a fundamental value in our American constitutional system.” As a general rule, due process requires that the hearing occur *before* the deprivation takes effect.

Robert F. Maslan, Jr. *Bias and the Loudermill Hearing: Due Process or Lip Service to Federal Law?* Fordam L. Rev. Vol. 57, Issue 6, Article 15, pg.1093 at 1094-95 (1989). At a minimum, the court should have held a hearing before ruling.

The two touchstones of procedural due process are notice and the opportunity to be heard. Notice must be reasonably calculated to inform interested parties of an

²¹ For example, an “order granting or denying the motion for summary judgment shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered.” Wash. R. Civ. Pro. 56(h). Also, if affidavits of a party are unavailable, “the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.” Wash. R. Civ. Pro. 56(f).

²² *Heintz v. JP Morgan Chase Bank, et al.*, Case No. 70628-4-I (Wash. Ct. App. 2014)(stating that “[i]n reviewing a summary judgment order, we view the facts and reasonable inferences in the light most favorable to the nonmoving party. We may affirm an order granting summary judgment if there are no genuine issues of material fact for trial and the moving party is entitled to judgment as a matter of law. Under 12(b)(6), dismissal is proper only if ‘it appears beyond doubt that the plaintiff cannot prove any set of facts which would justify recovery.’ In making this determination, the court presumes the plaintiff’s allegations to be true and ‘may consider hypothetical facts not included in the record.’ If materials ‘outside the pleadings are presented to and not excluded by the court,’ the CR 12(b)(6) motion is treated as a summary judgment motion under CR 56.”); *See Parkin v. Colocousis*, 769 P.2d 326 (Wash. 1989)(concluding that since the facts were susceptible to different interpretations, the trial court erred by entering summary judgment in favor of defendant; also stating that an appellate court’s task is same as trial court’s: “to determine whether ‘the pleadings, depositions, answers to interrogatories, and admission on file, together with the affidavits, if any show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.’”); *West v. Thurston County*, Case No. 40865-1-II (Wash. App. Ct. 2011)(stating that “All facts and reasonable inferences therefrom are construed in the light most favorable to the nonmoving party” and that when a party “responds to the summary judgment motion, he cannot rely on mere allegations contained in the pleadings. Instead, he must offer affidavits or other means provided in CR 56 to set forth specific facts showing that there is a genuine issue for trial”). Here, Thomson was not able to move forward with discovery to argue her case. She had no chance to do this, as there was no motion for summary judgment.

action against them and give them the ability to make an appearance on their own behalf. A party's opportunity to be heard must be meaningful both in time and manner. To determine whether existing procedures are adequate to protect the interest at stake, [the court] consider the following three factors:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprive of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Johnson v. City of Seattle, Case No. 68819-7-I (Wash. Ct. App. 2014)(citations omitted).

In *Johnson*, the appellant had "no opportunity to present his defense and was provided no procedural safeguards." Here, Thomson had no notice that her case could be essentially dismissed without a hearing, particularly because Avvo requested a hearing in its Response to Motion to Compel.

In Doe's final paragraph in this section, she argues that Thomson's Complaint is deficient because she signed it, but it was not sworn. This begs the question as to what the court, and which court, requires for a Complaint of this nature. Is it Florida or Washington law? And is verification required? Neither Washington nor Florida requires the verification of every complaint, but in fact, only require same for certain particular actions.²³

²³ "Every pleading, motion, and legal memorandum of a party... who is not represented by an attorney shall sign and date the party's pleading, motion, or legal memorandum and state the party's address. **Petitions for dissolution of marriage, separation, declarations concerning the validity of a marriage, custody, and modification of decrees issued as a result of any of the foregoing petitions shall be verified. Other pleadings need not, but may be, verified or accompanied by an affidavit.** The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is well grounded in fact;
- (2) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (3) it is not interposed for improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief. ... If a pleading motion or

“In negotiating differences in state laws governing defamation, courts in internet cases overwhelmingly apply the orientation of the Restatement (Second) of Conflict of Laws^[24], which serves as the most popular choice of law approach among states in the U.S. The Restatement (Second) rule for choice of law in multistate defamation cases states that the law of the plaintiff’s domicile will presumptively govern liability issues for the dispute. This rule provides a convenient standard for internet cases, in which courts usually apply the law of the plaintiff’s domicile reflexively where state law differences exist. Indeed, many courts – whether or not they have officially adopted the Restatement (second) for all choice of law matters – have chosen to apply the law of the plaintiff’s domicile in internet defamation cases.” Laura E. Little. *Internet Defamation, Freedom of Expression*,

legal memorandum is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it ... an appropriate sanction...”

Wash. C.R. 11(a)(emphasis added); *See also* Wash. C.R. 7 (stating, “No requirement of verification or affidavits for pleadings and/or motions”); Florida R. Civ. Pro. 1.110 (stating that in claims for relief, “A pleading which sets forth a claim for relief, whether an original claim, counterclaim, crossclaim, or third-party claim must state a cause of action and shall contain (1) a short and plain statement of the grounds upon which the court’s jurisdiction depends, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it, (2) a short and plain statement of the ultimate facts showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which the pleader deems himself or herself entitled. Relief in the alternative or of several different types may be demanded. Every complaint shall be considered to pray for general relief,” And that “**When filing an action for foreclosure on a mortgage for residential real property the complaint shall be verified....**”)(emphasis added).

²⁴ Restatement (Second) of Conflict of Laws Sec. 150 provides in full:

- (1) The rights and liabilities that arise from defamatory matter in any one edition of a book or newspaper, or any one broadcast over radio or television, exhibition of a motion picture, or similar aggregate communication are determined by the local law of the state which, with respect to the particular issue, has the most significant relationship to the occurrence and the parties under the principles stated in Section 6.
- (2) When a natural person claims that he has been defamed by an aggregate communication, the state of most significant relationship will usually be the state where the person was domiciled at the time, if the matter complained of was published in that state.
- (3) When a corporation, or other legal person, claims that it has been defamed by an aggregate communication, the state of most significant relationship will usually be the state where the corporation, or other legal person, had its principal place of business at the time, if the matter complained of was published in that state.

and the Lessons of Private International Law for the United States, European Yearbook of Private International Law, Vol. 14, 2012 (footnotes omitted). Regardless of whether it is Florida or Washington, however, neither require verification. Thomson followed the requirements for a valid defamation Complaint.

Further, there are rules in place regarding requirements for filings, and possible sanctions for not following same. Lest Doe be reminded of the purpose of these rules. For instance, “the central purposes of [federal] Rule 11^[25] is to deter baseless filings in district

²⁵ Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) SIGNATURE. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(b) REPRESENTATIONS TO THE COURT. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) SANCTIONS.

(1) *In General*. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

....

(3) *On the Court's Initiative*. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b).

(4) *Nature of a Sanction*. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for

court ... Rule 11 imposes a duty on attorneys to certify that they have conducted a reasonable inquiry and have determined that any papers with the court are well grounded in fact, legally tenable, and 'not interposed for any improper purpose.' An attorney who signs the paper without such a substantiated belief 'shall' be penalized by 'an appropriate sanction.'" *Cooter & Gell v. Hartmarx Corp*, 496 U.S. 384 (1990) (discussing Rule 11, which is same as Wash. Rule 11). Here, Thomson, an attorney licensed in the State of Florida, signed off on a Complaint in Florida. Her signature should be given considerably more weight in terms of the veracity of her filings, as opposed to a lay person submitting a pleading, as she could be subjected to severe sanctions for inappropriate actions.²⁶

Further, even in Washington State, an attorney is required to conduct an investigation before filing a complaint²⁷ and attest by his signature that it was "reasonable

effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation....

²⁶ See *The Florida Bar v. St. Louis*, 967 So.2d 108, 122-23 (Fla. 2007)(stating that the court typically imposes the severe sanction of disbarment on lawyers who intentionally lie to a court. An officer of the court who knowingly seeks to corrupt the legal process can expect to be excluded from that process). See also *The Florida Bar v. Kickliter*, 559 So.2d 1123 (Fla.1990) (disbarring attorney who committed a fraud on the court); *The Florida Bar v. Agar*, 394 So.2d 405 (Fla.1980)(disbarring attorney who solicited false testimony, thereby allowing his client to perpetrate a fraud on the court); *The Florida Bar v. Head*, 27 So. 3d 1(Fla. 2010)("basic, fundamental dishonesty . . . is a serious flaw, which cannot be tolerated" because dishonesty and a lack of candor "cannot be tolerated by a profession that relies on the truthfulness of its members.") *The Florida Bar v. Rotstein*, 835 So.2d 241, 246 (Fla.2002). ("Dishonest conduct demonstrates the utmost disrespect for the court and is destructive to the legal system as a whole."); See also *Florida Rules of Professional Conduct* 4-8.4 (A lawyer shall not: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation)

²⁷ See *Brin v. Stutzman*, 951 P.2d 291 (Wash. Ct. App. 1998)(stating that Court Rule 11 permits a court to impose sanctions against "the person who signed" a pleading without a factual basis. Therefore, in a case in which the plaintiff does maliciously allege facts without probable cause, the trial court has adequate means upon which to promote judicial efficiency and protect defendants from meritless attacks; *Lee v. The Columbian, Inc.*, 826 P.2d 217 (Wash. Ct. App. 1991)(concluding that Court Rule 11 sanctions may be imposed if a pleading, motion, or memorandum was (1) not well grounded in fact; (2) not well grounded in law; and (3) viewed objectively, the culpable party or attorney failed to make a reasonable inquiry into the factual or legal basis of the action).

to believe at the time [that the information contained in] the pleading, motion or legal memorandum" is true. *Saldivar v. Momah*, 186 P.3d 1117, 1137 (Wash Ct. App. 2008)(citation omitted). Washington Court Rule 11 is directed to remedy situations "where it is patently clear that a claim has absolutely no chance of success," and courts "must strive to avoid the wisdom of hindsight in determining whether a pleading was valid when signed, and *any and all doubts must be resolved in favor of the signer.*"*Id.* at 1138 (emphasis added); see also *Doe v. Spokane & Inland Empire Blood Bank*, 55 Wash.App. 106, 122, 780 P.2d 853 (1989) (quoting *Eastway Constr. Corp. v. City of New York*, 762 F.2d 243, 254 (2d Cir.1985)).

REPLY TO DOE'S THIRD ARGUMENT
THOMSON MADE A SUFFICIENT SHOWING TO REQUIRE AVVO TO
COMPLY WITH THE SUBPOENA REQUESTING IDENTIFICATION OF DOE.

Doe begins this section presumptuously asserting the *Dendrite/Cahill* standard, assuming that it applies here, then spends three pages discussing the notice requirement. Thomson does not refute that notice was due, but Thomson was informed by Avvo at the start of this matter that Avvo was notifying Doe (CR.79). This satisfied the notice requirement, and this is a non-issue undeserved of three full pages by Doe.

Doe states that Thomson only alleged a portion of the Avvo review, but her motion to compel invoked additional portions. This is false. Thomson's Complaint provides the link to the site and incorporates the full language of the post and Thomson's reply (CR.4). Thus, the entire language is provided therein. Further, although Thomson refers to specific portions of Doe's statement, she indicates that those are just *some* of the problem:

“Defendant’s publication of statements in the online postings *including* that... all directly and by implication state that Plaintiff has engaged in conduct incompatible with Plaintiff’s trade, position, or office and is unprofessional.” Doe’s entire argument attempts to make Thomson’s Complaint look flawed, when in fact, it is not.

Doe alleges that Thomson’s Complaint contains several deficiencies. (Doe Response 37), arguing that the statements were opinion and not actionable fact. Thomson relies on and incorporates herein her Motion to Compel, Reply to Response to Motion to Compel, and her Initial Brief on this issue. Doe also suggests that some of the statements are not “of and concerning” Thomson, citing that Doe’s case “was continuing in court five years after Thomson first represented her.” To suggest that the reader was not implying a direct negative reflection on Thomson is not a reasonable interpretation at all. These statements must be taken as a whole,²⁸ and as a whole, this is clearly directed at Thomson. *See Stevens v. Iowa Newspapers, Inc.*, 728 NW2d 823, 827 (Iowa 2007)(“Defamation by implication arises, not from what is stated, but from what is implied when a defendant ‘(1) juxtaposes a series of facts so as to imply a defamatory connection between them, or (2) creates a defamatory implication by omitting facts, [such that] he may be held responsible for the defamatory implication....’” (quoting W. Page Keeton et al., *Prosser & Keeton on the law of Torts*, Sec. 116, at 117 (5th ed. Supp. 1988))); *Mohr v. Grant*, 108 P.3d 768, 774-76 (Wash. 2005)(same).

The section by Doe suggesting that Thomson presented no evidence of false statements ignores the essence of Thomson’s Complaint. Thomson asserted that the anonymous reviewer was not an actual client. If this is correct, Doe’s statements describing

²⁸ *Arnold v. Nat’l Union of Marine Cooks and Stewards Assoc.*, 219 P.2d 121 (Wash. 1950)(quoting *Ziebell v. Lumbermens Printing Co.*, 127 P.2d 677 1942)).

her “personal experience” with Thomson are necessarily false. Thomson had a legitimate, good faith basis for believing that the reviewer was not an actual client because, as provided in the response to the post, which is also attached via exhibit to the Complaint, none of those alleged events occurred to Thomson. (CR.4).

Doe again puts a great deal of focus on the lack of verification of the Complaint or an Affidavit. Thomson has already addressed this issue. Should this Court not agree, however, although it seems to be a waste of time and efficiency, this Court should direct Thomson to file an Amended Complaint or Motion to Compel to include an affidavit or other necessary “proof” of which she was unaware had to be produced at that time.

Doe makes her final assertion that this Court should adopt *Dendrite*. Thomson disagrees. As provided herein, there are numerous tests that courts have applied to this type of issue, but the *Dendrite/Cahill* schemes are too strict for cases such as this. If this Court decides to provide a test, it should follow the lead of the courts that have chosen *not* to follow same, and instead, apply rules such as those that Virginia established. The reasoning behind the statutory rules provide all the reasoning that this Court would need in making that determination of how to protect the rights of the anonymous poster (if they did nothing wrong) as well as the injured party.

CONCLUSION

Thomson reasserts her arguments in her Initial Brief. Further, this Court should reverse the superior court’s denial of Thomson’s Motion to Compel. The law as it stands did not require the court to adhere to a strict standard requiring the trial court to rule on a matter that had just been filed and had not been given the time for discovery or to provide supporting information. Thomson complied with the legal requirements, and the trial court

acted arbitrarily without granting Thomson a right to be heard in denying her Motion to Compel. Finally, if this Court is inclined to provide direction to other cases that follow, Thomson suggests that it follow the well-reasoned guidance of Virginia and provide rules that follow such well-thought reasoning.

CERTIFICATE OF SERVICE

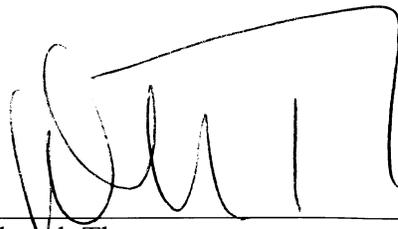
I, DEBORAH THOMSON, hereby certify that this Reply to Response Brief of Jane Doe has been served by U.S. Mail to the Washington Court of Appeals, Division 1, Attention Clerk of Court Richard Johnson, One Union Square Bldg., 600 University Street, Seattle, Washington 98101, and delivered to the following individuals via email on this 23rd day of February, 2014.

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A handwritten signature in black ink, appearing to read 'Deborah Thomson', written over a horizontal line.

Deborah Thomson, pro se

No. 72321-9

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION I

DEBORAH THOMSON,

Appellant,

v.

JANE DOE, et al.,

Appellee.

APPENDIX "A" TO REPLY TO RESPONSE BRIEF OF JANE DOE

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APPENDIX "A"

Review responses to Yelp and Google

Find deborah thomson

Near Tampa, FL

Log in

Home About Me Write a Review Find Friends Messages Talk Events



The Women's Law Group P L

1 review



Map data ©2015 Google

N Dale Mabry Hwy Ste 165
Tampa, FL 33618
Carrollwood
(813) 443-5572

Search reviews

Yelp Sort Date Rating

English 1

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. Learn more



Kara K.
Tampa, FL
45 friends

6/4/2014

First to Review

My experience with The Women's Law Group, and Deborah Thomson specifically, has been nothing short of superior. Her attention to detail and dedication to me as her client was refreshing and I would not hesitate to recommend her or her partner Lara Davis! Deborah was nothing but professional, easy to talk to and forthright about what my expectations should be. Dealing with lawyers can be a drag, but Ms. Thomson made the entire experience quite enjoyable!



Kara K.
First to review

Restaurants, Nightlife, Shopping, Show all

Respond to reviews and privately message customers

Claiming is free, and only takes a minute

Page 1 of 1

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APPENDIX "A"

We use automated software to recommend the reviews we think will be the most helpful to the Yelp community based primarily on quality, reliability and the reviewer's activity on Yelp. Advertisers get no special treatment. The reviews below didn't make the cut and are therefore not factored into this business's overall star rating. Watch the video above or check out our FAQ for more details.

Wanda G.
Tampa, FL

0 friends
1 review

4/29/2014

Deborah Thomson is one of the worst divorce attorneys practicing law. She not only did not advocate for me or support my side of the divorce, she actually was more proactive in supporting my spouse's side of the proceedings. If you're unlucky enough to be embroiled in divorce proceedings, steer clear of The Women's Law Group - they'll file plenty of paperwork and send plenty of invoices, but you'll find they do little in the way of helping you come out of the ordeal with any money left.

D T.
Odessa, FL

0 friends
1 review

5/27/2014

This is in response to the post by Wanda G. I am attorney Deborah Thomson. Thank you for posting your review. I pride myself on remaining on excellent terms with all of my former and current clients, and so a review like this is something I take very seriously. As your name is not familiar to me, nor are you a former or current client, please provide me with your true identity. If you are a former client using a different identity, I welcome your phone call at (813) 443-5572, and would like to meet with you immediately to resolve these issues. My firm stands behind our work and we will do whatever is necessary to resolve this. If you do not contact me, and provide your true identity, I can only assume that this is not a real post and the allegations stated herein are false.

Additional reviews for this business are not currently available.

- About Yelp
- Careers
- Press
- Investor Relations
- Content Guidelines
- Terms of Service
- Privacy Policy
- Ad Privacy Info

- The Weekly Yelp
- Yelp Blog
- Support
- Yelp Mobile
- Developers
- RSS

- Claim your Business Page
- Advertise on Yelp
- Yelp SeatMe
- Business Success Stories
- Business Support
- Yelp Blog for Business Owners

English

United States

Tampa Business Listings # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 New/Added

City Map Atlanta Austin Boston Chicago Dallas Denver Detroit Honolulu Houston Los Angeles Miami Minneapolis New York Philadelphia Portland Sacramento San Diego San Francisco San Jose Seattle Washington DC More Cities

Deborah Thomson

From: removals@google.com
Sent: Thursday, August 21, 2014 6:39 PM
To: Deborah Thomson
Subject: RE: [8-7519000004336] Deborah Thompson v. Jane Doe (internal Ref. No. 472431)

Hello,

Thanks for reaching out to us.

For more information on removing or editing the information on a business listing that you rightfully own, or for information on how to declare that you are, in fact, the owner of the business in question, please visit the following site: <http://support.google.com/places/bin/answer.py?hl=en&answer=176504>

Regards,
The Google Team

On 08/05/14 10:12:54 dthomson@thewomenslawgroup.com wrote:
Mr. Lee,

Thank you for removing the post from "Tosha Green."

I had prepared a response to it on google, and I tried to delete that, but it is not letting me.

Would you be able to delete my response as well? I already edited it and now the response to it says nothing, but I want it removed completely because I don't want to have myself rating my own company. It is now listed as "jj t." Thank you in advance for your help.

Deborah Thomson

From: Deborah Thomson [mailto:dthomson@thewomenslawgroup.com]
Sent: Monday, August 04, 2014 8:19 AM
To: google-legal-support@google.com
Cc: 'Debbie Thomson'; 'Deborah L Thomson'
Subject: RE: [8-7519000004336] Deborah Thompson v. Jane Doe (internal Ref. No. 472431)

Mr. Lee,

Thank you for the document provided.

In the letters I received from Google, it requests contact prior to pursuing any legal action. In respect to that, due to the fact that you never received a response from "Tosha Green", I am requesting that the "review" by this alleged person be removed from Google Plus. It is my belief that the reason a response was never received is that the email address associated with that account (which ONLY was used to create one "review") was merely created for purposes of this posting, and any request from Google regarding same was never even seen.

I thank you for your anticipated response.

Sincerely,

Deborah Thomson

From: google-legal-support@google.com
<mailto:google-legal-support@google.com>
[mailto:google-legal-support@google.com]
Sent: Friday, August 01, 2014 6:32 PM
To: dthomson@thewomenslawgroup.com <mailto:dthomson@thewomenslawgroup.com>
Subject: [8-7519000004336] Deborah Thompson v. Jane Doe (internal Ref. No. 472431)

Hello,

Please see the attached document(s) for Google's production in the above-captioned matter.

Regards,

Eric Lee
Legal Investigations Support

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4716 / Virus Database: 4007/8079 - Release Date: 08/22/14