# A Suit against MySpace

*Adapted from Anita Ramasastry*

## Introduction

1. In *Doe v. MySpace*, a 14-year-old girl sued MySpace, a popular social networking website where people meet online and share personal profiles. In the summer of 2005, Julie Doe, who was 13 at the time, created a MySpace profile and lied about her age, claiming she was 18. In April 2006, a 19-year-old man named Pete Solis contacted her on the site. To gain her trust, Solis falsely wrote in his profile that he was a high school football player. According to Julie, after chatting online, Solis asked for her cell phone number. They later met in person, and he sexually assaulted her.

2. Solis was arrested in May 2006 and faces criminal charges. In addition, Julie and her mother, Jane Doe, are suing Solis for sexual assault and causing emotional distress. They are also suing MySpace and its parent company, News Corporation, for negligence, fraud, and misleading users. The Does claim that both companies knew sexual predators were contacting teenagers on the site, did nothing to stop it, and falsely promised that the site had enough security to protect young users.

3. In total, the lawsuit asks for $30 million in damages. However, the legal case against MySpace and News Corporation is weak, so Julie may only be able to collect money from Solis himself. Recently, critics have argued that social networking websites encourage predators to target young people. Should these websites be legally or morally required to do more? Perhaps, but ultimately, parents and teenagers must remain careful when dealing with strangers online.

## Federal Laws

4. Currently, federal laws in the United States protect website companies rather than teenagers over 13. Because Julie is 14, federal law does not help her case. The Children's Online Protection Act (COPA) requires websites aimed at children under 13 to get clear permission from parents before children can use the site. MySpace goes even further than the law requires: it completely bans children under 13 from opening accounts.

5. Federal law does not cover teenagers over 13. However, MySpace voluntarily limits access to the profiles of users who register as 14 or 15 years old. Strangers can only see partial information on these profiles unless they are already on the teenager's friends list.



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6. The U.S. Congress is considering new laws to protect older teenagers. In May 2006, lawmakers introduced the Deleting Online Predators Act (DOPA). This proposed law has two main goals: to block access to social networking sites in schools, and to require the government to create websites warning families about internet dangers. However, critics oppose the law because it could also block many harmless, educational websites. Supporters argue the law is necessary to stop adults from contacting teens on sites like MySpace.

7. In fact, existing federal law may actually protect MySpace from being sued. Section 230 of the Communications Decency Act (CDA) states that websites are not legally responsible for content posted by their users, as long as the websites act in good faith to remove harmful material. Congress passed this law to encourage websites to monitor content without fear of lawsuits.

## The Fraud Claim: Unlikely to Succeed

8. Since federal law does not support her case, Julie Doe is suing MySpace under state laws for fraud and negligence. To prove fraud, a person must show that a company made false statements or hid important information. However, MySpace does not appear guilty of fraud. On its website, MySpace clearly warns users: "People aren't always who they say they are. Be careful about adding strangers... avoid meeting people in person whom you do not fully know."

9. Furthermore, MySpace warns users not to lie about their age and states that it will delete fake profiles. The site also clearly informs users that it is not responsible for how users behave online or offline. Because MySpace provides these clear warnings, it is very unlikely that Julie's fraud claim will succeed in court.

## The Negligence Claim: A Slightly Better Chance

10. In contrast, the negligence claim has a slightly better chance of success. To prove negligence, the plaintiff (the person suing) must show that the company had a "duty of care"—a legal responsibility to protect users from harm—and failed to meet that duty. However, courts are usually hesitant to impose a duty of care on internet companies because websites have very little control over what users do offline.

11. Even if a court decides MySpace had a duty of care, Julie must prove that the site failed to do enough. Her lawsuit argues that MySpace should have forced users to prove their real



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age. Yet verifying every user's age online is difficult, and forcing websites to check identities might violate free speech and privacy rights under the U.S. Constitution. While some sites, like the virtual world *Second Life*, used to require a credit card to check a user's age, they stopped doing so and now only ask for an email address—which any teenager can easily get.

12. After Julie's lawsuit, MySpace decided to add new safety rules. Unfortunately for Julie, courts usually do not allow safety improvements made *after* an incident to be used as proof of earlier negligence. Courts follow this rule so that companies will fix safety problems immediately instead of waiting until a lawsuit ends.

## Online vs. Offline Responsibility

13. Should the law demand stricter safety rules online than in the real world? In offline spaces, such as rock concerts and "all-ages" dance clubs, teenagers and adults socialize together without age checks (except when buying alcohol). Predators who use MySpace can just as easily meet teenagers at a concert. Therefore, strict online age checks might not stop predators; they might simply push them offline.

14. Consider a recent tragedy in Seattle, where a gunman named Kyle Huff shot seven people—including two teenagers aged 14 and 15—at an after-party following an all-ages dance event. Should the club that hosted the dance event be held legally responsible for a crime committed later at a different location? Similarly, should newspapers be punished if predators lie in personal ads? Holding businesses responsible for crimes committed outside their control would be unfair. The same logic applies to websites when users meet offline.

15. Ultimately, parents must take responsibility for their children's safety both online and offline. Parents can install internet filters on home computers, talk to their teens about online dangers, and monitor where their children go at night.

## Can More Security Solve the Problem?

16. MySpace recently introduced several new safety features, including hiring an online safety director and blocking adults from adding 14- or 15-year-old users as friends unless they already know the teen's full name or email address. MySpace will also limit adult-themed advertisements on teenagers' pages and display safety warnings for young users.



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17. However, experts doubt these new rules will completely solve the problem. As long as teenagers are willing to lie about their age, technical controls will always have limits. Meeting strangers online carries real risks, and parents must be the ones to educate their children about these dangers.



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# Questions

## Paragraphs 1-3

1. What are the facts of the case?

*Complete the sentences below by circling the correct answers.*

When Julie Doe created her profile on MySpace, she lied about her **age / school**.
Pete Solis was **a minor / an adult** when he contacted Julie Doe on MySpace.
Julie Doe accused Pete Solis of sexually assaulting her **on MySpace / in person**.

(2x3=6 points)

2. Complete the table to summarize Julie's and Jane Doe's lawsuit against the three defendants (some answers are done for you).

| **Who are the defendants?** | **What are Julie and Jane Doe's charges against the defendants?** |
|---|---|
| Defendant #1: Pete Solis | a. Sexual assault<br>b. _____ |
| Defendant #2: _____<br><br>Defendant #3: _____ | a. _____<br>b. _____<br>c. _____ |

(2x6=12 points)

3a. According to the author, the lawsuit against all three defendants will probably succeed.

**TRUE / FALSE** (*Circle one answer*)

3b. Support your answer to question 3a with a quote from the text.



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_____

(7 points)

4. What is the criticism against social networking websites?

_____

(5 points)

## Federal Laws (Paragraphs 4-7)

5a. Julie Doe will be protected under federal law because of her age.

**TRUE / FALSE** (*Circle one answer*)

5b. Support your answer to question 5a with a quote from the text.

_____

(5 points)

6. Complete the sentence.

According to the Children's Online Protection Act (COPA), children younger than 13 can use websites if they have _____.

(4 points)

7a. According to paragraphs 4 and 5, MySpace is doing ***less*** / ***more*** (*circle one answer*) than the law requires in order to protect young users.

(4 points)

7b. Support your answer to question 7a with two examples from the text.

Example #1: _____

Example #2: _____

(2x2=4 points)



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8a. What are the two goals of the Deleting Online Predators Act (DOPA)? (Paragraph 6)

Goal #1: _____

Goal #2: _____

(2x2=4 points)

8b. What is the argument against the Deleting Online Predators Act?

_____

_____

(4 points)

9. What does Section 230 of the Communications Decency Act (CDA) ensure? Complete the sentence below by circling the correct answer:

Section 230 of the CDA protects ***websites / users*** from lawsuits.

(4 points)

10. The information in paragraph 7 ***supports / weakens*** (*circle one answer*) Julie Doe's case.

(4 points)

## The Fraud Claim: Unlikely to Succeed (Paragraphs 8-9)

11a. Complete the sentence below:

In order to prove fraud, it is necessary to show that a company _____.

(4 points)

11b. Why does the author quote the warnings on MySpace's website? Complete the sentence below by circling the correct answer:



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The author quotes the warnings by MySpace to ***support / refute*** (*circle one answer*) the claim of fraud.

(4 points)

## The Negligence Claim: A Slightly Better Chance (Paragraphs 10-12)

12a. When is it necessary to establish that a company violated its "duty of care"?

*Complete the sentence below.*

It is necessary to establish that a company violated its "duty of care" in order to prove _____ (1 word).

(4 points)

12b. What is a "duty of care"?

_____

(5 points)

12c. What do courts usually do in cases involving internet companies? Complete the sentence below.

In cases involving internet companies, courts usually **impose / don't impose** (*circle one answer*) a "duty of care" because _____

_____

(2+4=6 points)

13. According to Julie Doe's lawsuit, how did MySpace violate its "duty of care"?

Complete the sentence below:

According to Julie Doe's lawsuit, MySpace violated its "duty of care" because it did not force users to prove their _____ (1 word).

(4 points)



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## Online vs. Offline Responsibility (Paragraphs 13-15)

14. What idea does the example of Kyle Huff illustrate?

_____

(5 points)

## Can More Security Solve the Problem? (Paragraphs 16-17)

15. According to the article, who should be responsible for protecting teenagers who use social networking sites?

_____

(5 points)



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