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OCA upholds $700,000 award in internet defamation case

Matthew Sammon is quoted in the Law Times article that discusses the recent Ontario Court of Appeal decision in *Rutman v Rabinowitz* that upheld $700,000 in damages for what was characterized as a prolonged, persistent and vicious internet campaign. Matt represented the successful Plaintiff on the appeal and at trial.

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Matthew Sammon, one of the lawyers representing Rutman in the appeal, says the decision reaffirmed that it isn't necessary for a plaintiff to prove specific injury to reputation when it comes to assessing damages for internet defamation.

"The whole issue with internet defamation is you don't know often the scope of the dissemination of that communication," says Sammon, a partner with Lenczner Slaght Royce Smith Griffin LLP.

"You don't know who it might have affected, what business you might have lost or who might think differently about you, because you don't know who has seen the posts."

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Sammon says the decision clarifies the law around concerted action liability — a type of vicarious liability in which a defendant is held liable for the actions of another because they were "[k]nowingly assisting, encouraging or merely being present as a conspirator at the commission of the wrong," according to *The Law of Torts* by John Fleming, which was cited in the decision.

Sammon adds that the decision defines the law in a way that will be helpful for litigators looking to establish concerted action liability.

"It confirms that, in connection with defamatory activity, you don't have to directly participate in making the defamatory statements to be liable for them," says Sammon.

"If the defamatory statements are made pursuant to a common design or plan to benefit the non-participating defendant and he or she is involved in that plan in some fashion, that could be a sufficient connection, depending on the circumstances to render them liable."

Sammon says the case is helpful in the area of internet

defamation as it summarizes and reaffirms a number of trends in the law that had been developing prior to the case.

Continue reading: http://www.lawtimesnews.com/author/alex-robinson/oca-upholds-700000-award-in-internet-defamation-case-15346/