

Weightmans legal update – Defamation, social media, Facebook, public posts

Stocker v Stocker (QBD) – 3 March 2016, Mitting J

Summary

The defendant's Facebook message to her ex-husband's new partner was defamatory and her defence of justification was not made out.

Facts

The claimant and defendant divorced acrimoniously. The defendant invited the claimant's new partner (B) to be a Facebook friend and she accepted. In the course of messages the defendant described an incident when she said the claimant "tried to strangle her". The message was posted on a public part of the Facebook page and was visible to B's friends. The defendant maintained that the incident happened as she alleged such that the message was substantially true.

Judgment

Mitting J held:

- The defendant was responsible for the publications and she knew they were accessible by B's friends.
- The ordinary reader would understand the words as meaning he intended to kill her. Taken alongside the other messages, the reasonable inference was that the husband was a dangerous man to any woman living with him. That meaning was defamatory.
- Whilst an incident had taken place when the claimant put his hands on her face and neck, her comments amounted to a significant and distorting overstatement as to what had occurred.
- The libel was not trivial but there were a limited number of recipients. The claimant did not seek damages but they would have been assessed at £5,000.

Comment

In recent years we have seen the use of social media result in a number of media law cases with the parties involved ranging from local councillors to celebrities. Nonetheless it remains unusual to see a domestic dispute find its way before the court as a libel claim. This case is a reminder of both the risks of social media and the responsibility individuals have (and must take) for what they send and who receives it. The judge described the Facebook posting as akin to a comment on an office noticeboard. Given the interim costs order (reportedly £140,000), the comment proved very costly indeed.

For further information about Weightmans LLP or to discuss any of the issues in this update, please contact Peter Wake, Head Local Government Litigation (peter.wake@weightmans.com).

A decorative graphic at the bottom of the page consisting of several overlapping, wavy teal lines that create a sense of movement and depth.

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