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How Do You Make the Internet Forget? Here's How Michael Lynton Did It for the Sony Hack



Illustration by Chris Gash

One attorney says cleaning the internet of negative content for highly influential executives is a huge business.

Gawker may be gone, but Michael Lynton hasn't forgotten about a story that ran on the now-bankrupt news site following the 2014 hack at Sony Pictures.

In fact, Sony's outgoing chairman has in recent weeks taken advantage of the troubles that have befallen Gawker in the wake of Hulk Hogan's stunning \$140 million judgment to have an unflattering story about his family quietly wiped from the site's archives. Not only has the post vanished from the Gawker archive, its administrators have attempted to "de-index" it using special metacode to ensure it isn't cached by search engines nor captured by other digital preservationists.

The story in question was written by Sam Biddle and published on April 21, 2015. The article quoted heavily from Lynton's emails, which became public thanks to a massive intrusion that the Obama administration attributed to the North Koreans in advance of the release of the Seth Rogen film *The Interview*.

When the hack happened three years ago, Sony begged journalists to exercise care with leaked information and even threatened the media with legal action for exposing secrets, though the studio never did go to court to challenge what news outlets published. Had that happened, it would have surely invited a huge First Amendment battle. Nevertheless, after the Gawker Media Group declared bankruptcy and sold most of its assets to Univision's Fusion Media Group for \$135 million last August — with the notable exception of the [Gawker.com](#) trademark and archives — Lynton saw an opportunity. In order to clean up its legal liabilities in advance of the sale, Gawker reached several settlements in which it agreed to take down a few of its other controversial stories, including the one about Hogan's sex tape that brought on its demise. These removals happened thanks to claims officially lodged in court against the debtor. It's unclear how Lynton effectuated a removal. Nothing publicly was filed, although it's possible there were claims filed under seal.

The story came down after the argument came that Biddle's piece was defamatory and an invasion of privacy, though Andrew Celli, the Lynton family attorney, declines to discuss the particulars of who he contacted or how he succeeded in getting the story taken down. According to Gawker bankruptcy records, Celli did file proof of claims on behalf of two anonymous individuals under seal in September. (A lawyer for Gawker's administrator didn't respond to a request for comment.) Judging by what's been captured at [Archive.org](#), the removal seems to have occurred in April. Even though the story was based on communications between Lynton, now chairman at Snap, Inc. (which built its brand off of the appeal of messages that won't remain on the internet forever), and others, Lynton's family asserted the story carried the untrue assertion that he unduly influenced an elite academic institution.

Celli made contact with *The Hollywood Reporter's* general counsel to express concern after I made inquiries about the vanished article with Gawker. He later suggested that to even repeat the gist of the original Gawker story would be damaging. He threatened a lawsuit and, referring to the Sony hack, told me, "There is a sin at the bottom of this. It's wrong. The source for information is the result of a crime."

The attorney has a point, but there are also some deeper issues at stake. Last month, UCLA Law professor Eugene Volokh [wrote a column for *The Washington Post*](#) about an actor who had been indicted on sex crime charges only to later be cleared. Volokh discovered how the actor (or someone working for him) had demanded Google de-index news coverage of his case. Volokh wrote, "What should our view be when someone tries to get the stories about them to vanish from search results this way? Should it matter that there is real evidence that he was innocent?"

Around this time, I was in communications with a reputation specialist who had been hired by an entertainment professional who had been sued a few years back in a case I had covered. The client was dismayed to see my article atop the results of a Google search for her name. This was causing her problems getting employment, the specialist said: Would I kindly remove the story?

This is altogether very common.

"Cleaning the internet of negative content by highly influential executives is a huge business," says Bryan Freedman, a Hollywood attorney who represents talent agencies and many stars. "I spend a great portion of every day for high-level clients analyzing the approach to be taken and then creating a plan and executing it usually on various platforms. There are other tricks that are not commonly known but incredibly effective."

As to Volokh's questions, I see value to news archives and believe removing articles sets a dangerous precedent, but I can at least understand in certain situations the attempts to make information harder to find. Is manipulating search engines really so troubling?

In Europe, authorities have given private citizens a "right to be forgotten," or more precisely, the ability to demand search engines like Google eradicate information that is no longer newsworthy. Here in America, there isn't this right. Journalists don't even have an onus to update — and unfortunately, many don't.

As for the Lynton situation, I asked Volokh about it.

"Normally, I think that asking Gawker to take down material that's allegedly defamatory and privacy-invading would be the right approach," he responded. "The problem here is that it sounds like Lynton approached the [Gawker] administrator, which does raise the problem of material being squelched without the exercise of real editorial judgment. Yet I take it we wouldn't want a rule that, once a media site goes bankrupt, people who have legit defamation/privacy claims about stories on the site would have no one to turn to. So maybe this comes down to the merits of his objection."

Gawker founder Nick Denton didn't respond to a request for comment, but last July, [he spoke to *The New York Times*](#) about how the Lynton article, along with one about Bill O'Reilly's temper and Hillary Clinton's secret kitchen cabinet, were ones he was proud of. "In all those examples, there was a point, and a public interest in the truth getting wider circulation," said Denton at the time.

Celli makes his own points how even painting the Gawker story in broad brush strokes creates a false portrait for Lynton's family. I could have also written this story without detailing what exactly Gawker had reported. That's something that [Buzzfeed did](#) when it rushed its own version of this story on Thursday.

But as Volokh said, it's important to understand the merits of Lynton's objection. And it could also be argued that writing about any defamation claim constitutes some echo of information damaging to someone's reputation. Ultimately, I decided that moves made by public figures to take down information — including by way of robots.txt files — are, well, newsworthy regardless of the origins and that it was important enough to provide at least some detail.



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