

Courtney Love Fails to Get an Appeals Court to Dispense Defamation Lawsuit

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The singer/actress is neither Marlon Brando nor a free speech crusader.



Dimitri Jaskoun

A California appeals court sees no evidence that **Courtney Love's** fame is on par with **Marlon Brando's**. As a result, the rock star will continue fighting a lawsuit from a fashion designer who claims being defamed by Love on social media and **Howard Stern's** radio show.

Dawn Simorangkir, a.k.a. the "Boudoir Queen," is the plaintiff, fighting Love on-and-off-and-on for the last six years.

In one of the first so-called "Twibel" cases, **Simorangkir sued Love** for telling about 40,000 followers how the designer was a drug-pushing, thieving prostitute with a history of assault and battery. The case settled for \$430,000. But the battle **was revived** when Love began taunting

Simorangkir on Pinterest and again accusing Simorangkir of stealing in an interview with Stern.

After a judge rejected Love's anti-SLAPP motion to kill the lawsuit, it went up to a California appeals court, which on Thursday, made no new precedent about defamation in the age of social media, but perhaps contributed to a more narrow legal definition of what's in the public interest.

Under California's SLAPP statute, defendants get the opportunity to show how their activity is protected by the First Amendment. If they do so, and plaintiffs can't demonstrate a likelihood of ultimately winning on the merits, the lawsuit dies at an early stage.

An example of what this means for celebrities comes from a lawsuit filed by Brando's retired housekeeper who claimed an invasion of privacy when a national television show featured how she was a beneficiary in the late actor's will. A court held that the public's fascination with Brando made the decisions concerning the distribution of his assets an issue of public interest.

Despite all the stories about Love, though, she doesn't command such widespread interest. At least according to today's opinion by judge **Allan Goodman**.

"Nothing in the record in this case suggests that defendant has the public interest or following that Brando had; the only evidence in the record is her self-serving and factually shallow claim, coupled with a profession of celebrity by one of her lawyers, Nor is there is any socially important implication in this case akin to that presented by Brando's gift to his housekeeper to the exclusion of his heirs at law..."

Evidently, judge Goodman belongs to the camp of sourpusses who think "twibel" is merely ordinary defamation.

Love attempted to argue the bigger stakes, but those are rejected too.

"Defendant in this case contends that her comments on the Howard Stern show and on the internet have a relationship to the public interest in that they foster debate about the scope of freedom of expression on the internet and in other public fora," writes the judge. "Yet, defendant presented no admissible evidence that any such debate followed either her appearance on the Howard Stern show or after her internet postings."

And so Love fails and might be headed for yet another trial on the defamation front. This one against the Boudoir Queen, represented by attorneys **Bryan Freedman** and **Jesse Kaplan**.

Together with **yesterday's ruling** by another California appeals judge that there's no evidence of public interest in **Steven Tyler's** negotiations for *American Idol*, the unpublished opinion at least suggests that matters around a celebrity's orbit aren't pulled by the gravity of California's SLAPP statute, meant to deter claims impinging First Amendment rights. Or maybe, it's the degree of fame that matters. Marlon Brando qualified. So do **the Kardashians**. Who else is on the SLAPP A-List?

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