Sports Law: Case Study 2

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Author Note

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A sports media blogger, by the name of Carisse Cronquist, posted a defamatory statement on her Twitter account suggesting that Stephen Curry, a public figure, works in collaboration with Barry. Barry was a known match-fixer and the statement was issued based on a picture received by Cronquist, which showed Curry meeting Barry. It made a clear suggestion that their meeting implied that Curry too was involved in match-fixing. Upon investigation, Curry was found innocent and only met Barry to confront him over his dubious actions which, in turn, also indicates that Cronquist’s statement was based on actual malice. As a result of the penalties faced by Curry due to the irresponsible social media post, he filed a defamation per quod suit against Cronquist. The essential elements of the case are outlined below.

# Essential Elements of Law

An in-depth analysis of the relevant laws, Cronquist’s tweet, and the circumstances in which she made the statement is essential to establish whether the defamation suit is justified. Under the law, a defamatory statement is defined to be one which exposes an individual to ridicule, hatred, contempt, or causes him some injury in trade or business, or leads him to be shunned as a result of a false statement laid out as fact. Determining whether a statement is defamatory requires a court investigation into the context of the statement when it was made. Moreover, since a statement of opinion cannot alone constitute a basis of a defamation claim, the statement has to be proven false for it to be classified defamatory (DMLP, 2007). In Curry’s case, an investigation of Curry’s circumstances and the context of the statement revealed that it was a false assertion aimed at causing injury in trade and business.

Furthermore, since the false statement tweeted by Cronquist was not inherently defamatory, further evaluations may be needed to determine its context. However, the lawsuit can still be filed as a defamation per quod suit, wherein the prosecutor would evaluate whether the damage caused to the plaintiff's reputation was out of clear intent or not. Since being an NBA star allows Curry to fall under the category of a public figure, therefore, the prosecutor would have to prove whether Cronquist's tweet contained ‘actual malice'. In this regard, the prosecution would have to prove to the court that Cronquist's tweet was posted with a reckless disregard for the picture's falsity or truth. This can be further ascertained by seeing whether Cronquist herself had serious doubts about the statement, or whether only a single biased source was relied upon in making the statement (DMLP, 2007). However, it is clear that the plaintiff is justified in filing for general and specific damages under defamation per quod.

# Reference Case

A similar situation can be observed in *Spooner v. The Associated Press, Inc., et al* where the Associated Press (AP) was sued by NBA referee Bill Spooner over the defamatory tweets of their reporter Jon Krawczynski, who alleged that Spooner was involved in match-fixing with another accomplice (Spooner v. The Associated Press, Inc., et al, 2011). The defamatory statement was tweeted after a call by the referee seen as unjustified by Kraswczynski. The tweet was not inherently libelous, however, its context clearly seemed to suggest that the journalist had accused the NBA itself of being deliberately lax on a particular side. The reporter based his statement on another conversation between Spooner and an accomplice, that a source told him about. As investigations revealed that no such conversation had occurred while the plaintiff’s reputation was tarnished as a result of the tweet, the AP accepted the plaintiff's claim and agreed to pay damages to Spooner. Furthermore, since Spooner was a public figure, therefore, the statement had to be proven false and had to be associated with the plaintiff's duties and roles in his profession (Silver, 2017). Cronquist had similarly caused injury to Curry’s business and profession using her false statement and assertion and the settlement in the Spooner case serves as a clear precedent in this issue.

# Conclusion

In conclusion, Cronquist should be sued for damages by the prosecution for posting a defamatory statement out of actual malice against Curry by failing to substantiate her source. Moreover, as investigations had already cleared Curry of any wrongdoing, it becomes evident that Cronquist’s statement was false and libelous against a public figure, and thus, making her liable to pay damages to Curry.

# References

DMLP. (2007). *Proving Fault: Actual Malice and Negligence*. Retrieved July 15, 2019, from Digital Media Law: http://www.dmlp.org/legal-guide/proving-fault-actual-malice-and-negligence

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