

PRESS RELEASE

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ANTI-TROLL WEBSITE FOUNDER FILES APPEAL AGAINST GEORGIA CENSORSHIP ORDER

Anti-troll website founder, Matthew Chan, filed a Notice of Appeal with the Georgia Court of Appeals to overturn the Permanent Protective Order issued against him earlier this year. The Georgia Court of Appeals docketed the case on August 19, 2013 and designated the case: Matthew Chan vs. Linda Ellis, Docket No. [A14A0014](#).

In February 2013, Chan and his anti-troll website, ExtortionLetterInfo.com (“ELI”), became embroiled in a legal battle against Linda Ellis, poet and author of “The Dash.” In her initial complaint charging Chan with stalking, Ellis claimed that Chan posted her home address, photos of her house, family information, and made death threats. All of the activity allegedly occurred on the ELI website and many of the posts Ellis complained about were made by other forum participants on ELI, not Chan himself.

There were no allegations that Chan ever actually contacted Ellis directly or in person; Ellis discovered the offending posts when she voluntarily visited and read the ELI website. After a three-hour hearing in Muscogee County Superior Court, where Chan represented himself (“pro se”) against Ellis’ attorney, Elizabeth McBride, Ellis was awarded a sweeping Permanent Protective Order against Chan requiring among other things, that he remove every single post on the ELI website referencing Ms. Ellis.

Anti-Troll Website Founder in Self-Imposed Exile in Protest of Overreaching Protective Order

Reacting to the permanent protective order, Chan stated, “I was stunned by the Court’s decision to place a *lifetime* protective order against me given that I have no criminal record or any record of ever having stalked or threatened anyone prior. I feel it is grossly disproportionate and unjust. I also could not believe that the Court effectively ordered a total shutdown of any prior or future posts and references to the Plaintiff and her business activities, including the great majority of posts that were never part of the complaint! The Plaintiff has become a forbidden topic of discussion or reporting by *anyone* on any of my websites.”

In March 2013, Chan quietly removed himself as Editor-in-Chief of ELI and placed himself in self-imposed exile in protest of the overreaching protective order. He no longer contributes, writes, or manages the website which discusses and reports on copyright trolling and other intellectual property issues. Volunteer community members have taken over the day-to-day responsibilities and the moderation of the website. ELI currently refers to Chan as “Founder-in-Silence.”

Experts Agree: Georgia Order is Overbroad & Violates First Amendment Rights

Oscar Michelen, of Manhattan-based Cuomo LLC, is Chan's lead attorney and the legal advisor to ELI. He has teamed up with Georgia law firm, McKenney & Froehlich, to represent Chan in his bid to overturn the lower court's decision. Michelen says, "The protective order and the cloud that Matthew Chan currently lives under is excessive and goes way beyond what the law allows. It has chilled and suppressed Matthew's First Amendment right to report, comment, or otherwise provide information to his readers. The ELI site gets approximately 12,000 visitors per month; it is an active vibrant forum very popular among its readership. So while on the surface this may seem to be a small case involving two Georgia residents, this case could have far-reaching impact on the Internet."

Michelen explains, "First of all, we cannot have website owners being held responsible for the posts of others. Secondly, we cannot have local courts apply local laws in disregard of federal laws governing free and protected speech, essentially ignoring laws protecting website hosts and moderators. To let this pass would have a chilling effect on all online discussion forum hosts and moderators on the Internet. Finally, even on the local and State level, we cannot have someone being found guilty of stalking someone they never met, never spoke with, or never even emailed."

In a March 26, 2013, article published by the Electronic Frontier Foundation, Senior EFF Staff Attorney Kurt Opsahl wrote, "The Court used this as a basis to order Chan "to remove all posts relating to Ms. Ellis." All posts, not just posts that might threaten Ellis, or even just those written by Chan. This woefully overboard restraint on speech not only threatens freedom of expression, it also ignores Section 230 of the Communications Decency Act, the legal cornerstone upon which all user-generated content websites are built."

Opsahl further wrote, "Under the First Amendment, courts limit injunctions in restraint of speech to the rare circumstances when (1) the activity to be restrained poses either a clear and present danger or a serious and imminent threat to a protected competing interest, (2) the order is narrowly drawn and (3) less restrictive alternatives are not available. Removing "all posts relating to Ms. Ellis" is neither narrowly tailored nor the least restrictive means of addressing any true threats."

In a March 27, 2013 article published by Ars Technica, Timothy B. Lee sought First Amendment lawyer, Paul Alan Levy for his opinion. According to Lee, "Levy described Judge Jordan's restraining order as "entirely overbroad." The restraining order requires the removal of all content about Ellis, whether or not it's threatening or otherwise illegal. Levy said that wasn't kosher under the First Amendment. He also criticized Judge Jordan for failing to heed Section 230 of the Communications Decency Act, which provides website operators with broad immunity for content posted by third parties."