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In the News

Offit Kurman Secures Victory for Free Speech in the Second Circuit

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Offit Kurman's attorney, [Daniel J. Schneider](#), achieved a significant victory for his client and the protection of free speech online in the United States Court of Appeals for the Second Circuit in New York City. Representing a defendant accused of making defamatory statements in his YouTube videos, Schneider successfully defended the case, leading to the Court of Appeals affirming its dismissal.

The plaintiff accused the defendant of making defamatory statements. However, a key issue before the court was whether the plaintiff had provided sufficient factual support in his complaint to establish that the statements in question were actually false—an essential requirement for a defamation claim.

During oral arguments, the court specifically examined an allegation that the plaintiff employed Nazis in his company. The judges questioned whether a mere denial of this claim constituted a sufficient factual basis to plead falsity. Mr. Schneider argued that it did not, emphasizing that the plaintiff had a duty to conduct reasonable due diligence—such as interviewing employees, and obtaining a good faith basis of falsity—before asserting defamation.

The court appeared to agree, stating in its ruling that the complaint was “devoid of any facts supporting the claim of falsity.” As a result, the Court of Appeals affirmed the dismissal, further solidifying Offit Kurman’s track record of success in defending free speech rights.

This ruling underscore the rigorous standards required for defamation claims and marks another significant win for Offit Kurman in protecting online expression.

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