

LANDMARK VICTORY IN CASE PROTECTS CONSUMERS' RIGHTS

New York, May 19, 2022 — Jones Law Firm, P.C., a civil litigation firm based in New York City, has won an appeal in a New York Anti-SLAPP lawsuit, modifying the trial court's original decision and awarding the firm attorneys' fees and damages without costs.

The Appellate Division's ruling in favor of the Defendant's right to attorneys' fees is a victory for defendants involved in Anti-SLAPP lawsuits across New York, as well as states like California and others that have their own Anti-SLAPP laws, as there is now precedence for attorneys' fees being awarded to Defendants who would otherwise have to pay out of pocket for defending themselves in what are often frivolous lawsuits meant to hamper a person's ability to freedom of speech and the ability to speak honestly about their experiences.

This victory comes in the case of *Aristocrat Plastic Surgery P.C. d/b/a Aristocrat Plastic Surgery & Medaesthetics et al v. Paige Silva* (New York County Supreme Court) which involved a Plastic Surgery clinic suing a past client for reviews she had written online on public forums such as RealSelf.com (a website that provides a forum for patient reviews of surgery and cosmetic procedures) and Yelp.com (an online forum that features customer reviews of various businesses). T. Bryce Jones, the principal attorney of the firm, argued on behalf of the defendant that her reviews were made "in connection with an issue of public interest", and thus fell within the scope of New York's Anti-SLAPP laws, which provide defendants a quick way to dismiss meritless lawsuits, specifically those that target a person for exercising their First Amendment rights.

SLAPPs (strategic lawsuits against public participation) are cases characterized as having "little to no legal merit but are nonetheless filed to burden opponents with legal defense costs, threats of liability, and to discourage others from speaking up in the future."

Though the initial trial court case ruled in favor of the defendant, dismissing the Plaintiff's defamation lawsuit, the court did not award the firm attorneys' fees and damages, putting the burden on the defendant to pay for her own defense in a decision that ruled in her favor.

The Anti-SLAPP laws distinguish between communication made in a "private matter" between parties, and those matters that may be of "public interest." While Plaintiff argued that the matter involved in this case was a purely private one, thus falling outside the purview of New York's Anti-SLAPP laws, the court held that the defendant had in fact posted her reviews on public forums for the express purpose of informing potential, future customers and patients of the Plaintiff's business of her own experience.

—Waleed Bhatti, Paralegal