



Family Pursues MySpace Sex Assault Suit

By MICHAEL KUNZELMAN – 3 days ago

NEW ORLEANS (AP) — The family of a teenage girl who says she was sexually assaulted by a 19-year-old man she met on MySpace.com asked a federal appeals court Monday to revive their lawsuit against the social networking Web site.

A federal judge in Austin, Texas, dismissed the \$30 million suit in February 2007, rejecting the family's claim that MySpace has a legal duty to protect its young users from sexual predators.

U.S. District Judge Sam Sparks also ruled that interactive computer services like MySpace are immune from such lawsuits under the Communications Decency Act of 1996.

The girl's family asked the 5th U.S. Circuit Court of Appeals in New Orleans to overturn Sparks' rulings. A three-judge panel heard arguments Monday from lawyers on both sides of the case, but didn't immediately rule on the appeal.

Harry Reasoner, a lawyer for MySpace and News Corp., said Congress enacted the 1996 law to promote the growth of the Internet and protect online companies from tort litigation.

"That doesn't leave it unregulated," Reasoner told the judges. "Any of these Web sites can be prosecuted for criminal conduct."

Gregory Coleman, a lawyer for the girl's family, said the law only gives MySpace a "limited shield" from liability.

"It has a responsibility to (protect) children," he said.

The girl, identified as Julie Doe in court papers, was 13 when she created a MySpace profile in 2005. MySpace requires users to be at least 14, but the girl misrepresented herself as 18 years old.

She was 14 when Pete Solis, then 19, contacted her through MySpace and corresponded for several weeks before he allegedly sexually assaulted her during a meeting in a Travis County, Texas, parking lot in May 2006.

The girl's mother reported the alleged assault to police a day later. Solis, of Buda, Texas, later was indicted on a sexual assault charge — a felony punishable by a 20-year prison sentence — and is awaiting trial.

The girl's family sued MySpace and its parent company, News Corp., alleging fraud and negligence. They claim MySpace markets itself to children but has failed to implement basic safety measures, such as age verification or privacy settings.

"It needed to take reasonable measures," Coleman said.

However, Sparks said requiring MySpace to confirm the ages of its more than 100 million users would "of course stop (its) business in its tracks."

"If anyone had a duty to protect Julie Doe, it was her parents, not MySpace," the judge wrote.

In court papers, lawyers for the girl's family cite 11 cases between December 2005 and June 2006 in which adults face criminal charges stemming from contact with underage MySpace users.

MySpace has denied any wrongdoing. Although the site uses computer programs to root out underage users who lie about their age to create a profile, MySpace says it warns members that its safety protections are not foolproof.

"We warn parents. We have elaborate advice," Reasoner said, noting that Julie Doe circumvented MySpace's safety features by misrepresenting herself as an 18-year-old.