

# Court Dismisses Former Ad Exec's Defamation Lawsuit Against Adweek On Jurisdictional Grounds

By Lauren Russell

On July 17, 2020, Judge John A. Gibney of the United States District Court for the Eastern District of Virginia dismissed a wide-ranging complaint brought by a famous advertising executive against Adweek and one of its former reporters on jurisdictional grounds. [Alexander v. Diet Madison Avenue et al.](#), 3:19-cv-688, 2020 U.S. Dist. LEXIS 126395 (E.D. Va. July 17, 2020). The ruling is noteworthy because of its strong statement about the limits of Internet publications triggering personal jurisdiction in Virginia, which has become a hotbed of defamation cases against the media in recent years.

The case against Adweek was brought by Joe Alexander, the former Chief Creative Officer for The Martin Agency, a well-known advertising firm in Richmond, Virginia. Alexander gained fame for his critically acclaimed advertisements for companies ranging from GEICO to Oreo and, in 2017, had been ranked the “#1 Chief Creative Officer in the world.” In December 2017, Alexander was forced to resign from his job after being accused of sexual harassment. His resignation quickly made news, as the #MeToo movement began to take hold in the advertising industry. Around the same time, an Instagram account run by an anonymous group of people in the ad industry called “Diet Madison Avenue” began identifying advertising executives it claimed were harassers – including Alexander – and calling for change in that industry.

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After learning of Alexander's resignation, Adweek and its reporter Patrick Coffee published an extensively sourced article documenting accusations of sexual harassment against him going back more than two decades. As Adweek continued to report on the #MeToo movement and The Martin Agency, some of its articles mentioned Alexander and his resignation.

In September 2019, Alexander, represented by prolific defamation-plaintiffs' attorney Steven Biss, filed suit against Adweek, Coffee, Diet Madison Avenue, and several other individuals. Alexander claimed that the defendants engaged in a wide-ranging conspiracy to have him fired and to defame him. His complaint cited a number of articles and social media posts by Adweek, and asserted claims for defamation, tortious interference with contract and prospective economic advantage, common law conspiracy, aiding and abetting, and intentional infliction of emotional distress. Alexander never served Diet Madison Avenue and the various individuals purportedly connected to it, and the claims against them were voluntarily dismissed. Adweek

and Coffee, both based in New York, moved to dismiss for lack of jurisdiction and on the merits of the claims.

The court granted the Adweek defendants' motion to dismiss on jurisdictional grounds. It explained that in cases involving Internet publications whether the court has personal jurisdiction turns on whether the defendant "manifested an intent to direct their website content to a Virginia audience." The court noted that the Fourth Circuit had previously "rejected the argument that nonresident news organizations open themselves up to suit in a state simply by publishing online articles about that state's residents."

Judge Gibney wrote that he had "little difficulty concluding that the defendants did not intend to target a Virginia audience," as the various publications at issue "reveal that the defendants intended to target the entire advertising industry nationwide." Indeed, the court explained, Alexander "acknowledge[d] Adweek's national reach and focus."

Emphasizing that the articles and social media posts at issue were reported and published from New York, the court determined that Alexander's allegations that Coffee had made calls to Virginia residents, that Adweek had some Virginia subscribers, and that some of Adweek's servers were based in Virginia were not enough for the court to have jurisdiction.

Additionally, the court rejected Alexander's conspiracy theory of jurisdiction, which requires a plausible claim that a conspiracy existed. The court ruled that Alexander's allegations of a conspiracy "indicate that the defendants' behavior amounts to conduct typical of news organizations and their reporters: news-gathering, fact-checking, and publication."

Alexander did not appeal the decision. It stands as strong authority for the limits of personal jurisdiction over national publications that write about people and companies in Virginia and other states within the Fourth Circuit.

*Adweek and Coffee are represented by Michael Berry of Ballard Spahr LLP in Philadelphia, Tom Sullivan of Ballard Spahr in New York, and Matt Kelley and Lauren Russell of Ballard Spahr in Washington, D.C. Joe Alexander is represented by Steven Biss of Charlottesville, Virginia.*

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