

Amicus Brief in Doe v. SexSearch.com

March 28, 2008

Tags: Array

Supporting Documents

In this case, the plaintiff was a user of SexSearch, which served as an online dating service where members meet and engage in sexual relations with other members. In order to join, SexSearch required users to affirm that they were at least 18 years old, and agree to its terms and conditions, which stated that no one under the age of 18 could become a member and warned users that they used the site at their "sole risk." SexSearch went further in expressly stating that it assumed no responsibility for verifying the accuracy of information provided by its other users. Despite this, Jane Roe - 14 at the time - joined the website and eventually met and engaged in sex with the plaintiff. He sued SexSearch.com for a host of claims, ranging from tortious liability to breach of contract. The district court agreed with SexSearch's Section-230 defense and dismissed all charges.

In appealing to the Sixth Circuit, the plaintiff has attempted to sidestep Section 230 altogether by arguing that publication of Jane Roe's age in her profile is not the factual basis for his claims. However, all claims that he makes fundamentally treat SexSearch as the publisher of Roe's content (i.e., her untrue age assertion). Courts have consistently held that the Section 230 provides immunity against tort, contract, and other claims whenever such claims try to treat an online service provider as a content creator or publisher. In the amicus brief, CDT and EFF urge the court to rule that all claims attempt to treat SexSearch as a content creator and so the site is immune from liability under Section 230.

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- [Sec. 230](#)
- [Free Expression](#)

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