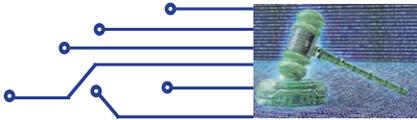


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TOP CYBER LAWYERS 2019



Kristin A. Linsley

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Practice: Litigation

Specialties: Cybersecurity, privacy, appellate law, transnational litigation

Plaintiffs seeking to hold Facebook Inc. liable for the carnage committed by terrorists have met the successful defenses devised by Linsley and her Gibson Dunn team. She represents the social media giant in multiple federal actions under the federal Anti-Terrorism Act for deaths and injuries incurred in the 2015 Paris ISIS attack, the 2016 Orlando “Pulse” nightclub attack, the 2016 Dallas police shootings and other terrorist assaults in Istanbul, Barcelona, San Bernardino and Nice, France.

“I understand that the victims of these heinous attacks and their families desire to find a defendant, but courts have so far agreed with us that these cases are misguided,” Linsley said. Twitter Inc. and Google Inc. have also been named as defendants.

All the claims are based on the theory that Facebook and the other platforms provided material support to terrorist

groups because pro-terrorist content allegedly appeared on their sites and that Facebook and co-defendants did not adequately police their sites for such content.

Plaintiffs have invoked the Anti-Terrorism Act, arguing that ISIS and other groups misused the sites by posting content that supported terrorist activities, thereby facilitating the rise of ISIS and giving it the means to commit the attacks. Linsley said the same plaintiffs’ counsel sought to connect the Dallas police shooting to activities of Palestinian groups on Facebook and other platforms.

“The plaintiffs are seeking civil damages, but we argue they haven’t met the criteria of the statutes because there has never been an allegation that our client had advance knowledge of the attacks or directly aided the attackers,” Linsley said. “Terror statutes are aimed at people who are committing terrorist acts or are



assisting terrorist acts. There hasn’t been a single court to disagree that these claims do not have merit and should not go forward.”

In the case over the July 2016 truck attack in Nice, in which 87 died, including the perpetrator, for instance, U.S. District Judge William H. Orrick of San Francisco granted Linsley’s motion to dismiss in November.

“The allegations...do not support aiding and abetting liability as a matter of law,” Orrick wrote. The plaintiffs have

appealed. *Copeland v. Twitter Inc.*, 17-cv-05851 (N.D. Cal., filed Oct. 12, 2017).

By one law professor’s count, it was the eighth failed lawsuit targeting social media providers for allegedly materially supporting terrorists. Several remain on appeal.

“These cases have occupied a lot of our time, but we’ve been successful so far in every single one,” Linsley said. “It feels good and it’s the right result.”

— John Roemer