

Amanda Pampuro: Welcome to Sidebar, a podcast by Courthouse News. I'm your host, Amanda Pampuro, and I'm joined today by one of our Los Angeles reporters, Hillel Aron. Hey, Hillel.

Hillel Aron: Hey, Amanda.

AP: What do you got for us today?

HA: Today, we're going to be talking about mean tweets.

AP: You mean Xs?

HA: Let's get one thing straight. I'm not saying X.

AP: X, formerly known as Twitter.

HA: You can say X, I'm not saying X.

AP: So, mean Xs.

HA: Mean tweets and the people who sue over them.

AP: Who would sue over a mean tweet?

HA: That is an excellent question. Let me introduce you to two lawyers, Dennis Block and Danny Bramzon. Both work in the arena of housing, of evictions right here in Los Angeles, but on opposite sides. Dennis Block owns a law firm that represents landlords and Danny Bramzon runs a nonprofit firm called Basta, which represents tenants, and the two are oddly similar.

AP: They both have the initials DB.

HA: That's right. Also, both are unapologetically aggressive in their approach to landlord tenant law, and they're both, well... they're not short on confidence. Dennis Block once described himself as a man who has evicted more tenants than any human being on the planet Earth, and Bramzon once told me in an interview, "I'm fucking Robin Hood." Here's attorney Eric Anderson, who represented Basta and its dispute with Block.

Eric Anderson: Dennis Block, by his own admission, hasn't set foot in a courtroom for a case, to handle a case in over 40 years. What he is is he's a very good businessman. He's a very good marketer. He kind of sells the cruelty, which is a marketing choice. I don't know if that necessarily makes him in reality a cruel man or not, but that's just kind of the way he does things and that's not unusual in a variety of areas. We've got plenty of people who love to advertise how tough they are, particularly attorneys. They often will do that.

HA: And Danny Bramzon, in fact, has sold himself as being unapologetically aggressive.

EA: Absolutely. In many ways, part of the irony of this case is that Dennis Block and Daniel Bramzon are in some ways, two different sides of the same coin.

AP: Most attorneys, even when they're fighting each other in court, they treat each other with courtesy, with a professional respect.

HA: That's right, but not so in the world of eviction law. Landlord attorneys and eviction defense lawyers hate each other. The two are separated by just about every fault line in our society: Race, class, politics, and there's often little to no respect between the two sides of a landlord-tenant dispute. That said, the relationship between these two firms stood out for its acrimony. Block's firm hated Basta, whose lawyers were always demanding jury trials for eviction cases, and the feeling was mutual. Basta attorneys called Block's lawyers blockheads. One of Block's most prominent attorneys was a woman named Hasti Rahsepar. They would call her Nasty Hasti. Bramzon at one point even got a Dennis Block piñata made. You can see a photo of it on their Yelp page.

AP: I'm looking at it now. It kind of looks like a cartoon Paul Rudd.

HA: Yeah, I mean, it looks like any white guy in a suit. Anyway, this brings us to February 2017. There's an IT guy named Brett Schulte working for Basta as a contractor, and Schulte had been evicted more than once and his landlords hired Block's firm. So, Schulte was not a fan of Dennis Block, who was very outspoken about property rights, about how rent control is evil, about how tenants are basically liars trying to avoid paying rent. Schulte creates a parody Twitter account making fun of Dennis Block. First, it's labeled Not Dennis Block, then it gets changed to Very Stable Genius, Not Dennis P. Block, which is a Trump reference, of course. Here's one tweet he wrote: "My associates are all either obese, disciplined by the bar, or cheap people of color working against their own kind. Oh, or my idiot sons." Another one read: "I'm a lot like my hero, Donald Trump. I have a wife who hates me, two disappointing sons and a daughter I'd like to date." Now, some of these tweets, I think it's fair to say, were offensive. Some were very chauvinistic.

AP: But also not a huge audience. This account has 192 followers.

HA: Yeah, the account did not exactly break the internet and we probably never would have heard of it if Block and Rahsepar hadn't filed a lawsuit against Basta, Schulte and Danny Bramzon for libel. Here's Block's attorney, Christopher Frost, speaking about the Twitter account.

Christopher Frost: These are some of the most horrible, egregious and aggressive things I've ever seen said about anybody, and at some point, you cross the line between what is just humor and what is meant to be satire and what is offensive and hurtful and damaging. And these were meant to sound, clearly meant to sound, as if they were real. They were meant to imply, or overtly say, things that were intended to sound like facts.

AP: So, Block is saying that this Twitter account was impersonating him.

HA: Yeah, that people were supposed to read these tweets and think the real Dennis Block is saying them.

AP: Huh.

HA: A lot of cases like this won't even make it to trial. The plaintiffs will file a motion to dismiss, and the judge will say that the speech is protected by the First Amendment and the case is done. This lawsuit, perhaps surprisingly, made it past that point. Even the Court of Appeals said the case should go to trial, that the tweets were not protected by the First Amendment because they were vulgar, adolescent insults and not discussions of issues in the public interest.

AP: So, the case moved forward.

HA: Yeah, and I think settlement talks never went very far. Here's Basta attorney Eric Anderson again.

EA: There was no getting beyond, I think, the personal animosity that Block and Rahsepar have for ... the two sides were beyond miles apart.

HA: So, we get to trial in January this year. The defense attorneys had two arguments. One, that these tweets were the sole work of Brett Schulte, the IT guy who was not a full-time Basta employee and who, by the way, stopped participating in the case and was declared to be in default. And two, they argued that parody law protected these tweets and that a reasonable person could not interpret them as factual assertions.

EA: Look, this is hijinks and it may not be proper in a variety of ways. And yeah, some of the tweets really are crude and admittedly it's not my kind of sense of humor that I necessarily would have gone with, but at the same time, it was, people are allowed to try to be funny and miss.

HA: Block's attorneys meanwhile argued that Schulte was acting as a Basta agent, as a de facto Basta employee, that Bramzon knew about the tweets and at very least gave his tacit approval, and that the tweets were meant to be taken as factual assertions. Here's Dennis Block's lawyer, Chris Frost.

CF: If you look at the way they're written and you look at the way that account was set up, it was clearly intended to make it look as if it was Dennis Block's account, with or without the word parody.

HA: Now. one of the biggest problems for Block is that he is on Twitter and some of his tweets can get a little salty. And there was this funny moment during the trial, Block had testified that all these tweets from the parody account were vile and disgusting. So, Bramzon's lawyer, Makoa Kawabata, on cross-examination, asks Block a hypothetical question. He says, "Let's say this tweet came from the Not Dennis Block account: 'To my landlord clients, send me condoms for when I help you fuck your tenants.' And he asks, 'Is that the sort of publication that you would find to be vile?'" And Block replies, "Of course, I would consider that to be a very vulgar comment." And then there's a bit more back and forth and then he puts up on the projector screen that they have in court a tweet by the real Dennis Block, reading: "A client just sent me a letter containing four condoms. The letter read thanks for helping me. F underscore underscore K my tenants. Another satisfied client."

AP: Wow, what did he say?

HA: He said, "I don't remember that" and, in fairness, the tweet was 12 years old. But that was a serious problem for Block that the parody account wasn't exactly a million miles away from the real thing.

AP: Okay, so what was the verdict?

HA: Okay, on the jury forum, the jurors were asked to go through a few dozen tweets and answer three questions. One, was Danny Bramzon or Basta responsible for this tweet that was, on its face, false? Two, did Bramzon or Basta know that the tweet was false? And the jury answered yes to both of those questions. The last question was, would someone reading these tweets have reasonably understood the statements to be about Dennis Block or Hasti Rahsepar, and would they have reasonably understood the statements to be true? And the jury answered no.

AP: Oh, to all of them?

HA: All of them. Block's attorney, Christopher Frost, spoke to some of the jurors afterwards.

CF: They told us that basically they really wanted to do something because they felt like Mr. Bramzon had engaged in misconduct and they felt like he had truly hurt, especially Hasti Rahsepar and they felt very bad for her that they just got hung up on the parody issue.

HA: They thought that these were essentially jokes.

CF: No... yes and no. They thought it was information that nobody was believing as true. So, yes, in that context, correct, they did not view it as jokes, they just got hung up on the parody defense.

HA: Dennis Block has filed a motion for a new trial and Frost says they'll appeal. There was one small consolation for Block, however. A few weeks after the trial ended, the judge ordered Brett Schulte, the IT guy, to take down the Not Dennis Block parody Twitter account. As of this recording, it's still up there.

AP: So, what does this case say about free speech? Was it unusual in any way?

HA: Yeah, I talked to Eugene Volokh about this case. He's a UCLA professor of law and a longtime blogger at The Volokh Conspiracy and he was surprised that the case even made it to trial.

Eugene Volokh: Now, in these kinds of parody account claims, generally speaking, I think a reasonable person would recognize this is basically a form of online trash-talking.

HA: Volokh said it reminded him of another case from 2014 involving, again, a lawyer named Todd Levitt. He lived in Mount Pleasant, Michigan, a college town dominated by Central Michigan University. Levitt taught a class in marketing as an adjunct professor, but he was also an attorney, and most of his clients were college kids.

AP: So, a lot of DUI cases.

HA: Yeah, DUI cases, housing stuff. I think he gave legal advice to a fraternity accused of sexual harassment and he marketed himself as, I don't know, "cool," using air quotes, or edgy. Actually, he described himself as a quote "badass lawyer." Levitt's social media accounts made references to him drinking, partying and smoking weed. Another thing that Levitt did, and this is really where our story begins, he commissioned a webpage called topcollegelawyer.com which gave an award for the top college lawyer, and you'll never guess who won.

AP: Todd Levitt.

HA: In fact, Todd Levitt did win that prestigious award, and Levitt, ever the marketing maven, sent an email to one of the university's newsletters saying, "I'm an alumni, I've won this prestigious award, you should put this in your newsletter." And a student intern working for the newsletter responded and said, "Well, you're too late for this issue, but we'll put you in the next one." This was not good enough for Todd Levitt, who then went on a little Twitter sulk and tweeted that his request had been rejected and tried to get his followers to advocate on his behalf to the newsletter man. So, the student intern has a friend named Zachary Felton. He's another student. He decides to make a parody Twitter account, which he calls Todd Levitt 2.0. I'll read a couple of tweets. "What's the difference between the internet and my tweeted legal advice? Answer: None. They're both 100% accurate." Here's another one: "Buying me a drink at Cabin Karaoke will get you extra credit, but it's not like that matters, because you are guaranteed an A in the syllabus."

AP: Ha. So, what was the badass lawyer's reaction?

HA: Badass lawyer Todd Levitt goes absolutely ballistic. At first, he doesn't know who's behind the account, but then he somehow finds out and starts tweeting things like, "Your own friends and family turned on you, you fucks. I have some pissed off clients looking forward to seeing you in prison. Good luck, tools."

AP: Hell hath no fury like a lawyer scorned.

HA: Indeed. Here's Gordon Bloem, a lawyer who Zachary Felton later hired.

Gordon Bloem: One of the things he said in his Twitter post when he found out it was Zachary, "You're going to need Vaseline where I'm going to send you." He actually thought he could have Zachary charged criminally. It was really kind of pathetic.

HA: So, Todd Levitt eventually sues this kid, saying that a lot of people thought this parody account was the real Todd Levitt and that this has tarnished his reputation as both a lawyer and a college professor.

GB: The plaintiff's attorney never quite understood, I don't think, the nature of the claims we were making because, for example, they deposed Zachary and for each one of his tweets they wanted to know why did you think this was funny? As if a court could decide well, that's not funny, therefore it's not protected. And eventually the judge saw it our way, but he was very reluctant.

HA: Bloem filed a motion for summary judgment, and they had to have three different hearings before the judge finally dismissed the case. Levitt appealed and he lost. This was actually the first of quite a few lawsuits Levitt would file relating to this incident. Levitt also sued Zachary Felton's dad, a fellow professor at CMU, for recording this bizarre interaction they had on the sidewalk one day. Should we play a short snippet?

Todd Levitt: Pussy. You are such a big pussy. You are such a big pussy. It's fucking unbelievable, you pussy.

HA: That's Levitt shouting at the father. Levitt also sued the local Mount Pleasant newspaper, The Morning Sun, for saying that Levitt had made up his fake top college attorney award. And Levitt even sued Gordon Bloem, the lawyer.

GB: He sued me because he said I had intentionally inflicted emotional distress with the questions I asked of him. I was trying to embarrass him.

HA: In the deposition?

GB: Yeah, you know, you run around worrying that somebody might sue you when you lose a case. You don't really worry that you're going to get sued when you win. But there it was.

HA: Quite a lot of litigation stemming from a little Twitter account with probably a couple hundred followers.

GB: Yeah, and that posted stuff for two weeks.

HA: Is there something about lawyers? Are they particularly thin-skinned?

GB: Some of us. I don't think any more than anybody else, but we have the tools at the ready to make an issue out of something.

HA: Now, I did reach out to Mr. Levitt for an interview, and I got a very nice voicemail from his assistant, telling me that he is just not interested in talking about anything related to that topic, but that she hopes I have great weekend.

AP: Aw, so nice.

HA: I thought so, too. Of course, it is not just lawyers who file lawsuits over Twitter parody accounts. You remember Congressman Devin Nunes?

AP: Who could forget the conservative Republican congressman from California and staunch Donald Trump ally, she said, reading from her notes.

HA: Then you might remember that he filed at least 11 defamation lawsuits against various people, including one against Twitter and two Twitter accounts titled Devin Nunes' Mom and Devin Nunes' Cow, seeking a total of \$250 million in damages. The complaint, by the way, is one of the funnier lawsuits you'll ever read. Would you read that excerpt?

AP: Sure. Quote "In her endless barrage of tweets..."

HA: Oh boy, maybe I should read it.

AP: Sorry. "In her endless barrage of tweets, Devin Nunes' Mom maliciously attacked every aspect of Nunes' character: honesty, integrity, ethics and fitness to perform his duties as a United States congressman. Devin Nunes' Mom stated that Nunes had turned out worse than Jacob Wohl, falsely accused Nunes of being a racist, having quote 'white supremacist friends' and distributing disturbing inflammatory racial propaganda, falsely accused Nunes of putting up a fake news MAGA sign outside a Texas Holocaust museum, falsely stated that Nunes would probably join the Proud Boys if it weren't for that unfortunate masturbating rule, disparagingly calling him a presidential fluffer and swamp rat."

HA: Very good, very impressive. I spoke with Paul Levy. He's an attorney for Public Citizen, a nonprofit public interest law firm. You know Devin Nunes, longtime congressman, chair of the Intelligence Committee. Why was he suing all these people for defamation?

Paul Levy: Harassment. In my opinion, it was pure harassment. Most of the lawsuits were bullshit. I don't know if you're too much a family, you're not a family publication.

HA: Not at all, we actively discourage families to listen to us.

PL: They were nonsense. It was harassment, it was discouraging criticism. It's my guess that he thought that the cow was somebody who would be hurt politically by being identified as being the cow, and so he wanted to out the cow. I mean, that is a, yeah, that was a true parody account.

HA: A judge ruled that Section 230 of the Communications Decency Act shielded Twitter from the lawsuit, which meant that Nunes had no avenue finding out who was behind the mom and cow Twitter accounts. So, while the case is still technically active, it's pretty much dead. Okay, one last mean tweet lawsuit for you. Are you ready?

AP: I'm ready.

HA: It's the summer of 2018. A kid's soccer team in Thailand gets stuck in an underground cave system. It starts to rain. For 18 days, 12 boys and their 25-year-old assistant coach are trapped as the water level slowly rises. This becomes a huge news story, and the rescue effort attracts as many as 10,000 people, including more than 100 divers, 2,000 soldiers and a man named Elon Reeve Musk, CEO of Tesla and SpaceX, but not yet the owner of Twitter and not yet the richest man in the world.

AP: I think I've heard of him.

HA: Musk sends a handful of SpaceX engineers to Thailand to build a submarine that can rescue the kids and they're actually these little pods designed to rescue a single child and Musk himself goes to Thailand for a few days, although his pods are never used, and people aren't really sure that they would have even worked. But the boys do get rescued by an international team of divers and Thai Navy SEALs. A few days later, a guy named Vernon Unsworth gives an interview to CNN. Unsworth is a British man in his 60s living in Thailand and he's been in these caves, he's like a cave diver, whatever you call that. Unsworth didn't physically rescue anyone, but he helped recruit rescue divers and was advising the rescue team. Anyway, after everyone's safe, Unsworth goes on CNN and the interviewer asks him about Elon Musk, and here's what he says.

Vernon Unsworth: I'd stick his submarine where it hurts, just had absolutely no chance of working. He had no conception of what the cave passage was like. The submarine, I believe, was about five-foot-six, long, rigid, so it wouldn't have gone round corners or round any obstacles. It wouldn't have made the first 50 meters into the cave from the dive start point. Just a PR stunt.

HA: I spoke with Ryan Mac, he's a tech reporter for a little newspaper called The New York Times.

Ryan Mac: Elon gets back from his trip and on the morning of him getting back he sees this interview with this guy, you know, Vernon Unsworth, and watches it. You know, watches it again and then he gets really mad. You know, he starts Googling around, you know, where is this guy from, you know, why is he in Thailand, this British expat, and then tweets out this thing that you know no one will ever forget.

HA: And the tweet is actually kind of weird because he's replying to someone who wrote an op-ed in The New York Times and he's promising to make a video proving that his submarine really would have worked, but then he adds this non sequitur: "Sorry, pedo guy, you really did ask for it."

AP: What did he mean by that?

HA: Well, that is the question upon which a whole trial will turn. But in a tweet a little later he doubles down, writing, "Never saw this British expat guy who lives in Thailand" parentheses sus, s-u-s "at any point when we were in the caves." Now, Musk apologized and he deleted the tweets, but he still kept trying to convince people that Unsworth actually was a pedophile.

RM: You know, with Elon, he believes really, well, obviously, he believes in his gut and he believes that he's right a lot of the time. Some people call it, like, his reality distortion field, his ability to make things true that wouldn't be possible, whether that's the electrification of cars or getting people to Mars. You know this idea that because he believes it's right, it can be done and it can be true. And in some ways, I think he convinced himself that this guy was actually a pedophile.

HA: Mac was working for BuzzFeed at the time, and he emailed Musk to ask him what did you mean by these tweets?

RM: He then writes me this incredibly long email about why he believes Vernon Unsworth is a quote “child rapist.” He used that phrase, “with a 12-year-old bride,” is another phrase he used and tried to convince me that, you know, this guy was a pedophile.

HA: So, Vernon Unsworth sues Elon Musk for defamation in federal court right here in Los Angeles. I didn't cover the trial, but those who did said it was highly entertaining.

RM: So, one of the things we learned in the trial was Elon, after he had made his tweets, he had hired some guy who randomly emailed him saying that he had dirt on Vernon Unsworth. He claimed to be a private investigator in the U.K., and he could find, you know, he had stuff on Unsworth. They agree on a fee, you know, \$50,000, they send him the money and the guy sends back this like dossier of information that Elon then believes is true and that's some of the information he uses to send to me, the reporter, when he's trying to get, you know, his viewpoint out on Vernon Unsworth. Turns out that this supposed private investigator is an ex-con and, you know, had been in jail, you know, was an imposter, a scammer, you know, and he just emailed Elon, just like, you know, on a whim, I guess, and so a lot of that stuff was made up.

HA: To prove the case, Unsworth had to prove that the “pedo guy” tweet was about him, that Musk was asserting a fact that he knew was false and that it had actually harmed Unsworth. Edvard Pettersson is our Courthouse News Service colleague. He's in Los Angeles with me and he covered the trial back when he was working for Bloomberg.

Edvard Pettersson: And basically, the big question becomes was this a statement of fact or just an opinion? So, Musk testifies saying like, you know, pedo guy, you know, it's just like a slur, you know, that's what we use growing up in South Africa, you know, to refer to creepy old guys. And you know he says he didn't, I never met the guy, I didn't know him. So, this was just, you know, he was insulting me, I responded in kind. That was basically the essence of the case.

HA: Unsworth's lawyer, by the way, was Lin Wood. This is like Lin Wood's last case before he became, or revealed himself to be, a complete QAnon and Donald Trump fanatic, enthusiast, QAnon and Donald Trump guy, and both Edvard and Ryan agree Lin Wood did not cover himself in glory in this trial. Here's Ryan.

RM: Lin Wood did a pretty poor job at, you know, proving that Unsworth was harmed by the tweet. There was no therapy sessions, there was no like lost work. One of the things that stands out to me was, you know, Unsworth was on the stand. He's like, you know, I just took it like a man, you know. I didn't, you know, I internalized it, you know, but he didn't really explain, you know, how he was hurt.

HA: In the end, the jury deliberated for just one hour before they returned with a verdict in favor of Musk, and the reasoning was maybe a little surprising. They were not convinced that Musk was talking about Unsworth when he said “sorry, pedo guy.”

AP: What?

HA: Yeah, maybe he was calling this op-ed writer a pedo guy, or who knows, and it revealed, in a way, the difference in perceptions between someone who spends a lot of time on Twitter and someone who barely knows what Twitter is. Here's Ryan again.

RM: One of the big things was, like, could the average person reading that understand that was about Vernon Unsworth and the jury said no, and that for me was interesting because, as someone who reports on the internet, who's like on Twitter all the time, it was clearly about, you know, it's like it wasn't. That was not the question for me, although that was how the jury settled.

HA: Edvard spoke to one of the jurors after the verdict.

EP: It sounded like they were so unimpressed with the whole case. They sort of like, it's like two school children bickering, you know, like what are we doing here? There was a lot of evidence about this guy Unsworth, how he was kind of frustrated that he didn't get enough credit for his work in the rescue effort that other people were, you know, cut movie deals, book deals, what have you and he got nothing. So, you see, he just seemed like kind of a small guy, you know, wanting to get, you know, a lot of credit and attention. And you know, you know, I think, a lot of what happens with jury trials, I mean, if it's like on such a small issue, you know, it's basically who does the jury like better? I mean, I think that's what it boils down to, how do you come across before a jury? And, you know, I think Musk won that fight, you know, easily.

AP: So, the moral of the story is don't sue over mean tweets, just block 'em.

HA: I think that's right. Don't sue over Twitter parody accounts, jokes or mean tweets, because you'll probably lose. And I think one reason for that is no one really agrees on what Twitter is, because people use it for different things. Some people use it as a publishing platform like a blog or a mini newspaper column almost. Other people use it as kind of like the comments section on a website like Reddit. To others, it's almost like a group text thread. The line between well thought-out statements and casual, loose conversation is always moving, and one of the weird things about Twitter is that tweets get copied and then taken out of context, so, a lot of times, you're never really sure how literal someone is being.

AP: Twitter is weird.

HA: Yeah, you remember Dennis Block's lawyer, Chris Frost, from the beginning of the episode? He told me that one of the jurors had said that the tweets from the fake Dennis Block Twitter account were so outrageous, so over the top, that no one could possibly think they were meant to be taken seriously. And then Frost told me that he thought that that was a scary standard.

CF: The standard that they effectively applied means the more you put out there and the more aggressive it is, the more protected you are. To say that these were so aggressively written that nobody would have believed them to be true means that the worst things that I say, and the more of it I say, the more protected I am, and that's what scares me.

HA: It's funny because I feel like there are a multitude of incentives online and on social media that push people in that direction of being more extreme, more mean, more out there and that this, maybe, is just one of them.

CF: I agree with that, and I think it gives people in the wrong hands the opportunity to hide behind a keyboard and to say whatever they want about people and to people that real face-to-face conversations would have prevented.

AP: Yeah, the internet is pretty terrible. On that note, be sure to visit our website, www.courthousenews.com, for all the legal news that's fit to tweet and follow us on Twitter. I mean X. Follow us on X.

HA: And if you don't like what you read, maybe file a lawsuit against us.

AP: He's kidding. Don't do that. Next time on Sidebar, it hasn't even been two years since the Supreme Court sent the issue of abortion back to the states and the justices are weighing in on a case that threatens nationwide access to the procedure. Kelsey Reichmann looks at how we got here and a deep dive into the battles over reproductive rights that are shaping the post-Roe era. So, Devin Nunes' mom... Devin... I don't know why I can't say Devin Nunes' mom.

HA: It's a funny lawsuit, this is what I'm trying to tell the people.