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OMG! Lawyers Suing BuzzFeed Get Creative With Clickbait Court Filing

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You won't believe what lawyers suing BuzzFeed in Miami court attached to a [recent filing](#).

In their response to a motion to dismiss filed by the website famous for its clickbait, plaintiffs aimed to catch the court's attention with the following header: "Six Ways BuzzFeed Has Misled the Court (Number Two Will Amaze You) ... And a Picture of a Kitten."

A picture of a cat belonging to plaintiffs lawyer Evan Fray-Witzer is included as Exhibit 41.

The creative filing, submitted by Boston-area attorneys Fray-Witzer, Matthew Shayefar and Valentin Gurvits and Fort Lauderdale's Brady Cobb, is the latest in a defamation case against BuzzFeed for a controversial Jan. 10 post.

The lawyers represent a Russian technology executive suing BuzzFeed over its decision to publish a dossier that includes salacious and unverified allegations about President Donald Trump's relationship with Russia. The executive, Aleksej Gubarev, is accused in the dossier of being involved in hacking Democratic Party leadership.

"We try to keep our filings with the court interesting, though this is about as interesting as we've gotten," said Fray-Witzer of Ciampa Fray-Witzer in Boston. "I started out as a law clerk, so I have sympathy for the clerks (and the judges) who have to read all of these filings. We take the case very seriously, but it was hard to believe that even BuzzFeed was serious about this motion. Rather than get annoyed about it, we decided to inject a little levity. And a kitten."

After getting their jokes out of the way, the plaintiffs lawyers used fairly standard legal language to argue against BuzzFeed and its editor-in-chief Ben Smith's push to move the federal case to New York, where the company is based: "Defendants regularly and routinely send their reporters to Florida; report on Florida-centric stories; host celebrity-laden parties in Florida; livestream events from Florida; work with Florida advertisers; and generally target and solicit an audience in Florida."

Ilya Shapiro, senior fellow at the Cato Institute in Washington, who has filed "funny briefs" before the U.S. Supreme Court, said [it's riskier to be creative](#) when you have a client.

“It’s riskier because you don’t want the court to rule against your client simply because you’re trying to be creative or unusual or cheeky,” he said. But there also are rewards. “It can jolt the judge to see things in your way, to point out absurdities.”

The case is before U.S. District Judge Ursula Ungaro in Miami. The plaintiffs lawyers said they’re ready to take their tongue-in-cheek style to a new jurisdiction if required.

“They can run, but they can’t hide — although we believe this action belongs in Florida, BuzzFeed cannot avoid liability regardless of where it is tried,” said Gurvits, of Boston Law Group in Newton Centre, Massachusetts.

“We’re surprised by the plaintiffs’ desire to make light of this matter, and we are confident in our motion to dismiss Mr. Gubarev’s suit,” BuzzFeed News spokesman Matt Mittenhal wrote in an email.