MEDIA MENTIONS

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Husch Blackwell Scores Victory for CoxHealth in Defamation Suit

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A Husch Blackwell trial team successfully defended CoxHealth in a defamation suit when a 12-person jury ruled in favor of the hospital system and an executive that a public social media message made by the executive was neither libelous nor defamatory, and that it did not violate the medical privacy of the plaintiff's child.

In August 2020, the plaintiff filed suit against CoxHealth and an executive after the executive posted a message on Twitter to clear up any confusion regarding a promotion the hospital system was offering—free telehealth appointments for virtual COVID-19 testing for uninsured individuals, who used the promocode "COVID." The hospital decided that individuals who were seeking online care during the pandemic were not billed for telehealth services, regardless of the diagnosis.

The plaintiff had sought medical advice via the telehealth service, but opted not to use the promo code as she didn't want to associate her child with having COVID. The plaintiff posted on Facebook her complaints. The executive posted a screenshot of the offer as well as the plaintiff's Facebook post. The plaintiff alleged that the executive's tweet not only violated her child's medical privacy, but also damaged her public reputation, however, the Husch Blackwell team was able to show that the plaintiff hadn't suffered any economic harm as a result of the executive's tweet.

The plaintiff argued that her Facebook posts were made in private, rather than in public, however, Husch Blackwell argued that she continued to drive the discussion on social media despite claiming rights as a private citizen.

After a three-day trial and 40 minutes of deliberation, the jury agreed with CoxHealth.

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The case, which is pending appeal, was tried by Husch Blackwell partners Bryan Wade and Ginger Gooch.

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