

FLYING PIG PROBLEM

Clarence Royce, the mayor of Turman, California, has been fighting allegations of corruption. At a press conference as part of his reelection campaign, he said that he would resign “When the pigs on my uncle Clayton’s farm grow wings.” An unknown Twitter user created an account, @RoycesFlyingPig, which has been posting tweets in the voice of a corrupt flying pig. For example, the account tweeted, “Just got back from picking up some payoffs in LA, and boy are my wings tired!” and “With what Clarence spends on single-malt Scotch from the city budget, you’d think he could have the sanitation department spread a little more garbage my way.” Another critic, Thomas Carcetti, has been tweeting allegations that Royce has put his supporters’ relatives on the Turman city payroll, and forcing companies that want to do business with the city to buy hundreds of copies of his children’s book.

Royce is a resident of California, which has a strong anti-SLAPP statute. Twitter is incorporated in Delaware and has its corporate headquarters in San Francisco, California. Carcetti is a resident of Virginia, which does not have an anti-SLAPP statute. Twitter knows the IP addresses from which @RoycesFlyingPig has logged in, the email address that @RoycesFlyingPig has provided, and possibly other identifying information, but will not reveal that information unless compelled to by a court.

Royce is considering suing @RoycesFlyingPig and Carcetti for defamation, and seeking an order against Twitter requiring it to provide Royce with identifying information for @RoycesFlyingPig. You have been asked to analyze the jurisdictional issues. What are Royce’s prospects of success if he sues in California? Virginia? Delaware? The United Kingdom?