

Facebook Avoids TRO in Suit Over Russian 'Controlled-Media' Tag

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- Several 'contested issues of fact' preclude granting TRO
- Expedited trial date set for Dec. 14, 2020

Facebook Inc. convinced a California federal judge Thursday to deny a request for a temporary restraining order from Maffick LLC, which claims its pages have been wrongly labeled as part of a "state-controlled" Russian media outlet on the platform, because the plaintiff failed to show it would succeed on the merits.

Judge James Donato of the U.S. District Court for the Northern District of California indicated he couldn't grant the limited injunction by Maffick seeking a removal of Facebook's notice, which the social media giant says is part of its efforts to protect its platform from bad actors who might seek to affect American elections. Maffick claims to be based in Delaware with executives in Los Angeles, but Facebook points to prior associations with RT.com, which it considers a Russian state news website.

Donato told Maffick he doesn't see how he could resolve the issues at hand at the TRO stage, adding that there are several "contested issues of fact." For instance, Facebook claims its label is an opinion, and not an actionable statement.

"There's plenty of room to run on both sides on who has got the right view here, and I don't see how I could adjudicate that on a TRO," Donato told the parties during a remote Zoom hearing. "This is a classic dispute of fact for a jury to resolve."

Donato said he won't adjudicate the facts, but he did decide to advance the proceedings, setting a trial date for Dec. 14 over an objection by Facebook's counsel.

When asked by Maffick's attorney about discovery opening immediately, Donato confirmed, adding, "You have a trial date coming up, so you're off to the races."

Facebook indicated it would file a motion to dismiss as early as next week.

Facebook is represented by Munger, Tolles & Olson LLP. Maffick is represented by TroyGould.

The case is [Maffick LLC v. Facebook Inc.](#), N.D. Cal., No. 3:20-cv-05222, 8/27/20 .

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