

**Internet Law
Spring 2022
Midterm Assignment**

This assignment consists of **one question** and **three pages**, including this cover page. Your answer has a limit of **2,000 words**, which will be strictly enforced. It is due by **11:59 PM on Wednesday, March 16**. Please submit your answer using the instructions provided by the registrar's office.

This is an **open-book** examination. You should not need to consult anything beyond the casebook, the slides, and your notes, but you can if you wish. You are free to discuss the general legal principles we have covered with anyone, including each other. You are free to post general questions about the material covered in the course or clarifying questions about the *facts* (not the law) in the problems on the exam in the designated discussion area on Canvas. I will answer all questions posted there before 11:59 PM on Friday, March 11.

Aside from that, **you may not discuss the question** with anyone else until after I have returned your grades. Your work on this examination is subject to the Cornell Code of Academic Integrity, the Law School Code of Academic Integrity, and the Campus Code of Conduct.

Please make your answer as **specific** to the facts of the question as you can. Generic statements or suggestions, such as "Make sure that all employees follow proper security practices," will receive few or no points. Use **simple citations** (e.g. "*see Zeran*") where appropriate. I include **spelling, grammar, clarity, and organization** in my grading. I appreciate the use of headings to organize your answer, but they're not required. If you find the question **ambiguous** or need to **assume additional facts**, state your assumptions and explain how they affect your answer. No reasonable resolution of an ambiguity will be penalized.

Assume for purposes of the examination that present-day law has been fully in effect at all relevant times. Unless otherwise noted, all names are fictitious. Please disregard any resemblance to actual persons, places, or institutions, unless they are specifically incorporated into a question.

You can limit your answer to the material in the casebook up through the end of chapter 4: jurisdiction, speech, and privacy.

The Secret of Success in Mathematics

Your client is Thomas Andrew Stewart, a professor in the Mathematics department at Galois College in New Orleans, Louisiana. He maintains *The Eternal Triangle*, a blog that publishes news about academic mathematics, including important new papers, upcoming conferences, and controversies within the field.

Recently, Giulia Cardano, a mathematics professor at Newton University in New York City, New York, where she lives, published in the journal *Advances in Algebraic Number Theory* ("AANT") a 196-page paper titled "The Klarreich Conjecture is True." (A "conjecture" is a conclusion that mathematicians have good reasons to believe is probably true, but that no one has been able to prove or disprove. If and when it is proven, it becomes a "theorem.")

In addition to its intrinsic interest to mathematicians, the Klarreich Conjecture is on the Gardner Institute's list of Major Unsolved Problems. The Institute has offered a \$1 million prize to the first mathematician to publish a proof or disproof of the the Conjecture. (The Institute has not publicly commented on Cardano's paper or on any of the following events.) Stewart added a short post to *The Eternal Triangle* on Cardano's that read, "Klarreich Conjecture proven!!!!!! Congratulations to Giulia Cardano! 💰💰💰" The underlined word was a hyperlink to the article on AANT's website.

Two weeks later, Nicole Tartaglia, who lives in New Jersey and who also teaches in the mathematics department at Newton University, sent a long email to Stewart. The subject line read, "Would you post this on your blog for me?" The body of the email began, "Giulia Cardano's proof of the Klarreich Conjecture is based upon work stolen from me." It continued with an argument that Cardano had based key ideas in the proof on remarks Tartaglia had made at their department's weekly tea-and-cookies social get-together. Stewart added a note to the end of his blog post that read, "**UPDATE:** The following is by Nicole Tartaglia (Newton U.). If true, it seems to me that Professor Cardano has a lot of explaining to do and AANT should retract the paper," followed by the body of Tartaglia's email.

Cardano then tweeted “Nicole Tartaglia’s accusations about my Klarreich Conjecture paper are completely false. This conversation DID NOT HAPPEN.” Stewart added another line to the end of the post reading “**UPDATE:** Shots fired in the departmental lounge at Newton. Cardano denies everything.” The underlined words were a link to Cardano’s tweet.

The next day, Stewart received an emailed from an unknown person identifying themselves only as “Bolyai.” It included purported screenshots of an email from Cardano to Tartaglia stating, “Nicole, I think you are making too much out of this. Whatever you did or didn’t say about Smullyan invariants at the departmental tea, there is much more in the proof than that. None of the sections on the analytic and algebraic topology of locally Euclidean parameterization of infinitely differentiable Riemannian manifolds have anything to do with our conversation.” In addition, it included purported screenshots of an email from Cardano to Vladimir Ivanovich Hart, a mathematician at Lobachevsky University in Vladivostok, Russia, reading “I can’t believe Nicole is still complaining about this. She’s just jealous about the Gardner prize money.” Other than the screenshots, the message from Bolyai to Stewart read only, “FYI.”

Stewart then added another line to the end of the post, which read “**UPDATE:** 🙄🙄” followed by the screenshots.

Later that day, Cardano tweeted a link to the updated post, and wrote “This is outrageous! My emails are PRIVATE correspondence and these screenshots are COMPLETE forgeries.” Stewart added yet another line to the post, “**UPDATE:** Professor Cardano responds. Are they putting something in the tea at Newton to make everyone there behave like thugs and immature children?” The underlined words linked to Cardano’s tweet.

Cardano has now filed a lawsuit against Stewart, Tartaglia, and Bolyai in New York state court. The lawsuit includes claims for defamation, intentional infliction of emotional distress, intrusion on seclusion, and public disclosure of private facts. In addition, Cardano has served Stewart with a civil subpoena requiring disclosure of any identifying information Stewart possesses about Bolyai.

Write a memorandum to Stewart explaining the legal risks (if any) he faces, describing the options available to him, and recommending a course of action.