

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**GENEVIEVE MAHONEY, a/k/a
@genmahoney19, an individual,**

Plaintiff,

vs.

FACEBOOK, INC.,

Defendant.

Case No. 21-CV-00607

Hon. William L. Campbell, Jr.

DEFENDANT FACEBOOK INC.'S MOTION TO DISMISS THE COMPLAINT

Defendant Facebook, Inc., by and through counsel, respectfully moves to dismiss the complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6). The plaintiff has failed to state a claim for defamation because (1) the allegedly defamatory statement is not of and concerning the plaintiff; (2) plaintiff has failed to plead facts establishing the publication element; (3) the allegedly defamatory statement is not susceptible of a defamatory meaning; and (4) plaintiff's claim is precluded by Section 230 of the Communications Decency Act. The plaintiff has likewise failed to state a claim for negligent infliction of emotional distress because (1) a negligent infliction of emotional distress claim premised on the same facts as a failed defamation claim must be dismissed; (2) plaintiff's allegations fail to establish that the allegedly defamatory statement proximately caused her emotional distress; and (3) plaintiff has failed to plead facts showing that her emotional distress was sufficiently severe to state a claim. Defendant contemporaneously files a Memorandum of Law in support of this motion.

Dated: August 30, 2021

Respectfully submitted,

/s/ Overton Thompson III

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was electronically filed and served upon the following via the Court's ECF system on this the 30th day of August, 2021:

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