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Does the Discovery Rule Apply to Defamation Claims Based on Photos Publicly Posted on Social Media?

When does the clock start on a defamation claim involving a social media post the plaintiff hasn't seen? Day Pitney Associate Jane Kim explores that question in her *Massachusetts Law Review* case comment, “Does the Discovery Rule Apply to Defamation Claims Based on Photos Publicly Posted on Social Media?”

Examining *Davalos v. Bay Watch, Inc.*, Kim discusses the Massachusetts Supreme Judicial Court's answer to a question of first impression in Massachusetts; that a social media post may not be entitled to the benefit of the discovery rule for defamation and other similar claims. Relevant factors include the post's reach, accessibility and searchability. Through her analysis of the decision, Kim discusses the importance for plaintiffs seeking to rely on the discovery rule to show not only when they discovered the posts, but why they could not reasonably have found them sooner.

Read Kim's case comment, beginning on page 62, to learn how courts assess when the discovery rule applies to defamation claims involving social media posts.

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