

Texas couple smeared online win lawsuit

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FORT WORTH -- First, a woman accused Mark and Rhonda Leshner and one of their employees of raping her.

Then, the same woman and her husband, along with two of their employees, instigated an online smear campaign designed to ruin the Leshners' reputations, according to two juries.

On Friday, three years after a Collin County jury acquitted the Leshners and their employee of aggravated sexual assault, a Tarrant County jury awarded the couple \$13.78 million in a libel judgment. The ruling sends the message that people have the freedom to write what they please online, but they can be held accountable.

The award is the largest ever assessed in an Internet libel case, the Leshners' attorney, Meagan Hassan, said Tuesday.

The defendants -- Shannon and Gerald Coyel, and Charlie and Pat Doescher of Kennedale, who worked for the Coyels -- were ordered to pay shares of the award.

"This was clearly a vendetta," Hassan said. "We originally sued 178 John and Jane Does, and it all came down to two IP addresses."

A woman who identified herself as Pat Doescher on the telephone declined to comment Tuesday, saying her attorney had instructed her not to talk about the case. Gerald Doescher, the Coyels and their attorney could not be reached to comment.

Thousands of posts

According to the lawsuit, Shannon Coyel, a former client of Mark Leshner, who was then an attorney in Clarksville in East Texas, accused the Leshners and one of their employees of

sexually assaulting her. The trial was moved to Collin County on a change of venue because of pre-trial publicity, and the jury acquitted all three on Jan. 15, 2009.

Meanwhile, scurrilous comments referring to the Leshers and their businesses were appearing on Topix, an online community bulletin board.

One comment that referred to Rhonda Lesher's beauty salon said: "You get throwed, blowed, bit, sucked, Herpies, and your hair done all at the same place, 'YUCK'!!!!!!!!!" according to the lawsuit.

"During the criminal trial, Mrs. Lesher testified to the fact that these rumors and comments have changed her life, stating, 'I will never be the same. You can't imagine what it is like going to a grocery store and facing anyone who knows about these charges,'" the lawsuit stated.

The abuse grew so bad that the Leshers closed their businesses and moved away from Clarksville, where they had lived for more than 20 years, Hassan said. Mark Lesher now practices law in Mount Pleasant and Texarkana, and his wife has given up her salon.

Hassan said she and her legal partners compiled more than 25,000 instances of libelous online posts on Topix that accused her clients of engaging in sexual perversions and molestations, drug dealing and other criminal behavior.

But in court, they introduced only 800 of the worst, Hassan said.

"No one who has ever read the comments has argued that they were reasonable or rational," Hassan said. "This is a good case to show just how bad things can get online."

The case was tried in Tarrant County because one of the IP addresses was at a residence in the county.

The McClatchy Co., which owns the Star-Telegram, owns an 11.25 percent share of Topix.

A disconnect

The case shows that those who libel others online and rely on Internet service providers or hosting companies to protect their identities are out of touch with the times, legal scholars said.

"I think you are starting to see a real disconnect between perception and the legal and technical realities," said Brian Holland, a law professor at Texas Wesleyan University. "The

illusion of anonymity is not technically correct because they have a way to trace you, and it's not legally correct because the courts will not always back you up and you might not be aware of the proceedings."

Topix initially fought a subpoena for the Internet Protocol addresses of the people posting comments about the Leshers, but a judge forced the company to hand over the information, Hassan said.

Many service agreements that Internet service providers use, and that most people do not read, prohibit the posting of anything that is libelous or slanderous, said Peter Vogel, a partner at the Gardere law firm in Dallas.

"This case proves that you just can't say bad things about someone without any consequences," Vogel said. "I never put anything in an e-mail or posts that I would not want a jury to see."

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