Haynes and Boone Defeats $1.2 Million Libel Judgment Based on Yelp Review

By Jason P. Bloom, Chris Knight, Ryan Paulsen | March 2, 2021

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A Haynes Boone legal team led by Partner Jason Bloom helped client Sean Gharavi win an appeal from a $1.2 million judgment against him based on a single Yelp review about a dentist.

On Feb. 26, 2021, a Dallas appellate court reversed the judgment and rendered a take-nothing judgment.

The Yelp review vented frustration that a dentist, who had formerly been a client of Gharavi's marketing business, called Aidris, had failed to pay fees owed, even after Aidris obtained an arbitration award and judgment against the dentist. After Aidris pursued legal measures to collect the judgment, the dentist agreed to a settlement and mutual release of claims. Two months later, the dentist sued Gharavi based on the Yelp review, which the dentist had been aware of and had removed before the settlement and release of claims.

It was a broad-form release that applied to all claims that were directly or indirectly related to the original dispute -- regarding the dentist's nonpayment of fees owed. Though the release did not specifically mention the Yelp review, the Yelp review was referenced by the dentist's counsel during settlement talks. The dentist later sued for libel, business disparagement and other claims based on the Yelp review. Following a bench trial, a judgment entered judgement for the dentist and awarded damages of about $1.2 million.

On appeal, Haynes Boone urged the defense of contractual release, as well as First Amendment defenses and arguments that the actual damages were not supported by the record and the $500,000 punitive damage award was statutorily barred. Less than a month after the case was argued, the Dallas appellate court issued its decision reversing the trial court and rendering a take-nothing judgment in Gharavi's favor, based on the parties' contractual release of claims.

"Without question, the Yelp review was, if not directly, then indirectly attributable to [the dentist's] failure to pay for Aidris's services," the appellate court concluded in its opinion. The dentist's "claims here are clearly within the subject matter of the release."

Bloom said the ruling strengthens the enforceability of broad-form releases. "Parties need to know for purposes of efficiency and the finality of disputes that when they sign a broad-form release, it will be enforced and cover all claims emanating from the dispute, even if those claims were not specifically spelled out in the release," he said.

An experienced litigator and chair of the Haynes Boone's Copyright Practice, Bloom was assisted in the case by Haynes Boone Counsel Ryan Paulsen and Associate Chris Knight.

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The following publications reported on the case:

Law360 (Subscription required)

Southeast Texas Record

The Texas Lawbook (Subscription required)

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