

Cardinals' La Russa drops suit against Twitter

July 7 2009, By CHERYL WITTENAUER , Associated Press Writer

(AP) -- St. Louis Cardinals manager Tony La Russa has quietly dropped his lawsuit against the social networking site Twitter Inc.

A one-paragraph statement filed June 26 with the U.S. District Court in San Francisco said La Russa had dropped all claims - and that San Francisco-based Twitter did not compensate him in exchange. It also said he could not refile the same complaint.

Calls and e-mails to La Russa's attorney, Gregory McCoy, and to Twitter co-founder Biz Stone, were not returned Tuesday. Twitter attorney Rodger Cole said in an e-mail that he was not authorized to discuss the case.

La Russa's lawsuit, originally filed in San Francisco Superior Court in May and transferred to federal court on June 5, alleged trademark infringement, "cybersquatting" and misappropriation of his name. It claimed an unauthorized page that used his name caused emotional distress by making light of his DUI charge and the deaths of two Cardinals pitchers in recent seasons.

La Russa said June 5 that he and Twitter had reached a settlement, with Twitter agreeing to pay legal fees and make a donation to his California-based Animal Rescue Foundation.

But Twitter, in a blog posting, said there was no settlement. Stone later told The Associated Press in an e-mail that Twitter resolved the account

impersonation in accordance with its terms of service.

Corynne McSherry, a lawyer who's been following the case for the Electronic Frontier Foundation, said ending the short-lived suit was a "very sensible thing to do." The foundation consists of lawyers and activists protecting fair use and free speech on the Internet.

"The claims were weak at best, simply not allowable ... and would completely lose at the end of the day," she said. "It really should not have been brought in the first place. Wiser heads prevailed."

McSherry said the case was watched closely to see how the law is applied to new companies like Twitter.

The one-paragraph court filing said in part, "La Russa hereby dismisses with prejudice all claims in this action against Twitter Inc., with each party to bear its own costs and attorneys' fees. No payment was made by Twitter to La Russa in exchange for this dismissal."

McSherry said the last sentence was unusual and appeared to signal that the parties, or at least Twitter, wanted to make it clear that "there was no payoff here to make the lawsuit go away."

She noted that Google has taken a hard stance fighting many small cases instead of paying off claimants even when it might be cheaper to do so.

"They're saying, 'maybe we need to fight these battles now,'" she said.

The impostor's [Twitter](#) account bearing La Russa's name is no longer active. The lawsuit included a screen shot of three tweets. One posted on April 19 said: "Lost 2 out of 3, but we made it out of Chicago without one drunk driving incident or dead pitcher."

Cardinals pitcher Darryl Kile died of a heart condition in his Chicago hotel room in 2002. Cardinals reliever Josh Hancock died in an auto accident in April 2007, and the medical examiner measured his blood-alcohol level at 0.157 - nearly twice the legal limit.

In March 2007, La Russa was found sleeping behind the wheel of a running sport utility vehicle during spring training with a blood-alcohol level of 0.093 percent. He pleaded guilty to a misdemeanor charge of driving under the influence.

La Russa's lawsuit said the page bearing his name was hurtful to the 64-year-old manager, who has led the Cardinals since 1996 and managed the Chicago White Sox and Oakland A's during a 30-year managerial career.

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