

Judge allows SC Twitter lawsuit go move forward

February 1 2012, By MEG KINNARD , Associated Press

(AP) -- A South Carolina company's lawsuit accusing a former employee of costing it hundreds of thousands of dollars in lost business when he took Twitter followers can go forward, a federal judge has ruled.

On Monday, San Francisco-based U.S. Magistrate Judge Maria-Elena James ruled that Noah Kravitz had not made strong enough arguments to dismiss the lawsuit by PhoneDog LLC. A hearing in the case is set for later this year.

Kravitz worked for the Mount Pleasant-based company - a website that reviews [mobile devices](#) like phones and tablets - from 2006 until 2010. PhoneDog sued him in July, saying that, when he resigned, Kravitz changed his Twitter name from PhoneDog-Noah to noahkravitz, and kept his 17,000 followers.

The company said the followers should be treated like a customer list, and therefore PhoneDog's property. According to the company, Kravitz should pay \$2.50 per follower per month for eight months, or a total of \$340,000.

Kravitz, who now lives in Oakland, Calif., eventually went to work for a competitor website and now boasts more than 24,000 Twitter [followers](#).

His attorney said Tuesday he thinks his client will ultimately win the case.

"The Court's decision yesterday in effect means that PhoneDog has met the minimum requirements to survive a motion seeking to throw PhoneDog's claims out of court, but it was not a decision as to whether or not PhoneDog is entitled to the relief it seeks," Cary Kletter said. "Ultimately PhoneDog will be unable to prove its allegations against Mr. Kravitz, and Mr. Kravitz will prevail."

In [court documents](#), Kravitz said he used the [Twitter](#) account in question mostly for personal musings about [sporting events](#) and pop culture and, after leaving the company, even sent out messages at PhoneDog's behest about the company's contests and giveaways. Kravitz said he sent such messages as recently as December 2010 and that PhoneDog only objected to his use of the account after he sued the company in June for unpaid wages in an ongoing case.

An attorney for PhoneDog did not immediately return a message seeking comment.

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