

## CASE STUDY



### CoxHealth

#### SPRINGFIELD, MO OVERVIEW

In August 2020, the plaintiff filed a defamation suit against CoxHealth and an executive after the executive posted a message on Twitter to clear up any confusion regarding a promotion the hospital system was offering—free telehealth appointments for virtual COVID-19 testing for uninsured individuals, who used the promocode “COVID.” The hospital decided that individuals who were seeking online care during the pandemic were not billed for telehealth services, regardless of the diagnosis. CoxHealth approached Husch Blackwell to defend it in the dispute.

### Challenges

The plaintiff had sought medical advice via CoxHealth’s telehealth service, but she opted not to use the promo code as she didn’t want to associate her child with having COVID. She posted her complaints on Facebook. The executive posted a screenshot of the offer as well as the plaintiff’s Facebook post to help clear up any confusion. The plaintiff alleged that the executive’s tweet not only violated her child’s medical privacy, but also damaged her public reputation. She argued that her Facebook posts were made in private, rather than in public.

### Solution

CoxHealth’s strategy focused on two things: 1) proving that the plaintiff’s reputation wasn’t damaged and 2) the venue in

### Industry

Healthcare

### Services

Commercial Litigation

Healthcare Litigation

Litigation & Alternative Dispute Resolution

### Legal Team

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which the comments were made. CoxHealth's team was able to show that the plaintiff significantly grew her income in 2021, refuting the claims she suffered economic harm as a result of the tweet. In addition, CoxHealth reasoned that while the plaintiff argued her initial complaints were made in private, she continued to drive the discussion on social media despite claiming rights as a private citizen.

### Result

After three days of trial and less than an hour of deliberation, the 12-person jury ruled in favor of CoxHealth and its executive that the tweet made by the executive was neither libelous nor defamatory, and that it did not violate the medical privacy of the plaintiff's child.