

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**GENEVIEVE MAHONEY, a/k/a  
@genmahoney19, an individual,**

**Plaintiff,**

**vs.**

**FACEBOOK, INC.,**

**Defendant.**

**Case No. 21-CV-00607**

**Hon. William L. Campbell, Jr.**

**DEFENDANT FACEBOOK INC.'S MOTION TO DISMISS THE COMPLAINT**

Defendant Facebook, Inc., by and through counsel, respectfully moves to dismiss the complaint with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6). The plaintiff has failed to state a claim for defamation because (1) the allegedly defamatory statement is not of and concerning the plaintiff; (2) plaintiff has failed to plead facts establishing the publication element; (3) the allegedly defamatory statement is not susceptible of a defamatory meaning; and (4) plaintiff's claim is precluded by Section 230 of the Communications Decency Act. The plaintiff has likewise failed to state a claim for negligent infliction of emotional distress because (1) a negligent infliction of emotional distress claim premised on the same facts as a failed defamation claim must be dismissed; (2) plaintiff's allegations fail to establish that the allegedly defamatory statement proximately caused her emotional distress; and (3) plaintiff has failed to plead facts showing that her emotional distress was sufficiently severe to state a claim. Defendant contemporaneously files a Memorandum of Law in support of this motion.

Dated: August 30, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was electronically filed and served upon the following via the Court's ECF system on this the 30th day of August, 2021:

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