



## Shelby Menard Outlines Recent Section 230 Case in Texas Bar's Circuits

Spencer Fane attorney [Shelby Menard](#) authored an article that outlines a February 2022 ruling that denied the defendants' motion to dismiss plaintiffs' complaint by a U.S. district judge in Alabama, meaning Pornhub is not shielded from liability by Section 230 of the Communications Decency Act (CDA) for claims brought against it alleging that Pornhub profits off of sexual trafficking and abuse.

The article was featured in the May 2022 issue of *Circuits*, the e-Journal of the Computer & Technology Section of the State Bar of Texas.

In her article, *Pornhub: Provider or Publisher?*, Shelby examines the order from the Alabama judge and how it pulls from a test set forth by the Ninth Circuit, which has also been adopted by other circuits, in determining whether a website is a content provider. She also shares other case examples that differ from the Pornhub ruling.

Shelby states, "In contrast to the case at hand, rulings in cases with similar fact patterns have differed due to the presiding judge's conclusion that the website owner was not a content provider and did not have an ongoing business relationship with the trafficker."

At Spencer Fane, Shelby assists her clients through the litigation process in a variety of commercial litigation cases and in data privacy matters, including lawsuits involving data breaches and counseling companies on issues before and after data breaches.

Read Shelby's full *Circuits* article [here](#).