

## A Helicopter Parent's Weapon of Choice: Facebook Photos

By Joshua Gilliland, Esq., D4 LLC



*Laningham v. Carrollton-Farmers Branch Indep. Sch. Dist.*, 2009 U.S. Dist. LEXIS 86305 (N.D. Tex. Sept. 17, 2009) is a factual intense case of a cheerleader claiming unconstitutional gender bias on alleged cheerleader on cheerleader sexual harassment, which deprived the Plaintiff of her educational opportunities.

The Plaintiff lost at summary judgment, which was upheld on appeal.

The facts are strange and protracted, with a mother being very involved in her daughter's cheerleading. There were letters, emails and meetings over perceived wrongs by the other cheerleaders on the squad, and attempts to remove the other girls from cheerleading. *Laningham*, 9-13.

One of the Plaintiff's mother's many complaints was an aerial bombardment with private Facebook photos of the cheerleaders at a non-school event. *Laningham*, 10. These photos did get the cheerleaders suspended from cheerleading for one week for unbecoming conduct. *Id.* Ironically, a similar disciplinary action took place over a Facebook photo with the Plaintiff, resulting in her one week suspension. *Laningham*, 12.

The teenage drama of this case is not relevant to metadata, form of production battles, or other e-discovery, other than one simple fact: Someone made a Federal case with Facebook photos (for at least one part of the lawsuit).

Social Networking evidence will continue to work its way into litigation. There are over [1,191,373,339 monthly visits](#) to Facebook and [810,153,536 monthly visits](#) to MySpace. Attorneys need to recognize these sources of evidence, consider how to preserve them and how they need to be included in initial disclosures.

There is a more fundamental lesson: Be careful what you post.