

Virginia Court Rules Against *Rolling Stone* in Defamation Case By Olivia Poppens, J.D. Candidate 2019 | November 18, 2016

In the wake of the 2014 *Rolling Stone* article on the mishandling of a brutal rape at the University of Virginia, a Virginia court ruled against the magazine in favor of former dean of student affairs, [Nicole Eramo](#). The 10-member jury came back with [\\$3 million](#) in damages for Eramo on November 11, citing that reporter Sabrina Rubin Elderly acted with the malice necessary for defamation liability.

In early November of 2014, Elderly released the infamous *Rolling Stone* story, “A Rape on Campus”, detailing a [brutal gang rape](#) of anonymous “Jackie” by members of the Phi Kappa Psi fraternity. The article went on to explain how the University of Virginia mishandled the case, particularly former dean of student affairs, Nicole Eramo. Later in November, questions began to emerge with respect to the article’s accuracy, ultimately leading to a disastrous unraveling of the reporting methods used by Elderly and *Rolling Stone*. By March of 2015, Virginia police had found [“no substantial basis”](#) for the accusations of rape.

The story deeply affected Dean Eramo, who was moved to an administrative role after the story was released, and suffered severe stress that contributed to complications while she was being treated for breast cancer. Eramo sued *Rolling Stone* in May of 2015 for \$7.5 million in damages, citing the story severely damaged her reputation, and affected her both physically and emotionally.

Rolling Stone’s attorney, [Scott Sexton](#) instructed the jury that they must prove the prima facie case for defamation, showing that the magazine acted with “actual malice” and that they knew the information they were writing was false. The jury came back this past week after two years in litigation in favor of Eramo, finding that the claims within the article were [defamatory](#) in nature and awarded her for damages suffered.