

## NewsRoom

12/28/18 N.Y. Post 30  
2018 WLNR 40096423

New York Post  
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December 28, 2018

Section: Business  
Can't take a joke? 'Perv' insults just tweet talk: Musk **lawyers**  
Nicolas Vega

Elon Musk is asking a judge to throw out a British rescue diver's libel lawsuit against him, insisting that nobody could have taken Musk seriously when he called the diver a pedophile on Twitter.

Musk got sued in September after he publicly called Vernon Unsworth - who helped organize the rescue of the Thai boys soccer team trapped in a cave last summer - a "pedo guy" to his nearly 24 million Twitter followers. The remark came after Unsworth ridiculed Musk's plan to rescue the boys with a mini-submarine.

In a legal filing, **lawyers** said Tesla's eccentric chief executive was exercising his First Amendment rights with an admittedly "gratuitous barb" that was nevertheless delivered on a social network "infamous for invective and hyperbole."

The "pedo" insults, they said, were "not intended to be statements of fact," but rather a reference to "Thailand's documented reputation."

"The reasonable reader would not have believed that Musk - without having ever met Unsworth, in the midst of a schoolyard spat on social media, and from 8,000 miles afar - was conveying that he was in possession of private knowledge that Unsworth was sexually attracted to children or engaged in sex acts with children," the CEO's **lawyers** argued.

Furthermore, the motion states, "even if offensive, such speculative insults are by their nature opinion."

Rick Kurnit, a First Amendment **lawyer** and partner at **Frankfurt** Kurnit Klein & **Selz**, told The Post that the case is tricky because calling someone a pedophile is a different sort of insult from calling a person an "alien" or "something that is impossible to prove."

"The complexity is that there are facts about sex practices and pedophile tourism in certain parts of Thailand," Kurnit said.

Kurnit added, however, that Musk's **lawyers** may be able to make a case about the venue in which he lobbed his insults.

"There's certainly a lot of room to say Twitter battles are the same as schoolyard taunts," he said. "When people are lashing out in response to an insult, spectators sort of understand that there's nothing to it."

Unsworth's **lawyer**, however, scoffed at Musk's motion, calling it a "frivolous contention" in a statement to CNBC.

"I am confident the trial court will likewise reject this fanciful position which if adopted, would effectively prevent an individual from seeking redress for any and all false and defamatory attacks on reputation published on the Internet," Lin Wood said.

British frogman Unsworth caught Musk's ire after accusing the tech tycoon of staging a "p.r. stunt" around the rescue of the boys when he arrived in Thailand with a mini-submarine meant to shuttle the stranded kids through the cave's flooded passages.

The 63-year-old had declared that Musk's submarine had "absolutely no chance of working" and that he could "stick his submarine where it hurts," prompting the billionaire to take to Twitter and call him a "pedo guy."

Musk later apologized after receiving swift backlash for his insult.

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Language: EN

Other Indexing: (Selz; Rick Kurnit; Vernon Unsworth; Elon Musk; Lin Wood)

Edition: Sports+Late City Final

Word Count: 489

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End of Document

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