

VIRAL WORDS, MILLION-DOLLAR VERDICTS

Part Two: Why Online Defamation Damages Can Become Enormous - and Why Doubling Down Can Make Everything Worse

In-Depth Legal Information & Analysis Series

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A defamatory statement can take seconds to publish.

The resulting lawsuit can last years.

And the damages can reach millions.

That imbalance is one of the defining characteristics of modern social-media defamation.

A person might create a video in five minutes. They might earn nothing from it. They might delete it the following morning.

Yet thousands - or millions - of people may already have watched it. Someone recorded it. Someone screenshotted it. Someone reposted it. Someone believed it. Someone searched the accused person's name afterward.

That is why online defamation can become so consequential.

THREE CASES. THREE MASSIVE FINANCIAL WARNINGS.

Cardi B v. Tasha K: The litigation ultimately produced liability exceeding **\$4 million**.

Depp v. Heard: The jury initially awarded Depp **\$15 million** - \$10 million compensatory and \$5 million punitive - although Virginia's statutory punitive-damages cap reduced the punitive award to \$350,000.

Heard simultaneously obtained **\$2 million** on one portion of her counterclaim.

The parties later settled their appeals through an agreement involving a **\$1 million payment to Depp**.

Scofield v. Guillard: The February 2026 verdict was **\$10 million** - \$2.5 million compensatory and \$7.5 million punitive.

These cases do not establish that every online defamation claim is worth millions. Far from it.

But they demonstrate what can happen when serious accusations, substantial publication, reputational injury and aggravated circumstances converge.

VIRALITY CHANGES THE DAMAGES CONVERSATION

Imagine falsely accusing someone of criminal conduct while talking to one person.

Now imagine making the same accusation in a video viewed 3 million times.

The words may be identical. The potential reach is radically different.

That distinction can matter when parties litigate reputational injury.

Social media has created instantaneous reputational multiplication.

One speaker. One phone. One accusation. Potentially millions of recipients.

THE SCREENSHOT PROBLEM

Deleting a defamatory publication is not equivalent to traveling backward through time.

Once something has been published, someone may screenshot it, download it, screen-record it, quote it, repost it, archive it, or send it privately.

Digital publication therefore has an unusual quality.

It can simultaneously be temporary on the original account and effectively permanent everywhere else.

DOUBLING DOWN CAN BE MORE DANGEROUS THAN THE ORIGINAL MISTAKE

People make mistakes. Responsible publishers investigate when challenged. They examine their sources. They correct material errors when appropriate.

The far more dangerous reaction can be: **"Nobody is going to tell me what I can say."**

Receiving a cease-and-desist letter does not prove that the sender is correct.

But receiving credible contradictory information and continuing to publish can become relevant to questions concerning fault and state of mind.

The distinction between **mistake** and **knowing or reckless persistence** can become enormously important.

PUNITIVE DAMAGES CAN CHANGE EVERYTHING

Compensatory damages generally seek to compensate legally recognized injury.

Punitive damages address punishment and deterrence where the governing legal standard permits them.

Look again at Scofield: **\$2.5 million compensatory. \$7.5 million punitive.**

The punitive component was **three times the compensatory award.**

Look at Depp: the jury selected **\$5 million in punitive damages**, although Virginia law reduced that amount to the statutory maximum of \$350,000.

A jury's assessment of conduct can matter enormously.

THE NUMBER OF FOLLOWERS IS NOT THE ONLY ISSUE

A small account can still create a serious problem.

Suppose someone has only 500 followers. But among those followers are the plaintiff's employer, customers, family members, professional colleagues, landlord, business partners, or members of the community where the plaintiff works.

A small but highly relevant audience can potentially produce significant reputational consequences.

Who received the communication can matter as much as how many received it.

REPUBLISHING SOMEONE ELSE'S ACCUSATION

Another dangerous internet myth says: **"I didn't accuse them. I just reposted what somebody else said."**

That is not a universal defense.

Repeating a defamatory factual assertion can potentially create liability under applicable law.

Responsible publishers should distinguish between **reporting that an accusation exists** and **adopting that accusation as true**.

Those are different acts.

THE ALGORITHM DOES NOT CARE ABOUT YOUR LEGAL DEFENSE

Social-media algorithms reward engagement. Outrage creates engagement. Accusations create engagement. Conflict creates engagement.

The more sensational the claim, the faster it may spread.

But what benefits the algorithm can be disastrous in litigation.

"SHOCKING!" "EXPOSED!" "CRIMINAL!" "FRAUD!" "MURDER!"

Those words generate clicks. They also communicate factual meanings.

If the publisher cannot substantiate those meanings, the viral success of the publication may become part of the problem rather than the victory.

THE FINANCIAL LESSON

Cardi B v. Tasha K demonstrated that an online personality could face multimillion-dollar liability.

Depp v. Heard demonstrated that even an article that does not expressly identify someone by name can generate enormous defamation exposure when context allegedly identifies the subject - and also demonstrated that both sides of a bitter public dispute can potentially face defamation findings.

Scofield v. Guillard demonstrated the potential consequences of repeatedly publishing extraordinary accusations through TikTok.

Together they establish an uncomfortable reality:

The barriers to mass publication have collapsed.

The barriers to multimillion-dollar liability have not.

Coming in Part Three

FREE SPEECH IS STILL FREE SPEECH

How to Criticize, Investigate, Report, Advocate and Ask Hard Questions Without Turning

Suspicion Into a False Statement of Fact

Legal & Editorial Disclaimer

Large verdicts are highly fact-specific and should not be interpreted as representative values for ordinary defamation claims.

Damages, punitive-damages standards and statutory caps vary by jurisdiction. This article provides general legal information and commentary and is not legal advice.