

Jury dings jewelry store owner's son for false Yelp review of competitor

By: Kris Olson March 30, 2017



"Two months' salary" is the time-honored spending guideline for engagement rings. But the son of a Quincy jewelry store owner may now have to set aside that much or more to satisfy a Norfolk County jury's recent verdict after he was found to have defamed and caused emotional distress for a rival business owner by posting an anonymous review on the website Yelp.

Stephen M. Blumberg, the owner of Stephen Leigh Jewelers in Quincy, discovered the Yelp review in August 2013, after it

allegedly had been posted by someone who shopped at the store for a 1.5-karat diamond.

"I'd like to start off by saying that Stephen Leigh Jewelers is the biggest thief on the South Shore," the review begins.

The reviewer describes his experience in the store as "deceiving," saying he "left this place sick to my stomach." He alludes to what Blumberg's Lynn attorney, Carl D. Goodman, says are nonexistent news articles and concludes by calling Blumberg a "cold blooded thief, [who is] always buying stolen goods."

Donning his gumshoe hat despite substandard computer skills, Blumberg searched other reviews by the user, "Adam J.," and started calling the businesses to see if they could help unmask the poster. Eventually, he struck gold with a bridal shop, learning the author to be Adam F. Jacobs, the son of the owner of Toodie's Fine Jewelry, located less than a half-mile down Quincy's Hancock Street.

Despite the proximity of the two businesses, Goodman says the principals had never met.

Blumberg first turned to Yelp, but the site declined to take down the post, Goodman says. As would later be explained to the jury, Blumberg's frustration over a seemingly permanent stain on his reputation caused him to lose sleep and, according to a witness, changed his personality, making him prone to fits of anger and swearing.

On Dec. 19, 2013, Blumberg filed suit against both Jacobs personally and Toodie's on a theory of respondeat superior.

Goodman says the opposing side offered a "cynical blame-the-victim" defense at the four-day trial before Superior Court Judge Rosalind H. Miller.

"The jurors didn't buy it," Goodman says. "I don't think I was the only one offended by it."

Among other things, the defense pointed to the suspension of Blumberg's license to buy used jewelry eight years ago for what Goodman calls a "technical violation" with no relation whatsoever to the review's claim about buying stolen jewelry, which was "pure fiction."



The jury ultimately rejected the respondeat-superior-based claims, despite evidence that Jacobs had been listed on Toodie's page on ETSY, a jewelry and craft website, as an "owner" of the business and on another webpage as its vice president. The jury concluded that the Yelp posting was something Jacobs did outside the scope of his official duties, Goodman says, a decision he and his client respect.

But as to Jacobs personally, the jury returned a \$34,500 verdict in the plaintiff's favor, attributed exclusively to Blumberg's emotional distress.

In his summation, Goodman had suggested a larger amount, \$260,000 — or \$10,000 a week for each of the 26 weeks the review had lived on the internet.

Goodman notes that economic damages to Stephen Leigh Jewelers would have been difficult to prove, both because of a declining market for jewelry and the fact that a business's own customers tend not to check out Yelp reviews. If

a potential new customer checks out Yelp reviews and decides never to visit, the business owner will likely never learn about it, Goodman says.

Goodman's adversary, Allan E. Levin of Quincy, says he was pleased that Toodie's Fine Jewelry was "vindicated." He declines to comment further while he and Jacobs mull their appellate and post-trial-motion options.

But at least for now, Goodman says, the verdict stands as a stark reminder that "neither anonymity nor the various protections under the First Amendment are going to protect people who act so hatefully and with such disregard" to the effects of their speech.

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