

Anonymous Speech

To obtain discovery of an anonymous defendant's identity under the summary judgment standard, a defamation plaintiff must submit sufficient evidence to establish a prima facie case for each essential element of the claim in question. In other words, the defamation plaintiff, as the party bearing the burden of proof at trial, must introduce evidence creating a genuine issue of material fact for all elements of a defamation claim within plaintiff's control.

In re Does 1-10, 242 S.W.3d 805, 822 (Tex. App. Texarkana 2007) (quoting *Best Western Int'l v. Doe*, 2006 U.S. Dist. LEXIS 56014, 4-5 (D. Ariz. July 25, 2006)).