

Chicago recruiter DHR International sues Australian blogger

By Claire Bushey October 29, 2015

A Chicago recruiter long bedeviled by an anonymous blogger says it has identified the gadfly as a former high-ranking employee and is suing him in Australia.

DHR International sued in early October to temporarily stop Darren Challis, its onetime managing partner in Sydney, from anonymously publishing a **blog** that started in 2014 and chronicles litigation against the firm and lists departed recruiters. (The blog also has criticized **Crain's coverage of DHR**.) DHR's chairman, David Hoffmann, testified in court that Challis was fired in 2012, while for his part, Challis said the firm owes him nearly \$179,000 in U.S. dollars in unpaid commissions and leave.

A justice for the New South Wales Supreme Court denied the firm's request to shutter the blog, saying it could remain online for now, according to **court records**. The blog's allegations that DHR has seen high recruiter turnover and improperly stripped assets from its Australian subsidiary aren't necessarily true, but the firm has not presented evidence to show they are false, wrote Justice Richard White in his Oct. 23 opinion. While no direct evidence points to Challis as the author of the blog either, "there is a strong prima facie case . . . that Mr. Challis is user of an anonymous email address through which the blog was established and maintained."

DHR's attorney, Edward Ruberry of Ruberry Stalmack & Garvey in Chicago, said the firm plans to prove the blog's assertions are false, as it continues to seek a permanent halt to publication, and will ask for damages, too. The firm is suing for "injurious falsehood"—a type of defamation claim for business interests—and violating the Australian equivalent of the deceptive trade practices act.

"How do you protect your reputation?" he said. "These articles are just completely unfounded and despicable."

AUSTRALIAN DEFAMATION LAWS

Challis, who studied in 1999 at Northwestern University's Kellogg School of Management, declined to comment, citing the pending litigation. He currently operates an executive search and leadership consulting firm in Sydney **aligned with** Brussels-based search firm Amrop.

An anonymous correspondent at the blog "Unofficial DHR International Litigation Monitor" also declined to comment, citing the pending litigation.

Australia is a friendlier venue for defamation and libel litigation than the United States. A specialist in media law, University of Illinois journalism professor Steve Helle wrote in an email that the case exemplified "libel tourism," in which individuals or companies sue for libel outside the United States because it's easier for them to win. U.S. law favors defendants in libel cases.

In Australia, like other parts of the British Commonwealth, "the defendant must prove truth," Helle wrote, "unlike in the United States, where the plaintiff generally must make prima facie case of falsity." The United States' Communications Decency Act also contains a provision that absolves website owners of responsibility for libelous material that others post, like in a comments section. No foreign jurisdiction has a similar law.

But Ruberry said **DHR** sued in Australia not for its libel laws, but because it wanted to shut the site down. Doing so required suing in the resident jurisdiction of Challis, the alleged blogger.

"No one else would have jurisdiction over him," he said.

The justice also ordered Challis not to destroy potential evidence related to the blog, noting "in taking that course I bear in mind that Mr. Challis has sought to protect himself by the veil of anonymity."

The news was **first reported** by the Sydney Morning Herald.