

# A Virtual Company Town

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Sometimes I see arguments in cases that are so out there, I can't decide if I should admire the creativity or simply laugh out loud. Case in point: [Estavillo v. Sony Computer Entertainment America](#). The plaintiff, Estavillo, was banned from Sony's Playstation 3 Network after participating in Sony's public forums. Sony contended the ban arose from Estavillo's violations of the agreement governing his use of the Network. Estavillo claimed that the ban infringed his First Amendment free speech rights. Estavillo had a problem with that claim, since the First Amendment only applies to government actors. Sony is admittedly a powerful corporation, but it is not a government. Here's the creative part. Estavillo claimed that since the Network was a "virtual world" with homes, offices and shops, it was similar to a "company town" and subject to the First Amendment. Courts have found a limited exception to the government action requirement in circumstances where a private company establishes a town for its employees and effectively functions as a municipality. But the court wasn't willing to import that concept on a virtual town. Because, you know, it's not real. And it only provides entertainment not municipal services. Maybe Estavillo needs to draft a virtual bill of rights.