

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

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Index No.: \_\_\_\_\_/\_\_\_\_\_

MELANIE THOMPSON,

Date Filed: January 21, 2020

Plaintiff,

**SUMMONS**

-against-

Plaintiff designates New York County as the place of trial.

BACKPAGE.COM, L.L.C.; CARL FERRER; JAMES LARKIN; MICHAEL LACEY; MEDALIST HOLDINGS, INC.; LEEWARD HOLDINGS, L.L.C.; CAMARILLO HOLDINGS, L.L.C.; DARTMOOR HOLDINGS, L.L.C.; IC HOLDINGS, L.L.C.; UGC TECH GROUP C.V.; WEBSITE TECHNOLOGIES, LLC; ATLANTISCHE BEDRIJVEN C.V.; AMSTEL RIVER HOLDINGS, LLC; LUPINE HOLDINGS LLC; KICKAPOO RIVER INVESTMENTS LLC; CF HOLDINGS GP, LLC; CF ACQUISITIONS, LLC; and, JOHN DOE 1-5,

The basis of venue is one plaintiff's residence.

**Child Victims Act Proceeding  
22 NYCRR 202.72**

Defendants.

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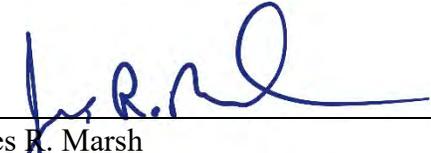
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: January 21, 2020

Respectfully Yours,

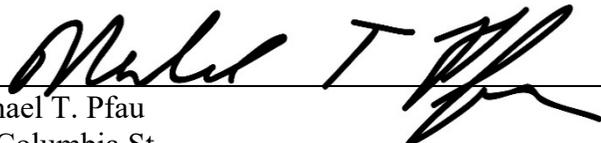
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Attorneys for Plaintiff

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

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Index No.: \_\_\_\_\_/\_\_\_\_\_

MELANIE THOMPSON,

**COMPLAINT**

Plaintiff,

-against-

**Child Victims Act Proceeding**  
**22 NYCRR 202.72**

BACKPAGE.COM, L.L.C.; CARL FERRER; JAMES LARKIN; MICHAEL LACEY; MEDALIST HOLDINGS, INC.; LEEWARD HOLDINGS, L.L.C.; CAMARILLO HOLDINGS, L.L.C.; DARTMOOR HOLDINGS, L.L.C.; IC HOLDINGS, L.L.C.; UGC TECH GROUP C.V.; WEBSITE TECHNOLOGIES, LLC; ATLANTISCHE BEDRIJVEN C.V.; AMSTEL RIVER HOLDINGS, LLC; LUPINE HOLDINGS LLC; KICKAPOO RIVER INVESTMENTS LLC; CF HOLDINGS GP, LLC; CF ACQUISITIONS, LLC; and, JOHN DOE 1-5,

Defendants.

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Plaintiff Melanie Thompson, by and through her attorneys, the Marsh Law Firm PLLC and Pfau Cochran Vertetis Amala PLLC, respectfully alleges for her complaint the following:

**INTRODUCTION**

1. Starting when she was approximately 12 years old, Plaintiff Melanie Thompson was trafficked and sold for sex on the website www.backpage.com. Melanie bring this action against the Backpage Defendants to hold them accountable for intentionally creating an online marketplace to purchase sex via the website www.backpage.com, where they knew countless women and children were being sexually exploited. Despite that knowledge, the Backpage Defendants helped sex traffickers create and develop sex advertisements so the Backpage Defendants could profit from the ads. The Backpage Defendants not only advised sex traffickers how to avoid detection by law enforcement and maximize their profits, they actively sanitized sex

ads to make it less obvious that the ads were for sex, including sex with minors. Through these illicit activities the Backpage Defendants generated hundreds of millions of dollars in profits from the illegal sex ads posted on www.backpage.com before the website was seized and permanently shut down by federal law enforcement in April 2018.

### **PROCEEDING IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72**

2. This complaint is filed, in part, pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, Plaintiff's claims were time-barred the day she turned 22 years old.

### **PARTIES**

3. Plaintiff Melanie Thompson was approximately 12 to 17 years old when she was trafficked in the sex trade through the www.backpage.com website. Melanie is currently a resident of Richmond County, New York.

4. Defendant Backpage.com, L.L.C., is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on www.backpage.com, Backpage.com, L.L.C. owned, operated, designed and controlled the website, including its content. Backpage.com, L.L.C., also profited from the website www.backpage.com, including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Backpage.com, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the www.backpage.com website.

5. Defendant Carl Ferrer is a resident of Texas. Before and during the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), defendant Carl Ferrer owned, operated, designed, and controlled the website, including its content. Mr. Ferrer also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though he knew those profits were derived from illegal conduct. At all times material hereto, defendant Carl Ferrer transacted business in New York County, New York, and purposefully availed himself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

6. Defendant Michael Lacey is a resident of Arizona. Before and during the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), defendant Michael Lacey owned, operated, designed, and controlled the website, including its content. Mr. Lacey also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though he knew those profits were derived from illegal conduct. At all times material hereto, defendant Michael Lacey transacted business in New York County, New York, and purposefully availed himself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

7. Defendant James Larkin is a resident of Arizona. Before and during the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), defendant James Larkin owned, operated, designed, and controlled the website, including its content. Mr. Larkin also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though he knew those profits were derived from illegal conduct. At all times material hereto, defendant James Larkin transacted business in New York County, New York, and

purposefully availed himself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

8. Defendant Medalist Holdings Inc. is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), Medalist Holdings, L.L.C., owned, operated, designed and controlled the website, including its content. Defendant Medalist Holdings L.L.C., also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Medalist Holdings, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

9. Defendant Leeward Holdings, L.L.C., is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), Leeward Holdings, L.L.C., owned, operated, designed and controlled the website, including its content. Defendant Leeward Holdings, L.L.C., also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Leeward Holdings, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

10. Defendant Camarillo Holdings, L.L.C., is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), Camarillo Holdings, L.L.C., owned, operated, designed and controlled the website, including its content. Defendant

Camarillo Holdings, L.L.C., also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Camarillo Holdings, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

11. Defendant Dartmoor Holdings, L.L.C., is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), Dartmoor Holdings, L.L.C., owned, operated, designed and controlled the website, including its content. Defendant Dartmoor Holdings, L.L.C., also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Dartmoor Holdings, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

12. Defendant IC Holdings, L.L.C., is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), IC Holdings, L.L.C., owned, operated, designed and controlled the website, including its content. IC Holdings, L.L.C., also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant IC Holdings, L.L.C., transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

13. Defendant UGC Tech Group C.V. is a Dutch company domiciled in Curacao. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com), UGC Tech Group C.V. owned, operated, designed and controlled the website, including its content. UGC Tech Group C.V. also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant UGC Tech Group C.V. transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

14. Defendant Website Technologies, LLC, is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) Website Technologies, LLC, owned, operated, designed and/or controlled the website, including its content. Website Technologies, LLC, also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Website Technologies, LLC, transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

15. Defendant Atlantische Bedrijven C.V., is a Dutch company domiciled in Curacao. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) Atlantische Bedrijven C.V. owned, operated, designed and/or controlled the website, including its content. Atlantische Bedrijven C.V. also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from

illegal conduct. At all times material hereto, defendant Atlantische Bedrijven C.V transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

16. Defendant Amstel River Holdings LLC is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) Amstel River Holdings LLC owned, operated, designed and/or controlled the website, including its content. Amstel River Holdings LLC also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Amstel River Holdings LLC transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

17. Defendant Lupine Holdings LLC is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) Lupine Holdings LLC owned, operated, designed and/or controlled the website, including its content. Lupine Holdings LLC also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Lupine Holdings LLC transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

18. Defendant Kickapoo River Investments LLC is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) Kickapoo

River Investments LLC owned, operated, designed and/or controlled the website, including its content. Kickapoo River Investments LLC also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant Kickapoo River Investments LLC transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

19. Defendant CF Holdings GP LLC is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) CF Holdings GP LLC owned, operated, designed and/or controlled the website, including its content. CF Holdings GP LLC also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant CF Holdings GP LLC transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

20. Defendant CF Acquisitions LLC is a Delaware limited liability company. During the time that Plaintiff was advertised for sex on [www.backpage.com](http://www.backpage.com) CF Acquisitions LLC owned, operated, designed and/or controlled the website, including its content. CF Acquisitions LLC also profited from the website [www.backpage.com](http://www.backpage.com), including the sex ads posted of Plaintiff and of other women and children, even though it knew those profits were derived from illegal conduct. At all times material hereto, defendant CF Acquisitions LLC transacted business in New York County, New York, and purposefully availed itself of New York County, New York, and the citizens of New York County, New York, including through the [www.backpage.com](http://www.backpage.com) website.

21. Defendants John Doe 1-5 are individuals and entities who owned, operated, designed, and controlled www.backpage.com, including its content, during and after the time that Plaintiff was advertised for sex on www.backpage.com. Defendants John Doe 1-5 are also individuals and entities who profited from the sex ads posted on www.backpage.com, including the sex ads of Plaintiff, despite knowing that those profits were derived from illegal conduct. Defendants John Doe 1-5 include, but are not limited to, any predecessors or successors of the named defendants, as well as any current or former subsidiaries of the named defendants.

22. The purpose of the foregoing paragraph, as well as the entirety of this complaint, is to put Defendants John Doe 1-5 on notice that they are named as defendants in this lawsuit, but that this lawsuit currently refers to them as a “John Doe” defendant because their exact identity is not known to Plaintiff at this time. For example, the report of the United States Senate Permanent Subcommittee on Investigations, titled “Backpage.com’s Knowing Facilitation of Online Sex Trafficking,” attached as **Appendix A** (the “Senate Report”), provides a detailed breakdown of the ownership and control of www.backpage.com, including various individuals and entities. To the extent any of those individuals and entities are responsible for the sex ads of Plaintiff, and to the extent any of those individuals and entities have profited from the sex ads of Plaintiff, those individuals and entities are intended to be named defendants in this lawsuit and are referred to herein as a “John Doe” defendant. In addition, a number of entities have been used to mask the true ownership and control of www.backpage.com and the illegal profits that have been generated by sex ads on the website, including those of Plaintiff. Any and all individuals and entities who are responsible for the sex ads of Plaintiff, or who profited from those sex ads, are named in this lawsuit as “John Doe” defendants.

23. Defendants Backpage.com, L.L.C., Carl Ferrer, Michael Lacey, James Larkin, Medalist Holdings Inc., Leeward Holdings, L.L.C., Camarillo Holdings, L.L.C., Dartmoor Holdings, L.L.C., IC Holdings, L.L.C., UGC Tech Group C.V., Website Technologies, LLC, Atlantische Bedrijven C.V., Amstel River Holdings LLC, Lupine Holdings LLC, Kickapoo River Investments LLC, CF Holdings GP LLC, CF Acquisitions LLC, and John Doe 1-5 are collectively referred to throughout this complaint as the “Backpage Defendants” or “Backpage.”

24. To the extent any of the Backpage Defendants assert that they are not liable because of their status as a corporation, limited liability company, or other business entity, or because they were acting on behalf of a corporation, limited liability company, or other business entity, any such protections must be disregarded because the Backpage Defendants have intentionally tried to use those protections to avoid liability for their knowingly illegal conduct, including profiting from conduct that they knew was illegal. The only way to prevent an unjustified loss to Plaintiff is to hold each of the Backpage Defendants liable and to disregard any protections that might otherwise be available because of the effort by the Backpage Defendants to abuse those protections. This is particularly true where the Backpage Defendants have taken significant profits from conduct that they know is illegal, yet they would attempt to use those protections in order to avoid any liability or accountability for their knowingly illegal conduct and for knowingly accepting illegal profits. It is black letter law that individuals and entities, including corporate officers and owners, may be held liable if they participate in wrongful conduct or have knowledge of wrongful conduct and approve of the wrongful conduct. Plaintiff alleges that each of the Backpage Defendants knew all of the facts that are alleged in this complaint, including the fact they were accepting significant profits from the illegal sex ads on www.backpage.com, including the sex ads of Plaintiff.

25. To the extent any of the Backpage Defendants assert that they are not liable because of their status as a corporation, limited liability company, or other business entity, or because they were acting on behalf of a corporation, limited liability company, or other business entity, any such protections must be disregarded because the Backpage Defendants are the alter ego of one another. As more detailed in the Senate Report, the Backpage Defendants tried to use a wide range of entities to deflect the fact that a few individuals and entities owned and controlled www.backpage.com and took the profits from its illegal operations. There has been such unity of ownership and interest that the separateness of the corporation has ceased to exist.

26. As discussed more fully herein, many of the acts and omissions giving rise to this action occurred in New York County, New York; Plaintiff resides in New York County, New York, and all of the defendants conduct, or conducted, business in New York County, New York, including at the time of the acts and omissions giving rise to this lawsuit.

## **VENUE**

27. Venue is proper because New York is the county in which a substantial part of the events or omissions giving rise to Plaintiff's claim occurred.

## **STATEMENT OF FACTS**

### **A. The Backpage Defendants**

28. At all times relevant to this lawsuit, www.backpage.com has been the largest source of online human sex trafficking in the United States, with thousands of sex advertisements appearing on the backpage.com website every day.

29. According to the Senate Report, as referenced above and below, the Backpage Defendants' owned and operated the www.backpage.com website from 2004 to 2018. The website's annual revenue grew significantly each year. For instance, in 2010 the website's annual

revenue was \$29 million, but by 2014 annual revenue quadrupled to \$135 million. The vast majority of revenue was generated from illegal ads for sex.

30. This was not happenstance. To the contrary, Backpage.com became the largest source of online human sex trafficking in the United States because the Backpage Defendants intentionally designed and operated the website as an online marketplace for sex trafficking.

31. More specifically, the Backpage Defendants developed the backpage.com website to superficially resemble an online classified advertising website (e.g., craigslist.org), with several seemingly innocuous generic categories organized by subject, state and/or city.

32. In reality, the Backpage Defendants purposefully designed and operated backpage.com as a cash cow to generate revenue from the posting sex advertisements in the “escort” category of the website.

33. As intended, the Backpage Defendants made hundreds of millions of dollars from sex ads posted on the backpage.com website. The Backpage Defendants made these profits, and kept these profits, despite knowing that the underlying revenues were generated as a result of sex trafficking.

34. In the process, the Backpage Defendants helped sex traffickers and prostitutes evade enforcement of a wide range of laws that are intended to prevent sex trafficking, prostitution and the sexual exploitation of children.

35. According to the most recent report from the National Center for Missing and Exploited Children, 73% of the reports it receives on suspected child sex trafficking involve backpage.com.

36. The Backpage Defendants have long known that thousands of women and children were being advertised for sex on backpage.com each year, but they refused to implement any meaningful or reasonable system to prevent trafficking on their website.

37. For example, one of the original parent companies of backpage.com, Village Voice, required photo identification proving an individual was at least 18 years old before their ad could be published in the “adult” section of its newspapers. The company imposed this requirement to help prevent sex trafficking of women and children.

38. However, the Backpage Defendants refused to impose this same requirement before a sex ad was posted on backpage.com because they believe the Communications Decency Act gives them immunity from suit for child sex trafficking. The Backpage Defendants also refused to require photo identification because they knew that doing so would substantially reduce their profits.

39. Rather than take any reasonable steps to prevent women and children from being trafficked for sex on their website, the Backpage Defendants intentionally underreported the number of child sex ads on their website. For example, in an internal email, the Chief Operating Officer of backpage.com expressed concern with the number of ads that were being reported to the National Center for Missing and Exploited Children (NCMEC). He suggested the website “shouldn’t be [reporting] more than 16 a day” unless the Backpage Defendants wanted to risk more than 500 reports a month to NCMEC.

**B. The Backpage.com Website**

40. The Backpage Defendants purposefully designed and developed the “escort” category of the backpage.com website as an online marketplace to attract, facilitate, and ultimately profit from human sex trafficking.

41. The Backpage Defendants created the “escort” category knowing that, in the illicit human sex trafficking industry, “escort” is virtually synonymous with prostitute and denotes a solicitation to exchange sex for money.

42. At all relevant times, the Backpage Defendants knew that over 99% of ads posted in the “escort” section of backpage.com were prostitution or illicit sex ads.

43. Nearly every ad in the "escort" section, for example, included one or more photographs of a girl in skimpy lingerie and sexually suggestive poses, such as spreading her legs at the camera or bending over and putting her thong clad rear end on display, followed by a price, such as \$150 per hour, a name, and a phone number.

44. By creating a specific category labeled “escort,” the Backpage Defendants sought to attract and host illicit sex trafficking on the backpage.com website. The Backpage Defendants also created the “escort” category to conceal the illegal nature of the sex trafficking that they were purposefully attracting to backpage.com, and to provide a safe haven for sex traffickers, pimps, prostitutes, and johns to operate outside the reach of law enforcement.

45. In exchange for this cover, the Backpage Defendants charged a fee for each sex ad. Their business model was enormously successful: as noted, over the past few years, the Backpage Defendants made hundreds of millions of dollars in profits from sex trafficking advertisements on backpage.com.

**C. Backpage’s Policies and Practices Designed to Facilitate Sex Trafficking**

46. In addition to its design and layout, the Backpage Defendants purposefully employed a sophisticated combination of targeted policies and practices to remove blatant indicators of illegality displaying on sex ads, such as certain terms and images that would trigger criminal and/or civil liability. The aim and effect was never to block illegal ads, but instead to mask and alter them from detection. These policies and practices were originally developed in the

mid-2000s and were continuously refined over the years to stay ahead of law enforcement and the authorities. At the time Plaintiff's ads appeared on backpage.com, these policies and practices had been honed to an unprecedented level.

47. Specifically, during all relevant times, the Backpage Defendants utilized a combination of "posting rules," "content requirements," and, most critically, "moderations practices" to actively develop and materially contribute to the illegal content of prostitution and child-prostitution ads on backpage.com.

48. The Backpage Defendants implemented "posting rules" and "content requirements" under the "escort" category to which users (sex traffickers and prostitutes) were required to cursorily agree to and conform the content of their sex ads. None of the "posting rules" or "content requirements" were implemented to prevent or discourage sex trafficking on backpage.com. For example, in 2012, Defendant Carl Ferrer, who has been the CEO of backpage.com for many years, wrote to the Chief Operating Officer of backpage.com and complained that sex traffickers needed to be informed what specific term(s) would prevent their ads from being posted on backpage.com. The only reasonable inference is that Mr. Ferrer wanted sex traffickers to know what term(s) they needed to change or delete so that their sex trafficking ad could be sufficiently sanitized and then posted on the website.

49. Instead, the Backpage Defendants specifically designed and developed the "posting rules" and "content requirements" to require users (sex traffickers and prostitutes) to post prostitution and child-prostitution ads that were less detectible by law enforcement—but were sex trafficking ads nonetheless.

50. The Backpage Defendants would not ban individual ads that blatantly included illegal prostitution in violation of the "posting rules" and "content requirements." For example,

Defendant Carl Ferrer expressed concern in an internal email that sex traffickers would be unhappy if the company actually banned their sex trafficking ads that violated the “posting rules” and “content requirements.” Mr. Ferrer concluded that banning the sex trafficking ads would be “too harsh.” Instead, Mr. Ferrer directed the employees of the Backpage Defendants that it was “[b]etter to edit by removing bad text or removing bad language” so that sex traffickers could “adjust.”

51. The Backpage Defendants would also decline to ban users (sex traffickers and sex workers) who repeatedly posted blatant ads for sex in violation of the “posting rules” and “content requirements,” or report those individuals to the authorities. Nor would the Backpage Defendants report such users to the authorities.

52. Instead, the Backpage Defendants actively and knowingly instructed sex traffickers and users how to create illegal prostitution ads that conformed with the “posting rules” and “content requirements,” and were therefore less detectible by law enforcement. For example, Mr. Ferrer personally helped one sex trafficker ensure that his sex trafficking ads would be posted on the website after the Backpage Defendants locked his account for posting an ad for sex. The sex trafficker went by the username “Urban Pimp.” When his ads were temporarily blocked, he complained to the Backpage Defendants that his sex ads were blocked and noted that he was trying to post sex ads in 50 cities in the United States. Rather than ban “Urban Pimp” from the website, or report him to law enforcement, Mr. Ferrer advised “Urban Pimp” that he had unblocked his account. In an email Mr. Ferrer directed “Urban Pimp” to:

Try editing your ads now. It should work. If not, email me back direct.

53. The Backpage Defendants also employed a sophisticated set of “moderation practices” to directly develop and enhance the illegal content of individual sex ads on backpage.com. The “moderation practices” included both manual and automated measures.

54. Like the “posting rules” and “content requirements,” the Backpage Defendants’ “moderation practices” were not intended to prevent sex trafficking. Instead, the “moderation practices” were specifically intended to develop and materially contribute to the illegal content of ads by masking, or “sanitizing,” blatant indicators of illegality (certain terms and images indicative of prostitution) from known sex ads:

Q. Did they tell you why they wanted you to pull them out?

A. Yeah, I guess so. Yeah. They did.

Q. And why did they tell you they wanted you to remove those terms?

A. Because those terms made it clear that that person was asking for, you know, money for prostitution.

55. The Backpage Defendants instructed dozens and dozens of “moderators” to review sex ads on backpage.com and “sanitize” any ad that included blatant indications of sex trafficking. The “moderators” sanitized the sex ads by manually removing or altering language and images that indicated the ad was for sex. After the offending text and/or images were removed, the “moderators” would post the remainder of the ad and the Backpage Defendants would collect their fee.

56. For example, a former backpage.com “moderator” admitted under oath that his job as a moderator for the Backpage Defendants was “to basically sanitize ads for prostitution.” He admitted he sanitized ads by removing terms or images that suggested the ads were for sex for

money. He would then post the sanitized ad, even though he knew the ad was a person who was trying to sell sex for money:

Q. And do you agree with me if you removed language from an ad that blatantly sells, says that "I'm willing to have sex with you for money," and then you post the remainder, you know as the person who edited the ad that the ad is someone who is trying to sell sex for money, correct?

A. Yes.

57. In addition to manual "moderation practices," the Backpage Defendants also engaged in automatic "moderation" of sex ads on backpage.com.

58. During the relevant time, every ad appearing in the "escort" category was run through automatic filters that were programmed to recognize certain terms indicative of prostitution. If a sex ad contained a banned term, the filters would either strip out the term automatically or flag the ad so that a "moderator" could manually remove the language. The sanitized ad would then be reposted to backpage.com.

59. The Backpage Defendants maintained and continuously updated a banned-terms list that was utilized by the "moderators" and the automatic filters. The Backpage Defendants intentionally populated the list with terms that would signal to third parties (law enforcement, the media, victim's advocacy groups, victims' families) that the ads were soliciting prostitution and/or sex with children.

60. The Backpage Defendants intentionally and carefully crafted the banned terms list, always leaving enough information in “sanitized” sex ads posted to its website to allow for a viewer of the website to recognize that an ad was in fact for sex and for an illegal transaction to occur. Internal communications from Backpage.com’s chief operations officer confirm this:

In the case of lesser violations, editing should be sufficient. We're still allowing phrases with nuance but if something strikes you as crude or obvious, remove the phrase. We're still allowing HBO type nudity but if an image makes you think twice, remove the image. There is zero tolerance for closeups of exposed genitalia.

61. The Backpage Defendants would also consciously resist removing ads with even the most blatant terms and images indicative of illegal activity (express prostitution language, pricing terms in less than 1 hour increments, and images of exposed genitalia) choosing instead to develop the illegal content by removing the offending terms/images and thereby masking the unlawfulness of the ads. Again, as stated by Backpage.com’s Chief Operations Officer, this was done for the express purpose of assisting users (sex traffickers, prostitutes, and pimps) in developing illegal content for sex ads:

We won't be removing ads for these violations. These ads should be edited and "violated terms of use" should be selected.

We have to be fair to the users and give them time to adapt. Thanks.

62. The Backpage Defendants also knowingly included terms in the banned terms list that indicated the subject of the sex ad was a child. For example, words such as “lolita,” “teenage,” “rape,” “young,” “amber alert,” “little girl,” “fresh,” “innocent,” and “school girl” were all

manually or automatically removed from sex ads. After the ad was sanitized, the Backpage Defendants would then post the ad on backpage.com. As explained in the Senate Report:

Multiple Backpage documents and communications confirm the inclusion of these and other terms in the Strip Term From Ad filter.<sup>129</sup> Over the course of the next several months, Backpage added additional words to the Strip Term From Ad filter, including:

- “amber alert” (the name of the national child abduction emergency broadcast system)<sup>130</sup>
- “little girl”<sup>131</sup>
- “teen”<sup>132</sup>
- “fresh”<sup>133</sup>
- “innocent”<sup>134</sup> and
- “school girl.”<sup>135</sup>

When a user submitted an adult ad containing one of the above forbidden words, Backpage’s filter would immediately delete the discrete word and the remainder of the ad *would be published* after moderator review. Of course, the Strip Term From Ad filter changed nothing about the real age of the person being sold for sex or the real nature of the advertised transaction. But as Padilla explained, thanks to the filter, Backpage’s adult ads looked “cleaner than ever.”<sup>136</sup>

63. The Backpage Defendants would not notify the authorities or victim’s advocacy groups when it recognized banned terms in an ad indicating that the individual being sold for sex was, in fact, a child. The Backpage Defendants would not even block the ads or ban the users (child sex traffickers). Instead, the Backpage Defendants would intentionally remove the only shred of evidence indicative of child prostitution and then post the sex ad to backpage.com just to keep the wheels of its profit machine churning. The Backpage Defendants did this thousands of times, damning countless children to repeated sexual exploitation, abuse, and rape.

64. The Backpage Defendants’ “moderation practices” were intended and indeed had the effect of inducing and soliciting users (sex traffickers and sex workers) to post illegal sex

trafficking ads to backpage.com with the knowledge that the illegal content in each sex ad would be developed and refined before posting. Specifically, the “moderation practices” comprised a service provided by the Backpage Defendants wherein users would supply raw illegal content in the form of explicit sex ads and the Backpage Defendants would develop the ads to mask the illegal nature and make the ad less detectible and prosecutable by law enforcement but nevertheless readily recognizable by viewers (johns) as a sex ad. In this way, each “moderated” ad that was a collaborative effort between users (sex traffickers and sex workers) and the Backpage Defendants.

65. During all relevant times, every single ad submitted to the “escort” category of backpage.com was subjected to the automatic filters and/or manual review by “moderators.” The vast majority of which—approximately 80% according to internal backpage.com communications—contained banned terms and images indicative of sex trafficking that were removed by the filters or moderators. Only 0.5% (5 out of every 1,000) of flagged sex ads—those containing banned terms or images indicative of sex trafficking—were eventually removed from the website. The remaining 99.5% of illegal ads were simply masked by the Backpage Defendants and posted to backpage.com.

66. Through these “moderation practices,” the Backpage Defendants directly developed and materially contributed to the illegal content of individual sex ads by selectively removing or altering terms and images that would otherwise signal the unlawful nature of a given sex ad. The illegal sex ad would then be reposted but would, of course, remain what it always was—an illegal sex ad for sex, including sex with children. Only now the sex ad was enhanced because the explicit illegal nature of the ad was masked, just enough, to prevent law enforcement and/or other third parties from intervening. Nevertheless, when the Backpage Defendants reposted the masked ad in the “escort” section, it remained readily recognizable to viewers (johns) as an

illegal solicitation for sex for money. Thus, the Backpage Defendants’ “moderation practices” formed an integral and inseparable part of the illegal sex ads appearing on backpage.com.

67. The Backpage Defendants intentionally masked sex ads to protect themselves, users (sex traffickers and sex workers), and viewers (johns) from detection and resultant criminal and/or civil liability.

68. This combination of targeted policies and practices had the intended effect for more than a decade—the Backpage Defendants reaped hundreds of millions of dollars in profits from ads that they knew involved sex trafficking, prostitution, and even child prostitution.

#### **D. The United States Senate Investigation of Backpage**

69. In January 2017, the United States Senate Permanent Subcommittee on Investigations issued a 50-page report titled “Backpage’s Knowing Facilitation of Child Sex Trafficking” (attached here to as **Appendix A**, referred to as the “Senate Report”).

70. The Senate Report was the product of an extensive government investigation in which the Backpage Defendants were forced to turn over voluminous quantities of never-before-seen evidence in response to Congressional subpoenas (much of this evidence is included in the 840-page Appendix to the Senate Report).

71. As detailed in the Senate Report, the unearthed evidence confirmed, among other things, that (1) Backpage has actively promoted sex trafficking for over a decade, including trafficking of children, by sanitizing “escort” ads and instructing users how to write prostitution ads that will avoid the scrutiny of law enforcement; and (2) Backpage knowingly concealed evidence of criminality by systematically removing sex trafficking terms from the website’s “escort” ads to conceal the true nature of the underlying transaction, and then posting the sanitized ads for a profit.

**E. Backpage.com’s CEO and Top Executives Plead Guilty to Criminal Charges**

72. In April 2018, Backpage’s co-founders Defendants Carl Ferrer, James Larkin and Michael Lacey, among other Backpage executives, were arrested and charged with federal crimes for facilitating prostitution, criminal conspiracy, and money laundering in relation to the backpage.com website.

73. Shortly thereafter, Backpage’s CEO, Carl Ferrer, pled guilty, individually and on behalf of several Backpage corporate entities, to federal and state crimes of human sex trafficking, facilitating prostitution, criminal conspiracy, and money laundering. Ferrer’s factual admissions are spelled-out in his guilty plea:

In 2004, I co-founded the website www.Backpage.com (“Backpage”), along with M.L. [Michael Lacey] and J.L. [James Larkin]. Backpage eventually became the second-largest classified advertising website in the world, during its 14 years of existence, has derived the great majority of its revenue from fees charged in return for publishing advertisements for ‘adult’ and ‘escort’ services.

I have long been aware that the great majority of these advertisements are, in fact, advertisements for prostitution services (which are not protected by the First Amendment and which are illegal in 49 states and in much of Nevada). Acting with this knowledge, I conspired with other Backpage principals (including but not limited to M.L., J.L., S.S., D.H., A.P., and J.V.) to find ways to knowingly facilitate state-law prostitution crimes being committed by Backpage customers. For example, I worked with my co-conspirators to create ‘moderation’ processes through which Backpage would remove terms and pictures that were particularly indicative of prostitution and then publish a revised version of the ad. Such editing did not, of course, change the essential nature of the illegal service being offered in the ad—it was merely intended to create a veneer of deniability for Backpage. These editing practices were one component of an overall, company-wide culture and policy of concealing and refusing to officially acknowledge the true nature of the services being offered in Backpage’s ‘escort’ and ‘adult’ ads.

74. Defendant Ferrer also admitted that “Since 2004, Backpage has earned hundreds of millions of dollars in revenues from publishing ‘escort’ and ‘adult’ ads.”

75. Pursuant to the plea agreement, Ferrer forfeited immediate ownership and control of the backpage.com website and related assets to federal authorities, which promptly and permanently shut down the website.

76. On August 17, 2018, another Backpage executive, its Sales Director, Dan Hyer, pled guilty to the charge of conspiracy to facilitate prostitution. Hyer's guilty plea admits the following facts:

In 1998, I started working at the Dallas Observer, an alternative newspaper that later became part of the Village Voice Media Holdings ("VVMH") chain. During my early years at the Dallas Observer, I was an account executive responsible for selling print ads.

In 2006 or 2007, I was asked to help grow Backpage.com ("Backpage"), which was VVMH's attempt to create a classified advertising website to compete with Craigslist. During my first few years in this position, my primary responsibility was to increase the number of ads being posted on Backpage. To do so, I helped develop a process called "preboarding" or "aggregation." In general, this process consisted of identifying so-called "escort" and "adult" ads on other websites and creating ads on Backpage for the individuals depicted in those ads in the hope of securing their future business. These aggregation efforts, which I discussed with my bosses Carl Ferrer and Scott Spear, resulted in large revenue and traffic growth for Backpage. As a result, Ferrer and Spear authorized the expansion of the aggregation team I was supervising and authorized me to repeat the aggregation process (which was initially concentrated in Dallas) in other major U.S. markets.

I knew that the majority of the ads that I and others at Backpage were creating through the aggregation process were actually offering illegal prostitution services. Among other things, the true nature of the ads was obvious and we sometimes used ads containing links to The Erotic Review (a website where customers would post "reviews" of their encounters with prostitutes, including descriptions of prices charged for particular sex acts) as the source of the content for the new Backpage ads we were creating. In addition, I and other Backpage employees were deluged with near-constant reminders—in the form of news articles discussing prostitution busts on Backpage, warning letters from Attorneys General, and other sources—of the reality of what was being offered. For a period of time, I even received daily "Google alerts" that summarized the new prostitution-related stories about Backpage that kept appearing in the news. Nevertheless, I kept working for Backpage, and kept facilitating these prostitution offenses, because I was afraid of losing my job and because VVMH and Backpage operated in a culture of denial. I also participated in later efforts to expand Backpage's aggregation efforts to

overseas markets, where we often did not even bother with taking out code words to conceal the fact that prostitution services were being offered.

Over time, I also became involved (along with Ferrer, Andrew Padilla, and Joye Vaught) in Backpage's efforts to "moderate" the content of the website's escort and adult ads. Once again, I knew that the majority of the ads being "moderated" were actually offering illegal prostitution services—our removal of explicit words and pictures did nothing to change the underlying nature of the services being offered. In fact, Padilla and I agreed that I and other Backpage sales and marketing employees use the term "models" in intra-company emails when referring to persons in Backpage ads who appeared to be underage. The use of this term was to avoid looking bad in a lawsuit.

77. Hyer's guilty plea not only reinforces Ferrer's factual admissions—mainly, that Backpage "developed" sex ads by intentionally removing terms and images indicative of each ads illegal nature—it also reveals that Backpage literally "created" sex ads through its "preboarding" and "aggregation" process.

#### **F. Allegations Specific to Plaintiff Melanie Thompson**

78. Plaintiff Melanie Thompson was approximately 12 years old when she first came under the control of her traffickers and was advertised for sex in the "Escorts" section of backpage.com.

79. Advertisements selling Melanie for sex appeared on backpage.com when she was a minor from approximately 2009 to 2016 in New York County, New York, among other locations.

80. Melanie's sex ads depicted her in a sexually explicit manner and, upon information and belief, contained terms indicating that she was a minor and/or was being sold for sex.

81. The Backpage Defendants agreed to provide Melanie's traffickers access to its online sex trafficking platform in exchange for a monetary fee. The Backpage Defendants were aware of the traffickers' intent to sexually exploit Melanie by selling her for sex on the backpage.com website and furthered this illicit scheme by providing access to its website, which enabled the traffickers to sell sex with Melanie to countless numbers of men (johns), and providing

instructions to her traffickers to help them maximize profits through use of the website and to disguise indicators of criminality in the advertisements.

82. In addition, in exchange for the fee, the Backpage Defendants developed and materially contributed to the illegal content of Melanie's ads by "moderating" the raw, unmasked ads to remove banned terms and images. Specifically, in accordance with their "moderation practices," upon information and belief, the Backpage Defendants removed terms and/or images from Melanie's ads indicating that she was a minor and was being sold for sex. The Backpage Defendants then posted the enhanced, masked version of her ads on backpage.com.

83. At no point did the Backpage Defendants take any steps to prevent Melanie from being advertised for sex on backpage.com, or to warn her, her parents, or the authorities, despite clear indications in her ads that she was being sold for sex and that she was a minor.

84. Rather, the Backpage Defendants' "moderation practices" prevented Melanie's ads from being detected by law enforcement or other third parties because terms and/or images indicating she was a minor and was being sold for sex were removed.

85. The Backpage Defendants knew, or had reason to know, that the trafficker was selling Melanie, along with other women and children for sex on backpage.com. Nevertheless, the Backpage Defendants made no effort to prevent Melanie's trafficker from continuing to sell women and children for sex on the website, including Melanie.

86. Instead, because of their deliberate conduct outlined above and below, the Backpage Defendants induced, encouraged, and solicited Melanie's trafficker and others to post sex ads of Melanie on backpage.com.

87. Neither Melanie nor any parent or legal guardian consented to having her photograph or information appear on backpage.com while she was a minor, and neither Melanie

nor any parent or legal guardian consented to Melanie having sex with the many adults who raped her because of the advertisements on backpage.com while she was a minor.

88. As a result of being advertised for sex on backpage.com, Melanie was repeatedly raped, sexually abused and exploited by men who purchased her for sex.

89. As a direct and proximate result of the foregoing misconduct, Melanie has suffered, and continues to suffer, general and special damages. These damages include, but are not limited to, severe emotional distress, humiliation, mental anguish, physical and mental pain and suffering, a decrease in her ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

## **I. CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION**

#### **NEGLIGENCE**

90. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

91. The Backpage Defendants had a duty of care to operate www.backpage.com in a manner that did not endanger minor children and women, including Plaintiff.

92. The Backpage Defendants had a duty of care to take reasonable steps to protect the foreseeable victims of the danger created by their acts and omissions, including the danger created by their online marketplace for sex trafficking and their actions in perpetuating that marketplace by helping sex traffickers post their sex ads and shield indicators of criminality.

93. The Backpage Defendants breached the foregoing duties because they knew, or should have known, that adults working as sex traffickers were using their website to post advertisements of women and children for sex, including such advertisements of Plaintiff, but they took no steps to protect those women and children, including Plaintiff.

94. As a direct and proximate result of their wrongful acts and omissions, Plaintiff suffered, and continue to suffer, general and special damages. These damages include, but are not limited to, emotional distress, humiliation, mental anguish, physical and mental pain and suffering, a decrease in their ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

## **SECOND CAUSE OF ACTION**

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

95. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

96. The Backpage Defendants engaged in extreme and outrageous conduct by knowingly allowing sex traffickers to advertise women and children for sex on their website, including Plaintiff, and by assisting sex traffickers in creating and developing the content of those ads.

97. As a result of this extreme and outrageous conduct, many, many men used [www.backpage.com](http://www.backpage.com) to gain access to Plaintiff and sexually abuse her.

98. The Backpage Defendants knew that this extreme and outrageous conduct would inflict severe emotional and psychological distress on others, including Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress as a result. Their emotional damages include severe mental anguish, humiliation and emotional and physical distress.

99. As a direct and proximate result of the foregoing misconduct, Plaintiff suffered, and continue to suffer, general and special damages. These damages include, but are not limited to, severe emotional distress, humiliation, mental anguish, physical and mental pain and suffering,

a decrease in their ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

### **THIRD CAUSE OF ACTION**

#### **UNJUST ENRICHMENT**

100. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

101. As a result of their wrongful sexual and financial exploitation of Plaintiff, the defendants unjustly profited and enriched themselves at the expense of Plaintiff, including the money some of the defendants received for the sexual services performed by Plaintiff, and the money the Backpage Defendants received for the sex advertisements of Plaintiff on [www.backpage.com](http://www.backpage.com).

102. These benefits were conferred onto the defendants with their knowledge of them, and the defendants accepted and retained those benefits under circumstances that make it inequitable for them to retain them without paying their value.

103. As a direct and proximate result of the foregoing misconduct, Plaintiff suffered, and continue to suffer, general and special damages. These damages include, but are not limited to, severe emotional distress, humiliation, mental anguish, physical and mental pain and suffering, a decrease in their ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

### **FOURTH CAUSE OF ACTION**

#### **INVASION OF PRIVACY**

104. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

105. The Defendants invaded Plaintiff's right to be let alone. The Defendants' misconduct includes, but is not limited to, intrusion upon seclusion and public disclosure of private facts.

106. This is particularly true where the Backpage Defendants knew or should have known that sex traffickers were taking sexually suggestive photographs of women and children, like Plaintiff, and posting those photographs on backpage.com in order to advertise them for sex, and where the Backpage Defendants knew or should have known that those photographs and other private information would necessarily be made public when the Defendants were finally held accountable for their wrongful conduct.

## **FIFTH CAUSE OF ACTION**

### **FAILURE TO WARN**

107. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

108. The Backpage Defendants knew of the rampant criminal activity, as described throughout this Complaint, was occurring on the backpage.com website. The unreasonable risks and perils associated with this rampant criminal conduct were foreseeable to the Backpage Defendants.

109. The Backpage Defendants were also aware of the unreasonable risk to Plaintiff specifically because they knew, or had reason to know, that Plaintiff was a child being trafficked and sold for sex.

110. The Backpage Defendants, as the owners and controllers of backpage.com, had a duty to warn invitees, like Plaintiff, of any and all unreasonable and foreseeable risks of harm. This duty including providing general warnings and specific warnings to Plaintiff.

111. The Backpage Defendants breached the aforementioned duties by failing to take reasonable steps or make efforts to warn Plaintiff, her parents, or the authorities of these risks.

112. As a direct and proximate result of the Backpage Defendants' breach, Plaintiff suffered, and continues to suffer, general and special damages. These damages include, but are not limited to, emotional distress, humiliation, mental anguish, physical and mental pain and suffering, a decrease in their ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

## **SIXTH CAUSE OF ACTION**

### **CIVIL CONSPIRACY**

113. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

114. The Backpage defendants engaged in a common plan or scheme with traffickers, including the men and women who trafficked Plaintiff, to use [www.backpage.com](http://www.backpage.com) to advertise and exploit coerced adults and children for sex, including Plaintiff, and to profit from these illicit transactions.

115. Based on these actions, the defendants are liable for civil conspiracy.

116. As a direct and proximate result of the foregoing misconduct, Plaintiff suffered, and continue to suffer, general and special damages. These damages include, but are not limited to, severe emotional distress, humiliation, mental anguish, physical and mental pain and suffering, a decrease in their ability to enjoy life, past and future medical expenses, attorneys' fees and costs, and other general and special damages, all in an amount to be determined at trial.

**SEVENTH CAUSE OF ACTION**

**TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008, 18**

**U.S.C. § 1595**

117. Plaintiff re-alleges and incorporates by reference all of the allegations contained in the paragraphs above and below.

118. Plaintiff is a victim of sex trafficking within the meaning of 18 U.S.C. § 1591 and is entitled to bring a civil action under 18 U.S.C. § 1595 against any individual or entity whose violations of the TVPRA proximately caused her to sustain physical or psychological injuries.

119. The Backpage Defendants knowingly participated in illegal sex trafficking ventures, all in violation of the TVPRA. The Backpage Defendants participated in these ventures by, *inter alia*, engaging in both acts and omissions that were intended to facilitate and aid and abet traffickers' marketing, transportation, and sale of women and children for sex.

120. Through such acts and omissions, the Backpage Defendants participated in the illegal trafficking ventures that involved Plaintiff and they profited from this participation in that they reaped substantial revenues from the daily advertisements that successfully offered Plaintiff for sale for sex with customers (johns).

121. Plaintiff is a victim of the unlawful ventures which the Backpage Defendants participated in, promoted, and supported by various means, *inter alia*, (1) designing their website to increase the incidence and profitability of advertisements reflecting and encouraging the exploitation of children; (2) taking various steps to sustain the impression among traffickers and customers that backpage.com is a safe and effective vehicle for transactions involving women and children, including actions to minimize the risk of detection by law enforcement; (3) implementing various enhancements to its website to increase its effectiveness for traffickers; and (4) failing to

investigate or adopt available analytic measures developed by expert academic and technology organizations, and available at little or no cost, that would have enabled the Backpage Defendants to reliably detect advertisements involving exploited women and children, and identify and apprehend the traffickers behind those advertisements.

122. The Backpage Defendants knew or should have known that Plaintiff was among the women and children being advertised and trafficked on backpage.com, and that the Plaintiff was sold for sex through their website, trafficked in various venues in the region, and raped on many occasions each day in which they were offered for sale.

123. As a result of the Backpage Defendants' violations of the TVPRA, Plaintiff has suffered substantial physical and psychological injuries, and other damage.

#### **CPLR 1603 – NO APPORTIONMENT OF LIABILITY**

124. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

#### **PRAYER FOR RELIEF**

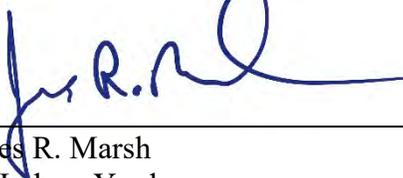
125. Plaintiff demands judgment against the defendants named in his causes of action, together with compensatory and punitive damages to be determined at trial, and the interest, cost and disbursements pursuant to their causes of action, and such other and further relief as the Court deems just and proper.

126. Plaintiff specifically reserves the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: January 21, 2020

Respectfully Yours,

MARSH LAW FIRM PLLC

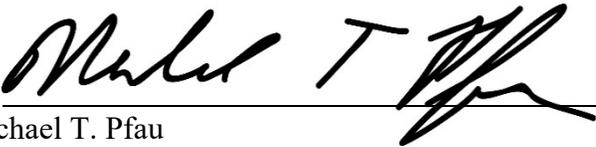
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