SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

J.S., S.L. and L.C.,) NO:
Plaintiffs, v.) COMPLAINT FOR DAMAGES)
VILLAGE VOICE MEDIA HOLDINGS, L.L.C., d/b/a Backpage.com; BACKPAGE.COM, L.L.C.; and, BARUTI HOPSON,))))
Defendants.)))

Plaintiff J.S., a minor, by and through her natural mother, N.S., Plaintiff S.L., a minor, by and through her natural mother, S.L., and Plaintiff L.C., by and through her natural mother, L.H., and collectively by and through their attorneys, Erik L. Bauer of The Law Office of Erik L. Bauer, and Michael T. Pfau of Pfau Cochran Vertetis Amala PLLC, hereby state and allege as follows:

I. NATURE OF THE ACTION

1.1 This is an action for damages being brought by three minor girls as Plaintiffs against defendants that advertised them for sale as prostitutes on their "escort" website, Backpage.com.

COMPLAINT FOR DAMAGES - 1

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- 1.2 Two of the girls were 13 years old and one girl was 15 years old when they ran away from home and became controlled by professional adult pimps who posted advertisements for the girls on the Backpage.com escort website, a website owned, operated, designed, and controlled by the Backpage.com defendants. Hundreds of customers responded to the Backpage.com advertisements, and the girls were all raped by adults multiple times as a result.
- 1.3 The Backpage.com defendants were well aware that their website was being used in this way because they developed and required content to ensure that young girls, like the Plaintiffs, would continue to be advertised in this manner. The Backpage.com defendants did so because of the millions of dollars that they generated from the website every month.

II. PARTIES, JURISDICTION, AND VENUE

- 2.1 Plaintiff J.S. is a seventeen year old minor girl who was fifteen when she was trafficked in the sex trade through the Backpage.com website. She is a resident of King County, Washington. Given the nature of these allegations, this complaint identifies J.S. by her initials, only.
- 2.2 Plaintiff S.L. is a fifteen year old minor who was thirteen when she was trafficked in the sex trade through the Backpage.com website. She is a resident of Pierce County, Washington. Given the nature of these allegations, this complaint identifies S.L. by her initials, only.
- 2.3 Plaintiff L.C. is a fifteen year old minor who was thirteen when she was trafficked in the sex trade through the Backpage.com website. She is a resident of Pierce County, Washington. Given the nature of these allegations, this complaint identifies L.C. by her initials, only.

- 2.4 Defendant Village Voice Media Holdings, L.L.C. ("Village Voice"), is an Arizona limited liability company that does business as "Backpage.com" and owns, operates, designs and controls the website Backpage.com, including its content. At all times material hereto, defendant Village Voice transacted business in Pierce County, Washington, and purposefully availed itself of Pierce County, Washington, and the citizens of Pierce County, Washington, including through its Backpage.com website.
- 2.5 Defendant Backpage.com, L.L.C., is a Delaware limited liability company with its principal place of business in Phoenix, Arizona, that does business as "Backpage.com" and owns, operates, designs and controls the website Backpage.com, including its content. At all times material hereto, defendant Backpage.com, L.L.C., transacted business in Pierce County, Washington, and purposefully availed itself of Pierce County, Washington, and the citizens of Pierce County, Washington, including through its Backpage.com website.
- 2.6 Defendant Village Voice and defendant Backpage.com, L.L.C., are collectively referred to throughout this complaint as the "Backpage.com defendants" or "Backpage.com."
- 2.7 Defendant Baruti Hopson is an incarcerated resident of Franklin County, Washington. At all times relevant hereto, and while knowing Plaintiff J.S. was a minor child, defendant Baruti Hopson engaged in communications with Plaintiff J.S. for immoral purposes, took naked and illicit photographs of Plaintiff J.S., posted illicit photographs of Plaintiff J.S. on Backpage.com, actively solicited adults to have sex with Plaintiff J.S. in Pierce County, Washington, by using Backpage.com, and unjustly enriched himself by taking money from the adults who he arranged to have sex with Plaintiff J.S., including those who he

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arranged through Backpage.com. All of these activities took place, at least in part, in Pierce County, Washington.

- 2.8 As discussed more fully herein, many of the acts and omissions giving rise to this action occurred in Pierce County, Washington, two of the Plaintiffs reside in Pierce County, Washington, and the Backpage.com defendants conduct business in Pierce County, Washington, and conducted business in Pierce County, Washington, at the time of the acts and omissions giving rise to this lawsuit.
- 2.9 As such, this Court has jurisdiction over this matter pursuant to RCW 2.08.010, and venue is proper in this Court pursuant to RCW 4.12.020.

III. BACKGROUND FACTS

- 3.1 At all times relevant to this lawsuit, and upon information and belief, Backpage.com has been a major provider of internet advertising for illicit human trafficking. Upon further information and belief, Backpage.com has knowingly developed a nationwide online marketplace for illicit commercial sex and has knowingly developed a reputation for itself as a website where pimps and prostitutes advertise commercial sex and where commercial sex customers can find it. Upon information and belief, Backpage.com, through its development, marketing, and operation of its "escort" website, has intentionally created a context where each individual post on its escort website can be readily ascertained as an advertisement for prostitution.
- 3.2 Upon information and belief, Backpage.com knowingly makes a substantial amount of money from illicit human sex trafficking, and upon further information and belief, does more to promote illicit human sex trafficking than any other single entity in the United States. Upon information and belief, Backpage.com conspires with pimps and prostitutes to

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advertise prostitutes for sale on the Backpage.com escort website, and Backpage.com agrees to provide pimps and prostitutes with its well-known website for customers who know to use it to access prostitutes. Upon information and belief, pimps and some prostitutes agree to pay Backpage.com a fee to advertise their prostitution services on Backpage.com, and Backpage.com knowingly collects the fee from the pimps and prostitutes and then allows them to advertise whatever prostitute they wish to promote. Upon information and belief, pimps, johns, prostitutes, and Backpage.com all know that Backpage.com's escort website is devoted to prostitution, and Backpage.com has developed and marketed its website for that purpose.

- 3.3 Upon information and belief, thousands of prostitution advertisements appear on the Backpage.com escort website every day, including dozens, if not hundreds, that are targeted at Washington citizens, including Pierce County citizens. Upon information and belief, the advertisements are obviously for the purpose of commercial sexual services. Exhibit A (fully incorporated herein by reference) is a copy of the Backpage.com escort website as it appeared on July 27, 2012, for only the Seattle, Washington, and Tacoma, Washington areas (upon information and belief, this exhibit is representative of Backpage.com's website at all times material to this litigation). On that day, dozens of new prostitution advertisements were posted and more than 1,000 prostitution advertisements were viewable from the previous days' listings (See Exhibit A).
- 3.4 Upon information and belief, Backpage.com derives the great majority of its income from escort advertising on its website, and it is estimated that Backpage.com brings in well over 20 million dollars per year from its escort website. Upon information and belief,

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Backpage.com's entire business model is predicated around the development and display of commercial sexual service advertising.

- 3.5 The prostitution advertisements typically have one or more photographs of the prostitute along with a name and telephone number. Backpage.com uses a category on its website for these prostitution ads under the heading of "Escorts." In the world of illicit human sexual trafficking, "Escort" is another word for prostitute. "Escort" and "prostitute" mean virtually the same thing. Escort customers are known as "Johns" or "Tricks." The predators that exploit and control the prostitutes for financial gain are "Pimps." Upon information and belief, Backpage.com knows all of this and has intentionally developed its website to require information that allows and encourages this illegal trade to occur through its website, including the illegal trafficking of underage girls.
- 3.6 For example, and upon information and belief, Backpage.com has developed content requirements that pimps and prostitutes must meet in order for them to advertise on the Backpage.com "escort" website. Upon information and belief, Backpage.com attempts to fly under the radar of law enforcement and adverse public opinion by "forbidding" the use of certain language. Sexually explicit language is forbidden by Backpage.com and ads containing such are rejected. A façade of minimal respectability is demanded by Backpage.com for its prostitution website. Upon information and belief, Backpage.com developed these content requirements because it knows these methods will assist pimps and prostitutes in avoiding detection so that Backpage.com can continue profiting from their illegal activities.
- 3.7 Upon information and belief, Backpage.com is very adept at requiring the "proper window dressing" techniques to conceal the illicit and illegal nature of the activities it

knows are occurring through its website, including the sex trafficking of children. For example, Backpage.com requires pimps and prostitutes to use code words such as "escort" or "donations," but prevents forthright language such as "sex for sale." However, patently suggestive language such as "HOT(T) NaUgHtY EAGER SEXY FuN 36DD SpEcIaLs AvAiLaBLe NOW -24", or "KINKY CuTIE - 22", or "Sm@cK It Gr@B iT PULL mY h@!R - 22" are but a few typical examples that Backpage.com allows on its site. Upon information and belief, Backpage.com knows that prostitution customers know that each posting is advertising commercial sex for sale because Backpage.com provides the overall context for the site and knowingly imposes content requirements that perpetuate that context. For that reason, each individual posting does not need to be explicit in its efforts to sell sex.

- Jumps and prostitutes to be posted in the ads. Some ads explicitly list a price, such as \$150 per hour, while many ads attempt to stymie law enforcement by using codes, such as "150 roses per hour" or asking for a "donation." Upon information and belief, Backpage.com knows that the vast majority of these advertisements are for sex, including sex with minors, and it specifically requires the ads to state prices in hourly terms rather than by the minute; Backpage.com goes so far as to prevent pimps and prostitutes from posting prices for 15 minute time intervals because, upon information and belief, it knows such advertisements will attract the attention of law enforcement and hurt its business.
- 3.9 Upon information and belief, Backpage.com instructs and requires pimps and prostitutes to post their ads in a manner that is less likely to be used as evidence of criminal activity, all with the effect of facilitating the illegal activity which Backpage.com profits from. Upon further information and belief, Backpage.com has developed content

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typically only a first name, which is not their real name. Upon information and belief, this use of aliases allowed by Backpage.com is another law enforcement evasion technique, and is another example of how Backpage.com knows that its website is being used for prostitution.

- 3.13 Upon information and belief, another law enforcement evasion technique developed and required by Backpage.com is the manner in which ads are posted. To post an ad in the "escort" section, a pimp or prostitute must first click on the section titled "adult entertainment." Under that heading, Backpage.com then requires the pimp or prostitute to choose between the following categories: "adult jobs," "body rubs," "domination and fetish," "escorts," "male escorts," "phone & websites," "strippers and strip clubs," or "transsexual escorts." Backpage.com then requires the pimp or prostitute to agree to the following content requirements for posting in the "escort" section of its website:
 - I will not post obscene or lewd and lascivious graphics or photographs which depict genitalia or actual or simulated sexual acts;
 - I will not post any solicitation directly or in "coded" fashion for any illegal service exchanging sexual favors for money or other valuable consideration;
 - I will not post any material on the Site that exploits minors in any way; I will not post any material on the Site that in any way constitutes or assists in human trafficking;
 - I am at least 18 years of age or older and not considered to be a minor in my state or residence.
- 3.14 Upon information and belief, Backpage.com knows that the foregoing content requirements are a fraud and a ruse that is aimed at helping pimps, prostitutes, and Backpage.com evade law enforcement by giving the appearance that Backpage.com does not allow sex trafficking on its website. However, upon information and belief, even a cursory review of the advertisements in Exhibits A-B show that the vast majority are a "solicitation directly or in 'coded' fashion for [an] illegal service exchanging sexual favors for money or

other valuable consideration." In fact, and upon information and belief, the purpose of the entire escort website is exactly what its content requirements purportedly prohibit. Upon information and belief, the content requirements are nothing more than a method developed by Backpage.com to allow pimps, prostitutes, and Backpage.com to evade law enforcement for illegal sex trafficking, including the trafficking of minors for sex.

3.15 Upon information and belief, Backpage.com develops the content of the prostitution advertisements on its website through the use of the foregoing content requirements, which serve the purposes of promoting illegal sex trafficking, bindering law.

- 3.15 Upon information and belief, Backpage.com develops the content of the prostitution advertisements on its website through the use of the foregoing content requirements, which serve the purposes of promoting illegal sex trafficking, hindering law enforcement, and allowing Backpage.com to attract more customers, make more money, and become the huge online prostitution market that it is today.
- 3.16 Upon information and belief, Backpage.com's content requirements allow pimps and prostitutes, their customers, and Backpage.com to evade enforcement of the following criminal statutes:
 - a. RCW 9.68A.040 (Sexual exploitation of a minor)
 - b. RCW 9.68A.050 (Dealing in depictions of minor engaged in sexually explicit conduct)
 - c. RCW 9.68A.090 (Communication with minor for immoral purposes)
 - d. RCW 9.68A.100 (Commercial sexual abuse of a minor)
 - e. RCW 9.68A.101 (Promoting commercial sexual abuse of a minor)
 - f. RCW 9.68A.103 (Permitting commercial sexual abuse of a minor)
 - g. RCW 9A.44.076 (Rape of a child in the second degree)
 - h. RCW 9A.44.079 (Rape of a child in the third degree)
 - i. RCW 9A.44.086 (Child molestation in the second degree)

- j. RCW 9A.44.089 (Child molestation in the third degree)
- k. RCW 9A.88.070 (Promoting prostitution in the first degree)
- 1. RCW 9A.88.080 (Promoting prostitution in the second degree)
- m. RCW 9A.88.090 (Permitting prostitution)
- n. RCW 9A.40.100 (Trafficking)
- o. RCW 9A.28.040 (Criminal conspiracy)
- p. RCW 9A.82.060 (Leading organized crime)
- 3.17 An estimated 100,000 American minors are victimized through prostitution in America each year. LINDA A. SMITH ET AL., THE NATIONAL REPORT ON DOMESTIC MINOR SEX TRAFFICKING iv (Shared Hope Int'l, 2009). Upon information and belief, Backpage.com is a major player in facilitating the exploitation of minors for sex and it knows as much.
- 3.18 Upon further information and belief, a large percentage of the prostitutes who appear on Backpage.com are, in fact, minor children. For example, Exhibit B is representative of Backpage.com's website at all times material to this litigation and represents a partial canvassing of Backpage.com's "escort" websites in 25 U.S. cities conducted on July 6, 2012. Upon information and belief, it contains over 150 advertisements of "escorts" who could easily be minors. Upon information and belief, Backpage.com knows that many of the advertisements that it agrees to display on its prostitution website are in fact advertisements for sex with minor children, and despite this knowledge, Backpage.com continues to display prostitution ads that include minors without any meaningful safeguards or protections for the children; to the contrary, its content requirements are specifically designed to control the nature and context of those advertisements so that pimps can continue to use Backpage.com to

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traffic in sex, including the trafficking of children, and so Backpage.com can continue to profit from those advertisements.

Upon information and belief, Backpage.com is well aware that many of the 3.19 advertisements for sex on its website are advertisements for sex with children. For example, as discussed above, Backpage.com provides cover for advertisements of minors by requiring the pimp or prostitute to click on the "posting rules" page which has a line asserting "I am at least 18 years of age or older and not considered to be a minor in my state of residence." Upon further information and belief, other than requiring the poster of the ad to agree to this term by "clicking" on the posting rules page, Backpage.com does nothing to verify the age of the escorts who appear in its prostitution ads, even though it knows that pimps are the ones who usually create the ads, or force their minor sex slaves to do so, and even though it knows that this "requirement" does nothing to meaningfully deter the use of its website for sex trafficking of minors. Because the ads are all posted online through the use of a computer, no face to face encounters are needed between Backpage.com personnel and the person posting the ad. Backpage.com does not require the escorts to present photographic identification before posting an advertisement, even though, upon information and belief, it knows that doing so is the only way to meaningfully avoid pimps from using its website to traffic minors for sex. The age certification pledge is as empty as the pledge not to post ads "for any illegal service exchanging sexual favors for money." It is instead, upon information and belief, an active effort by Backpage.com to conceal the sex trafficking of minors, promote that activity on its website so that it can profit, and avoid the heavier criminal penalties that most jurisdictions have for promoting prostitutes under the age of eighteen years.

3.20 Upon information and belief, Backpage.com knows that pimps are using its website for sex trafficking of minors, and it knows imposing a licensing requirement would substantially reduce its profits, because its parent company, Village Voice Media Holdings, LLC, requires an "in person" showing of valid photographic identification in order to post escort advertisements in its printed Seattle Weekly newspaper. The person being advertised must personally show up at the Seattle Weekly office with valid photo identification verifying they are over the age of 18 years before they are permitted to run an escort ad. Upon information and belief, Backpage.com does not impose this requirement for its website because it believes it is immune from liability, regardless of its substantial role in creating the content and context of the advertisements on its website.

- 3.21 Upon information and belief, many of the escorts offering sex for sale on the Backpage.com website are obviously underage, as reflected in the advertisements and photographs in Exhibits A-B. Upon information and belief, Backpage.com knows that girls fourteen through twenty two can appear similar in photographs that do not include their faces.
- 3.22 Upon information and belief, Backpage.com also knows that it is aiding pimps in marketing prostitutes, including underage girls, by requiring users to post the location of their prostitutes. Customers can click on whatever state, city or town they desire to find prostitutes within their geographic area. This is a valuable marketing technique for the pimps to employ. It aids the customer in finding a convenient prostitute, and it aids the pimp by allowing the customer to find the prostitute the pimp is promoting. Upon information and belief, Backpage.com knows the value of this requirement and marketing technique because it divided its website into distinct geographic categories and charges the pimp an additional fee if the pimp wishes to have Backpage.com advertise a prostitute in different geographic

locations. Upon information and belief, Backpage.com knows that if a pimp or prostitute experiences unwanted law enforcement attention in one jurisdiction, the pimp can simply move the prostitute to another jurisdiction and Backpage.com will readily advertise the prostitute in the new location. Upon information and belief, this is another way in which Backpage.com knows that it aids pimps in promoting prostitution and evading law enforcement through the content requirements of its website.

- 3.23 Upon information and belief, Backpage.com knows that its escort website is well known to prostitution customers throughout the United States as a place to easily locate prostitutes because Backpage.com has intentionally created a website whose sole purpose is to facilitate prostitution. Upon information and belief, using the content requirements discussed above, Backpage.com developed the user interface so that customers can quickly and easily find the prostitute they desire. It first presents a user with a choice of geographic areas, and then after choosing an area, Backpage.com provides the user with a scroll down list of advertisements. Upon clicking on a given ad tagline, Backpage.com has arranged its website so that a specified number of photographs of the prostitute appear on the computer screen along with a telephone number. Upon information and belief, Backpage.com makes it as easy as possible for customers to locate prostitutes in their desired area, and it also makes it very easy for the pimps to promote their prostitutes, including minor children.
- 3.24 Upon information and belief, Backpage.com offers a variety of additional tools to help pimps advertise their prostitutes, including underage girls. For example, for an additional fee Backpage.com will place a pimp's ad at the top of the listing of advertisements, and it provides commissions to customers who refer other customers. Upon information and

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belief, Backpage.com knows that these services are specifically designed to earn it more profit by promoting more prostitution, including prostitution of children.

- 3.25 Upon information and belief, despite knowing that pimps often control more than one prostitute, Backpage.com readily accepts payment for the advertisements of more than one girl from the same source. Upon further information and belief, Backpage.com often allows one credit card to finance prostitution ads for several different girls, and it instructs pimps on how to pay anonymously in order to avoid law enforcement detection and criminal prosecution. For example, and upon information and belief, it knows many of the credit cards are often pre-paid cards, which gives the pimp complete anonymity, and also knows that many advertisements have the same contact phone number that are linked to the same pimp for a number of girls. Upon information and belief, Backpage.com knows this allows pimps to post ads on Backpage.com for multiple girls while in the privacy of a motel room using a laptop computer and a credit card to pay for the advertisement.
- 3.26 Upon information and belief, Backpage.com knows that its website is used almost exclusively for human sex trafficking, including the trafficking of minors, and it has imposed content requirements for the purpose of increasing that illegal activity and increasing its profits, to more than \$20 million in the past year.
- 3.27 Upon information and belief, Backpage.com knew that pimps would use its website and content requirements to post advertisements of underage girls for sex, including Plaintiffs, and it knew that it was profiting from those advertisements, including the advertisements of Plaintiffs.
- 3.28 Upon information and belief, all of the foregoing allegations took place before or during the time that Plaintiffs were advertised for sex on Backpage.com, including the

content requirements that Backpage.com created and instituted in order to perpetuate an online marketplace for illegal sex, including sex trafficking of children, like Plaintiffs.

IV. FACTS SPECIFIC TO PLAINTIFF J.S.

- 4.1 In 2010, Plaintiff J.S. was 15 years old when a pimp named Baruti Hopson contracted with Backpage.com to advertise J.S. on its website as a prostitute. Hopson paid Backpage.com a fee and then uploaded advertisements of minor J.S. on Backpage.com. The advertisements were for prostitution services and included contact information that allowed customers to access J.S. The ads were accompanied with explicit language denoting obvious commercial sex advertisements, including "W'E'L'L_W'O'R'T'H_I'T ***^**** 150HR" and "IT WONT TAKE LONG AT ALL !!!!!!!" The advertisements also included multiple lascivious photographs of J.S. that showed she was a minor. Hopson complied with Backpage.com's content requirements and used those requirements to advertise J.S. for sex, as Backpage.com intended. At no time did Backpage.com attempt to verify J.S.'s age or to otherwise protect her from being advertised for sex on Backpage.com. Neither J.S. nor any parent or legal guardian consented to having her photograph or information appear on Backpage.com, and neither J.S. nor any parent or legal guardian consented to J.S. having sex with the many adults who had sex with her because of the advertisements on Backpage.com.
- 4.2 As a result of the conspiracy and contract between Backpage.com and Hopson, advertisements for J.S. appeared on the Backpage.com escort website well over 100 different times. Each time Hopson paid Backpage.com its demanded fee through the use of a credit card, and each time Backpage.com allowed Hopson to advertise his advertisement of J.S. for sex on its website.

- 4.3 As a result of this arrangement between Hopson and Backpage.com, multiple prostitution customers contacted J.S. and paid Hopson a fee in order to have sex with her. As a result of Backpage.com's relationship and agreement with Hopson, J.S. engaged in sexual activities with adults, including sexual intercourse with multiple adult customers per day for several months.
- 4.4 As a direct and proximate result of the foregoing misconduct, J.S. 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.

V. <u>FACTS SPECIFIC TO PLAINTIFF S.L.</u>

- 5.1 In September 2010, Plaintiff S.L. was 13 years old when she ran away from her family home and was introduced to a pair of adult pimps who proceeded to take advantage of her by using her as a prostitute.
- 5.2 The adult pimps dressed S.L. in lingerie and took photographs of her to create advertisements for the Backpage.com escort website. The pimps paid Backpage.com a fee and then uploaded advertisements of S.L. onto the Backpage.com escort website. The wordings of the advertisements were sexually suggestive and obvious invitations for commercial sex acts with the underage S.L., and from the appearance of her photographs it was obvious S.L. was underage. The advertisements were for prostitution services and included contact information that allowed customers to access S.L. The pimps complied with Backpage.com's content requirements and used those requirements to advertise S.L. for sex,

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as, upon information and belief, Backpage.com intended. At no time did Backpage.com attempt to verify S.L.'s age or to otherwise protect her from being advertised for sex on Backpage.com. Neither S.L. nor any parent or legal guardian consented to having her photograph or information appear on Backpage.com, and neither S.L. nor any parent or legal guardian consented to S.L. having sex with the many adults who had sex with her because of the advertisements on Backpage.com.

- 5.3 As a result of the conspiracy and contract between Backpage.com and the two pimps, advertisements for S.L. appeared on the Backpage.com escort website many, many times. Each time the pimps paid Backpage.com its demanded fee through the use of a credit card, and each time Backpage.com allowed the pimps to advertise their advertisement of S.L. for sex on its website.
- 5.4 As a result of this relationship and conspiracy between the two pimps and Backpage.com, multiple prostitution customers contacted S.L. and paid the pimps a fee in order to have sex with her. As a result of Backpage.com's agreement with the two pimps, S.L. engaged in sexual activities and sexual intercourse with many, many adult men.
- 5.5 As a direct and proximate result of the foregoing misconduct, S.L. 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.

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VI. FACTS SPECIFIC TO PLAINTIFF L.C.

- 6.1 Plaintiff L.C. was barely one month out of seventh grade when she left her home and was introduced to the same pair of adult pimps that victimized Plaintiff S.L. L.C. met these pimps shortly after her 13th birthday in July of 2010. One of the pimps invited L.C. to live with her. Shortly after moving in with the pimp, L.C. was told she would have to "work" if she was going to stay, meaning work for the pimp as a prostitute. Faced with being homeless, L.C. agreed.
- 6.2 The pimp took photographs of L.C., dressed in skimpy clothing, and after paying Backpage.com a fee with a credit card, posted prostitution advertisements of L.C. on the Backpage.com escort website. The advertisements included a phone number where L.C. could be reached. Multiple adult prostitution customers responded to the advertisements and had sex with the seventh grade child.
- 6.3 From early July 2010, until September 23, 2010, the pimp and her accomplice posted multiple advertisements of L.C. on the Backpage.com escort website, paying Backpage.com a fee each time with a credit card. The wordings of the advertisements were sexually suggestive and obvious invitations for commercial sex acts with the underage L.C., and from the appearance of her photographs it was obvious L.C. was underage. The advertisements were for prostitution services and included contact information that allowed customers to access L.C. The title of one of the ads that included a photograph of L.C. states "80 DOLLAR DAY SPECIAL, ask for Tasha." In another advertisement for "Tasha," it states "Face down Ass Up." Still another states "Let Em BLOW YOUR MIND." All of the advertisements had photographs of L.C. under the alias "Tasha."

- those requirements to advertise L.C. for sex, as, upon information and belief, Backpage.com intended. At no time did Backpage.com attempt to verify L.C.'s age or to otherwise protect her from being advertised for sex on Backpage.com. Neither L.C. nor any parent or legal guardian consented to having her photograph or information appear on Backpage.com, and neither L.C. nor any parent or legal guardian consented to L.C. having sex with the many adults who had sex with her because of the advertisements on Backpage.com.
- 6.5 As a result of the contract and conspiracy between Backpage.com and the two pimps, advertisements for L.C. appeared on the Backpage.com escort website many, many times. Each time the pimps paid Backpage.com its demanded fee through the use of a credit card, and each time Backpage.com allowed the pimps to advertise their advertisement of S.L. for sex on its website.
- 6.6 As a result of this relationship and arrangement between the two pimps and Backpage.com, L.C. was raped by hundreds of adult prostitution customers as many as twenty per day. Each customer paid the pimps a fee in order to have sex with her. As a result of Backpage.com's agreement with the two pimps, S.L. engaged in sexual activities and sexual intercourse with many, many adult men.
- 6.7 As a direct and proximate result of the foregoing misconduct, L.C. 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.

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VII. CAUSES OF ACTION

NEGLIGENCE

- 7.1 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.2 The Backpage.com defendants had a duty of care to operate their Backpage.com escort website in a manner that did not endanger minor children, including Plaintiffs.
- 7.3 The Backpage.com defendants breached that duty because they knew, or should have known, that adults working as professional pimps were using its website to post advertisements of minor children for sex on the Backpage.com website, including such advertisements of Plaintiffs, but they took no steps to protect those children, including Plaintiffs.
- 7.4 As a direct and proximate result of the foregoing misconduct, Plaintiffs 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.

OUTRAGE

7.5 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.

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- 7.6 Upon information and belief, the Backpage.com defendants engaged in extreme and outrageous conduct by knowingly allowing pimps to advertise children for sex on its website, including Plaintiffs.
- 7.7 As a result of this extreme and outrageous conduct, many, many men used Backpage.com to gain access to the Plaintiffs and sexually abuse them.
- 7.8 Upon information and belief, the Backpage.com defendants knew that this extreme and outrageous conduct would inflict severe emotional and psychological distress on others, including Plaintiffs, and Plaintiffs 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.

SEXUAL EXPLOITATION OF CHILDREN

- 7.9 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.10 Upon information and belief, the defendants violated the Sexual Exploitation of Children Act, RCW 9.68A. et al., by knowingly allowing and helping adult men to sexually abuse and exploit Plaintiffs. This includes, but is not limited to, violations of RCW 9.68A.040, which prohibited sexual exploitation of Plaintiffs while they were minors; RCW 9.68A.070, which prohibits the possession of visual or printed matter depicting Plaintiffs engaged in sexually explicit conduct; and, RCW 9.68A.090, which prohibited communication with Plaintiffs for immoral purposes while they were minors.
- 7.11 Under RCW 9.68A.130, Plaintiffs are entitled to their attorneys' fees and costs for pursuing this civil action that arises from their sexual abuse and exploitation by defendants.

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RATIFICATION / VICARIOUS LIABILITY

- 7.12 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.13 Upon information and belief, the use of the Backpage.com website for advertising minors for sex was so pervasive and known to Backpage.com that it cannot be said that such conduct was so unforeseen so as to prevent the Backpage.com defendants from being vicariously liable for such conduct. Rather, upon further information and belief, the Backpage.com defendants knowingly aided and assisted the pimps who posted the advertisements of Plaintiffs on the Backpage.com website, and knowingly profited from that illegal activity.
- 7.14 The Backpage.com defendants are vicariously liable for the conduct of the pimps because they ratified their conduct and knowingly repeated the benefits. The Backpage.com defendants knew that these pimps were sexually abusing and exploiting Plaintiffs yet they did nothing because of their financial motive.
- 7.15 Given these circumstances, the Backpage.com defendants should be held vicariously liable for the actions of the pimps.

UNJUST ENRICHMENT

- 7.16 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.17 As a result of their wrongful sexual and financial exploitation of Plaintiffs, the defendants unjustly profited and enriched themselves at the expense of Plaintiffs, including the money defendant Baruti Hopson received for the sexual services performed by J.S., and

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the money the Backpage.com defendants received when the pimps posted advertisements of the Plaintiffs on Backpage.com.

7.18 Upon information and belief, 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.

INVASION OF PRIVACY

- 7.19 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.20 The defendants invaded Plaintiffs' right to be let alone. The defendants' misconduct includes, but is not limited to, intrusion upon seclusion and public disclosure of private facts.
- 7.21 Upon information and belief, this is particularly true where the Backpage.com defendants knew or should have known that pimps were taking sexually suggestive photographs of minor children, like Plaintiffs, and posting those photographs on the Backpage.com website in order to advertise the children for sex, and where the Backpage.com defendants knew or should have known that those photographs and other private information of Plaintiffs would necessarily be made public when the defendants were finally held accountable for their wrongful conduct.

SEXUAL ASSAULT AND BATTERY

- 7.22 Plaintiffs re-allege and incorporate by reference all of the allegations contained in the paragraphs above and below.
- 7.23 Defendant Baruti Hopson intentionally engaged in harmful and offensive contact with Plaintiff J.S. while she was a minor. This contact included sexual assault.
- 7.24 As a direct and proximate result of that intentional harmful and offensive contact, J.S. suffered general and special damages.

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CIVIL CONSPIRACY

- 7.25 The defendants engaged in a plan or conspiracy to use the Backpage.com website to advertise children for sex, including Plaintiffs.
 - 7.26 Based on these actions, the defendants are liable for civil conspiracy.

VIII. PRAYER FOR RELIEF

- 8.1 Plaintiffs pray for judgment against the defendants for the general and special damages they have incurred, and they continue to incur, as described more fully herein.
- 8.2 Plaintiffs further pray for any other damages and equitable relief the Court or jury deems appropriate under the circumstances.
- 8.3 Plaintiffs specifically reserve the right to pursue additional causes of action, other than those specifically outlined above, that are supported by the facts pleaded herein or that may be supported by other facts that are developed during discovery.

Dated this 27th day of July 2012

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