

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

OLIVIA FREILER)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
v.)	
)	
SNAPCHAT, INC. and ASSOCIATED NEWSPAPERS OF NORTH AMERICA d/b/a "DAILY MAIL,")	
)	
Defendants.)	SEPTEMBER 14, 2017

COMPLAINT

Plaintiff Olivia Freiler ("Ms. Freiler") alleges the following against Defendants Snapchat, Inc. ("Snapchat") and Associated Newspapers of North America d/b/a "Daily Mail" ("The Daily Mail") (collectively, "Defendants"):

JURISDICTION AND VENUE

1. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332(a), which provides in relevant part: "[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States." Moreover, pursuant to 28 U.S.C. §1332(a), complete diversity exists.
2. This Court also has jurisdiction over the Defendants pursuant to Connecticut's Long Arm Statute, as codified in Conn. Gen. Stat. §52-59b.
3. Venue lies in this Court pursuant to 28 U.S.C §1391(b)(3).

PARTIES

4. Ms. Freiler is, and at all times mentioned herein was, a natural person and citizen and resident of the State of Connecticut.

5. Defendant Snapchat, Inc. was and is a corporation duly organized and existing under and by virtue of the laws of the State of Delaware.

6. Defendant Associated Newspapers of North America, Inc. d/b/a “Daily Mail” was and is a corporation duly organized and existing under and by virtue of the laws of the State of Delaware. Associated Newspapers North America, Inc. manages, maintains and operates a website for the publication of news media at www.dailymail.co.uk.

7. Snapchat is an interactive computer service that provides a mobile application allowing consumers to send and receive photo and video messages known as “snaps.” Once a certain period of time expires, the snap disappears forever. In January 2015, Snapchat formally announced the new feature called “Snapchat Discover.” The Daily Mail entered into a partnership with Snapchat with respect to Snapchat Discover. Snapchat exercises significant control, and in some cases complete control, over content published by its media partners (such as The Daily Mail). Snapchat curates, directs and lends its own in-house editorial team to generate content with its media partners and shares in advertising revenue based on advertisements displayed within the content of Snapchat Discover.

FACTUAL ALLEGATIONS

8. In March 2017, the Ms. Freiler traveled to Miami, Florida to partake in her “Spring Break,” an annual collegiate “holiday” which allows students from all over the country to have a respite from the rigors of their studies.

9. During this time, while Ms. Freiler was enjoying her time on Miami Beach, she was approached by a photographer from the Daily Mail, who proceeded to take pictures of her on the beach.

10. While the photographer identified himself as a representative and/or employee of the Daily Mail, Ms. Freiler never consented to her pictures being disseminated for public consumption.

11. Shortly after the pictures were taken, Ms. Freiler was alerted to the fact that the subject pictures were being circulated on the Defendants' websites. Not only were Ms. Freiler's images displayed all over the internet but they were included on Snapchat's "like profile picture" for the weekend of March 18, 2017 under the headline "*Sex, Drugs and Spring Break – College Students Descend on Miami to Party in Oceans of Booze and Haze of Pot Smoke.*" Moreover, a simple Google search under Ms. Freiler's name yields a result for an article from The Daily Mail entitled "*EXCLUSIVE 'We've been Drinking Vodka and Smoking Joints. It's Really Cool.' A Haze of Weed, Booze on the Beach, Twerking and Sex in the Open, Welcome to Spring Break – Miami Style.*" Ms. Freiler's name is included in the articles.

12. Ms. Freiler never consented to the use of her images to be distributed to and used for publication and certainly never consented to, or signed a waiver, to be depicted as an alcoholic, drug addict or sexually promiscuous.

Count I
(Defamation v. Defendants)

13. Ms. Freiler repeats and incorporates by reference the allegations in paragraphs 1 – 12 as if set forth fully herein.

14. The Defendants made false statements about Ms. Freiler to the public through their respective internet platforms by suggesting that the Ms. Freiler was a drug user and engaged in sexual acts.

15. Said statements were injurious to Ms. Freiler’s reputation.

16. As a result, Ms. Freiler sustained damages.

Count II
(False Light v. Defendants)

17. Ms. Freiler repeats and incorporates by reference the allegations in paragraphs 1 – 12 as if set forth fully herein.

18. The Defendants published information about Ms. Freiler that portrayed her in a false or misleading light by suggesting that Ms. Freiler was a drug user and engaged in sexual acts.

19. The information published and/or disseminated by the Defendants is highly offensive and embarrassing to a reasonable person of ordinary sensibilities.

20. The Defendants published and/or disseminated the false information with reckless disregard as to the offensiveness of the contents of the articles.

21. As a result, Ms. Freiler sustained damages.

Count III
(Invasion of Privacy v. Defendants)

22. Ms. Freiler repeats and incorporates by reference the allegations in paragraphs 1 – 12 as if set forth fully herein.

23. The Defendants intentionally intruded upon the private affairs or concerns of Ms. Freiler, which intrusion is highly offensive to a reasonable person.

24. The Defendants appropriated Ms. Freiler’s name and likeness for their own benefit.

25. The Defendants gave publicity concerning the private life of Ms. Freiler, which publicity is not only false and defamatory but highly offensive to a reasonable person and is not of legitimate concern to the public.

26. Said publicity unreasonably placed Mr. Freiler in a false light before the public.

27. As a result, Ms. Freiler has been damaged.

DEMAND FOR JURY TRIAL

Ms. Freiler hereby demands a trial by jury.

PRAAYER FOR RELIEF

WHEREFORE, Ms. Freiler prays for:

1. Compensatory damages;
2. Pre-judgment interest;
3. Post-judgment interest;
4. Punitive damages; and
5. Such other relief as the Court deems just and proper.

Dated: Fairfield, Connecticut
September 14, 2017

PLAINTIFF: OLIVIA FREILER

By: /s/ Michael A. Zamat

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