



NAILAH K. BYRD
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Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
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By: SARAH E. KATZ 0096863

Confirmation Nbr. 2046940

EMILY O. COYNE

CV 20 935704

vs.

GOOGLE LLC, ET AL

Judge: KATHLEEN ANN SUTULA

Pages Filed: 10

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

Emily O. Coyne)	Case No.
20881 Beaconsfield Blvd.)	
Rocky River, Ohio 44116)	Judge
)	
Plaintiff,)	
)	
v.)	
)	
Google LLC)	COMPLAINT
C/O Corporation Service Company)	(Jury Demand Endorsed Hereon)
50 West Broad Street, Suite 1330)	
Columbus, Ohio 43215)	
)	
and)	
)	
Google North America Inc.)	
C/O Corporation Service Company)	
50 West Broad Street, Suite 1330)	
Columbus, Ohio 43215)	
)	
and)	
)	
Alphabet, Inc.)	
1600 Amphitheatre Parkway)	
Mountain View, California, 94043)	
)	
Defendants.)	

Now comes Plaintiff, Emily O. Coyne (“**Plaintiff**”), for her Complaint against Defendants Google LLC and Google North America Inc. (“**Defendants**”), states as follows:

PARTIES

1. Plaintiff is a resident of the state of Ohio, residing at 20881 Beaconsfield Blvd., Rocky River, Ohio 44116.

2. Defendant Google LLC is a Delaware Limited Liability Company, licensed to do business in Ohio, with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California, 94043.

3. Defendant Google North America Inc. is a Delaware Corporation, licensed to do business in Ohio, with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California, 94043.

4. Defendant Alphabet, Inc. is a Delaware Corporation with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Defendant Alphabet, Inc. is the parent company of Defendant Google LLC and Defendant Google North America Inc.

JURISDICTION AND VENUE

5. Personal Jurisdiction is proper under §2307.382, because Defendants transact business in Ohio and such business caused tortious injury in Ohio. Personal Jurisdiction is also proper because through Defendants' continuous and systematic contacts with Ohio they have purposefully availed themselves of the privilege of conducting activities within Ohio. As such, this action does not offend the traditional notions of fair play and substantial justice.

6. Subject matter jurisdiction is proper in this Court pursuant to Ohio Revised Code §2305.01, because the court of common pleas is a court of general jurisdiction, with subject-matter jurisdiction that extends to all matters at law and in equity that are not denied to it and has original jurisdiction in all civil cases in which the sum or matter in dispute exceeds the exclusive original jurisdiction of county courts.

7. Venue is proper in Cuyahoga County, Ohio, pursuant to Ohio Rule of Civil Procedure 3, and because Ohio is where Defendants conducted activity giving rise to the claims for relief stated herein.

FACTUAL ALLEGATIONS

8. Plaintiff operates a YouTube channel in which she posts videos related to fashion and lifestyle (hereinafter referred to as Plaintiff's "**Channel**").

9. On July 14, 2014 Plaintiff and her legal guardian, Ann Coyne, entered into a contractual and business relationship with StyleHaul, Inc. whereby StyleHaul incorporated Plaintiff's Channel into StyleHaul's Channel.

10. Upon information and belief, when Plaintiff began partnering with StyleHaul, StyleHaul opened a Google AdSense Account in Plaintiff's name and became the "Administrator" on this Account.

11. Google AdSense is a program run by Defendants through which website publishers are provided with various forms of media advertisements that are targeted to the site content and audience. These advertisements are administered, sorted, and maintained by Defendants.

12. Between July 14, 2014 and June, 2019 Plaintiff posted around 200 videos and linked to Stylehaul's channel 119 times.

13. From July 14, 2014 to present, Plaintiff has generated video content on her Channel and Google AdSense has posted ad content on Plaintiff's Channel.

14. From July 14, 2014 to present, Plaintiff's Channel has directed consumers to Google Adsense's ads, which has generated revenue for Google.

15. From July 14, 2014 through June, 2019, StyleHaul collected revenue generated from Plaintiff's Channel directly from AdSense. StyleHaul then paid out a portion of the proceeds to Plaintiff.

16. On June, 2019, Stylehaul notified Plaintiff that StyleHaul was entering into bankruptcy and closing its business.

17. By the end of June, Stylehaul unlinked its channel from Plaintiff's YouTube Channel.

18. From June, 2019 to present, Google AdSense has continued to run ads and generate revenue on Plaintiff's Channel.

19. In the past year, since Plaintiff's Channel had been unlinked from StyleHaul, Plaintiff has gained an additional 5,000 subscribers.

20. From June, 2019 to present, Plaintiff has continued to create video content on her Channel, which has continued to generate revenue to Google AdSense.

21. However, Plaintiff has not received any revenue from Google AdSense since June, 2019.

22. As described in more detail in the paragraphs below, Defendants have improperly, maliciously, and fraudulently refused to release the funds that Plaintiff is owed for generating revenue to Defendants through Google AdSense.

23. From December 2019 to present, Plaintiff has repeatedly attempted to access her Google AdSense Account in an effort to obtain her rightly owed revenue distributions.

24. When Plaintiff attempted to access her Google AdSense Account, Defendants advised Plaintiff to close her "pre-existing account" and entirely reactivate the account.

25. Defendants further advised Plaintiff that Defendants believe that two YouTube channels are linked to Plaintiff's personal email, eocoyne7@gmail.com, and that both channels are attempting to gather revenue.

26. Defendants instructed Plaintiff to delete one of the channels.

27. However, the only YouTube channel that is linked to Plaintiff's personal email address, eocoyn7@gmail.com, is her Channel.

28. Defendants have knowingly and purposefully refused and/or failed to deactivate StyleHaul's Account in an attempt to withhold revenue from Plaintiff.

29. Plaintiff has at least 20,380 subscribers and over 2,715,594 views on her Channel.

30. Defendants continue to profit from the ads it is placing on Plaintiff's Channel.

31. However, Defendants continue to purposefully, maliciously, and fraudulently block Plaintiff's access to her account.

32. Defendants continue to purposefully, maliciously, and fraudulently refuse to release to Plaintiff her rightly owed portion of the revenue.

**COUNT I
(Conversion)**

33. Plaintiff restates and realleges each and every allegation contained above as if fully rewritten herein.

34. As fully delineated above, Defendants have diverted and continued to exercise wrongful dominion and control over Plaintiff's property, i.e. Plaintiff's Google AdSense Account.

35. Moreover, Defendants have diverted and continued to exercise wrongful dominion and control over the funds due Plaintiff based on the ad revenue generated by Plaintiff's Channel.

36. Defendants have acted intentionally, willfully, maliciously and with a conscious disregard for the rights of Plaintiff.

37. As a direct and proximate result of Defendant's wrongful diversion, conversion and possession of Plaintiff's property and funds, Plaintiff is entitled to compensatory and punitive damages in excess of Twenty-Five Thousand Dollars and No/100 (\$25,000.00).

**COUNT II
(Declaratory Judgment)**

38. Plaintiff restates and realleges each and every allegation contained above as if fully rewritten herein.

39. Plaintiff is the rightful account holder of her Google AdSense Account.

40. Defendants have unlawfully, fraudulently, and improperly asserted that there are multiple channels tied to Plaintiff's Google AdSense Account.

41. Defendants have unlawfully, fraudulently, and improperly denied Plaintiff access to her Google AdSense Account and the funds generated therefrom.

42. Pursuant to Ohio Revised Code §2721, Key Clinics is entitled to a judgment declaring that:

(a) Plaintiff is the sole, exclusive account holder of the Google AdSense Account associated with eocoyn7@gmail.com;

(b) Defendants have no legal, contractual, or equitable authority or right to prevent, hinder or otherwise interfere with Plaintiff's right to access her Google AdSense Account; and

(c) Defendants have no legal, contractual, or equitable authority or right to prevent Plaintiff from receiving the funds rightfully owed to her for her production of revenue to Defendants through their placement of ad content on her Channel.

**COUNT III
(Fraudulent Inducement, Misrepresentation and Concealment)**

43. Plaintiff restates and realleges each and every allegation contained above as if fully rewritten herein.

44. Defendants' improper, malicious, and fraudulent conduct includes, without limitation the following acts and omissions:

- a. Defendants systematically attempted to prevent content-creators, including Plaintiff, from accessing their account, while simultaneously running ads on their pages.
- b. Defendants prevented Plaintiff from accessing her account while simultaneously running ads on her Channel.
- c. Defendants failed and refused to provide customer service or any other form of assistance to Plaintiff, from whose labor Defendants profit.
- d. Defendants failed and refused to close down the account of a YouTube channel of a non-existent company, StyleHaul, that is linked to *many* AdSense Accounts, including Plaintiff's, while continuing to collect revenue from the associated accounts.
- e. Defendants failed and refused to consider complaints filed by Plaintiff and have instead generated automatic response emails claiming that her request is "invalid."
- f. Defendants failed and refused to pay Plaintiff for her work that produces revenue for Defendants.

45. Defendants acted intentionally, maliciously, and in conscious disregard for the rights of Plaintiff with the intent to harm and mislead Plaintiff.

46. Defendants continue to profit from the ads it is placing on Plaintiff's YouTube channel.

47. However, Defendants continue to purposefully and maliciously block Plaintiff's access to her account.

48. Defendants continue to purposefully and maliciously refuse to release to Plaintiff her rightly owed portion of the revenue.

49. Defendants induced Plaintiff to permit Google AdSense to post advertisements on her Channel by promising to pay Plaintiff a portion of Defendants' revenue generated therefrom.

50. Defendants made material misrepresentations about the state of Plaintiff's Google AdSense Account such as claiming that there were multiple accounts linked to Plaintiff's email address.

51. Defendants' above-identified representations and inducements to Plaintiff were material.

52. At the time Defendants made the foregoing representations and inducements to Plaintiff, Defendants had no present intention of honoring said representations as evidenced by, *inter alia*, Defendants' deceptive, unilateral, unauthorized, and unlawful conversion of Plaintiff's funds for their own personal use.

53. Such misconduct by Defendants was intentional, malicious, and undertaken in conscious disregard for the rights of Plaintiff and was material and made with intent to harm and mislead Plaintiff.

54. Plaintiff justifiably relied upon Defendants' representations and conduct and was directly harmed and injured by the aforementioned fraudulent inducements, misrepresentations and concealments.

55. Defendants' aforementioned fraudulent conduct was undertaken intentionally, willfully, maliciously and with a conscious disregard for the rights of Plaintiff.

56. As a direct and proximate result of Defendants' aforementioned fraud, Plaintiff is entitled to compensatory and punitive damages in excess of Twenty-Five Thousand Dollars and No/100 (\$25,000.00).

**COUNT IV
(Unjust Enrichment)**

57. By reason of their wrongful conduct, the Defendants have been unjustly enriched.

58. Under the circumstances, it would be unjust to permit the Defendants to retain the benefits conferred upon them by their wrongful conduct.

59. Accordingly, under the doctrine of unjust enrichment, the Defendants are liable to Plaintiffs for damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request this Court to enter the following relief:

1. On Count I of the Complaint, Plaintiff requests judgment in her favor against Defendants for compensatory and punitive damages.
2. On Count II of the Complaint, Plaintiff requests this Court to enter a declaratory judgment as pled in Count II.
3. On Count III of the Complaint, Plaintiff requests judgment in her favor against Defendants for compensatory and punitive damages, reasonable attorneys' fees and costs.
4. On Count IV of the Complaint, Plaintiff requests judgment in her favor against Brady for compensatory and punitive damages, reasonable attorneys' fees and costs.
5. On all Counts of the Complaint, such other and further relief as this Court deems just equitable and proper.

Respectfully submitted,

/s/ Sarah E. Katz

Sarah E. Katz (#0096863)
Phillip A. Ciano (#0066134)
CIANO & GOLDWASSER, L.L.P.
28601 Chagrin Boulevard, Suite 250
Beachwood, Ohio 44122
Tel: (216) 658-9900
Fax: (216) 658-9920
E-mail: pac@c-g-law.com
E-mail: skatz@c-g-law.com
Counsel for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues in this action.

/s/ Sarah E. Katz

Sarah E. Katz