

IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO

Debra Lashaway,  
7127 Washington Dr.  
Holland, Ohio 43528,

Phillip Kaplan  
2425 Robinwood Ave.  
Toledo, Ohio 43620  
on behalf of themselves and all others  
similarly situated

Plaintiffs

-vs-

JustMugshots.com  
c/o Arthur D'Antonio III  
929 Portland Avenue S., #1802,  
Minneapolis, MN 55404,

BustedMugshots.com  
Citizens Information Associates LLC  
c/o Registered Agent:  
Jeremy Brooks  
1604 Nueces  
Austin, TX 78701 USA,

) Case No.

) Judge

) **COMPLAINT**

) Scott A. Ciolek (0082779)  
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) Toledo, Ohio 43604  
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) *Attorney for Plaintiffs*

)  
 )  
 Mugshotsonline.com )  
 Citizens Information Associates )  
 c/o Registered Agent: )  
 Jeremy Brooks )  
 1604 Nueces )  
 Austin, TX 78701 USA, )  
 )  
 FindMugshots.com )  
 Domains by Proxy LLC )  
 c/o Registered Agent: )  
 The Go Daddy Group, Inc. )  
 14455 N Hayden Rd. STE 219 )  
 Scottsdale, AZ 85260, )  
 )  
 MugRemove.com )  
 Reputation Turn LLC )  
 c/o Dana Santino )  
 2701 PGA Boulevard Suite B )  
 Palm Beach Gardens, FL 33410, )  
 Defendants. )

**COMPLAINT**

1. Plaintiffs are bringing this action on behalf of themselves and other members of a class consisting of more than 259,000 persons. Joinder of all members of the class is impracticable. There are questions of law or fact common to the class.
2. The claims of the representative parties are typical of the claims of the class and Plaintiffs will fairly and adequately protect the interests of the entire class.
3. This is a civil action seeking damages, declaratory, and injunctive relief for the violation of the right of publicity of the statutory and common laws of the State of Ohio.

**THE PARTIES**

3. Plaintiffs are residents of the State of Ohio.

4. Defendant JustMugshots.com is a website operated by Arthur D'Antonio III, who may be served at 929 Portland Avenue S., #1802, Minneapolis, MN 55404.

Plaintiffs are unaware what entity, if any, owns the above mentioned website, and will amend its complaint when its identity is revealed.

5. Defendant Citizens Information Associates, LLC (hereinafter "CIA") operates the websites BustedMugshots.com and MugshotsOnline.com, and is a limited liability company with its registered agent, Jeremy Brooks, at 1604 Nueces Austin, Texas 78701.

6. Upon information and belief, Defendant FindMugshots.com is a website operated by Domains by Proxy LLC, who may be served at their registered agents address The Go Daddy Group, Inc. 14455 N. Hayden Rd. STE 219 Scottsdale, AZ 85260. Plaintiffs are unaware what entity, if any, owns the above mentioned website, and will amend its complaint when its identity is revealed.

7. Reputation Turn LLC operates a mugshot removal website, MugRemove.com which advertises their services on FindMugshots.com. Reputation Turn is a limited liability company with its registered agent, Dana Santino, who may be served at 2701 PGA Boulevard Suite B, Palm Beach Gardens, FL 33410.

8. The Defendants solicit customers in the State of Ohio. Upon information and belief, the Defendants have many paying customers who reside in the State of Ohio who each use the Defendants respective services in the State of Ohio. Upon information and belief, the Defendants conduct continuous and systematic business in the State of Ohio.

## BACKGROUND FACTS

9. Plaintiffs had their booking photos taken in the State of Ohio.
10. Defendants, without the permission, consent or knowledge of Plaintiffs, reproduced, publicly displayed and distributed, Plaintiffs' booking photos on their respective websites.
11. Defendants respective websites were indexed by Google.com along with Plaintiffs' images and the images began appearing under Google Images when a web search for Plaintiffs' name is conducted.
12. Defendant BustedMugshots.com charges an image and name removal fee of approximately \$178 for rush removal of the booking photos from their website.
13. To view Plaintiffs' booking photos on BustedMugshots.com, Defendant CIA charges a monthly membership fee ranging between \$12.95 to \$19.95.
14. Upon information and belief, Defendants FindMugshots.com and Reputation Turn work in conjunction to publicize Plaintiffs' names and images for a commercial purpose.
15. Upon information and belief, to remove Plaintiffs' mugshots from FindMugshots.com, Defendant Reputation Turn charges \$99 plus an optional \$49 accelerated 5 day Google removal fee.
16. Upon information and belief, Plaintiffs allege that Defendants gained great pecuniary benefit from the unauthorized use of Plaintiffs' images by using the images to build their businesses and promote their services.

17. By the unauthorized use of Plaintiffs' images and names for commercial purposes, Defendants infringed Plaintiffs' right of publicity.

18. Unless Defendants are enjoined from further use and publication of Plaintiffs' images and names, Plaintiffs will suffer further irreparable injury.

### **CLAIM 1**

#### **VIOLATION OF OHIO REVISED CODE SEC. 2741.01**

19. Plaintiffs re-allege and incorporate by reference the allegations above as though fully set forth herein.

20. ORC §2741.01(A) defines persona to mean an individual's name, voice, signature, photograph, image, likeness, or distinctive appearance, if any of these aspects have commercial value.

21. ORC §2741.01(B) state that "Commercial purpose" means, in part, the use of or reference to an aspect of an individual's persona in any of the following manners:

- (1) On or in connection with a place, product, merchandise, goods, services, or other commercial activities not expressly exempted under this chapter;
- (2) For advertising or soliciting the purchase of products, merchandise, goods, services, or other commercial activities not expressly exempted under this chapter....;

22. By using the images and names (persona) of the Plaintiffs on and in connection with the advertising, sales, and services of the Defendants' websites, Defendants are infringing Plaintiffs right to publicity, specifically but not limited to, the offer of the removal services.

23. The conduct ascribed above to the Defendants herein, constitutes a violation of Ohio Revised Code Sec. 2741.01 ET. SEQ., and such violation is the direct and

proximate cause of the injuries sustained by the Plaintiffs and the injuries that will be further inflicted upon the Plaintiffs, should the Defendants continue to use Plaintiffs' images for commercial use.

24. The status of the booking photos and names as part of the public record does not relieve Defendants of the obligation to obtain consent from the those whose persona they are exploiting for commercial gain.
25. The Defendants wrongfully use the Plaintiffs' personas for a commercial purpose in multiple ways, including but not limited to, the sales of the photo-removal services which is not in connection with any news, public affairs, sports broadcast, political campaign or account thereby falling outside of the exceptions under ORC §2741.02(D).

**CLAIM 2  
UNJUST ENRICHMENT**

26. Plaintiffs re-allege and incorporate by reference the allegations above as though fully set forth herein.
27. Defendants are unjustly retaining for their own benefit funds properly belonging to Plaintiffs, such sums represents the proceeds of the illegal and unconsented exploitation of the persona of Plaintiffs.
28. Defendants' retention of such funds is inequitable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs demand judgment as follows:

1. That the court direct to the members of the class the best notice practical under the circumstances as required in Civil Rule 23(C);

2. Order temporary or permanent injunctive relief;
3. Actual damages, including any profits derived from and attributable to the unauthorized use of an individual's persona for a commercial purpose as determined in an amount to be proven at trial;
4. At the election of the plaintiff and in lieu of actual damages, statutory damages in the amount of ten thousand dollars for each member of the class;
5. Punitive damages for the willful violation of the class members right of publicity;
6. Treble damages;
7. Order the impoundment, on terms the court considers reasonable, of both of the following during the pendency of a civil action products, merchandise, goods, or other materials alleged to have been made or used in violation of section 2741.02 of the Revised Code;
8. That Plaintiffs be awarded out of any recovery their expenses including reasonable attorney fees incident to the prosecution of this action and their costs incurred herein.
9. Granting Plaintiff such other and further relief as this Court deems just and appropriate.

DATED: Monday, Dec. 3, 2012

Respectfully Submitted,

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Scott A. Ciolek (0082779)  
*Attorney for Plaintiffs*

## CERTIFICATE OF SERVICE

I hereby certify that on Wednesday, November 28, 2012 a copy of foregoing Complaint was filed. Notice of this filing to all parties will be served by regular U.S. mail.

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Scott A. Ciolek (0082779)  
*Attorney for Plaintiffs*

JustMugshots.com  
c/o Arthur D'Antonio III  
929 Portland Avenue S., #1802  
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