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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11
12 Genevieve Morton,
13 an individual,
14 v.
15 Twitter, Inc., a
16 Delaware
17 Corporation;
18 SpyIRL.com; Does
19 1-100.
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26
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No.

COMPLAINT

- 1. COPYRIGHT INFRINGEMENT, 17 U.S.C. §106;
- 2. SESTA-FOSTA; 17 U.S.C. § 1595
- 3. RIGHT OF PUBLICITY, CALIFORNIA CIVIL CODE § 3344
- 4. FALSE ADVERTISING, 15 U.S.C. § 1125
- 5. FALSE LIGHT
- 6. DEFAMATION, CALIFORNIA CIVIL CODE § 44, et seq.
- 7. UNFAIR COMPETITION / FRAUD, CAL. BUSINESS & PROFESSIONS CODE §17200, et. seq.
- 8. EMOTIONAL DISTRESS
- 9. UNJUST ENRICHMENT

JURY TRIAL REQUESTED

INJUNCTIVE RELIEF REQUESTED

28 PLAINTIFF GENEVIEVE MORTON, by and through her attorney of

1 record, Jennifer Holliday, Esq., alleges as follows:

2 **INTRODUCTION**

3 1. PLAINTIFF is a professional model best known internationally for her work
4 in the *Sports Illustrated Swimsuit Issue*, having appeared in six consecutive issues
5 in the past ten years and maintains a Verified Account, as defined herein, on
6 Twitter.com, one of the world’s largest and most influential social media websites
7 with over 330,000,000 users.

8 2. Defendant Twitter, Inc. (hereinafter “Twitter”) is a publicly traded company
9 on the New York Stock Exchange and operates Twitter.com, grossing annual
10 revenue in excess of \$3.5 billion from various revenue streams including collecting
11 and selling user data.

12 3. SpyIRL.com, a Content Partner of Pornhub.com and purveyor of a type of
13 illegal pornography called “voyeur video”¹ involving spy cameras, nonconsensual
14 nudity, child sexual exploitation and human trafficking, maintains a Twitter.com
15 account under @SpyIRL.

16 4. Video voyeurism is an international crisis involving human trafficking. In
17 South Korea, for example, this type of nonconsensual, illegal pornography is called
18 “molka,” and investigators have found more than thirty hidden cameras in hotel
19 rooms, including waterproof cameras that surreptitiously capture unsuspecting
20 people in states of undress or engaging in sexual activity.

21 5. SpyIRL.com is not only advertising and selling illegal pornography on
22 Twitter.com, but is also pursuing unlawful, fraudulent, and abusive marketing

23 ¹ Voyeur video is video content obtained without the consent of the people who appear in
24 the video, including young women and children, at least some of whom *do not know they are*
25 *being filmed* by hidden cameras in places like public bathrooms, school locker rooms, retail
26 clothing store dressing rooms, hotel rooms, gyms, and more. Distinguishing features of the
27 people who appear in the videos are sometimes blurred, so it is difficult to determine the
28 identities of those who have been illegally captured on hidden cameras. SpyIRL.com
purchases footage from anyone, anywhere in the world for amounts between \$10 to \$1000
according to their website. No ages, names, release forms appear to be required in order to
immediately sell the footage to SpyIRL.com.

1 tactics by misrepresenting that images of professional models like Ms. Morton are
2 associated with or available on the SpyIRL.com website. In this way, SpyIRL.com
3 attempts to capture the fans of legitimate, professional models and defraud the fans
4 into purchasing a SpyIRL.com subscription, or, alternatively, effortlessly collect
5 affiliate fees or other valuable consideration by driving user traffic to external
6 websites where Twitter.com can gather personal user data.

7 6. As alleged herein with more particularity, SpyIRL.com used Defendant's
8 Twitter.com to falsely advertise Ms. Morton's products, make false and defamatory
9 statements, and infringe Ms. Morton's copyrighted works while fraudulently using
10 her name, likeness and copyrighted images, without authorization, to drive user
11 traffic as well as to promote and sell pornography featuring child sexual exploitation
12 and nonconsensual nudity obtained from hidden cameras in public places in
13 violation of state and federal law. True and correct copies of screenshots of the
14 Tweets containing the infringement the form the basis of claims are attached as
15 Exhibit A.

16 7. Plaintiff immediately notified Twitter, Inc. of SpyIRL.com's misconduct and
17 demanded take down the series of Tweets that form the basis of this action as it is
18 legally obligated to do, and suspend the account in accordance with its own policies
19 against accounts that advertise and promote illegal pornography. Although Twitter
20 confirmed receipt of the Notice and Takedown request, Twitter refused to suspend
21 the account or remove the Tweets. True and correct copies of Twitter, Inc.'s
22 acknowledgement of receipt of the requests are attached as Exhibit B.

23 8. After Ms. Morton complained of the infringement, the @SpyIRL user posted
24 a tweet that contained false and defamatory statements that Twitter refuses to
25 remove. A true and correct copy of the fourth Tweet is attached as Exhibit C.
26 Twitter eventually removed the copyrighted media pursuant to Ms. Morton's
27 request, but removes that media piecemeal and in a way that burdened Ms. Morton
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1 as alleged herein. A true and correct copy of screen shots of the Tweets with
2 media being partially removed is attached as Exhibit D.

3 9. Plaintiff is informed and believes, and on that basis, alleges that Twitter.com
4 derives substantial amounts of user traffic, data and other forms of valuable
5 consideration from accounts like @SpyIRL that use Twitter.com to promote and
6 advertise illegal pornography and therefore does not enforce its policies or block
7 links that have no proper purpose on Twitter and facilitate criminal and other high-
8 risk financial transactions involving pornography.

9 10. SpyIRL.com owns and operates at least two accounts on Twitter.com to sell
10 or otherwise promote illegal pornography in violation of a number of Twitter's
11 policies, but Twitter does not enforce its policies regarding pornography or having
12 multiple accounts against SpyIRL.com even though it uses Twitter to promote and
13 sell criminalized pornography derived in furtherance of human trafficking, child
14 sexual exploitation, and hidden cameras.

15 11. In the series of Tweets that form the basis of this lawsuit, Defendant
16 SpyIRL.com used Ms. Morton's copyrighted photographs containing her nude
17 image, as well as her name, Twitter username, and likeness, without her
18 authorization, knowledge, or consent to attract her fanbase for the purpose of
19 misrepresenting a professional affiliation with Ms. Morton while advertising,
20 promoting and selling a highly offensive and illegal form of pornography in
21 violation of many of Twitter's policies as well as the laws of the State of California
22 and the laws of the United States.

23 12. Due to Twitter's refusal and failure to suspend the user or delete the Tweets,
24 Ms. Morton's professional reputation and commercial brand have been and
25 continue to be severely damaged, and absent this court's intervention, Twitter will
26 continue to profit from the exploitation of Ms. Morton and their flagrant disregard
27 for the laws of the United States and of California.

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1 13. SpyIRL.com is a “Content Partner” of Pornhub.com, and a petition started
2 earlier this year has garnered over 2,000,000 signatures demanding that
3 Pornhub.com be held accountable for its contribution to the rape, trafficking, and
4 exploitation of women and children worldwide. The ongoing damage to Ms.
5 Morton’s image, professional reputation, copyrighted Images and emotional
6 wellbeing by the misconduct of and association with these entities is catastrophic.

7 14. While social media websites have been immunized from liability from third
8 party misconduct by provisions of the Digital Millennium Copyright Act and the
9 Communications Decency Act, these immunity provisions rest upon assumptions
10 and circumstances that no longer exist because, *inter alia*, Twitter, Inc. has
11 substantially changed its business structure and technology and now operates its
12 own Content Delivery Network, obtaining a substantial competitive advantage in
13 terms of its ability to store, process and deliver larger quantities of data at faster
14 speeds by ignoring statutory duties to copyright holders like Ms. Morton as alleged
15 throughout this Complaint.

16 15. On information and belief as alleged herein, Twitter, Inc. fails to police
17 accounts like @SpyIRL because certain pornography companies’ affiliate
18 marketing schemes enable Twitter.com to deceptively inflate metrics used to
19 establish the value of Twitter, Inc. as well as to collect users’ marketing data on
20 third-party pornography websites and across various sites on the Internet.

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22 Plaintiff respectfully asks this Court to enjoin SpyIRL.com from continuing
23 to falsely advertise Ms. Morton’s copyright protected images and to enjoin Twitter,
24 Inc. from continuing deceptive business practices, to enforce its policies as set forth
25 on the website, to disgorge profits, to compensate Plaintiff for her losses and
26 injuries, for statutory damages related to copyright infringement, for punitive
27 damages, and for the further relief as the ends of justice require.

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JURISDICTION AND VENUE

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2 16. Pursuant to 28 U.S.C. § 1338(a) and (b), and 28 U.S.C. § 1331, this Court
3 has jurisdiction over Plaintiff’s claims arising under federal law and
4 jurisdiction over Plaintiff’s remaining state law claims pursuant to 28
5 U.S.C. § 1367 because all state law claims stem from the same common
6 facts as the claims of violations of federal law.

7 17. Venue is appropriate in this judicial district pursuant to 28 U.S.C. §
8 1391(b)(3), and this Court has personal jurisdiction over Defendants and
9 each of them, by reason of the fact that, among other things: (1) the
10 Defendants’ businesses are accessible in the County of Los Angeles; (2)
11 the Defendants, or their parent entities, maintain physical offices in the
12 County of Los Angeles; (3) their interactive websites are accessible in the
13 County of Los Angeles; (4) any foreign Defendants are the agents, parents,
14 or subsidiaries of the others as herein alleged. Defendants are subject to
15 the personal jurisdiction of this Court and are amenable to service of
16 process pursuant to the California Long-Arm statute, California Code of
17 Civil Procedure Section 413.10 and Federal Rule of Civil Procedure 4(e).

THE PARTIES

18
19 18. Plaintiff GENEVIEVE MORTON, a Permanent Resident of the United
20 States and resident of California, is an individual, and earns a living as a
21 professional model, particularly for global swimwear and lingerie brands.

22 19. Defendant TWITTER, INC. (“Twitter, Inc.”), a publicly traded
23 corporation organized under the laws of the state of Delaware with
24 headquarters in San Francisco, California, owns and operates Twitter.com
25 and is engaged in the business of content delivery, advertising and the
26 collection and sale of data. Twitter, Inc. owns and operates its own content
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1 delivery network (CDN)² that gives it a substantial competitive advantage
2 over its competitors and substantial control of Twitter.com's operations.

3 20. Defendant SPYIRL.COM is an online provider of highly illegal and
4 extremely offensive pornography known as "video voyeurism" as defined
5 herein. Although it is currently unknown to Plaintiff who or what entity
6 owns SpyIRL.com, the website SpyIRL.com is privately registered
7 through Enom.com using a reseller named M3 Server, Inc., a delinquent
8 corporation organized under the laws of the State of Washington.
9 SpyIRL.com has listed its address as: "Limassol, 1243 Cyprus," but
10 SpyIRL.com maintains a secondary Twitter account, @SpyIRL_Discount,
11 that purports to be located in Los Angeles according to their Twitter
12 account biography. SpyIRL.com is also a Pornhub.com "Content Partner,"
13 as defined herein, who uses the Pornhub account handle "@Spythereman,"
14 a verified account holder who has 8,267 subscribers, 2,833 friends, and
15 5,107,920 video views.³ To the extent that SpyIRL.com is a "Content
16 Partner" of Pornhub.com, the @SpyIRL User was acting on behalf of not
17 only Pornhub.com but also of Twitter, Inc. at all relevant times for the
18 purpose of driving user traffic by using Twitter.com to attract user
19 attention and post media and a link to a third-party pornographic website
20 where Twitter, Inc. could follow user traffic and collect valuable user data.

22 ² A content delivery network is a global, highly-distributed platform or network of
23 proxy web servers and their data centers, or Points of Presence (PoP) that work
24 together to provide fast delivery of content by reducing the physical distance
between the server and the user.

25 ³ A Pornhub "Content Partner" earns money from Defendant Pornhub.com through
26 Defendant MG Billing Limited located at 195-197 Old Nicosia-Limassol Road,
27 Dali Industrial Zone 2540, Block 1, Cyprus. A Google search reveals the address to
28 belong to a company called Albourne Partners, an investment company located in
San Francisco, London, New York, and Limassol specializing in alternative
investments.

1 Twitter exercised control at all times over the @SpyIRL User by virtue of
2 the fact that it provided the instrumentality for the @SpyIRL User's
3 misconduct.

4 21. The true names and capacities of the defendants DOES 1 through 100,
5 inclusive, whether individual, plural, corporate, partnership, associate or
6 otherwise, are not known to Plaintiff, who therefore sues said defendants
7 by such fictitious names. Plaintiff is informed and believes, and thereon
8 alleges that each of the Defendants designated herein as DOE is legally
9 responsible for the events and happenings herein alleged and legally
10 caused injury and damages proximately thereby to Plaintiff as alleged
11 herein. Plaintiff will seek leave to amend this Complaint to show the true
12 names and capacities of defendants DOES 1 through 100, inclusive, when
13 the same have been ascertained. Plaintiff is also informed and believes
14 and thereon alleges that DOES 1 through 100 were empowered to act as
15 the agent, servant and/or employees of the other, and/or were the agents,
16 principals, officers, directors, employees, and/or alter egos of Defendants,
17 at all times herein relevant, and that they are therefore liable for the acts
18 and omissions of said Defendants, and that all acts alleged to have been
19 done by each of them were authorized, approved, and ratified by each of
20 them.

21 22. Plaintiff is informed and believes, and on that basis alleges, that each of
22 the Defendants participated in and is in some manner responsible for the
23 acts described in this Complaint and any damages resulting therefrom.

24 23. Plaintiff is informed and believes, and on that basis alleges, that each of
25 the Defendants acted in concert and participation with each other
26 concerning the claims in this Complaint.

27 **FACTUAL BACKGROUND:**

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1 24. Plaintiff GENEVIEVE MORTON (hereinafter “Plaintiff” or “Ms.
2 Morton”) is a world-famous model who has appeared in the renowned
3 *Sports Illustrated Swimsuit Issue* six times in a row, earning her a
4 worldwide fan base and a social media following of over 3,500,000 people
5 across various platforms. Ms. Morton was named by *Sports Illustrated* as
6 one of the Top 50 Greatest Swimsuit Models of All Time and “The Sexiest
7 Woman in the World” in 2012 by publication FHM. Ms. Morton was the
8 face of Maserati worldwide from 2015-2016, and Ms. Morton earns her
9 living as a model and spokesperson for global brands and, although she
10 has modeled swimwear and lingerie, has never appeared in pornographic
11 content.

12 25. Ms. Morton has been and remains the holder of the exclusive rights under
13 the Copyright Act of 1976 (17 U.S.C. §§ 101 et. seq. and all amendments
14 thereto) (the “Copyright Act”) of black-and-white pictorial works
15 (“Images”) registered with the U.S. Copyright Office. The proof of
16 registration with the U.S. Copyright Office is available both on the U.S.
17 Copyright website and true and correct copies of screenshots of the
18 registration are attached as Exhibit E.

19 26. After declining professional opportunities to pose nude for publications
20 over the course of her career, Ms. Morton elected to only pose nude in a
21 manner whereby she could create the work, protect the Images and control
22 the dissemination of her nude image.

23 27. Ms. Morton incurred significant expenses in producing photo shoots to
24 create the Images, and incurred costs associated with the production of the
25 photo shoot. Ms. Morton spent extensive time preparing for, shooting,
26 editing, and creating the website and calendars for sale of the Images.

1 28. Ms. Morton never displayed these Images for free or on any social media
2 platforms, but offered the Images for purchase on her website
3 www.genevievemorton.com in curated collections.

4 29. Ms. Morton has maintained a Verified Account with Twitter.com under
5 the handle @genevievemorton since 2009.

6 INFRINGEMENT

7 30. On May 19, 2020 at approximately 9:20 PM PST, Ms. Morton noticed a
8 post on Twitter.com featuring her name and likeness from an account with
9 the handle @SpyIRL that featured advertisements for a pornographic
10 website as well as four images substantially similar to Ms. Morton's
11 aforementioned copyrighted Images and a link to purchase a subscription
12 and discovered three Tweets posted on the @SpyIRL account containing
13 her Images. A true and correct copy of screenshots featuring the Tweets,
14 redacted for nudity, are attached as Exhibit A. The Tweets contained the
15 following language, hashtags and media:

16 a. TWEET #1: “[#Genevieve #Morton](#). Perfect. Use the [#SpyIRL #Discount](#)
17 [#Link](#) below and get a much [#Cheaper #Membership](#). If youre into
18 [#School #Spy #Cams #Teacher #Upskirts #See #Through #Yogapants](#).
19 [#Join](#) now this spyirl [#Deal](#) ends soon! ->

20 [http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A](http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A9804000001056315&websitenr=108807&URL=http://spyirl.com/top-rated/)
21 [9804000001056315&websitenr=108807&URL=http://spyirl.com/top-](http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A9804000001056315&websitenr=108807&URL=http://spyirl.com/top-rated/)
22 [rated/](http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A9804000001056315&websitenr=108807&URL=http://spyirl.com/top-rated/)”

23 b. TWEET #2: “[@genevievemorton](#). More Perfection. If you want a
24 [#Discount #Link](#) on [#SpyIRL](#). [#Premium #Spy #IRL #Members](#) get
25 1000's of [#Hidden #Amateur #Voyeur #Videos & #Pics](#) for [#Cheaper](#)
26 now. [#Signup](#) now - This SpyIRL [#Sale](#) is a Limited [#Deal!](#) ~>

27 [http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A](http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A9804000001056315&websitenr=108807&URL=http://spyirl.com/)
28 [9804000001056315&websitenr=108807&URL=http://spyirl.com/](http://links.verotel.com/resellerbanner?vercode=9804000001062255%3A9804000001056315&websitenr=108807&URL=http://spyirl.com/)”