

No. D130018-C

HOLLIE TOUPS, MARISSA DEITZ, §
MARISSA JEFFCOTT, MARIANNA §
TASCHINGER, CAITLYN LAGRONE, §
MEEGHAN FALLS, CORINA LUMMUS, §
KELSI COOK, KINSEY STAUDT, §
JESSICA DUPUY, ASHLEY MARTIN, §
JILLIAN HOWARD, MALLORY PETRY, §
LARAMIE GILBERT, TAYLOR §
BARNWELL, PATRICIA HINSON, §
MARGARET NOBLE AND OTHER §
SIMILARLY SITUATED PERSONS §

IN THE DISTRICT COURT OF

260477

FILED

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FILED
VICTOR ESPINOZA

ORANGE COUNTY, TEXAS

vs.

GODADDY.COM, TExXXAN.COM, §
UNIDENTIFIED DEFENDANTS THAT §
INCLUDE, (1) THE PERSONS AND/OR §
ENTITIES HOSTING TExXXAN.COM, §
AND (2) ALL SUBSCRIBING MEMBERS §

_____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION FOR DAMAGES AND CLASS ACTION CERTIFICATION,
A TEMPORARY INJUNCTION AND A PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, HOLLIE TOUPS, MARISSA DEITZ, MARISSA JEFFCOTT, MARIANNA
TASCHINGER, CAITLYN LAGRONE, MEEGHAN FALLS, CORINA LUMMUS, KELSI COOK, KINSEY
STAUDT, JESSICA DUPUY, ASHLEY MARTIN, JILLIAN HOWARD, MALLORY PETRY, LARAMIE
GILBERT, TAYLOR BARNWELL, PATRICIA HINSON, MARGARET NOBLE AND OTHER SIMILARLY
SITUATED PERSONS, Plaintiffs in the above-entitled and numbered cause, and file Plaintiffs'
Original Petition for Damages and Class Action Certification, a Temporary Injunction and
a Permanent Injunction, complaining of Defendants, GODADDY.COM, TExXXAN.COM,

UNIDENTIFIED DEFENDANTS THAT INCLUDE: (1) THE PERSONS AND/OR ENTITIES HOSTING TExXXAN.COM; AND (2) ALL SUBSCRIBING MEMBERS OF TExXXAN.COM , and for a cause of action would show the following:

PARTIES

1. Plaintiffs are appearing in court through their attorneys of record.
2. Defendant, GODADDY.COM, is a website and can be served through its Chief Executive Officer, Scott Wagner, Go Daddy Legal Department, 14455 North Hayden Road, Suite 219, Scottsdale, AZ 85260.
3. Defendant, TExXXAN.COM, is a website and can be served through its administrative contact, Kris Kronowski, 850 W. Campbell Road, Richardson, Texas 75080.
4. Unidentified Defendants that include: (1) the persons and/or entities hosting TExxxan.com; and (2) all subscribing members of TExxxan.com. These Defendants will be identified by name and served with citation later as the proceedings develop.

DISCOVERY PLAN

5. Discovery should be conducted under Level 3 and Plaintiffs requests the entry of a scheduling order appropriate for a class action lawsuit.

JURISDICTION AND VENUE

6. The amount in controversy is within the jurisdictional limits of this Court. Venue is proper in this Court, since a substantial portion of the acts or omissions occurred in Orange County, Texas. Further, the website at issue, www.TExxxan.com markets itself throughout

all counties in Texas. A class action can be properly brought in this venue.

FACTUAL BACKGROUND

7. Godaddy.com hosts the website www.Texxxan.com, which is a “revenge porn” website. This explicit website is dedicated to publishing intimate photos of young women, and also publishing private facts about these women, all of which are done without obtaining permission or authorization from the women who are the victims of this website. This website is significantly designed to cause severe embarrassment, humiliation, and emotional distress to all of the women Plaintiffs, and to all the women victims that are sought to be named as Plaintiffs through class-action certification (discussed *infra*). The Defendants who own this website, or who contribute to its contents, or who subscribe to this website, are fully aware that they do not have permission from any of the women victims to publish their photographs or their other personal information. As such, the Defendants that are currently named and the Defendants who shall be identified and joined later are all acting in a deliberately reprehensible manner to participate in activity that they know to be malicious, hurtful and harmful.

DEFENDANT GODADDY.COM

8. The Plaintiffs are not suing the Defendant GoDaddy.com for any cause of action arising under federal law. The Plaintiffs are joining GoDaddy.com as a Defendant under the doctrine of civil conspiracy for joining with the website and the other Defendants for purposes of accomplishing the torts set forth below. Since GoDaddy.com profits from the

offensive and tortious conduct at issue, GoDaddy.com is a proper party Defendant for its joinder in the state law torts identified *infra*.

TEXAS STATE LAW CAUSES OF ACTION

9. The Plaintiffs in this case sue all the Defendants, jointly and severally, for invasions of privacy as that term is defined under Texas law. Every Plaintiff, and all potential Plaintiff class members, seek to recover actual damages for the invasions of privacy proximately caused by the acts and omissions of the Defendants, within the jurisdictional limits of this Court. Additionally, all of these Plaintiffs sue the Defendants for the Texas state law torts of intrusion on their right to seclusion, the public disclosure of their private facts, the wrongful appropriation of their names or likenesses, false light invasion of privacy, gross negligence, intentional infliction of emotional distress, and a civil conspiracy through a meeting of the minds to perpetrate these state law torts. These Plaintiffs would show that the acts and omissions of the Defendants in this case, acting in concert and therefore jointly and severally, satisfy all the legal elements of these specific torts, as they are defined under Texas law. All these Plaintiffs seek to recover actual damages for these torts proximately caused by the acts and omissions of these Defendants, jointly and severally. These Plaintiffs seek to recover their actual damages that include their severe mental anguish and emotional distress with physical manifestations that effect their daily lives and routines, humiliation, fear, and other non-economic damages, and also their economic damages. These Plaintiffs also seek to recover punitive or exemplary damages for the extreme and malicious conduct

of the Defendants, in order to punish them for their misconduct and to deter any such future misconduct. based upon the Defendants' intentional, malicious and cowardly conduct that is intended to cause harm and severe distress to these Plaintiffs.

REQUEST FOR CLASS-ACTION STATUS CERTIFICATION

10. Pursuant to Tex.R.Civ.P. 42, Plaintiffs requests that the trial court certify this lawsuit as a Texas class-action. In this regard, the Plaintiffs would show that the class is so numerous that the joinder of all potential Plaintiffs is impractical or impossible. This website is published internationally through the internet; and the amount of Texas women who could become targeted by this website or victims of this website could potentially become so numerous that joinder of all of them is impossible. Additionally, the very purpose of this website is to target Texas women for malicious revenge pornography. It is impractical, if not impossible, in these circumstances, to join all of the women victims as individual Plaintiffs in this matter.

11. Furthermore, this lawsuit contains questions of law and/or fact that are common to all the current Plaintiffs and also are common to all the potential class of Plaintiffs as a whole. The causes of action arising under Texas law are all common to the Plaintiffs and also to potential members of the class. Additionally, the basic facts are common to the Plaintiffs and also to possible members of the class - - namely, that the Defendants have never sought or obtained the permission from any of these women victims for the publication of their photographs or for the publication of any of their private information in www.Texxxan.com.

12. Plaintiffs also submit that the defenses of the Defendants are going to be typical or common for all the Defendants, and thus the anticipated defenses are ripe for class-action status. It is anticipated that all of the Defendants will argue theories of law in their defense that Plaintiffs contend are not meritorious; but yet these legal theories will be common to all of the Defendants. As such, the anticipated defenses are suitable for a class-action lawsuit.

13. Furthermore, the Plaintiffs submit that as the representative parties of the class, they will fairly and adequately protect the interests of the class. Plaintiffs would further show that the prosecution of separate actions either by or against the individual members of this potential class could create the risk of either inconsistent or varying adjudications or could cause adjudications with respect to individual members of the class which as a practical matter could be dispositive of the interests of the other members who are not parties to the adjudications. Further, common questions of law and/or fact shall predominate in this lawsuit for both the Plaintiffs and the Defendants. That is, common factual and legal questions shall predominate over any questions affecting only individual class members. As such, a class action is superior to other available methods for the fair and efficient adjudication of this controversy. The attorneys of record for the Plaintiffs seek an Order from this Court appointing them as Class Counsel, upon a proper Motion with the required showings in accordance with Tex.R.Civ.P. 42(g). Plaintiffs seek to recover all of their reasonable and necessary attorneys' fees and expenses in this class action by and through Class Counsel.

REQUEST FOR A TEMPORARY AND A PERMANENT INJUNCTION

14. Pursuant to Tex.R.Civ.P. 681, Plaintiffs request after service of citation and joinder of all the necessary Defendants, and after a full hearing, that this Court issue a temporary injunction shutting down www.Texxxan.com in its entirety, or granting such temporary injunctive relief in the discretion of the trial court, which is appropriate under the facts and circumstances of this case. Plaintiffs would show that this website serves no useful, social or economic purpose, and instead this website is merely a blight upon society and a sick, cowardly enterprise for the specific purpose of inflicting emotional distress and harm upon each and every Plaintiff. As such, Plaintiffs request this Court order no bond for the issuance of this temporary injunction. Further, Plaintiffs request that this Court order a permanent injunction after a full trial on the merits, to permanently shut down www.Texxxan.com and to enjoin any of this website's owners or contributors from operating any similar websites or from using any of the photographs or information of the Plaintiffs at issue.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, HOLLIE TOUPS, MARISSA DEITZ, MARISSA JEFFCOTT, MARIANNA TASCHINGER, CAITLYN LAGRONE, MEEGHAN FALLS, CORINA LUMMUS, KELSI COOK, KINSEY STAUDT, JESSICA DUPUY, ASHLEY MARTIN, JILLIAN HOWARD, MALLORY PETRY, LARAMIE GILBERT, TAYLOR BARNWELL, PATRICIA HINSON, MARGARET NOBLE AND OTHER SIMILARLY SITUATED PERSONS, pray that this Court certify this matter as a class-action, and grant all relief sought by the Plaintiffs herein against all

Defendants jointly and severally including all claims for the recovery of actual and punitive damages, award Plaintiffs all reasonable and necessary attorneys' fees, costs and expenses, grant temporary and permanent injunctive relief, and grant such other and further relief, at law or in equity, to which either the Plaintiffs or the class as a whole of Plaintiffs would be justly entitled.

Respectfully submitted,



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Respectfully submitted,



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