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PLAINTIFFS

5. The FTC is an independent agency of the United States Government created by statute. 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce.
6. The FTC is authorized to initiate federal district court proceedings, by its own attorneys, to enjoin violations of the FTC Act and to secure such equitable relief as may be appropriate in each case, including rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies. 15 U.S.C. § 53(b).
7. Plaintiff State of Nevada is one of the 50 sovereign states of the United States. Plaintiff State of Nevada, by and through the Office of the Attorney General, Adam Paul Laxalt, and its BCP, John R. McGlamery, Deputy Attorney General, brings this action under the Deceptive Trade provisions of Chapter 598 of the Nevada Revised Statutes. This Court has supplemental jurisdiction over plaintiff Nevada's state claims under 28 U.S.C. § 1367.

DEFENDANTS

8. Defendant EMP Media, Inc. ("EMP") was a Nevada corporation with its principal place of business at 6130 Flamingo Road #732, Las Vegas, Nevada, 89103. EMP (also d/b/a MyEx.com, d/b/a Post My Ad, d/b/a T & A Media, d/b/a Internet Secrets) has transacted business in this district and throughout the United States. A certificate of dissolution was effective with the Nevada Secretary of State on July 7, 2016.
9. Defendant Aniello "Neil" Infante ("Defendant Infante") signed EMP's articles of incorporation, and was EMP's president (September 2008 and from August 2015 through dissolution in July 2016); secretary (September 2008 through October 2012, and August 2015 through dissolution in July 2016); treasurer (September 2008 through May 2010, and

1 August 2015 through dissolution in July 2016); and director (September 2008 through
 2 October 2012, and August 2015 through dissolution in July 2016); as well as the registered
 3 agent for the corporation (2008 through October 2010, and August 2015 through
 4 dissolution). From approximately 2008 through the summer of 2016, Defendant Infante
 5 obtained, enabled, and facilitated a merchant processing account for EMP, which allowed
 6 EMP to accept credit card payments—a significant source of revenue for EMP. Defendant
 7 Infante also wrote checks and wired money from and to EMP’s bank accounts from at least
 8 2009 through at least 2013. At times material to this Complaint, acting alone or in concert
 9 with others, he formulated, directed, controlled, had the authority to control, or participated
 10 in the acts and practices of EMP, including the acts and practices set forth in this Complaint.
 11 Defendant Infante, in connection with the matters alleged herein, transacts or has transacted
 12 business in this district and throughout the United States.

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 15 10. Defendant Shad “John” Applegate (“Defendant Applegate” or “Shad Applegate”), also

16 known as Shad Cottelli, was EMP’s president (October 2011 through March 2013); 33 (known as t(Man)2.02

Commission and the State of Nevada at this time. At all times material to this Complaint, acting alone or in concert with others, the Unknown Parties formulated, directed, controlled, had the authority to control, or participated in the acts and practices of EMP, Yeicox Ltd., or some other unknown entity, including the acts and practices set forth in this Complaint.

COMMERCE

12. At all times material to this Complaint, Defendants have maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

SUMMARY OF DEFENDANTS’ BUSINESS ACTIVITIES

13. Defendants’ website—MyEx.com—is dedicated solely to revenge porn. “Revenge porn” — or nonconsensual pornography—is the disclosure of sexually explicit images of an individual without their consent. Nonconsensual pornography causes immediate, devastating, and in many cases irreversible harm to the victims.

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1 direct contact with victims and post crude commentary on the website about victims' bodies
2 and alleged promiscuity, resulting in vicious harassment of the individuals depicted.

3 16. Thirty-eight states, including Nevada, and the District of Columbia, have passed laws making
4 the dissemination of intimate images illegal in certain circumstances. Additionally, a federal
5 statute criminalizes the use of an interactive computer service to intentionally harass or
6 intimidate a person through "engag[ing] in a course of conduct that causes, attempts to cause,
7 or would be reasonably expected to cause substantial emotional distress to a person." 18
8 U.S.C. § 2261A(2).
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10 **DEFENDANTS' BUSINESS ACTIVITIES**

11 17. From August 21, 2008 through July 7, 2016, Defendants Applegate and Infante operated
12 EMP.
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14 18. In approximately November 2011, EMP began operating the website MyEx.com.

15 19. As detailed below, MyEx.com is a website that encourages individuals to submit images of
16 other individuals for posting online. These images are typically of an intimate nature,
17 exposing genitals, pubic area, buttocks, or female nipples or otherwise depicting sexual
18 conduct ("intimate images"). MyEx.com also solicits personal information about the
19 individuals pictured in the images, and posts that information together with the intimate
20 images, without consent from the victim whose image was posted.
21

22 20. Defendant Applegate registered the domain MyEx.com through domain name registrar
23 GoDaddy from November 2011 through at least June 2013. He provided GoDaddy the
24 email address shad@myex.com as his contact address.

25 21. In May of 2013, GoDaddy informed Defendant Applegate of reports of child exploitation
26 and underage content on MyEx.com. GoDaddy also informed Defendant Applegate that an
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investigator from an internet-crimes-against-children taskforce and a police detective were attempting to get in touch with the website operators.

22. Also in May 2013, Defendant Applegate changed the contact name provided to GoDaddy for the MyEx.com website to “Eun Kim” and changed the contact address to Singel 540, 1017 AZ Amsterdam, Netherlands, while leaving the contact email address as shad@myex.com for a period of time. After GoDaddy inquired about this change, Defendant Applegate told GoDaddy in a message, “its [sic] not a company it’s a made up name for the address & [sic]; phone number in the Netherlands. The [expletive] domain

information as being Quijano Chambers, P.O. Box 3159, Road Town, Tortola, British Virgin Islands.

**Defendants Encourage and Solicit Intimate Images and
Personal Information to Post on Website Without Consent**

25. Defendants encourage and solicit individuals to submit intimate images, including photos, videos, documents, and audio files, of other individuals, often ex-partners, whose intimate parts are exposed or who are engaged in sexual conduct for public posting on the MyEx.com website.

26. Defendants have specifically encouraged and solicited the posting of intimate images and personal information without the pictured individual's consent. The website makes clear that the purpose of such posting is to harm the pictured individual. Defendants have advertised the website as "MyEx GET REVENGE!" and "Naked Pics of Your Ex." The MyEx.com site has invited individuals to "Add Your Ex," "Submit Pics and Stories of Your Ex," "Search for your Ex," or "Find Someone You Know." In past versions of the site, when one clicked on "Make a Post" the site stated, "Add Someone. Feel Good." The site also described itself as a site where one could "Get the dirt before you get hurt or submit your ex gf and bf and get revenge!" The MyEx.com website name itself indicates that the site is aimed at ex-partners.

27. Defendants receive and compile the intimate images and personal information, and post the images together with other content, such as votes in the form of star ratings, as well as view counts, for each individual's publicly available entry on the MyEx.com website, as described further below.

28. Defendants were aware that many of the consumers whose intimate images and personal information they posted on the website did not consent to postings. Many consumers

1 informed Defendants through emails that the website contained intimate images alongside
2 personal information without the consent of the individuals in the images.

3 29. Moreover, Defendant Applegate was specifically informed that certain of the images on the
4 site could not be consented to, as they were images of individuals under the age of consent.
5

6 **Publicly Available Intimate Images and Personal Information on**
7 **Previous Versions of Website**

8 30. In previous versions of MyEx.com, Defendants specifically solicited information about the
9 individual in the solicited image(s), including: nickname; gender; full date of birth; maiden
10 name; personal email address; city, state and country of residence; city, state, and country of
11 birth; phone number; and URL links to social network profiles on Facebook, Twitter,
12 LinkedIn, and Myspace. Defendants further solicited a title for the post and a narrative
13 about the images or the individual pictured (referred to as “The Dirty Details”), and
14 provided a selection of categorical tags that the submitter could choose to appear with each
15 post, including “Bad In Bed,” “Broke,” “Cheater,” “Dead Beat Dad,” “Dead Beat Mom,”
16 “Drug Addict,” “Ex Con,” “Gay,” “Gold Digger,” “Good in Bed,” “Has Jungle Fever,”
17 “Liar,” “Physically Abusive,” “Slut,” “Sweetheart,” and “Teeni Weeni.”
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19 31. The publicly available landing page of MyEx.com included intimate images of individuals
20 that were located directly next to personal information about the person in the images,
21 which at various times included: first name; last
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1 images, documents, and audio or video files. The full-entry page also has included the
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46. Certain consumers who contacted the website to request removal of materials report the following:

- a. "The website is asking for \$499 to remove the pictures but when I informed them that I had contacted the police they didn't reply back to my email. It seems to be a scam because they ask for you to pay the \$499 in money order from western union for an account in the name of Sheila Mae R. Garcia 5021nZamora St. Lourdes Northwest, Angeles City - 2009 Phillipines [sic] mobile number [redacted phone number] when the website provides you with a Netherlands address. Websolutions Netherlands Singel 540 1017 AZ Amsterdam The Netherlands."
- b. "I was really shocked to see myself on there [MyEx.com]! This info is not true and I want to remove my pics and info off that site but when I click on remove info it leads me to a page saying I need to pay money which looks like it's in Euro currency. If I try to contact the website it says that I need to write snail mail to them in Amsterdam but I also emailed them somehow and in that email it says they will remove my info if I give them \$499.99 through Western Union in the Phillipines [sic]. This is all very confusing because there are several ways to pay and in different currencies and different destinations. This seems like extortioin [sic] to me and I believe the owners of the website www.myex.com also owns the repuation [sic] guard website as well."
- c. "According to the website, in order to remove myself from the website I have to pay \$499.99 to ReputationGuard.co via Western Union to Sheila Mae Garcia. The address listed for her is 5021 Zamora St. Angeles City, Philippines, zip code 2009. The phone number listed for her is [redacted phone number]. Once the money would be wired, I would then have to email ReputationGuard.co at support@reputationguard.co with the tracking number, my name, my city and state and country, and the profile name that was to be removed from www.myex.com."
- d. "[MyEx.com] posted pictures of my daughter when she was a minor and posted a picture of a naked woman with her face photoshopped onto picture. [] My daughter has been contacted to extort 500.00 to remove the fake pic of her from their site. see email below. ----- Forwarded message ----- From: ¿<support@reputationguard.co>¿ Date: Fri, Jan 3, 2014 at 6:34 PM Subject: Re: Picture To: [redacted name] <[redacted email address]> It's a 499.99 fee instructions are below to send via western union > My name is on the website with a naked picture that is not of me and pics of me are underage. How do I > get this off of the "myex.com" website? > -- Pay via Western Union

was sent from. Also include the profile name to be removed. Please send an email to this address sup

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1 this abuse. We believe we are the victims of computer hacking and internet abuse.
2 Please help me.”

3 e. “...If you search my name on google the images pop up and then [link] you to the
4 website. This has ruined my life my friend was googling names and saw the
5 images ... There are very bad comment[s] on the pictures and false statements
6 made. This has humiliated me [and] defamed my name. This is a hate crime and I
7 want justice. [I] did not give any form of permission for these pictures to be
8 posted. I am very mentally disturbed by this and need immediate assistance...”

9 f. “The grief that I’m experiencing is indescribable! I have a 13-year-old daughter,
10 one parent with severe dementia and another who will literally have a heart attack
11 if he finds these photos! I am afraid to apply for a job anywhere as most places
12 do background checks and this site is now directly associated with my name as it
13 comes up immediately! I am under a doctor’s care for depression and anxiety due
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MyEx.com Revenues

51. Defendants have taken in revenue by charging consumers fees to have images of them taken down from the site, either directly or through the purportedly “independent” reputation management services. Defendants also have sold advertising on the website, including full site takeover ads, header banners, sidebar banners, post banners

1 56. Defendants' acts and practices have caused or are likely to cause substantial injury to
2 consumers that consumers cannot reasonably avoid themselves and that are not outweighed
3 by countervailing benefits to consumers or competition.

4 57. Therefore, Defendants' practices as described in Paragraph 55 above constitute unfair acts
5 or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. §§ 45(a) and 45(n).
6

7 **COUNT II**

8 **(By Plaintiff Federal Trade Commission)**

9 58. In numerous instances, Defendants have charged or have caused others to charge consumers
10 fees of \$499 or more to remove intimate images and personal information from a public
11 website, which Defendants solicited and disclosed without the consent of the individual
12 depicted, in a way that enabled the public to identify or contact the individuals in the
13 intimate images.
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15 59. Defendants' acts or practices have caused or are likely to cause substantial injury to
16 consumers that consumers cannot reasonably avoid themselves and that are not outweighed
17 by countervailing benefits to consumers or competition.

18 60. Therefore, Defendants' practices as described in Paragraph 58 above constitute unfair acts
19 or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. §§ 45(a) and 45(n).
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**VIOLATION OF THE STATE OF NEVADA'S
DECEPTIVE TRADE PROVISIONS**

Count III

(By Plaintiff State of Nevada)

(Violation of Section 598.0923(4) of the Nevada Revised Statutes)

61. Nevada Revised Statute § 598.0923(4) states that it is a deceptive trade practice when, in the course of his or her business or occupation, a person knowingly uses coercion, duress or intimidation in a transaction.

62. Defendants knowingly used coercion, duress or intimidation in a transaction when, as described in Paragraphs 13 through 52 above, they sought payment from consumers to take down the personal information and intimate images of consumers they had posted on their publicly available website.

63. Therefore, each of the Defendants' act or practices that used coercion, duress or intimidation in a transaction is a violation of Chapter 598 of the Nevada Revised Statutes, NRS § 598.0923(4).

CONSUMER INJURY

64. Consumers have suffered and will continue to suffer substantial injury as a result of Defendants' violations of the FTC Act. In addition, Defendants have been unjustly enriched as a result of their unlawful acts or practices. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

65. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of

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