

1 JEFF FINE
2 Clerk of the Superior Court
3 By Jessica Folts, Deputy
4 Date 05/28/2020 Time 11:53:37
5 Description Amount
6 ----- CASE# CV2020-093379 -----
7 CIVIL NEW COMPLAINT \$33.00
8 -----
9 TOTAL AMOUNT \$33.00
10 Receipt# 27803200

1 Andrew Ivchenko (#021145)
2 ANDREW IVCHENKO PLLC
3 4960 South Gilbert Road, #1-226
4 Chandler, AZ 85249
5 Phone: (480) 250-4514
6 Aivchenkopllc@gmail.com

7 *Attorney for Plaintiffs*

8 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 RENEE IVCHENKO and ANDREW
11 IVCHENKO, wife and husband,

12 Plaintiffs

13 vs.

14 JANE DOE I, *aka "Jennifer Becker," an*
15 *individual whose name is presently*
16 *unknown; JOHN DOE I, *aka**
17 *"PublicData," an individual whose name*
18 *is presently unknown; JOHN and JANE*
19 *DOES II-X; BLACK CORPORATIONS*
20 *I-X; and WHITE COMPANIES I-X,*

21 Defendants.

22 Case No.: **CV 2020-093379**

23 **COMPLAINT for DAMAGES (Libel)**

24 Jury Trial Demanded

25 Plaintiffs Renee Ivchenko and Andrew Ivchenko (hereinafter Plaintiffs), through
26 their undersigned counsel, for their Complaint allege as follows:

27

28

1

INTRODUCTION

2 1. This is an action for defamation, false light, intentional infliction of
3 emotional distress and civil conspiracy, under applicable decisional law in Arizona.
4 Plaintiffs seek redress for injuries caused by, and an injunction enjoining, the unlawful
5 conduct of one or more unknown Defendants, all doing business in conjunction with
6 their websites, twitter.com/zim_rogers_fans and twitter.com/publicdata2. These
7 Defendants have acted individually, collectively, and in concert with one another, and
8 such actions have injured Plaintiffs. Defendants' conduct that is the subject of this civil
9 action involves ongoing online activity directed against Plaintiffs.

10

THE PARTIES

11 2. Plaintiffs are individuals and are now, and at all times mentioned in this
12 complaint were, residents of Maricopa County, Arizona.

13 3. Plaintiff Andrew Ivchenko has been a licensed attorney for thirty-one
14 years, and has been licensed in Arizona since 2002. Plaintiff Andrew Ivchenko has
15 during all this time enjoyed a good reputation, both generally and in his occupation.

16 4. The true names of the following Defendants are unknown to Plaintiffs,
17 who therefore sue these Defendants under such fictitious names:

- 20 • JANE DOE #1, aka "Jennifer Becker"
- 21 • JOHN DOE #1, aka "PublicData"

22 Plaintiffs believe, and on such information and belief allege, that each of the
23 aforementioned Defendants published false and defamatory statements concerning
24 Plaintiffs on the websites known as "twitter.com/zim_rogers_fans" (the "Jennifer Becker
25 Twitter Site") and "twitter.com/publicdata2" (the "Public Data Twitter Site"). The
26 Jennifer Becker Twitter Site ostensibly is owned by someone named "Jennifer Becker,"
27 which is an apparently fictitious name. Plaintiffs will seek leave of court to amend this
28

1 Complaint and insert their true names in place of their fictitious names when the same
2 have become known to Plaintiffs.

3 **JURISDICTION AND VENUE**

4 5. Jurisdiction is proper in this Court because Plaintiffs reside in and have
5 suffered injury in Arizona as a result of Defendants' tortious acts of publishing
6 defamatory statements about Plaintiffs on the Internet, including statements concerning
7 Plaintiff Andrew Ivchenko's occupation as a lawyer in Maricopa County. In addition,
8 jurisdiction is proper because the defamatory statements were published to millions of
9 people in the United States including persons in the State of Arizona.
10

11 6. Defendants JOHN and JANE DOES II-X; BLACK CORPORATIONS I-
12 X; and WHITE COMPANIES I-X, are persons, partnerships, corporations or
13 unincorporated associates subject to suit in a common name whose names are unknown
14 to Plaintiffs and who are wholly or partially responsible for the acts complained of,
15 including those who have participated in managing, organizing, marketing, facilitating,
16 and profiting from the operations of the websites owned and controlled by Defendants,
17 and therefore, designated by fictitious names pursuant to Rule 10(d), Arizona Rule of
18 Civil Procedure. Plaintiffs will ask leave of the Court to substitute the true names of the
19 said parties prior to the entry of judgment herein.
20

21 7. Venue is proper in this Court because the acts and conduct falsely alleged
22 by Defendants occurred in Maricopa County. Defendants' Internet publications are
23 available to readers in Maricopa County.
24

FACTUAL BACKGROUND

25 8. Plaintiff Renee Ivchenko had a booking photo taken in the state of
26 Arizona.
27
28

1 9. Plaintiff Renee Ivchenko's booking photo and arrest information was
2 subsequently placed on several mugshot websites. Plaintiff Andrew Ivchenko, a
3 licensed attorney in Arizona, represented Plaintiff Renee Ivchenko in connection with
4 the removal of her image and arrest information from these websites.

5 10. Starting on or about February 19, 2019, five tweets mentioning Plaintiffs,
6 including two mugshot images of Plaintiff Renee Ivchenko and derogatory commentary
7 directed against both Plaintiffs, were placed on the Jennifer Becker Twitter Site. These
8 tweets were designed to increase the online exposure of Plaintiff Renee Ivchenko's
9 booking photo and arrest information. The Jennifer Becker Twitter Site appears as the
10 first two search results when conducting a Google search of Renee Ivchenko's name.
11 The owner purposely designed the site so that false allegations of criminal conduct
12 appear a second time when searching Google under Renee Ivchenko's name. The tweets
13 purposely include variations of Plaintiff Andrew Ivchenko's name, so that the online
14 exposure of the Twitter site is increased when searching his name.

16 11. Said publications contained disparaging and defamatory statements
17 designed to libel, slander, defame and place Plaintiffs in a false light, and were intended
18 to do so.

19 12. Plaintiff Renee Ivchenko filed two lawsuits in Maricopa County against a
20 mugshot website operator in 2019 (Case Nos. CV2019-090493 and CV2019-015355).

22 13. Based on information and belief, mugshot website operators retaliate
23 against and further harm individuals who attempt to apply legal pressure against them by
24 having their mugshots and other derogatory and defamatory comments placed on
25 revenge sites, including on Twitter and Facebook.

26 14. The Jennifer Becker Twitter Site was used to retaliate against Plaintiffs
27 and damage their reputations. Plaintiffs and a third Arizona resident are the only people
28

1 mentioned or displayed on the Jennifer Becker Twitter Site. These actions by the owner
2 of this site constitute libel and false light, and also have caused Plaintiffs significant
3 emotional distress and other harm.

4 15. Plaintiff Renee Ivchenko obtained a copyright of her image through the
5 US Copyright Office on March 23, 2019, and subsequently filed a DMCA Takedown
6 Notice with Twitter on September 13, 2019 in connection with her image on the Jennifer
7 Becker Twitter Site. Twitter removed Plaintiff Renee Ivchenko's image from the
8 Jennifer Becker Twitter Site on that day.

9 16. On or about September 15, 2019, the purported owner of the Jennifer
10 Becker Twitter Site, "Jennifer Becker," filed a DMCA counter-notice objecting to the
11 removal of Plaintiff Renee Ivchenko's image from the Twitter site. On that same day,
12 additional defamatory comments directed against Plaintiffs were placed on the Twitter
13 site.

15 17. On or about September 15, 2019, four tweets mentioning Plaintiffs were
16 added to the Jennifer Becker Twitter Site. On or about September 18, 2019, two
17 additional tweets mentioning Plaintiffs were added to the Jennifer Becker Twitter Site.
18 The tweets are unequivocally false and defamatory, and accuse Plaintiffs of criminal
19 activity, as follows:

20

- 21 • I AM ABSOLUTELY REPORTING RENEE IVCHENKO TO
22 THE US COPYRIGHT OFFICE!!! SHE HAS COMMITTED FRAUD!!!
- 23 • if andy ivchenko has illegally claimed ownership over your work,
24 you can report him to the us government here
25
26 <https://www.copyright.gov/help/index.html>.

1 • asserting a copyright claim over work that does not belong to you is
2 a federal offence in the United States!! Is Andy Ivchenko trying to get his wife
3 Renee Ivchenko tossed back in jail? Trying to get himself disbarred? What is wrong
4 with this guy?

5 18. The statements made on the Jennifer Becker Twitter Site present Plaintiff
6 Renee Ivchenko in a false light, in that it creates the false and damaging implication that
7 Plaintiff Renee Ivchenko is a convicted criminal, when in fact the charges referenced in
8 the tweets were dismissed. The use of Plaintiff Renee Ivchenko's booking photo,
9 coupled with the derogatory information in the tweets, conveys to the public a
10 perception of guilt. In addition, the implication that Plaintiff Andrew Ivchenko, a
11 licensed attorney, engaged in fraud is inflammatory, false, and constitutes defamation
12 *per se*.

13 19. The Jennifer Becker Twitter Site was launched in March 2018 and on a
14 single day - March 31, 2018 - it made several posts directed at Zim Rogers, posting his
15 arrest information and booking photos. Zim Rogers was the lead plaintiff in a class
16 action lawsuit against JustMugshots that was filed in California in 2014. See Rogers v.
17 Justmugshots.Com, Corp., No. B258863. Plaintiffs believe that Zim Rogers also
18 attempted to get his arrest information and booking photos removed from an unknown
19 mugshot website operator, and that the Jennifer Becker Twitter Site was the response.
20 Thus, the Jennifer Becker Twitter Site was established specifically to further circulate
21 the mugshots of only two individuals, both of whom pursued their rights in court. There
22 are no other tweets on the Twitter site, and none have appeared since September 18,
23 2019. The only logical conclusion under the circumstances is that a mugshot website
24
25
26
27
28

1 operator owns, operates or controls the Jennifer Becker Twitter Site either directly or
2 indirectly through a related third party yet to be named in this lawsuit.

3 20. On December 17, 2019, Plaintiff Renee Ivchenko filed a lawsuit against
4 the police whom she alleges falsely arrested her and violated her civil rights. Two days
5 later, her mugshot appeared on the Public Data Twitter Site. This Public Data Twitter
6 Site was created on that same day by an anonymous individual, which accused Plaintiff
7 Renee Ivchenko of wrongdoing and intended only to highlight that lawsuit and further
8 embarrass Renee Ivchenko simply for asserting her legal rights. This could only have
9 been done by a mugshot website operator in possession of her mugshot, and who was
10 actively monitoring her online activity.

12 21. Based upon information and belief, including similarities in the writing
13 style, the publishers of the Jennifer Becker Twitter Site and the Public Data Twitter Site
14 are the same person or persons.

15 22. The Public Data Twitter Site contains booking photos and arrest
16 information from several other individuals, none of which is current information, as well
17 as a few inane tweets concerning current events. Based upon information and belief,
18 this information was included to disguise the intended target, Plaintiff Renee Ivchenko.
19 There have been no further tweets on the Public Data Twitter Site since January 15,
20 2020.

22 23. The Public Data Twitter Site contains disparaging and defamatory
23 statements designed to libel, slander, defame and place Plaintiff Renee Ivchenko in a
24 false light, and were intended to do so.

25 24. Defendants' respective websites, along with Plaintiff Renee Ivchenko's
26 image, were indexed by Yahoo.com and Google.com.

25. The display by Defendants of Plaintiff Renee Ivchenko's image and arrest information, including defamatory information directed against Plaintiffs, are intended, among other things, to subject Plaintiffs to hatred, contempt, or ridicule, and to damage their personal and business reputations, or to impair their credit.

26. Each Defendant, acting on their own or in conjunction with one or more of the other Defendants, utilizes the Twitter sites to intimidate and defame Plaintiffs.

27. Unless Defendants are enjoined from further publication of Plaintiff's image and names, Plaintiffs will suffer further irreparable injury.

CAUSES OF ACTION

28. Plaintiffs incorporate by reference the allegations of each paragraph above into this claim as though fully set forth herein.

29. Plaintiffs are entitled to recover damages from Defendants jointly and from each of them based on the theories of liability hereinafter enumerated in Counts I through V, and under such other theories of liability as may be appropriate based upon the facts as alleged herein or as revealed during discovery.

COUNT I DEFAMATION

30. Plaintiffs incorporate by reference the allegations of each paragraph above into this claim as though fully set forth herein.

31. Defendants made the defamatory statements set forth in the online postings described above that were false and brought Plaintiffs into disrepute, contempt, and ridicule. Defendants' defamatory statements attacked Plaintiffs' integrity, virtue, and reputation and accused Plaintiffs of criminal activity, including fraud.

32. Defendants made false and defamatory statements about Plaintiffs, knowing the statements were false and defamatory, in reckless disregard of the truth of the statements, or negligently failing to ascertain the truth of the matters stated.

33. As a direct and proximate result of the statements set forth in the online postings described above, Plaintiffs have been damaged and will continue to suffer damage. Plaintiffs have suffered irreparable harm to their businesses and their reputations.

COUNT II
FALSE LIGHT INVASION OF PRIVACY

34. Plaintiffs incorporate by reference the allegations of each paragraph above into this claim as though fully set forth herein.

35. “[I]ndividuals have a privacy interest in preventing disclosure of their booking photos[.]” *Detroit Free Press Inc. v. United States Dep’t of Justice*, 829 F.3d 478, 485 (6th Cir. 2016).

36. Defendants' publication and use of Plaintiff Renee Ivchenko's booking photo and arrest information placed Plaintiff Renee Ivchenko before the public in a false light, falsely portrayed her as a convicted criminal or having engaged in criminal conduct, and was done for the purpose of exacting revenge for asserting her legal rights.

37. The false and/or misleading portrayal of Plaintiff Renee Ivchenko as a criminal was highly offensive to the Plaintiff and would be highly offensive to a reasonable person.

38. Defendants' publication of Plaintiff Renee Ivchenko's booking photo and arrest information and portrayal of the Plaintiff as a criminal was done with reckless disregard for the fact that the Plaintiff had not been convicted of or committed any crimes.

39. Defendants' publication of Plaintiff Renee Ivchenko's booking photo and arrest information created a false impression regarding the Plaintiff's criminal history and character and damaged her reputation and caused severe emotional distress.

40. As a direct and proximate result of Defendants' malicious acts, Plaintiff Renee Ivchenko has been harmed.

COUNT III
INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

41. Plaintiffs incorporate by reference the allegations of each paragraph above into this claim as though fully set forth herein.

42. Defendants, by and through the making of the false, defamatory, and libelous statements described above, behaved intentionally and/or recklessly.

43. Defendants, by and through the making of such false, defamatory, and libelous statements, intended to cause emotional distress upon Plaintiffs.

44. The making of the false, defamatory, and libelous statements as described above by Defendants, and by publishing and using Plaintiff Renee Ivchenko's booking photo as retribution, was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

45. Plaintiffs have suffered and continue to suffer severe emotional distress and emotional injury due to Defendants' actions.

46. Defendants' actions were the direct and proximate cause of such severe emotional distress and emotional injury to Plaintiffs.

47. Plaintiffs suffered and continue to suffer mental anguish as a result of being defamed and libeled by Defendants, and as a result of Defendants publishing

1 Plaintiff Renee Ivchenko's booking photo as retribution, and said mental anguish is of a
2 nature that no reasonable person could be expected to endure.

3 48. As a result, Defendants are liable to Plaintiffs for actual, presumed and
4 punitive damages in an amount to be determined at trial.

5 **COUNT IV**
6 **CIVIL CONSPIRACY**

7 49. Plaintiffs incorporate by reference the allegations of each paragraph above
8 into this claim as though fully set forth herein.

9 50. Defendants, individually and each of them together have conspired with
10 each other to injure Plaintiffs.

11 51. Defendants are guilty of civil conspiracy designed and implemented to
12 injure Plaintiffs and to cause irreparable harm to Plaintiffs and their businesses and
13 trade.

15 52. As a direct and proximate cause of the civil conspiracy committed by
16 Defendants, Plaintiffs have been damaged.

17 **COUNT V**
18 **PUNITIVE DAMAGES**

19 53. Plaintiffs incorporate by reference the allegations of each paragraph
20 above into this claim as though fully set forth herein.

21 54. Defendants' aforementioned conduct was conscious, deliberate,
22 intentional, and/or reckless in nature.

23 55. Defendants' aforementioned conduct was undertaken in a state of mind
24 which evidences hatred, ill will, or a spirit of revenge. Defendants' evil hand was
25 guided by an evil mind.

1 56. Defendants' aforementioned conduct evidences a conscious disregard for
2 the rights of Plaintiffs and has caused, and continues to cause, them substantial harm.

3 57. As a result, Plaintiffs are entitled to punitive damages and attorney's fees.

4 **WHEREFORE**, Plaintiffs request that the Court enter judgment in their favor
5 and against Defendants and each of them as follows:

6 1. For general and special damages in an amount that Plaintiff will prove;
7 2. For punitive damages to be consistent with proof in this action;
8 3. Appropriate preliminary and/or permanent injunctive relief;
9 4. For Plaintiffs' reasonable costs and attorney's fees incurred herein;
10 5. For such other and further relief as the Court deems just.

12 DATED this 28th day of May, 2020.

14 Respectfully submitted,

16 **ANDREW IVCHENKO PLLC**

17 
18

19 Andrew Ivchenko, Esq.
Attorney for Plaintiffs