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

**IN AND FOR THE COUNTY OF MARICOPA**

JANE DOE,

Plaintiff,

vs.

TRAVIS PAUL GRANT and MARIEL LIZETTE GRANT, husband and wife; KYLE DAVID GRANT and JANE DOE GRANT, husband and wife; JOHN and JANE DOES I-X; BLACK CORPORATIONS I-X; WHITE COMPANIES I-X; and GOOGLE, LLC,

Defendants.

Case No.: CV2021-090710

**VERIFIED COMPLAINT**
**(Tier Two)**

Jury Trial Demanded

Plaintiff alleges:

1. Plaintiff resides in Maricopa County, Arizona.

2. Defendants Travis Paul Grant, Mariel Lizette Grant, and Kyle David Grant (the "Grant Defendants") are mugshot website operators who reside in, and operate businesses in, Florida. The Grant Defendants own and operate mugshot websites including www.rapsheetz.com, www.bailbondshq.com, and www.publicpolicerecord.com (the "Websites" or "Grant Defendants' Websites") as defined by A.R.S. § 44-7901(4). The Grant Defendants are being sued in their individual capacities. This Court has jurisdiction over all Defendants under Arizona's long-arm rule

and applicable decisional law, which allows for assertion of personal jurisdiction over a non-resident consistent with federal constitutional due process. Ariz. R. Civ. P. 4.2(a).

3. Under the provisions of A.R.S. 44-7902(A), the Grant Defendants, as mugshot website operators that publish a subject individual's criminal justice record for a commercial purpose on a publicly accessible website, are deemed to be transacting business in this state.

4. Defendant Google, LLC is a limited liability company organized under the laws of the state of Delaware with its headquarters located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

5. Defendant Google, LLC is a global technology company which specializes in internet-related services and products. Defendant Google, LLC offers internet advertisement products which generate substantial revenue for Google, LLC and its website partners, including the Grant Defendants.

6. Defendant Google, LLC maintains business office space in Maricopa County located at 8825 N. 23rd Avenue, Suite 100, Phoenix, Arizona 85021.

7. Transacting business in Arizona is central to Defendant Google, LLC's business model for generating revenue through commercial click-through advertisements displayed on the Websites.

8. Defendant Google, LLC, in its ordinary course of business, routinely solicits business from, and transacts business in, the State of Arizona by way of its advertisements displayed on the Websites.

9. Defendants JOHN and JANE DOES I-X; BLACK CORPORATIONS I-X; and WHITE COMPANIES I-X, are persons, partnerships, corporations or unincorporated associates subject to suit in a common name whose names are unknown to Plaintiff and who are wholly or partially responsible for the acts complained of, including those who have participated in managing, organizing, marketing, facilitating, and profiting from the operations of the Websites, and therefore, designated by fictitious

names pursuant to Rule 10(d), Arizona Rule of Civil Procedure. Plaintiff will ask leave of the Court to substitute the true names of the said parties prior to the entry of judgment herein.

10. Maricopa County is a proper venue, pursuant to A.R.S. §12-401(1). The acts and conduct of Defendants occurred in Maricopa County. The Grant Defendants' Websites are available to people in Maricopa County.

11. Based on the characteristics of this action, this case should be assigned Tier 2 pursuant to Rule 26.2(b)(2).

12. Plaintiff seeks no monetary damages in this action and only seeks to have an Order issued by the Court requiring permanent removal of her criminal justice information from Defendants' Websites.

13. In or around March of 2020, the Maricopa County Sheriff's Office (the "Sheriff's Office") arrested Plaintiff for suspicion of violating Arizona law. Following the arrest, no criminal case was ever initiated against Plaintiff based on this incident.

14. Following the arrest, the Sheriff's Office photographed Plaintiff. The Sheriff's Office made the photograph (the "Mugshot") publicly available on a government website.

15. The Grant Defendants' Websites are privately-owned, publicly-available websites that post mugshots and other criminal justice information about various people who have been arrested, and do so without their consent. The Websites generate income and Defendants utilize the Websites for commercial purposes and pecuniary gain.

16. Since at least March of 2020, the Grant Defendants, without Plaintiff's permission, consent or authorization, have published Plaintiff's booking photo and criminal justice records (the "Records") and Mugshot on the Websites.

17. Despite Plaintiff's demand that the Grant Defendants remove her Mugshot and Records from the Websites, the Grant Defendants refuse to do so.

18. Plaintiff discovered the Grant Defendants' use of the Mugshot and Records on the Websites after conducting an online search of her name using Defendant Google, LLC's search engine in or around March of 2020.

19. The only purpose of the Websites is to generate income and the Grant Defendants utilize the Websites, in conjunction with Defendant Google, LLC, solely for commercial purposes and pecuniary gain.

20. Defendant Google, LLC partners with the Grant Defendants to display its click-through advertisements on the Websites, and specifically the web page showing Plaintiff's Mugshot and Records.

21. Defendant Google, LLC, in partnership with the Grant Defendants, display no less than six click-through advertisements on the web page showing Plaintiff's Records.

22. Almost every page or screen on the Websites contains many click-through advertisements facilitated by Defendant Google, LLC in partnership with the Grant Defendants.

23. The Defendants, and all of them, knew or should have known that the use of Plaintiff's name and likeness for pecuniary gain on the web pages described herein was never authorized by Plaintiff.

24. The Defendants, and all of them, continue to profit, directly and indirectly, from the unauthorized use of Plaintiff's name and likeness.

25. The public nature of the Websites and public availability of Plaintiff's Mugshot and Records has and continues to cause harm to Plaintiff, including unwanted publicity and ramifications for Plaintiff's employment.

26. Plaintiff is entitled to permanent injunctive relief based on the theories of liability hereinafter enumerated in Counts One through Six, and under such other theories of liability as may be appropriate based upon the facts as alleged herein or as revealed during discovery.

**COUNT ONE**

**Violation of the Arizona Mugshot Act (A.R.S. 44-7901/7902)**

*Against the Grant Defendants*

27. Plaintiff incorporates by reference the allegations of each paragraph above into this claim as though fully set forth herein.

28. The Grant Defendants published Plaintiff's Mugshot and Records on a publicly available internet website in violation of A.R.S. §§ 44-7901/7902.

29. As a result, Plaintiff has suffered irreparable harm and seeks to have the Court issue an Order to remove her criminal justice information from Defendants' Websites.

30. Plaintiff seeks no monetary damages, but only injunctive relief.

**COUNT TWO**

**Invasion of Privacy Based on Appropriation**

*Against All Defendants*

31. Plaintiff incorporates by reference the allegations of each paragraph above into this claim as though fully set forth herein.

32. Plaintiff has a privacy interest in the exclusive use of her name and likeness.

33. Defendants' appropriation (and use as an advertisement) of Plaintiff's booking photo was done for Defendants' own commercial purposes and benefit.

34. Defendants' appropriation of Plaintiff's image constituted an invasion of privacy as prescribed by *Restatements (Second) of Torts* § 652C.

35. Defendants' misappropriation of Plaintiff's image proximately caused damage to Plaintiff.

36. Plaintiff seeks no monetary damages, but only injunctive relief.

## COUNT THREE
**Unlawful Appropriation/Right of Publicity**
*Against All Defendants*

37. Plaintiff incorporates by reference the allegations of each paragraph above into this claim as though fully set forth herein.

38. Arizona courts "recognize[] the right of publicity, both as a tort claim and an unfair competition claim." *Lemon v. Harlem Globetrotters Int'l, Inc.*, 437 F. Supp. 2d 1089, 1100 (D. Ariz. 2006) (citing *Restatement (Second) of Torts* § 652C).

39. Defendants used the name and likeness of Plaintiff without her consent or permission to Defendants' commercial advantage.

40. Defendants' wrongful use included, *inter alia*, use of Plaintiff's image as an advertisement.

41. As a result of Defendants' use of Plaintiff's name, Plaintiff has suffered harm including harm to reputation, emotional distress, and additional harms.

42. Plaintiff seeks no monetary damages, but only injunctive relief.

## COUNT FOUR
**False Light**
*Against All Defendants*

43. Plaintiff incorporates by reference the allegations of each paragraph above into this claim as though fully set forth herein.

44. Defendants gave publicity to a matter in an easily accessible public forum concerning Plaintiff that places her in a false light. Specifically, by posting Plaintiff's Mugshot and Records, the Grant Defendants' Websites imply that Plaintiff did something wrong and is guilty of a crime.

45. Plaintiff did not consent, authorize, or agree that Defendants could post this information about her.

46. The false light in which Plaintiff was placed would be highly offensive to a reasonable person.

47. Defendants knowingly or recklessly disregarded the false light in which Plaintiff is placed due to the publication of her Mugshot and Records on the Websites.

48. As a result, Plaintiff has suffered irreparable harm and seeks to have the Court issue an Order to remove her Mugshot and Records from Defendants' Websites.

49. Plaintiff seeks no monetary damages, but only injunctive relief.

**COUNT FIVE**
**Aiding and Abetting Tortious Conduct**
*Against All Defendants*

50. Plaintiff incorporates by reference the allegations of each paragraph above into this claim as though fully set forth herein.

51. Upon information and belief, Defendants each aided and abetted each other in the acts as alleged above.

52. Upon information and belief, Defendants each were each aware that the other Defendants were engaged in the conduct alleged herein for which they are liable to Plaintiff.

53. Upon information and belief Defendants each provided substantial assistance or encouragement to each other with the intent of promoting and profiting from the Websites.

54. Defendants each acted in concert with one another during the wrongful publication of Plaintiff's Mugshot and Records.

55. Defendants' wrongful conduct was the actual and proximate cause of injury, damage, loss, or harm to Plaintiff.

56. Plaintiff seeks no monetary damages, but only injunctive relief.

**COUNT SIX**
**Injunctive Relief**
*Against All Defendants*

57. The Grant Defendants' unauthorized publication of Plaintiff's Mugshot and Records has wrongfully caused Plaintiff continued and unwanted publicity that

places her in a false light.

58. Every day that the Mugshot and Records remain posted on the Websites continue to harm Plaintiff's reputation and good name.

59. Plaintiff's remedies at law are inadequate.

60. Public policy favors an injunction in this matter requiring Defendants to remove the Mugshot and corresponding criminal justice records.

61. Injunctive relief is necessary to prevent further harm and will not disrupt the status quo.

**PRAYER FOR RELIEF**

THEREFORE, Plaintiff requests the following relief:

A. An Order granting Plaintiff an injunction and directing that Defendants immediately remove the Mugshot and Records.

B. Any further relief, in equity, which the Court deems appropriate.

DATED: February 12, 2021.

ANDREW IVCHENKO PLLC

By: */s/ Andrew Ivchenko*
Andrew Ivchenko, Esq.
***Attorney for Plaintiff***

## VERIFICATION

STATE OF ARIZONA )
)
COUNTY OF MARICOPA )

JANE DOE deposes and says as follows:

1. I am the Plaintiff in the above-entitled action.

2. I have read and know the contents of the foregoing Complaint.

**3.** I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on 2/12/21.

Jane Doe
JANE DOE, Plaintiff