

JEFF FINE
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IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

RENEE IVCHENKO, a married woman,

Case No.: **CV2019-090493**

Plaintiff

vs.

COMPLAINT for DAMAGES
 (Right of Publicity, Invasion of
 Privacy, Defamation, Intentional Infliction of
 Emotional Distress, and Prayer for Legal and
 Equitable Relief)

(Jury Trial Demanded)

KYLE DAVID GRANT; TRAVIS PAUL
 GRANT; and MARIEL LIZETTE GRANT,
 d/b/a Rapsheets.org and Bailbondcity.com;
 JOHN DOES and JANE DOES I-X; BLACK
 CORPORATIONS I-X; and WHITE
 COMPANIES I-X,

Defendants.

Plaintiff Renee Ivchenko (hereinafter Plaintiff or "Mrs. Ivchenko"), through her undersigned counsel, for her Complaint against the Defendants, alleges the following:

PRELIMINARY STATEMENT

This is an action for violation of Plaintiff's right of publicity, invasion of privacy, libel, and intentional infliction of emotional distress, under applicable decisional law in Arizona. Plaintiff seeks redress for injuries caused by the unlawful conduct of the Defendants, Kyle David Grant, his brother Travis Paul Grant, and Travis Paul Grant's wife, Mariel Lizette Grant, all d/b/a Rapsheets.org and Bailbondcity.com. These Defendants have acted individually and collectively

1 and such actions have injured Plaintiff. The Defendants' conduct that is the subject of this civil
2 action entails their wrongful appropriation, without consent, of the name, photograph, image, and
3 likeness of Plaintiff for a commercial purpose that benefits only the Defendants.

4
5 The Defendants, acting individually and in concert, publish on various websites (the
6 "Websites") the names and photographs (commonly called "mugshots") of individuals who have
7 had some involvement with the state's criminal judicial process, along with information
8 purporting to be a statement of the allegations or charges brought against the individual. The
9 Defendants own the websites "rapsheets.org" and "bailbondcity.com," on which they post arrest
10 records, complete with pictures of arrestees, to www.rapsheets.org and www.bailbondcity.com.
11 The Defendants uses software to "scrape" that information from the Maricopa County Sheriff's
12 Office's website for all or substantially all inmates and arrestees. Although the mugshots are
13 only kept online by the Maricopa County Sheriff's Office for three days, that is sufficient time
14 for the Defendants to capture the images and data using spiders and bot programs. The
15 Defendants then use analytics and search optimization to ensure that each record is among the
16 first search results found when the arrestee's name is entered into a search engine such as
17 Google, Bing or Yahoo.

18
19
20 However, rapsheets.org and bailbondcity.com are not a public safety service or media
21 outlet. Instead, the Defendants post these mugshots online solely in order to profit by generating
22 advertising review through Google Ads, Google's paid advertising product and its main source
23 of revenue. Companies pay for Google Ads so that people will notice their business whenever
24 they are searching Google. These companies only have to pay a website owner whenever
25 someone clicks on the ad. This is known as cost-per-click advertising (CPC). The Defendants
26 generate substantial revenue through the use of Google Ads on their websites.
27
28

1 The Defendants refuse to remove someone's mugshot from the Websites even if they
2 have been found innocent of any crime, or have otherwise had their charges dropped, not filed,
3 expunged, or dismissed, as in Plaintiff's case. Prospective employers (or anyone else) conducting
4 a web search finds, in many cases, intentional misinformation indicating that people are still
5 charged, incarcerated, or on parole years even after release or an adjudication of not guilty. The
6 Defendants intentionally and maliciously set up the Websites to give the false impression people
7 are still incarcerated or have been adjudged guilty of a crime. The end result for many arrestees
8 is job loss, broken families, and homelessness. The end result for the Defendants is substantial
9 profits.
10

11
12 The Defendants' scheme proceeds serially through websites operated by or in
13 conjunction with one another. Individuals who attempt to apply legal pressure on the Defendants
14 in an effort to have their mugshot removed from the Websites are retaliated against and further
15 harmed by the Defendants by having their mugshots placed on two other websites owned and
16 operated by them, including "www.thiswebsiterocks.com," which is devoid of advertisements.
17 Plaintiff's mugshot (one of only two involving an Arizona resident) was placed on this website
18 immediately after Plaintiff's attorney demanded the removal of her mugshot from the Websites.
19 In a further effort to intimidate Plaintiff and damage her reputation, the Defendants also set up a
20 Twitter account featuring Plaintiff's mugshot and that of the second Arizona resident, at
21 Twitter.com/zim_rogers_fans?lang=en. Plaintiff and the second Arizona resident are the only
22 people displayed in the Twitter account, which is set up under a fake name. These websites were
23 established to retaliate against Plaintiff, and act as a deterrent against anyone contemplating legal
24 action against the Defendants. These actions by the Defendants constitute libel and false light,
25 and also have caused Plaintiff significant emotional distress.
26
27
28

1 The Defendants purport to operate "The World's Largest Arrest Record Database" on
2 their rapsheets.org website. This includes mugshots of approximately 300,000 Arizona residents.
3 This action seeks to put an end to the Defendants' profiteering at the expense of vulnerable
4 people such as Plaintiff. The Defendants will continue to cause Plaintiff harm until they are
5 enjoined from their intentional and malicious violation of her rights, both directly and indirectly
6 through Google, Google Ads, GoDaddy, and others Internet providers that host the Websites.
7

8 JURISDICTION AND PARTIES

9
10 1. Plaintiff Renee Ivchenko is a resident of Maricopa County, Arizona.
11
12 2. The Defendants Kyle David Grant, Travis Paul Grant, and Mariel Lizette Grant,
13 are residents of the state of Florida. They are the owners and operators of the following websites
14 (a) Rapsheets.org, and (b) Bailbondcity.com, and based on information and belief, (c)
15 thiswebsiterocks.com, and (d) Twitter.com/zim_rogers_fans?lang=en. The Defendants are being
16 sued in their individual capacities. This Court has jurisdiction over the Defendants under
17 Arizona's long-arm rule and applicable decisional law, which allows for assertion of personal
18 jurisdiction over a non-resident consistent with federal constitutional due process. Ariz. R. Civ.
19 P. 4.2(a).

20
21 3. At all material times, the Defendants (i) committed a tortious act within this state,
22 and (ii) are engaged in substantial and not isolated activity within this state. Sufficient minimum
23 contacts exist between the Defendants and the state of Arizona to satisfy the due process
24 requirements of the United States Constitution. These include directly targeting their Websites to
25 the state, knowingly interacting with residents of the forum state via their Websites, or through
26 sufficient other related contacts.
27
28

1 4. Jurisdiction is proper in this Court because Plaintiff resides in and has suffered
2 injury in Arizona as a result of the Defendants' tortious act of publishing defamatory statements
3 about Plaintiff on the Internet. In addition, jurisdiction is proper because the defamatory
4 statements were published to millions of people in the United States including persons in the
5 state of Arizona.
6

7 5. The Defendants solicit customers in the state of Arizona. Upon information and
8 belief, the Defendants have many paying customers who reside in the state of Arizona who each
9 use the Defendants' respective services in the state of Arizona. Upon information and belief, the
10 Defendants conduct continuous and systematic business in the state of Arizona.
11

12 6. Defendants JOHN and JANE DOES I-X; BLACK CORPORATIONS I-X; and
13 WHITE COMPANIES I-X, are persons, partnerships, corporations or unincorporated associates
14 subject to suit in a common name whose names are unknown to Plaintiff and who are wholly or
15 partially responsible for the acts complained of, including those who have participated in
16 managing, organizing, marketing, facilitating, and profiting from the operations of the Websites
17 owned and controlled by the Defendants, and therefore, designated by fictitious names pursuant
18 to Rule 10(d), Arizona Rule of Civil Procedure. Plaintiff will ask leave of the Court to substitute
19 the true names of the said parties prior to the entry of judgment herein.
20
21

22 7. Maricopa County is a proper venue, pursuant to A.R.S. §12-401(1). The acts and
23 conduct of the Defendants occurred in Maricopa County. The Defendants' Websites are
24 available to people in Maricopa County.
25

26 GENERAL ALLEGATIONS

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

1 9. With respect to Plaintiff, the Defendants, without permission, consent or
2 knowledge of Plaintiff, reproduced, publicly displayed and distributed Plaintiff's booking
3 photo on the Defendants' respective websites.
4

5 10. Plaintiff's image has commercial value, as is shown by the Defendants profiting
6 from the unlawful appropriation of the image for commercial purposes.
7

8 11. The Defendants' respective websites, along with Plaintiff's image, were indexed
9 by Yahoo.com and Google.com, and the image appears under Google Images when a web search
10 for Plaintiff's name is conducted.

11 12. The Defendants' use of Plaintiff's image is for a commercial purpose, among
12 other purposes.
13

14 13. The Defendants operate one or more websites that are used to display Plaintiff's
15 image as part of a commercial enterprise.

16 14. The display by the Defendants of Plaintiff's image is intended, among other
17 things, to subject her to hatred, contempt, or ridicule, or to damage her personal or business
18 reputation, or to impair her credit.

19 15. Each Defendant, acting on their own or in conjunction with one or more of the
20 other Defendants, derives revenue from the Websites through Google Ads and other means.
21

22 16. Each Defendant, acting on their own or in conjunction with one or more of the
23 other Defendants, utilizes the Websites to intimidate and defame Plaintiff.
24

25 17. Plaintiff's attorney emailed the Defendants a demand letter dated January 15,
26 2019, requesting that her mugshot be removed from the Websites based on her charges not being
27 filed and/or dismissed. The Defendants refused this request. A more aggressive demand letter
28

1 was emailed to the Defendants on February 13, 2019. The Defendants again refused Plaintiff's
2 request by email response dated February 19, 2019.

3
4 18. Based on information and belief, the Defendants retaliated against Plaintiff by
5 publishing, or arranging to have published, Plaintiff's mugshot, as well as additional false,
6 malicious, and defamatory statements, on two other websites, www.thiswebsiterocks.com and
7 [Twitter.com/zim_rogers_fans?lang=en](https://twitter.com/zim_rogers_fans?lang=en). Plaintiff's mugshot appeared on these websites on
8 February 19, 2019, the same day the Defendants replied to her second demand letter.

9
10 19. Unless the Defendants are enjoined from further use and publication of Plaintiff's
11 image and name, Plaintiff will suffer further irreparable injury.

12 CAUSES OF ACTION

13 20. Mrs. Ivchenko is entitled to recover damages from the Defendants jointly and
14 from each of them based on the theories of liability hereinafter enumerated in Counts I through
15 V, and under such other theories of liability as may be appropriate based upon the facts as
16 alleged herein or as revealed during discovery.

18 COUNT I 19 VIOLATION OF ARIZONA'S RIGHT OF PUBLICITY

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

22 22. In doing the acts alleged herein, the Defendants have used for commercial
23 purposes Plaintiff's name, likeness, identity and persona without her consent.

24
25 23. The commercial use and misappropriation of Plaintiff's name, likeness, identity
26 and persona is a violation of the Arizona common law right of privacy, which includes the right
27 of publicity.
28

1 24. The status of Plaintiff's booking photo and name as part of the public record does
2 not relieve the Defendants of the obligation to obtain her consent before exploiting her persona
3 for commercial gain.

4
5 25. The Defendants wrongfully use Plaintiffs' persona for a commercial purpose in
6 multiple ways, including but not limited to, the generation of revenue through Google Ads.

7 26. As a proximate result of the Defendants' acts alleged herein, Plaintiff has suffered
8 and will continue to suffer damages in an amount to be proven at trial.

9
10 **COUNT II**
 INVASION OF PRIVACY

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

13
14 28. Defendants intentionally intruded upon Plaintiff's solitude, seclusion or private
15 affairs and concerns. The Defendants' intrusion would be highly offensive to a reasonable person
16 and was unwarranted and unjustified.

17 29. The Defendants made statements that were untrue and intended to misrepresent
18 Plaintiff's character, history, activities and beliefs.

19
20 30. Specifically, the Defendants have utilized Plaintiff's persona without her consent,
21 present her image and arrest information in a manner that suggests that she is still incarcerated,
22 or that criminal charges are outstanding when in fact they have been dismissed.

23 31. The Defendants also made comments or suggestions that created a false
24 implication about Plaintiff.

25
26 32. Defendants knew or reasonably should have known that their statements
27 regarding Plaintiff were false and/or represented her in a false light.
28

1 33. The Defendants acted with malice by posting Plaintiff's image and personal
2 information on a bogus Twitter account in retaliation for her threats of initiating legal action
3 against them.
4

5 34. These false and/or misleading statements were made to the public through the
6 Internet. The Defendants had knowledge of or acted in reckless disregard as to the falsity of the
7 publicized matter and the false light in which Plaintiff would be placed.
8

9 35. The Defendants invaded Plaintiff's privacy, with the sole purpose of making
10 money and intimidating anyone who threatens to derail their scheme. As a result, Plaintiff has
11 suffered mental and emotional damages as a proximate cause of such intrusion.
12

13 **COUNT III**
14 **DEFAMATION - LIBEL**
15

16 36. Plaintiff incorporates by reference the allegations of each paragraph above into
17 this claim as though fully set forth herein.
18

19 37. Defendants have published Plaintiff's image on various Websites that they own
20 and control. The language in the Websites refer to Plaintiff by name throughout, was made of
21 and concerning Plaintiff, and was so understood by those who see the Websites.
22

23 38. Defendants knew that the statements about Plaintiff described above were false
24 and/or recklessly disregarded the falsity of these statements when they published them, in that
25 any criminal charges pertaining to Plaintiff have been dismissed, or were never charged in the
26 first place.
27

28 39. The Websites and statements contained therein are libelous on their face. They
clearly expose plaintiff to hatred, contempt, ridicule and obloquy because they insinuate that
Plaintiff is guilty of having committed a crime.

1 40. The statements about Plaintiff adversely affect Plaintiff in her professional life
2 and her reputation and Plaintiff has been damaged by their publication. As a proximate result of
3 the above-described publication, Plaintiff has suffered loss of her reputation, shame,
4 mortification, and injury to her feelings.
5

6 41. The above-described publication was not privileged because it was published by
7 defendants with malice, hatred and ill will toward Plaintiff and the desire to injure her, in that the
8 Defendants continued to defame Plaintiff after she objected to the publication of her image on
9 the Defendants' Websites, by placing her image on two additional Websites as retribution.
10

11 42. Defendants are liable to Plaintiff as a result of these false and defamatory
12 statements for actual, presumed and punitive damages in an amount to be determined at trial, but
13 not less than \$1,000,000.
14

15 **COUNT IV**
16 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

19 44. Defendants, by and through the making of such false, defamatory, and libelous
20 statements, and the false light in which Plaintiff has been placed, behaved intentionally and/or
21 recklessly.

22 45. Defendants, by and through the making of such false, defamatory, and libelous
23 statements, intended to cause emotional distress upon Plaintiff.
24

25 46. The making of such false, defamatory, and libelous statements by Defendants was
26 so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of
27 decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.
28

47. Plaintiff has suffered and continues to suffer severe emotional distress and emotional injury due to the Defendants' actions,

48. Defendants' aforementioned actions were the direct and proximate cause of such severe emotional distress and emotional injury to Plaintiff.

49. Plaintiff suffered and continues to suffer mental anguish as a result of being defamed and libeled by Defendants, and said mental anguish is of a nature that no reasonable person could be expected to endure.

50. As a result of these false and defamatory statements and false light in which Plaintiff has been placed, Defendants are liable to Plaintiff for actual, presumed and punitive damages in an amount to be determined at trial.

COUNT V
PUNITIVE DAMAGES

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

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

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

54. Defendants' aforementioned conduct evidences a conscious disregard for the rights of Plaintiff and has caused, and continues to cause, her substantial harm.

55. As a result, Plaintiff is entitled to punitive damages and attorneys' fees.

WHEREFORE, Mrs. Ivchenko requests that the Court enter judgment in her favor and against the Defendants and each of them as follows:

1. For general and special damages in an amount that Plaintiff will prove;
2. For punitive damages to be consistent with proof in this action;
3. Plaintiff is requesting not less than \$1,000,000 in actual and punitive damages;
4. Appropriate preliminary and/or permanent injunctive relief;
5. For Plaintiff's reasonable costs and attorney's fees incurred herein;
6. For such other and further relief as the Court deems just.

DATED this ____ day of May 2019.

LAW OFFICES OF ANDREW IVCHENKO

/s/ Andrew Ivchenko
Andrew Ivchenko
Attorney for Plaintiff

Original filed this ____ day of
May, 2019 with:

Clerk of Court
Maricopa County Superior Court
222 E Javelina Ave.
Mesa, AZ 85210

By: /s/ Beth Rees
Beth Rees