

1 Brian M. Holm (California State Bar No. 255691)  
2 HOLM LAW GROUP, PC  
3 171 Saxony Road, Suite 203  
4 Encinitas, California 92024  
5 p. 858.433.2001 f. 888.483.3323  
6 brian@holmlawgroup.com

7 John J. O'Brien (California State Bar No. 253392)  
8 THE O'BRIEN LAW FIRM, APLC  
9 1804 Garnet Ave., Suite 408  
10 San Diego, California 92109  
11 p. 619.535.5151  
12 john@theobrienlawfirm.com

13 Attorneys for Plaintiffs

14 **UNITED STATES DISTRICT COURT**  
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 JANE DOE NOS. 1 through 40, inclusive,  
17 individuals;

18 Plaintiffs,

19 v.

20 MG FREESITES, LTD., dba "PORNHUB,"  
21 a foreign entity; MINDGEEK S.A.R.L. a  
22 foreign entity; and MINDGEEK USA  
23 INCORPORATED, a Delaware corporation;

24 Defendants.

Case No.: **'20CV2440 W RBB**

**COMPLAINT FOR DAMAGES  
PURSUANT TO 18 U.S.C. § 1595**

**DEMAND FOR JURY TRIAL**

25 Jane Doe Nos. 1 through 40 (collectively "Plaintiffs") hereby allege as follows:

26 **I.**

27 **THE PARTIES**

28 **a. PLAINTIFFS**

1. Plaintiff Jane Doe No. 1 is a United States citizen who resided outside of this  
judicial district at all relevant times alleged herein.

1           2.     Plaintiff Jane Doe No. 2 is a United States citizen who resided outside of this  
2 judicial district at all relevant times alleged herein.

3           3.     Plaintiff Jane Doe No. 3 is a United States citizen who resided outside of this  
4 judicial district at all relevant times alleged herein.

5           4.     Plaintiff Jane Doe No. 4 is a United States citizen who resided outside of this  
6 judicial district at all relevant times alleged herein.

7           5.     Plaintiff Jane Doe No. 5 is a United States citizen who resided outside of this  
8 judicial district at all relevant times alleged herein.

9           6.     Plaintiff Jane Doe No. 6 is a United States citizen who resided within this  
10 judicial district at all relevant times alleged herein.

11          7.     Plaintiff Jane Doe No. 7 is a United States citizen who resided within this  
12 judicial district when the actions occurred giving rise to her claims herein and now  
13 resides outside this judicial district.

14          8.     Plaintiff Jane Doe No. 8 is a United States citizen who resided within this  
15 judicial district when the actions occurred giving rise to her claims herein and now  
16 resides outside this judicial district.

17          9.     Plaintiff Jane Doe No. 9 is a United States citizen who resided outside of this  
18 judicial district at all relevant times alleged herein.

19          10.    Plaintiff Jane Doe No. 10 is a United States citizen who resided outside of  
20 this judicial district at all relevant times alleged herein.

21          11.    Plaintiff Jane Doe No. 11 is a United States citizen who resided outside of  
22 this judicial district at all relevant times alleged herein.

23          12.    Plaintiff Jane Doe No. 12 is a United States citizen who resided outside of  
24 this judicial district at all relevant times alleged herein.

25          13.    Plaintiff Jane Doe No. 13 is a United States citizen who resided outside of  
26 this judicial district at all relevant times alleged herein.

27          14.    Plaintiff Jane Doe No. 14 is a United States citizen who resided outside of  
28 this judicial district at all relevant times alleged herein.

1           15. Plaintiff Jane Doe No. 15 is a United States citizen who resided within this  
2 judicial district when the actions occurred giving rise to her claims herein and now  
3 resides outside this judicial district.

4           16. Plaintiff Jane Doe No. 16 is a United States citizen who resided outside of  
5 this judicial district at all relevant times alleged herein.

6           17. Plaintiff Jane Doe No. 17 is a United States citizen who resided outside of  
7 this judicial district at all relevant times alleged herein.

8           18. Plaintiff Jane Doe No. 18 is a United States citizen who resided outside of  
9 this judicial district at all relevant times alleged herein.

10          19. Plaintiff Jane Doe No. 19 is a citizen of Canada and resided outside of this  
11 judicial district at all relevant times alleged herein.

12          20. Plaintiff Jane Doe No. 20 is a United States citizen who resided outside of  
13 this judicial district at all relevant times alleged herein.

14          21. Plaintiff Jane Doe No. 21 is a United States citizen who resided outside of  
15 this judicial district at all relevant times alleged herein.

16          22. Plaintiff Jane Doe No. 22 is a United States citizen who resided outside of  
17 this judicial district at all relevant times alleged herein.

18          23. Plaintiff Jane Doe No. 23 is a United States citizen who resided outside of  
19 this judicial district at all relevant times alleged herein.

20          24. Plaintiff Jane Doe No. 24 is a United States citizen who resided outside of  
21 this judicial district at all relevant times alleged herein.

22          25. Plaintiff Jane Doe No. 25 is a United States citizen who resided outside of  
23 this judicial district at all relevant times alleged herein.

24          26. Plaintiff Jane Doe No. 26 is a United States citizen who resided outside of  
25 this judicial district at all relevant times alleged herein.

26          27. Plaintiff Jane Doe No. 27 is a United States citizen who resided outside of  
27 this judicial district at all relevant times alleged herein.

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1           28. Plaintiff Jane Doe No. 28 is a citizen of Canada and resided outside of this  
2 judicial district at all relevant times alleged herein.

3           29. Plaintiff Jane Doe No. 29 is a United States citizen who resided outside of  
4 this judicial district at all relevant times alleged herein.

5           30. Plaintiff Jane Doe No. 30 is a United States citizen who resided outside of  
6 this judicial district at all relevant times alleged herein.

7           31. Plaintiff Jane Doe No. 31 is a United States citizen who resided outside of  
8 this judicial district at all relevant times alleged herein.

9           32. Plaintiff Jane Doe No. 32 is a United States citizen who resided within this  
10 judicial district at all relevant times alleged herein.

11           33. Plaintiff Jane Doe No. 33 is a United States citizen who resided outside of  
12 this judicial district at all relevant times alleged herein.

13           34. Plaintiff Jane Doe No. 34 is a United States citizen who resided outside of  
14 this judicial district at all relevant times alleged herein.

15           35. Plaintiff Jane Doe No. 35 is a United States citizen who resided outside of  
16 this judicial district at all relevant times alleged herein.

17           36. Plaintiff Jane Doe No. 36 is a citizen of Canada and resided outside of this  
18 judicial district at all relevant times alleged herein.

19           37. Plaintiff Jane Doe No. 37 is a United States citizen who resided outside of  
20 this judicial district at all relevant times alleged herein.

21           38. Plaintiff Jane Doe No. 38 is a United States citizen who resided outside of  
22 this judicial district at all relevant times alleged herein.

23           39. Plaintiff Jane Doe No. 39 is a United States citizen who resided outside of  
24 this judicial district at all relevant times alleged herein.

25           40. Plaintiff Jane Doe No. 40 is a United States citizen who resided outside of  
26 this judicial district at all relevant times alleged herein.

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1 **b. DEFENDANTS**

2 41. At all relevant times alleged herein, defendant MindGeek S.a.r.l. is a foreign  
3 entity (a Société à responsabilité limitée) conducting business throughout the United  
4 States, including within the Southern District of California. MindGeek S.a.r.l., formerly  
5 known as ManWin, is the convergence of two large pornography companies, Mansef and  
6 InterTube. Over the last decade, MindGeek S.a.r.l. went on an acquisition spree buying  
7 up its competition and now owns and operates over 100 pornographic websites,  
8 production companies, and brands. MindGeek S.a.r.l. has, for all intents and purposes,  
9 monopolized the pornography industry, and is believed to own and/or control the  
10 majority of the pornography on the Internet, much of which it distributes for free, to any  
11 person with a web connection, regardless of age. Although incorporated in Luxembourg,  
12 MindGeek S.a.r.l.'s principal place of business is Montreal, Canada, with satellite offices  
13 in, among other places, San Diego, Los Angeles, San Francisco, London, Bucharest  
14 (Romania), and Nicosia (Cyprus).

15 42. At all relevant times alleged herein, defendant MG Freesites, Ltd. is a  
16 foreign entity incorporated in the Republic of Cyprus conducting business throughout the  
17 United States and California, including within the Southern District of California. Upon  
18 information and belief, MG Freesites, Ltd. is a wholly owned subsidiary of MindGeek  
19 S.a.r.l, either directly or through intermediary companies that are also under the control  
20 of MindGeek S.a.r.l. Upon information and belief, MG Freesites, Ltd. is predominantly  
21 under the control of and operated by directors, officers and employees working in  
22 MindGeek's offices in the United States and Canada, with little business operations being  
23 conducted within the Republic of Cyprus where MG Freesites, Ltd. is incorporated.

24 43. Defendant MindGeek USA Incorporated is a corporation incorporated in the  
25 State of Delaware, with its principal place of business in Los Angeles, California. Upon  
26 information and belief, MindGeek USA Incorporated is a wholly owned subsidiary of  
27 MindGeek S.a.r.l., either directly or through intermediary companies also under the  
28 control of MindGeek S.a.r.l.

1 44. MindGeek S.a.r.l., MG Freesites, Ltd. and MindGeek USA Incorporated, as  
2 well as all of these entities' subsidiary and sister companies, are collectively referred to  
3 as "**MindGeek**" or the "**Defendants**" herein.

4 45. Upon information and belief, MindGeek has incorporated dozens of  
5 subsidiaries and sister companies around the world for the purpose of avoiding liabilities  
6 and to hide the identity of the entities and individuals behind its corporate actions. Upon  
7 information and belief, MindGeek S.a.r.l and all other MindGeek entities operate as a  
8 single business enterprise solely dedicated to producing, distributing, and monetizing  
9 pornography on the Internet. In doing all acts alleged herein, and as a business generally,  
10 MindGeek USA Incorporated, MindGeek S.a.r.l., MG Freesites, Ltd. and all of their  
11 subsidiary and sister companies were and are alter egos of one another.

12 46. Upon information and belief, and in particular, the Defendants: (a)  
13 commingled their funds and other assets, failed to segregate funds between them, and  
14 have without authorization diverted corporate funds and assets for noncorporate uses; (b)  
15 treated each other's assets as their own; (c) issued shares of one other to themselves and  
16 third parties haphazardly and without authority; (d) held themselves out as being  
17 personally liable for the debts of each other; (e) failed to maintain minutes and corporate  
18 records, and confused the records of the separate entities; (f) used the same business  
19 locations and employed the same employees; (g) failed to adequately capitalize the  
20 entities; (h) used each other as a conduit for a single venture of themselves; (i) failed to  
21 maintain arm's length relationships among themselves; and (j) diverted assets without  
22 consideration from/to one another to the detriment of creditors, including Plaintiffs.  
23 Recognition of the privilege of separate existences between the Defendants would  
24 promote injustice, unfairness, and fraud. Any separateness is to be disregarded. As such,  
25 these defendants are jointly and severally liable in this action as alter egos.

26 47. In doing all things alleged herein, Defendants were agents, servants,  
27 representatives, partners, joint venturers, affiliates, parents, subsidiaries, and/or  
28 employees of each other in the acts and/or omissions herein alleged. The Defendants

1 were acting within the course and scope of their authority as such agents, servants,  
2 representatives, partners, joint venturers, affiliates, parents, subsidiaries, and/or  
3 employees and with the permission, authorization, consent, and ratification of each other.

4 **II.**

5 **JURISDICTION AND VENUE**

6 **a. SUBJECT MATTER JURISDICTION**

7 48. This Court has original subject matter jurisdiction over the private right of  
8 action for victims of sex trafficking under 18 U.S.C. § 1595(a). See, *Id.* (“An individual  
9 may bring a civil action...in an appropriate district court of the United States...”)

10 **b. PERSONAL JURISDICTION**

11 49. This Court has personal jurisdiction over all defendants. As for MindGeek  
12 USA Incorporated, its domicile and principal place of business are in California. Each of  
13 the three defendants has minimum contacts with California such that maintenance of the  
14 suit does not offend traditional notions of fair play and substantial justice. Defendants  
15 have purposefully availed themselves of California jurisdiction, there is a substantial  
16 nexus between Plaintiffs’ claims and Defendants’ California-based activities, and  
17 jurisdiction is fair.

18 50. More specifically, and as set forth below in the description of “MindGeek’s  
19 Tubesites,” *infra*, by operating interactive commercial websites and transacting various  
20 forms of business related thereto in California (e.g., contracting with California residents  
21 and knowingly and repeatedly transmitting currency and computer files over the  
22 Internet), all of the Defendants purposefully availed themselves of doing business in  
23 California. Among other things, the Defendants purposefully: (a) directed their activities  
24 at California residents; (b) derived benefit from their activities in California; (c) created a  
25 substantial connection with California; (d) engaged in significant activities within  
26 California; (e) created continuing obligations between themselves and residents of  
27 California; and (f) caused liability-producing acts and foreseeable consequences in  
28 California.

1 51. Further, there exists personal jurisdiction as MindGeek S.a.r.l. and MG  
2 Freesites, Ltd. were and are agents, partners, alter egos, ratified the conduct, and have  
3 substantial control of and over forum-based MindGeek USA Incorporated.

4 52. Finally, Defendants contracted and partnered with the forum-based  
5 perpetrators of the subject sex trafficking to split revenues that Defendants generated by  
6 marketing, selling and exploiting videos featuring victims of the GirlsDoPorn sex  
7 trafficking venture, *infra*. Particularly, pursuant to its partnership with GirlsDoPorn as  
8 part of its “Viewshare Program” (*see, infra*), defendant MG Freesites, Ltd. made monthly  
9 payments to the forum-based sex traffickers representing GirlsDoPorn’s share of  
10 revenues MG Freesites Ltd. received by marketing, selling and exploiting the victims’  
11 videos on MG Freesites, Ltd.’s websites through Mindgeek’s Viewshare Program,  
12 discussed *infra*.

13 **c. VENUE**

14 53. Venue is proper in the United States District Court for the Southern District  
15 of California pursuant to 28 U.S.C. §§ 1391(b)(2), (b)(3), (c)(2), and (d) in that a  
16 substantial part of the events or omissions giving rise to the claims occurred in this  
17 district and the corporate defendants are subject to personal jurisdiction in this district.  
18 Particularly, the subject sex trafficking actions occurred in San Diego, California. The  
19 perpetrators are currently in custody and being prosecuted for sex trafficking in this  
20 judicial district. Further, MindGeek contracted and maintained a business partnership  
21 with the perpetrators of the subject sex trafficking within this judicial district and made  
22 payments to financial institutions within this judicial district as part of that relationship.  
23 MindGeek maintains an office situated in and conducts substantial business within this  
24 judicial district. Finally, several plaintiffs reside within this judicial district.

25 **III.**

26 **SUMMARY OF CLAIMS**

27 54. From 2007 until October 2019, Michael Pratt (“Pratt”), Matthew Wolfe  
28 (“Wolfe”), Douglas Wiederhold (“Wiederhold”), and Andre Garcia (“Garcia”) ran a



1 sex trafficking venture out of San Diego, California known as “GirlsDoPorn.”<sup>1</sup> For over  
2 a decade, GirlsDoPorn sex-trafficked hundreds of high school and college-aged women  
3 using fraud, coercion, and intimidation to get the young women to film pornographic  
4 videos under the false pretense that the videos would remain private, off the Internet, and  
5 never be seen in North America. In reality, GirlsDoPorn intended to publish the videos  
6 on its subscription website, as well as to dozens of other heavily trafficked websites  
7 available to anyone with an Internet connection, as it had done with hundreds of its prior  
8 videos. GirlsDoPorn (and MindGeek) knew the unconsented publication of victim’s sex  
9 video would upend the victim’s life. Once published, GirlsDoPorn’s victims were  
10 brutally harassed by peers and strangers, effectively turning them into pariahs in their  
11 own communities. The victims were ostracized by friends and family, many lost their  
12 jobs, and some were expelled from college. The relentless harassment caused all victims  
13 to become suicidal and some even attempted such.

14 55. In June 2016, four victims filed an action in the Superior Court of California,  
15 County of San Diego (“**San Diego Superior Court**”) against GirlsDoPorn for, among  
16 other things, intentional misrepresentation, concealment, and misappropriation of  
17 likeness (“**State Court Action**”).<sup>2</sup> By November 2017, an additional eighteen victims  
18 had joined the State Court Action, for a total of twenty-two plaintiffs. After nearly three  
19 years of extensive litigation, on August 19, 2019, the State Court Action proceeded to a  
20 bench trial before the Honorable Kevin A. Enright. The victims’ testimony was covered  
21 heavily by the media.

22 56. On October 9, 2019—as victim testimony accumulated—the United States  
23 Attorney for the Southern District of California charged GirlsDoPorn’s three principals  
24 (Pratt, Wolfe, Garcia) and three others with federal sex trafficking and conspiracy to  
25

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26 <sup>1</sup> The individuals, websites and the offshore and domestic entities used to operate this sex  
trafficking venture are collectively referred to herein as “**GirlsDoPorn**.”

27 <sup>2</sup> The complaints from the State Court Action (San Diego Superior Court Case Nos. 37-  
28 2016-00019027-CU-FR-CTL, 37-2017-00033321-CU-FR-CTL and 37-2017-00043712-  
CU-FR-CTL) are hereby incorporated by reference as though set forth fully herein.

1 commit sex trafficking under 18 U.S.C. § 1591 (“**Section 1591**”). A grand jury  
2 indictment unsealed about a month later formally charged them with these crimes.<sup>3</sup> The  
3 grand jury also indicted Pratt for Production of Child Pornography in violation of 18  
4 U.S.C. §2251, subs. (a) and (e). Wolfe and Garcia were arrested on or about October 9,  
5 2019. Pratt escaped to Mexico and is currently a fugitive of justice on the Federal Bureau  
6 of Investigation’s Most Wanted List.

7 57. The civil trial in the State Court Action concluded on November 26, 2019,  
8 about six weeks after the arrests. On January 2, 2020, the Honorable Kevin A. Enright  
9 issued a nearly two-hundred-page Statement of Decision<sup>4</sup> detailing the “fraud,  
10 intimidation and coercion” GirlsDoPorn used to coax its victims into filming adult  
11 videos. The decision collectively awarded the twenty-two plaintiffs nearly \$13 million in  
12 compensatory and punitive damages, voided all contracts as part and parcel of the  
13 fraudulent and coercive scheme, and enjoined GirlsDoPorn from using their fraudulent  
14 and coercive practices in any future business dealings.

15 58. Garcia pled guilty to sex trafficking under Section 1591 and conspiracy to  
16 commit sex trafficking for his role in the GirlsDoPorn sex trafficking venture.<sup>5</sup> Garcia is  
17 set to be sentenced by the Honorable Janis L. Sammartino in the coming months. Wolfe  
18 remains in federal custody in San Diego awaiting trial. Pratt is still at large.

19 59. Over the last two decades, United States Congress has taken significant  
20 measures to fight sex trafficking as criminals began utilizing the Internet to perpetrate  
21 and monetize their crimes. Part of Congress’ fight includes making it more difficult for  
22 traffickers to carry out and profit from their crimes by deterring otherwise law-abiding  
23 businesses from providing services to suspected traffickers. Pursuant to 18 U.S.C. §  
24

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25 <sup>3</sup> The November 7, 2019 Indictment from *USA v. Pratt, et al.*, , Case No. 19:CR-4488-  
26 JLS (S.D. Cal.) , is hereby incorporated by reference as though set forth fully herein.

27 <sup>4</sup> The Final Statement of Decision entered on April 27, 2020 is hereby incorporated by  
reference as though set forth fully herein.

28 <sup>5</sup> See, Docket Entry 138 in *USA v. Pratt, et al.*, Case No. 19:CR-4488-JLS (S.D. Cal.)

1 1595 (“**Section 1595**”), any business that “knew or should have known” it was profiting  
2 from its participation in a sex trafficking venture is civilly liable to the victims for  
3 damages and attorney fees. Section 1595 presents businesses frequented by sex  
4 traffickers (e.g., hotels, websites, social media platforms, and online dating applications)  
5 with a choice: (a) deny services to suspected sex traffickers; or (b) provide services to the  
6 suspected traffickers, accept the profits from the transaction, but risk civil liability to the  
7 sex trafficking victims.

8 60. MindGeek operates some of the most popular pornographic websites in the  
9 world, including the 8<sup>th</sup> most popular website in the United States, www.PornHub.com.  
10 In 2011, MindGeek contracted with GirlsDoPorn and began selling, marketing, and  
11 exploiting videos featuring GirlsDoPorn’s sex trafficking victims on its websites.

12 61. As early as 2009, and definitely by fall 2016, MindGeek knew GirlsDoPorn  
13 was trafficking its victims by using fraud, coercion, and intimidation as part of its  
14 customary business practices to get the women to film the videos. Despite this  
15 knowledge, MindGeek continued to partner with GirlsDoPorn, never bothering to  
16 investigate or question its business partner regarding the mounting evidence of sex  
17 trafficking that MindGeek received. MindGeek continued its partnership with  
18 GirlsDoPorn until October 2019 when the Department of Justice shut down GirlsDoPorn  
19 by arresting and indicting its principals. At this point, there was no longer a company left  
20 for MindGeek to partner with.

21 62. If MindGeek did not know GirlsDoPorn was a sex trafficking venture before  
22 October 2019, it should have known for a great number of reasons, the most notable of  
23 which is that GirlsDoPorn’s victims sent MindGeek complaints detailing the fraud and  
24 coercion they were subjected to by GirlsDoPorn. Because of this knowledge, MindGeek  
25 is, at minimum, civilly liable to Plaintiffs under Section 1595 for damages and attorney  
26 fees. And if MindGeek truly did not know that its GirlsDoPorn was using fraud,  
27 intimidation, and coercion are part of its regular business practices until the criminal  
28 ///

1 charges were filed in October 2019, MindGeek’s ignorance of the sex trafficking is a  
2 direct result of its own negligence, which still triggers Section 1595 liability.<sup>6</sup>

3 63. Even after severing its partnership with GirlsDoPorn, MindGeek continues  
4 to profit from Plaintiffs’ videos to this day. As of December 12, 2020, MindGeek still  
5 hosts victims’ videos on its websites, including Plaintiffs. The URLs for the victims’  
6 videos contain affiliate tails and are surrounded by hyperlink advertisements that, if  
7 clicked, redirect the visitors to various paysites. Most of the hyperlink advertisements on  
8 these victim’s videos redirect the visitor to MindGeek’s paysite, www.Brazzers.com.  
9 Others redirect the visitor to third party paysites, such as JerkMate.com.

10 64. MindGeek knew it was partnering with and profiting from a sex trafficking  
11 venture for years. MindGeek also knew of the significant harassment and trauma  
12 GirlsDoPorn’s victims were enduring by its continued publication of the victims’ videos.  
13 MindGeek simply did not care and continued to partner with GirlsDoPorn until it was no  
14 longer profitable because of the indictments and arrests. MindGeek’s actions were  
15 malicious, oppressive and taken in reckless disregard of the Plaintiffs’ rights. Plaintiffs  
16 are therefore entitled to punitive damages against MindGeek to punish MindGeek for its  
17 reprehensible actions and to deter others from acting similarly in the future.

18 **IV.**

19 **FACTUAL BACKGROUND**

20 **a. THE AFFILIATE MARKETING RELATIONSHIP BETWEEN PAYSITES AND FREESITES**

21 65. The online pornography industry consists of two types of websites:  
22 “paysites” and “freesites.” As the name suggests, “freesites” allow the public to view  
23 videos for free, without the requirement of any membership, payment, age verification, or  
24 personal information. Not surprisingly, MindGeek operates its freesites, including,  
25

26  
27 <sup>6</sup> “The phrase ‘knew or should have known’ echoes common language used in describing  
28 an objective standard of negligence.” *A.B. v. Marriott Int’l, Inc.*, No. 19-5770, 2020 WL  
1939678, at \*7 (E.D. PA, Apr. 22, 2020), quoting *M.A. v. Wyndham Hotels & Resorts,  
Inc.*, No. 19-849, 2019 WL 4929297 (S.D. Ohio, Oct. 7, 2019)).

1 PornHub.com, YouPorn.com, RedTube.com, and Tube8.com, *infra*,<sup>7</sup> through its  
2 subsidiary, MG Freesites, Ltd. Freesites are also referred to as “tubesites” because most  
3 freesites mimic the business model of YouTube.com. The names of MindGeek’s  
4 freesites, YouPorn, RedTube, and Tube8, are ostensibly derived from the name YouTube.

5 66. The videos on freesites are typically five to ten-minute clips of longer  
6 pornographic videos or short compilations of many longer pornographic videos. The  
7 short clips on freesites are the equivalent of a movie trailer giving the public the gist of  
8 the entire production.

9 67. “Paysites” are websites where, as the name suggests, the customer must pay  
10 to view the pornographic content. The videos on paysites are commonly said to be  
11 behind a “paywall.” Paysites are owned and operated by pornography production  
12 companies and feature full-length pornographic videos approximately 30 to 60 minutes  
13 long. GirlsDoPorn operated two paysites where it sold videos featuring its sex trafficking  
14 victims, GirlsDoPorn.com and GirlsDoToys.com, which offered access to a library of its  
15 victims’ videos for \$30 to \$60 per month, *infra*.

16 68. Freesites attract significant web traffic with the allure of free pornography—  
17 albeit only short trailer versions cut from longer full-length videos. These heavily  
18 trafficked websites present a golden marketing opportunity to convert a freesite visitor to  
19 a paysite subscriber. Once on the freesite, a potential customer is targeted with  
20 hyperlinked advertisements that, if clicked, take the potential customer to a  
21

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22  
23 <sup>7</sup> See, MG Freesites, Ltd.’s Complaint in *MG Freesites, Ltd. v. ScorpCast, LLC dba*  
24 *“HaulStars,”* Case No. 1:20-cv-01012-CFC (D. DE, July 28, 2020) at ¶ 2 [“the Pornhub  
25 website (www.pornhub.com), which is operated by MG Freesites Ltd...”]. Further, of  
26 www.pornhubpremium, *infra*, is copyrighted by “MG Cyprus Limited,” its customer  
27 service and billing pages represent the following ownership and/or operation: “MG  
28 Billing US Corp, 2300 Empire Avenue, 7<sup>th</sup> Floor, Burbank, CA 91504 USA and “MG  
Billing Limited, 195-197 Old Nicosia-Limassol Road, Dali Industrial Zone 2540, Block  
1, Cyprus,” its terms of service state it is “operated by MG Freesites Ltd, Block 1, 195-  
197 Old Nicosia-Limassol Road, Dali Industrial zone, Cyprus 2540.”

1 corresponding paysite with the hope that, once on the paysite, the potential customer  
2 purchases a subscription.

3 69. Freesites earn money by partnering with paysites through “affiliate  
4 programs” operated by the payment processing companies who process subscribers’  
5 credit card, cryptocurrency, and Paypal payments on the paysites. When a paysite opts  
6 into a payment processor’s affiliate program—something that nearly all paysites do—  
7 freesites are able to register with the payment processor as an “affiliate” of the paysite.  
8 As part of the registration, freesites provide the payment processor with its bank account  
9 information. Once registered, the freesite begins marketing free trailer versions of the  
10 paysites’ full-length videos surrounded by advertisements redirecting the customer to the  
11 paysite if clicked. If a hyperlinked advertisement on a freesite directs a potential  
12 customer to a paysite, the payment processor is able to track which freesite (now  
13 registered as an affiliate) directed the potential customer to the paysite through the use of  
14 an affiliate URL and/or software referred to as a “cookie” that tracks the internet user’s  
15 history. If the potential customer subscribes to the paysite after being directed there by a  
16 registered affiliate, the payment processor splits the subscriber’s monthly payments  
17 between the freesite and the paysite, often in perpetuity, and often 50%/50%. The money  
18 earned by the freesite through this relationship is called an “affiliate fee.”

19 **b. MINDGEEK OWNS AND OPERATES DOZENS OF WEBSITES, INCLUDING THE 8<sup>TH</sup>**  
20 **MOST POPULAR WEBSITE IN THE WORLD, WWW.PORNHUB.COM**

21 70. MindGeek’s four most popular websites are www.PornHub.com  
22 (“**PornHub.com**”), www.Redtube.com (“**RedTube.com**”), www.YouPorn.com  
23 (“**YouPorn.com**”), and www.Tube8.com (“**Tube8.com**”), each of which is similar in  
24 format to YouTube.com (collectively “**MindGeek’s Tubesites**”). PornHub is  
25 MindGeek’s flagship website. In 2019, PornHub.com had roughly 42 billion visits (an  
26 average of 115 million per day), making it the 8<sup>th</sup> most popular website in the United  
27 States behind Google.com (1<sup>st</sup>), YouTube.com (2<sup>nd</sup>), Facebook.com (3<sup>rd</sup>), Amazon.com

28 ///

1 (4<sup>th</sup>), Yahoo.com (5<sup>th</sup>), Twitter.com (6<sup>th</sup>), and Instagram.com (7<sup>th</sup>).<sup>8</sup> In 2019,  
2 PornHub.com had more visitors than Wikipedia.org, Reddit.com, NetFlix.com,  
3 Craigslist.org, and Bing.com. Further, according to analytics MindGeek posted on  
4 PornHub.com, the United States is the top country by volume of PornHub.com usage  
5 and, as for top cites, Los Angeles, California is ranked the 4<sup>th</sup> highest in the world.

6 71. MindGeek's Tubesites are interactive, robust, and multifaceted e-commerce  
7 websites designed to attract and sell various sex related products and services—primarily  
8 pornographic videos—to a high volume of sex industry customers, production  
9 companies, and performers. MindGeek's Tubesites do extensive business over the  
10 Internet, whereby MindGeek knowingly and repeatedly receives and transfers funds for  
11 various purchases and services, transfers computer files and other information, and enters  
12 into contracts with residents of all countries and states, including those of California.

13 72. Just the homepage of PornHub.com includes, without limitation, the  
14 following links to the various products MindGeek is marketing and/or selling:

- 15 • A **“Premium” link** directs the customer to:  
16 www.pornhubpremium.com (“PornHub Premium”). MindGeek  
17 describes the content on PornHub Premium as a “carefully curated  
18 selection” of pornography,<sup>9</sup> for which customers purchase “premium”  
19 content for \$9.99 per month.
- 20 • A **“Shop” link** directs the customer to: www.pornhubapparel.com  
21 (“PornHub Apparel”). There, customers across the globe, including in  
22 California, can buy various PornHub-branded merchandise, from  
23 Christmas tree ornaments to underwear. PornHub Apparel is powered  
24 by Shopify, a publicly-traded company on the New York Stock  
25 Exchange. The governing law in PornHub Apparel's terms of service  
26 is California.

26 <sup>8</sup> See, <https://www.similarweb.com/top-websites/united-states>

27 <sup>9</sup> MindGeek curates this content from various production companies, including, without  
28 limitation: (a) Screw My Wife Productions (based in Northridge, California); (b) Smash  
Pictures (Chatsworth, California); (c) Suze Randall (Calabasas, California); and (d)  
Wildlife Productions (Northridge, California).

- 1 • A **“Toys” link** directs the customer to: [www.pornhubtoys.com/](http://www.pornhubtoys.com/)  
2 (“PornHub Toys”). There, customers across the globe, including in  
3 California, can purchase various sex toys and other paraphernalia,  
4 which appear to ship from the United States (and there is no shipping  
5 charge when ordered from California). In addition to other features  
6 and advertisements, PornHub Toys offers the following solicitation:  
7 “We Make Money Selling Sex Toys! So Can You! Porn[H]ubToys is  
8 looking for sex-positive affiliates. We need enthusiastic site-owners,  
9 performers, and online promoters to refer sex toy consumers to our  
10 site. Every successful sale earns you royalty commissions.” PornHub  
11 Toys represents it “is managed ...in association with Pornhub.com.”  
12
- 13 • A **“Fuck Now” link** directs the customer to:  
14 [www.adultfriendfinder.com](http://www.adultfriendfinder.com) (“Adult Friend Finder”). This website is  
15 ostensibly thinly veiled dating website where prostitutes and/or their  
16 handlers can solicit johns. The banner on the site reads: “The nude  
17 snaps you’re about to see were posted by horny women looking for  
18 fuck buddies, not boyfriends. If you wish to proceed, you’ll have to  
19 answer a few questions first.” Adult Friend Finder is headquartered in  
20 Campbell, CA.
- 21 • A **“Live Cams” link** directs the customers to:  
22 [www.pornhub.com/live](http://www.pornhub.com/live). Here, performers can sign up to make  
23 money from live pornographic performances, which customers pay to  
24 view live and can also compensate performers via a “tip” function.
- 25 • An **“Advertising” link** invites parties to advertise products and  
26 services on PornHub.com through MG Freesites Ltd.-owned website,  
27 [www.trafficjunky.com](http://www.trafficjunky.com).
- 28 • A **“Model Program” link** invites pornographic models to “make ad  
revenue, sell your videos and build your fan base on the largest adult  
platform in the world.”
- A **“Jobs” link** solicits various employment opportunities with  
MindGeek, including, as of this complaint, for product managers,  
search engine optimization specialists, and model recruiters.

///



1 True and correct screenshots of PornHub.com on December 7, 2020 are attached hereto  
2 as Exhibit 1. The screenshots are redacted for nudity.

3 73. The most popular feature on MindGeek's Tubesites is a searchable video  
4 library. PornHub.com currently has about 14,000,000 pornographic videos in its free  
5 video library. Most videos are between five and twenty minutes long. If each of these  
6 14,000,000 videos were just four minutes long, it would take over 106 years for one  
7 person to watch all of the footage.

8 74. The videos in the public libraries on MindGeek's Tubesites come from  
9 several different sources, including members of the public,<sup>10</sup> third party pornographic  
10 production companies, and also MindGeek itself, which publishes trailer verisons of  
11 videos produced by its very own pornography production companies and brands, such as  
12 Reality Kings, Brazzers, and Digital Playground.

13 75. As part of the interactive experience offered on the MindGeek's Tubesites,  
14 customers and viewers can create accounts, post comments regarding content, and  
15 communicate with one another. Further, customers and viewers can subscribe to follow  
16 certain performers and send performers compensation through the websites. Finally,  
17 MindGeek's Tubesites also allow its users to download videos from the public library for  
18 free, thereby turning it into a free sharing platform for its users.

19 76. Beyond the commercial and entertainment services offered to consumers,  
20 MindGeek's Tubesites offer business-to-business services. MindGeek offers  
21 pornography production companies the opportunity to partner with MindGeek through  
22 several programs that allow MindGeek to market, sell and exploit the partners' videos in  
23 exchange for splitting the profits therefrom. These programs include the "Content  
24 Partner Program" and "Premium Viewshare Program."

25 ///

26 \_\_\_\_\_  
27 <sup>10</sup> Any member of the public may upload a video to the general library on MindGeek's  
28 Tubesites. There is no age verification process and MindGeek does not require any  
personal information that would allow MindGeek or the authorities to locate or identify  
the person who uploaded a specific video.

1 77. MindGeek describes its Content Partner Program as follows:

2 The Content Partner Program is designed for studios with a pay-  
3 site to expose their content to millions of visitors. Once  
4 partnered, you receive a personalized channel that includes free  
5 ad space both on your channel and on your videos. Through the  
6 use of video features on our homepage, your content is promoted  
7 to our users which will direct traffic back to your pay-site, with  
8 the intention of converting them into paying members. In turn,  
9 we would receive a share of this revenue through your affiliate  
program.<sup>11</sup>

10 78. MindGeek claims its Content Partner Program provides “100+ milion [sic]  
11 visits per day, Dedicated account reps, Most ad space in the industry, Exposure across the  
12 Pornhub network (PornHub.com, YouPorn.com, RedTube.com and Tube8.com).”<sup>12</sup>

13 79. Pornography production companies must apply to join MindGeek’s Content  
14 Partner Program. If accepted, MindGeek creates a “channel” on MindGeek’s Tube sites  
15 centralizing the content partner’s videos in a single location where MindGeek’s potential  
16 customers are able to search the channel for particular videos, organize them by ratings  
17 and recentness, and, by subscribing to the channel, receive notifications, *e.g.*, when a  
18 content partner posts a new video. MindGeek’s dedicated account representatives create  
19 hyperlinked advertisements on the channel. MindGeek designs its channels to keep its  
20 prospective customers interested in the content partner’s niche of pornography. The  
21 longer MindGeek can keep the potential customer engaged on the content partner’s  
22 channel, the longer MindGeek is able to target the potential customer with hyperlinked  
23 advertisements in hopes of redirecting the potential customer to the content partner’s  
24 paysite where MindGeek may then generate affiliate fees if the potential customer  
25 purchases a subscription.

26 \_\_\_\_\_  
27 <sup>11</sup> See, <https://help.pornhub.com/hc/en-us/articles/360048496113-What-is-the-Content-Partner-Program->

28 <sup>12</sup> See, <https://www.pornhub.com/partners/cpp>