

CLERK OF THE COURT

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2 **COMP**

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10 **DISTRICT COURT
CLARK COUNTY, NEVADA**

11 JAMES MCGIBNEY, an individual,

12 Plaintiff,

13 vs.

14 HUNTER MOORE, an individual,

15 Defendant.

Case No. **A- 12- 667156- C**
Dept. No.

COMPLAINT XXI V

- **ACTION IN TORT**
- **ARBITRATION EXEMPTION CLAIMED**
- **JURY TRIAL DEMANDED**

18
19 **COMPLAINT**

20 **I. Introduction**

21 *“No good deed goes unpunished” – Oscar Wilde*

22 1. Plaintiff James McGibney (“McGibney” or “Plaintiff”) files this lawsuit against
23 Defendant Hunter Moore (“Moore,” or “Defendant”), in response to Moore’s malicious and false
24 claims that McGibney is a “pedophile” and possesses child pornography.

25 2. Throughout 2011 and for the beginning of 2012, Moore ran a “revenge porn”
26 website called Is Anyone Up (“IAU”). The business model was simple – Moore posted nude
27 photos of people, without their consent, and without regard to their age or privacy rights.

28 3. IAU was available through the domain name <isanyoneup.com>.

1 4. With the apt tagline “Pure Evil,” IAU quickly became a controversial repository
2 for salacious images. Spurned ex-lovers who had compromising photos of their former partners,
3 and hackers who unlawfully accessed strangers’ e-mail and cellular phone accounts to obtain
4 compromising images, became a significant source of the IAU’s content.

5 5. These individuals forwarded their victim’s nude images to Moore via e-mail.
6 Moore would then organize the images, accompanied with a screen capture of the individual’s
7 Facebook or Twitter account to corroborate his or her identity, and publish the images on IAU.
8 This business model made IAU a source of national outrage.

9 6. In April 2012, McGibney sought to put an end to Moore’s unlawful and unethical
10 conduct. He considered a number of ways to do so, but determined that simply purchasing the
11 <isanyoneup.com> domain name from Moore, so that he could immediately shutter the site,
12 would be the most expeditious way to put an end to Moore’s continued attacks on unwitting
13 men, women, boys, and girls. McGibney’s purchase was solely for the <isanyoneup.com>
14 domain name and did not include any of the underlying content found on IAU.

15 7. On April 19, 2012, following McGibney’s purchase of the domain
16 name, <isanyoneup.com> re-directed visitors to BullyVille, one of McGibney’s Internet
17 properties, where Moore wrote a letter explaining the sale of the <isanyoneup.com> domain
18 name. IAU was no more.

19 8. Moore himself issued public statements that he was “turning over a new leaf” and
20 putting this kind of conduct behind him.

21 9. Despite these events, Moore has used the interactive microblogging platform,
22 Twitter, to engage in new, focused attacks on McGibney and his family. Specifically, without
23 basis or explanation, Moore accused McGibney of a) possessing child pornography, b) failing to
24 report such content to the National Center for Missing and Exploited Children and FBI, c)
25 sexually abusing underprivileged children, and d) being a pedophile. Simultaneously, Moore
26 publicly threatened to rape McGibney’s wife.

1 sorry.” Moore also brags of his cavalier response to demand letters sent by IAU victims’
2 attorneys, claiming “all I reply back with is ‘LOL,’ and then I never hear back from them again.”

3 23. Moore is also comfortable with IAU’s significant popularity among minors. As
4 Moore told the Village Voice: “To be perfectly honest, I think it’s fucking awesome that people
5 want to be on my site when they turn 18.”

6 **IV. Factual Allegations Common to All Claims**

7 **A. The History of Moore and IAU**

8 24. In 2011, Moore created IAU as a repository for nude images that individuals sent
9 to him in order to embarrass unwitting victims.

10 25. People would e-mail Moore photos of nude and semi-nude men and women that
11 they either took themselves or, more commonly, had privately obtained from the photographed
12 subject during the course of a relationship or extracted from a victim’s hacked e-mail or cell
13 phone account.

14 26. Images in these latter categories – photos sent to ex-boyfriends or ex-girlfriends,
15 or stolen through hacking – were sent to Moore without the permission of the depicted
16 individuals. In turn, Moore published and distributed these images on IAU without permission
17 of the individuals depicted in those photographs and without obtaining any records as required
18 by 18 U.S.C. § 2257.

19 27. While operating IAU, Moore mocked and ignored legal demands made by the
20 site’s victims. As the site grew, so too did the legal threats it faced; in late 2011, Facebook, Inc.
21 threatened to sue Moore and IAU for using screenshots of Facebook profiles to provide
22 personally identifying information for the men and women whose nude photos appeared on
23 IAU.³

24 28. Moore received many user submissions for the website that contained or depicted
25 illegal child pornography.

26 ³ Kashmir Hill, *Facebook Goes After IsAnyoneUp, A Porn Site That Features Its Users’ Profiles*,
27 *Forbes* (Dec. 9, 2011), <http://www.forbes.com/sites/kashmirhill/2011/12/09/facebook-goes-after-porn-site-that-features-its-users-profiles/> (last accessed Aug. 18, 2012).

1 29. In May 2012, Moore confirmed to the Village Voice that the FBI was
2 investigating him in connection with IAU.

3 30. In confirming that the FBI's investigation was underway, Moore demanded that
4 Village Voice reporter Camille Dodero identify how she learned of the probe. Specifically,
5 Moore stated:

6 I will literally fucking buy a first-class fucking plane ticket right now, eat an
7 amazing meal, **buy a gun in New York, and fucking kill whoever said that.**⁴

8 **B. Moore Sells The <IsAnyoneUp.com> Domain Name to McGibney**

9 31. As the head officer of ViaView, Inc., which depends on its many Internet
10 properties, McGibney closely monitored Moore's behavior throughout 2011 and 2012.

11 32. During this time, McGibney communicated with Moore, and tried to lead him to
12 see the error of his ways. McGibney fundamentally disagreed with Moore and IAU's disregard
13 for the victims of his involuntary pornography campaign. McGibney believed that he could
14 convince Moore to cease, where others had failed, by educating him and appealing to his better
15 nature.

16 33. Simultaneously, McGibney seriously feared that Moore's behavior would lead to
17 harmful legal precedent that would weaken, if not destroy entirely, the precious legal immunities
18 that websites driven by user-generated content such as Twitter, CheaterVille, and Facebook
19 depend upon for their continued existence.⁵

20 34. In April 2012, McGibney directed ViaView, Inc., to buy the <isanyoneup.com>
21 domain name from Moore, resulting in IAU's shuttering.

22
23
24 _____
25 ⁴ Camille Dodero, "*Gary Jones*" *Wants Your Nudes: Is One Hacker Behind Man of the*
26 *"Revenge Porn" Photos That Were Posted on Hunter Moore's Is Anyone Up?*, *Village Voice*
(May 16, 2012), <http://www.villagevoice.com/2012-05-16/news/hacker-is-anyone-up-hunter-moore-fbi/4/> (last accessed Aug. 18, 2012) (emphasis added).

27 ⁵ See, e.g., 17 U.S.C. § 512 (the Digital Millennium Copyright Act); 42 U.S.C. § 230 (Section
28 230 of the Communications Decency Act).

1 35. Moore agreed to the deal. On April 19, 2012, all traffic to the domain name
2 <isanyoneup.com> was redirected to the BullyVille website, a ViaView website dedicated to
3 helping the victims of bullying; the content that made up the IAU website was no longer
4 available online.

5 **C. Moore Attacks McGibney and His Family**

6 36. Once IAU was no longer active, Moore's "15 minutes of fame" seemed to be at
7 an end. Moore did not react well to his newfound irrelevancy, and found it impossible to
8 reinvent himself in order to create any semblance of sustainable celebrity.

9 37. Only four months after McGibney allowed Moore to retire his Internet notoriety
10 with grace, Moore abruptly turned on McGibney.

11 38. On August 18, 2012, Moore used his personal Twitter account, @huntermoore, to
12 baselessly accuse McGibney – identifying him through BullyVille's Twitter account,
13 @bullyville – of child molestation and possession of child pornography (Exhibit A at 1-2).

14 39. Moore attempted to draw the attention of Internet gossip publication Gawker to
15 his allegations by adding its Twitter account, @gawker, to his first tweet attacking McGibney:
16 "hey @gawker you write about me every chance you get let me tell you what james [McGibney]
17 from @bullyville does to underage kids and their nudes." (Exhibit A at 1)

18 40. Moore then continued with two successive Twitter posts, or "tweets," about
19 McGibney, stating: "hey @bullyville remember when you cried on the phone and were worried
20 about getting kicked off your board because you kept all the underage" and continuing with
21 "nudes form [sic] iau on your hard drive and when the fbi investigated me you thought they'd
22 take you down for child porn." (Exhibit A at 1)

23 41. Continuing his onslaught, Moore commanded McGibney, "aye james @bullyville
24 get some little kids dick out of your mouth and let me fuck your wife," and then inquired "how
25 are you going to help stop bullying when you're a pedophile and go to china to rent children
26 from families with no money @bullyville". (Exhibit A at 2)

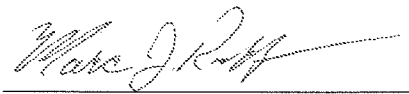
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VIII. Jury Trial Demanded

Plaintiff demands a jury trial on all claims.

Dated August 20, 2012

Respectfully Submitted,
RANDAZZA LEGAL GROUP



Marc J. Randazza
Ronald D. Green
J. Malcolm DeVoy

Attorneys for Plaintiff
James McGibney

EXHIBIT A



Hunter Moore @Huntermoore

1h

nudes from iau on your hard drive and when the fbi investigated me you thought they'd take you down for child porn.

Expand



Hunter Moore @Huntermoore

1h

hey @bullyville remember when you cried on the phone and were worried about getting kicked off your board because you kept all the underage

Expand



Hunter Moore @Huntermoore

1h

hey @gawker you write about me every chance you get let me tell you what james from @bullyville does to underage kids and their nudes

Expand



Hunter Moore @Huntermoore

1h

how are you going to help stop bullying when you're a pedophile and go to china to rent children from families with no money @bullyville

Expand



Hunter Moore @Huntermoore

1h

i get people to eat shit and put arachnids in their vagina's. my children will do horrible horrible things to you @bullyville

Expand



Hunter Moore @Huntermoore

1h

aye james @bullyville get some little kids dick out of your mouth and let me fuck your wife.

Expand



Hunter Moore @Huntermoore

1h

hey you have my word as a marine that I'm going to fuck your wife
@bullyville can't wait to leak all your emails faggot

Expand



Hunter Moore @Huntermoore

1h

@trolldoop true

👤 View conversation



Hunter Moore @Huntermoore

1h

when I'm in vegas to fuck @carolineelizabeth I'm going to fuck james
form @bullyville 's wife for the money he owes me.

Expand



Hunter Moore @Huntermoore

1h

@_babylexus send it to the Facebook.com/aucommunity

👤 View conversation



Hunter Moore @Huntermoore

1h

hahah @bullyville is the biggest fucking scam.nigga trying to make
more money off me. you fuckin scam artist you still owe me money.
fool.

Expand



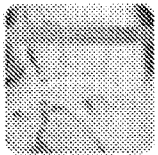
Hunter Moore @Huntermoore

1h

if you go to the old isanyoneup.com do not put your address in there.
its that faggot who bought the old site trying to scam you guys

Expand

EXHIBIT B

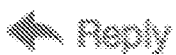


isanyoneup

@is_anyone_up



the guy who bought the isanyoneup.com domain @bullyville saved all the underage pictures on his hard drive. and wouldn't report them.



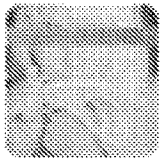
Reply



Retweet



Favorite

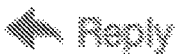


isanyoneup

@is_anyone_up



that nigga @bullyville is a pedo. he bullied
little kids dicks into his mouth.



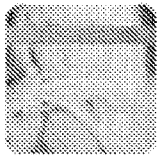
Reply



Retweet



Favorite

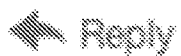


isanyoneup

@is_anyone_up



If you tweet #bullyvilleisranbyapedophile I'll send you a free tank top or wrist band



Reply



Retweet



Favorite