

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

SECOND AMENDED COMPLAINT

DOE I, and DOE II,
Plaintiffs,

Case No. 307CV00909 CFD

v.

Mathew C. Ryan, a.k.a. “:D”; and individuals using the following pseudonyms: pauliewalnuts; neoprag; STANFORDtroll; lkjhgf; yalelaw; Spanky; ylsdooder; HI; David Carr; vincimus; Cheese Eating Surrender Monkey; A horse walks into a bar; The Ayatollah of Rock-n-Rollah; DRACULA; Sleazy Z; Whamo; Ari Gold; Ugly Women; playboytroll; Dean_Harold_Koh; kr0nz; reminderdood; r@ygold; who is; Joel Schellhammer; Prof. Brian Leiter; hitlerhitlerhitler; lonelyvirgin; Patrick Zeke <patrick8765@hotmail.com>; Patrick Bateman <batemanhls08@hotmail.com>; [DOE I] got a 157 LSAT; azn, azn, azn; Dirty Nigger; leaf; t14 gunner; kibitzer; yalels2009; AK47,

Defendants.

A. INTRODUCTION

Two women who have done nothing except work hard in school and show promise of making positive contributions to society have been targeted to be the subject of a campaign of pornographic abuse. Hiding behind pseudonyms and the sinister assumption that their carefully-aimed hostility can pass as merely juvenile misconduct, the defendants have worked assiduously to harm the plaintiffs for the sheer joy of destruction. Plaintiffs, whose character, intelligence, appearance and sexual lives have been thoroughly trashed by the defendants’ false and malicious abuse, now seek redress by bringing this action for damages and injunctive relief.

B. PARTIES

1. Plaintiff DOE I is, and at all times relevant was, a citizen of Connecticut residing

in New Haven.

2. Plaintiff DOE II is, and at all times relevant was, a citizen of Connecticut residing in New Haven.

3. On information and belief, Defendant Matthew C. Ryan is a citizen of Texas residing in Austin.

4. Through the discovery process ordered by the Court in January 2008, Plaintiffs learned the real identities of several additional defendants in this case. Plaintiffs are seeking to resolve their claims against these defendants. Therefore, at this time, Plaintiffs continue to identify these defendants by their AutoAdmit pseudonyms.

C. JURISDICTION

5. The jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1331 and 1367. This action arises under the Copyright Act, 17 U.S.C. § 501, *et seq.* and the statutes and laws of the State of Connecticut.

6. The jurisdiction of this court is also invoked pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the Plaintiffs and Defendant Matthew C. Ryan, and the amount in controversy exceeds \$75,000 exclusive of interests and costs.

7. Personal jurisdiction over the Defendants in Connecticut is proper because the Defendants intentionally caused harm to Plaintiffs whom they knew, or had reason to know, were citizens and residents of Connecticut. The exercise of jurisdiction over the Defendants comports with traditional notions of fair play and substantial justice.

D. NATURE OF THE CASE

8. Plaintiffs DOE I and DOE II are students at Yale Law School. DOE I enrolled in the fall of 2005, DOE II in the fall of 2006.

9. Through no action or fault of their own, plaintiffs have been the targets of defamatory, harassing and threatening statements made by pseudonymous posters to an Internet discussion board, AutoAdmit. As a result of these personal attacks and threats, DOE I and DOE II have suffered substantial psychological and economic injury.

1. AutoAdmit

10. AutoAdmit is, and at all relevant times was, an Internet discussion board on which participants can post comments and information about undergraduate colleges, graduate schools, and law schools. The law school portion of AutoAdmit describes itself on its website, located at http://www.autoadmit.com/?forum_id=2, as “[t]he most prestigious law school discussion board in the world.”

11. AutoAdmit also has a “mirror site” at <http://www.xoxohth.com>. In general, mirror sites contain the same or almost the same content as the original site. Mirror sites exist to provide a back-up to the original site, i.e., to ensure there is another site available to download content. In the case of AutoAdmit, many of the messages and information that can be found at Autoadmit.com can also be located at <http://www.xoxohth.com> and could previously be found at <http://ww.xoxoreader.blogspot.com>. The Xoxoreader.blogspot.com site was a web log that republished information from the AutoAdmit mirror site located at <http://www.xoxohth.com>.

12. Individuals who register with the AutoAdmit website may post messages to the site’s various discussion boards. Anyone who uses the Internet and goes to the AutoAdmit site, either directly or via an Internet search engine such as Google, may view the messages posted to the discussion board. Only registered AutoAdmit users, however, may post new messages and respond to the messages of other registered users.

13. After a participant posts a new message, any further comments or responses to the subject area of that message are collected as a “thread.” Message threads can be quite lengthy depending on the level of interest in a particular subject.

14. Individuals who register with the AutoAdmit site are not required to provide their real names. The information required to register with AutoAdmit includes, in pertinent part: desired login name, password, and an email address.

15. Because the site does not require posters to register with their real names, the majority of posters use pseudonyms or “user names”; for example, “pauliewalnuts,” “neoprag,” and “YLS Yale.” Similarly, posters can also impersonate others by adopting the names of those

individuals as their user names. Posters can also adopt multiple user names and, if they so desire, maintain several identities simultaneously on the AutoAdmit website. Upon information and belief, the AutoAdmit site uses persistent pseudonymity, i.e. changes in pseudonyms retroactively change previously stored posts as well.

16. On information and belief, at the time that the persons posting messages about DOE I and DOE II made their comments, they were aware that both plaintiffs were students at Yale Law School or would soon enroll at Yale Law School, and that their comments would injure DOE I and DOE II while they were students at Yale Law School.

17. The threads on the AutoAdmit site can be found through search engines such as the one operated by Google. By entering a person's name as a search term, the engine will list various threads in which that name appears as search results.

18. AutoAdmit participants are aware that the threads on which their comments are included can easily be found through search engines such as Google. One type of harassment engaged in by AutoAdmit posters is called "google-bombing." When these posters "google-bomb" an individual, they take steps to have threads containing defamatory or harassing statements appear as one of the first search results returned by Google.

19. As of June 6, 2007, the top four search results for "[DOE II]" on Google were Xoxo Reader and AutoAdmit.com postings. The third search result is titled: "[DOE II] of YLS has huge fake titties," and the fourth search result is titled: "YLS 1L [DOE II] HAS HUGE FAKE TITS AND IS" When an internet user clicks on the fourth search result, he or she sees the entire title of the thread: "YLS 1L [DOE II] HAS HUGE FAKE TITS AND IS UNIVERSALLY HATED."

2. DOE I

20. After plaintiff DOE I's graduation from Stanford University in the summer of 2004, she applied for admission to Yale Law School and was admitted to join the school's class of 2008.

21. In the summer of 2005, shortly before she had planned to move to New Haven

and begin her legal education, DOE I learned from an acquaintance that she was the subject of a message thread on AutoAdmit. Until then, DOE I was unaware of the site's existence, let alone her vulnerability to anonymous threats and harassment. This first thread was begun by a poster using the pseudonym, "STANFORDtroll." That person specifically addressed DOE I's future classmates, telling them to "watch out for her" when she would begin at Yale Law School in the fall.

a. Sexual threats and false allegations of sexual conduct and sexually transmitted disease

22. The message thread, entitled "Stupid Bitch to Attend Yale Law," contained numerous threats, usually of a sexual nature, and false claims about DOE I including:

- "just don't FUCK her, she has herpes" (posted by defendant Mathew C. Ryan, using the alias ":D")
- "i'll force myself on her, most definitely." (posted under the user name, "neoprag")
- "I think I will sodomize her. Repeatedly." (posted by "neoprag")

23. After discovering these comments about her on the AutoAdmit site, DOE I sent email messages to administrators of the site, requesting that this thread be removed from AutoAdmit. She received a response in January of 2007, telling her that the posts would not be taken down.

24. Other threads have threatened DOE I with rape. For example, one pseudonymous poster named "Spanky" said: "[c]learly she deserves to be raped so that her little fantasy world can be shattered by real life."

25. Another pseudonymous poster—"ylsdooder"—threatened: "i would like to hate-fuck [DOE I] but since people say she has herpes that might be a bad idea." This message was posted to a thread entitled "Which female YLS students would you sodomize?"

26. And "Dirty Nigger" wrote in the thread entitled "[DOE I] is a dumbass bitch and [DOE II] is a slut", the following: "I wish to rape [DOE I] and [DOE II] in the ass."

27. In keeping with the sexual assault theme, a poster using the pseudonym "[DOE I]

got a 157 LSAT,” claimed that DOE I had raped her co-plaintiff DOE II.

28. And pseudonymous poster “yalelaw” alleged that DOE I had engaged in a lesbian affair with an administrator at Yale Law School, stating: “[DOE I] has been having a lesbian affair with [the administrator] while [the administrator] has been on maternity leave. [The administrator’s] husband found out about this and went ballistic [sic]. He contacted [DOE I’s] prospective employers in an effort to discredit her.”

29. Using the pseudonym “:D”, defendant Matthew C. Ryan falsely referred to DOE I as a “dirty whore,” an “ugly whore,” and a “ho.”

30. In March 2007, pseudonymous poster “Patrick Zeke” sent an email to the Yale Law School Faculty with the subject heading: “Yale Law Faculty concerning pending lawsuit.” The author of the email made false and harmful comments about DOE I, including: “[DOE I] is barely capable of reading (159 LSAT),” and “it seems like the risk of contracting herpes from [DOE I] would convince any rational person to go to a prostitute first.” This defamatory email was then posted as a thread on the AutoAdmit site by pseudonymous poster “lonelyvirgin” with the thread title “new lonelyvirgin e-mail to YLS faculty.”

b. Attempts to damage DOE I’s employment prospects

31. On information and belief, statements posted by pseudonymous individuals on AutoAdmit attempted to impair DOE I’s employment prospects.

32. The poster using the name “STANFORDtroll” attacked DOE I’s reputation, with the express intent of damaging her future employment prospects, by starting a thread called “[DOE I] of Yale Law got a 159 on the LSAT.” STANFORDtroll falsely claimed that DOE I received a lower-than-expected LSAT score for a Yale Law student and, referring to the widely-cited list of “top” law firms compiled by Vault, goaded other posters to “[m]ake sure all the Vault 50s know it before she gets an offer.”

33. In a thread titled “way more to this yale 2L story, but what?,” pseudonymous poster “lkjhgf” suggested falsely that DOE I had bribed officials at Yale Law School to gain admission, “I’m not sure why buying your way into Yale Law would make the school look bad

(unless she paid an embarrassingly low amount to get in.)”

c. Injury

34. This drumbeat of harassing comments posted about DOE I has caused her severe emotional distress, interfered with her educational progress, and damaged her reputation. The statements described above are false and without any reasonable factual basis. As a result of these false statements and threats, DOE I has suffered both actual pecuniary losses and emotional injury in an amount to be proven at trial.

3. DOE II

a. Initial harassment of DOE II

35. In early February 2007, DOE II was told by one of her friends that she was the subject of a thread on the AutoAdmit site, a website she had never visited. On the AutoAdmit site, DOE II found the first of many message threads about her, most of which consisted of attacks on her personality and her reputation, as well as containing many sexual and vulgar comments about her.

36. The original thread: “Rate this HUGE breasted cheerful big tit girl from YLS,” was begun by a poster operating under the name “HI” on January 31, 2007. “HI” began the thread by listing several links to photographs of DOE II on an internet social networking website and invited a crude free-for-all of comments about her. That thread contained many vulgar comments about DOE II, including sexual comments that any reasonable person would find extremely offensive and threatening, such as the following:

Date: January 31st, 2007 9:40 PM

Author: HI

I’m trying to decide if I’d rather do her doggystyle or cowgirl. Cowgirl, the funbags would be in my face.

Doogystyle, they’d swing furiously as I pounded her from behind.

Date: January 31st, 2007 9:45 PM

Author: David Carr

cowgirl but honestly if you had a shot with her do it both ways

37. Outraged and upset by the thread, DOE II, like DOE I, wrote to the administrators of AutoAdmit multiple times through the contact information listed on the site, asking them to

permanently remove the thread. In her requests, she told them explicitly of the harm she was experiencing because of the harassing, threatening and defamatory postings, including the fact that she had been forced to seek therapy. The only response that she received was a threat to post any future such requests on the AutoAdmit site.

38. Despite DOE II's attempts to stop the defamatory, harassing and threatening posts about her, the outrageous behavior on AutoAdmit continued. The posters' fixation with DOE II went so far as to include suggestions to follow her to the gym and attempt to take her picture while in public for the express purpose of posting her photo on the site:

Date: February 12th, 2007 11:29 AM

Author: vincimus

I can assure you she doesn't dress conservatively. Anyone who goes to the gym in the afternoon has seen her tramping around in spandex booty shorts and a strappy tank top. She wants people to look, and they do.

Date: February 22nd, 2007 4:31 PM

Author: Cheese Eating Surrender Monkey

Take your goddamned cell phone next time and snap a pic, for Chrissakes.

Then post, oc.

b. The t14 contest

39. A few weeks later, various AutoAdmit posters started a website devoted to "rating" female law students from schools around the country, "t14talent—The 'Most Appealing' Women @ Top Law Schools," located at <http://t14talent.googlepages.com>. ("t14" refers to some people's idea of the country's top 14 law schools.) The pseudonymous operators of the t14 site accepted nominations for attractive women at these law schools over a period of time and solicited them from other participants at AutoAdmit. Once each of the top 14 law schools was "sufficiently represented," according to the site, visitors to the website would vote on the most attractive woman at each school. Then, the site explained that the winners from each school would "go head to head as we determine the definitively hottest T14." Upon information and belief, a poster using the name "pauliewalnuts" was one of the principal operators of the t14 site. The contest was also continued through a web log located at <http://top14girls.blogspot.com>.

Upon information and belief, this web log was created and maintained by pseudonymous AutoAdmit poster “kibitzer.”

40. “pauliewalnuts,” “kibitzer” and/or other operators of the contest copied, and then linked to, certain photographs without DOE II’s consent or permission. DOE II owns the copyrights in five of those photographs and has registered those copyrights with the United States Copyright Office. The defendants involved in the creation of the t14 site and web log copied those photographs without DOE II’s permission for their own use. “pauliewalnuts” first posted the URL to DOE II’s image on the t14 webpage on February 20, 2007, on a thread entitled “YLS 1L CGWBT.” (“CGWBT” is an acronym for “cheerful girl with big tits.”)

41. On the t14 web log, links were posted to webpages containing pictures of DOE II alongside pornographic or otherwise unflattering advertisements. DOE II did not consent to the use of her likeness on the competition’s site, nor to its association with commercial advertising that she did not approve of or endorse.

42. After the images were posted, threads began to appear on AutoAdmit regarding the t14 “contest” and crudely commenting on the individual women designated, including DOE II:

Date: February 21st, 2007 11:44 AM
Author: David Carr
i want to titty fuck her for persian new year

Date: February 21st, 2007 11:47 AM
Author: A horse walks into a bar
get in line

Date: February 21st, 2007 11:49 AM
Author: David Carr
gets in line and waits patiently

Date: February 21st, 2007 11:48 AM
Author: Beach Body Brady
I would pour syrup on that.

Date: February 21st, 2007 11:49 AM
Author: David Carr
high five

Date: February 21st, 2007 11:49 AM

Author: A horse walks into a bar
I would make a sundae including (but not limited to) whip cream,
chocolate sauce, sprinkles,
and a cherry.

Date: February 21st, 2007 11:51 AM

Author: David Carr

i would just use cream and put my nuts on her chin

These comments and responses were only a small part of an extended conversation that took place under the title of “YLS 1L CGWBT.”

c. Continuing harassment of DOE II

43. On information or belief, the t14 site was closed on approximately March 1, 2007, purportedly at the request of AutoAdmit. Following the closure of the t14 website, the harassment of DOE II continued unabated.

44. Posters have indicated that their express desire was to harm DOE II’s reputation and to cause her emotional distress. For example, on a thread bluntly titled, “DOE II, YLS 1L, you’re a fucking cunt,” Mathew C. Ryan, using the alias “:D”, gleefully encouraged further attacks of DOE II and used anti-Semitic language to do so: “I’m doing cartwheels knowing this stupid Jew bitch is getting her self esteem raped.”

45. Defendant Mathew C. Ryan (“:D”) continued to harass DOE II, calling her a “[s]tupid cunt,” a “STUPID FUCKING CUNT,” and a “silicon tit’d [sic] whore,” and making repeated and vulgar references to DOE II’s breasts.

46. Another pseudonymous poster, “leaf,” started a thread titled: “Big-titted [DOE II] thread official style guide.” The thread continued by urging posters who posted about DOE II to use the following style conventions:

Please adhere to the following guidelines when making threads about big-titted Yale Law School student [DOE II]:
The thread must be categorized as on-topic, school-related.
The proper adjective to describe [DOE II] is “big-titted.”
Big-titted [DOE II’s] name is spelled [].
Big-titted [DOE II’s] name is never to be used in parts--it must always be [DOE II] at the least,
and “big-titted [DOE II]” ideally.
Pictures must accompany all threads of big-titted [DOE II]:

[Hyperlinks to photographs of DOE II].

i. Descriptions of sexual violence against DOE II

47. A few posters—including those using the pseudonyms “Ugly Women” and “kr0nz”—created threads and posted messages about DOE II being raped.

48. “Ugly Women” posted the following message: “[DOE II] (YLS 09) IS AN ANNOYING, SELFISH CUNT. I HOPE SHE GETS RAPED AND DIES.”

49. “Ugly Women” wrote again about DOE II being raped in a thread titled: “BAM! you’re raping your hot daughter, [DOE II].” This post goes on to describe the incestuous rape resulting in pregnancy to which “Sleazy Z” responds, “punch [DOE II] in the stomach” when she is seven months pregnant. “Ugly Women” added another message in this thread, saying: “It’s every woman’s dream to be raped by their dad.” “Ugly Women” concluded with a graphic description meant to show that DOE II shared in that “dream.”

50. Pseudonymous poster “kr0nz” started a thread titled: “True Life. I FUCKED YLS CGWBT - story within.” The lurid narrative contains the following description of “kr0nz” forcibly sodomizing DOE II: “she asked me not to . . . [b]ut I held her in place She squirmed and struggled but I was relentless”

51. Pseudonymous poster “Dirty Nigger” wrote: “I wish to rape [DOE I] and [DOE II] in the ass.”

52. And a poster who goes by “AK47” wrote: “Women named . . . [DOE II] should be raped.”

ii. False allegations of sexual conduct and sexually transmitted disease

53. In addition to the threads about sexual violence directed at DOE II, a large number of threads falsely allege that DOE II engaged in various sexual behaviors. For example:

- Pseudonymous poster “The Ayatollah of Rock-n-Rollah” wrote: “If I was a YLS student I would try to catch some of the residual effects of her *whoring it up*.”

(Emphasis added.)

- On March 6, 2007, “Sleazy Z” posted: “How does [DOE II] like to be fucked?” Another pseudonymous poster, “Ari Gold,” replied: “Each and every way. Ears, mouth, anus...you name it.” And “DRACULA” added: “By hundreds of people, but only if other family members are watching (preferably with bleacher-style seating).”
- “Sleazy Z” later posted the following false accusation: “DOE II is into scat. . . . At least that’s what a buddy of mine that goes to YLS tells me.”
- And “Dean_Harold_Koh” wrote: “[DOE II] the CGWBT sucked my cock for an [sic] P in Civ pro.”
- In a thread titled “Fun facts about [DOE II] – “Whamo” submitted the following message: “I wonder if [DOE II’s] titties (along with all the slutting out she’s been doing) are going to affect her back later in life? Hopefully it doesn’t have an impact on her reverse cowgirl, which I have heard from several people is incredible. *Until you get the clap.*” (Emphasis added.)

54. Similarly, “playboytroll” posted the following false message: “[DOE II] was featured in the PLAYBOY special!” This link to the Playboy website follows:
http://www.playboy.com/girls/celebrities/features/criesofpassion2/popup_frameset.html.

55. “AK47” posted a message falsely stating, “Alex Atkind, Stephen Reynolds, [DOE II], and me: GAY LOVERS.”

iii. False allegations of drug abuse and homophobia

56. The threads went beyond false sexual allegations to include bogus statements about drug abuse and “gay bashing.”

57. One thread, posted by “reminderdood,” falsely accused DOE II of “bashing gay people.”

58. And another thread, posted by “who is,” stated falsely that DOE II had checked into a rehabilitation program for heroin use.

iv. Threads to humiliate DOE II about her family history

59. Various posters reveled in dredging up painful and embarrassing history about

DOE II's father. For example, Mathew C. Ryan, using the pseudonym ":D", started a thread entitled "Does [DOE II]'s dad give blowjobs at Sing Sing for the protein?" Continuing with this theme in another thread, apparently referring to prison rape, Defendant Ryan posted a message to DOE II: "HERE'S A HINT YOU STUPID FUCKING CUNT: IT'S A DAILY ROUTINE FOR YOUR FELON FAGGOT FATHER."

60. On March 7, 2007, "Joel Schellhammer" posted: "YLS 1L CGWBT [DOE II] HAS A FELON FOR A FATHER!!! YALE LAW." "Joel Schellhammer" proceeded to post links to a news article about DOE II's father's decade-old conviction and pasted into his message the text of the court of appeals decision affirming the conviction.

61. This thread was reprinted the next day by "hitlerhitlerhitler" who added a link to another news story about DOE II's father. "Ugly Women" responded to hitlerhitlerhitler's post, suggesting: "Someone should e-mail this to all of the Yale law professors so they know what type of self-entitled princess they have on their hands."

v. Emails to the Yale Law School Faculty about DOE II

62. And in fact, the very next day, "Patrick Bateman" emailed at least one member of the Yale Law School faculty the following message:

From: Patrick Bateman <batemanhls08@hotmail.com>
Date: Mar 9, 2007 2:08 PM
Subject: Yale Law School faculty: Notice
To: [Member of the Yale Law School Faculty]
Cc: [DOE II]

Dear Yale Law faculty,

I write to you now about a very important issue that affects a non-trivial number of you. Although you undoubtedly deal with self-entitled, spoiled students on a regular basis, there's one person in particular whose history I feel you must be made aware of before problems arise. [DOE II], a student in your 09 class, has a felon as a father who stole money [at her behest] One could make the argument that her character at ten is not representative of her values as an adult, if it wasn't for the recent evidence to the contrary. She spent in excess of \$150 to remove material that was in the public domain,

simply because she found it offensive that it emphasized her good looks. If such reckless use of money in the name of free speech suppression is not indicative of a damaged character, I don't know what it is. Best of luck to you in managing this liability, it is regretful that the admissions process can't encapsulate the entire person.

XOXO

HTH

Patrick Bateman (Harvard Law School 08)

References:

[Hyperlinks to articles about DOE II and her father].

The moniker "Patrick Bateman" is a reference to the fictional serial killer in the novel and film, *American Psycho*. On information and belief, the use of this moniker was intended to cause DOE II to feel physically threatened.

63. The email above was also posted on AutoAdmit by "lonelyvirgin" in a thread titled: "Notice to YLS faculty concerning [DOE II]." Lonelyvirgin wrote on March 9, 2007 that the above email was going to be "dispatched to the entire YLS faculty within the next five minutes. I've assembled a spreadsheet with their addresses and every single one of them will be notified about what our darling [DOE II] has done. I post this here as a warning to all those who would try to regulate the more antisocial posters—we have the power now."

64. A second email was sent to the Yale Law School Faculty, *see supra*, paragraph 36. This email, sent by "Patrick Zeke" and then posted on AutoAdmit by "lonelyvirgin," told the Yale Law School faculty that if they had trouble putting a name to DOE II's face, they should know that DOE II "has big fake titties." "Patrick Zeke" also stated that DOE II was a "litigious cunt" who might hold a "sexual harassment lawsuit" over her attorney's head.

vi. Email to DOE II's former employer

65. On information and belief, a poster using the pseudonym "t14 gunner" sent an email message to DOE II's former employer, disparaging DOE II and pointing the employer to

various false and harassing posts about DOE II on the AutoAdmit site. This email was then posted on AutoAdmit, as follows:

Date: April 28th, 2007 11:55 PM
Author: t14 gunner ([DOE II] works at a fourth tier toilet)

Just sent this using the feedback part of their site.

Greetings,

I want to bring your attention to some information potentially harmful to your firm's reputation. Obviously your clients do not want to be represented by someone who is not of the highest character value, which is why I believe you should know a bit more about an employee of yours. I've recently discovered [DOE II] of Yale Law School is one of your summer hires. It is true that she does have a fine academic pedigree, but there is some distressing information about her readily available online. Some of what is written about her is of dubious value. Regardless, there is good reason to believe some of your clients may not be so careful in how they interpret what has been written—especially as to how it relates to the quality of your firm. Included below is a sample, but a simple Google search will return an even more extensive record.

See:

[Hyperlinks to threads on the AutoAdmit website and the xoxohth.com mirror site].

I sincerely hope this helps

The first of the hyperlinks leads to a thread that falsely alleges that DOE II “whored around like a feral cat” during her first semester of law school, a statement made in a post by pseudonymous poster “yalels2009.”

vii. Threads alleging DOE II's death

66. On multiple occasions, AutoAdmit posters even attempted to start rumors that

DOE II had died or committed suicide. The first such thread appeared on March 7, 2007, posted by “r@ygold”: “[DOE II] found dead in apartment!,” and the second on April 6, 2007, posted by “azn, azn, azn”: “HOLY SHIT: [DOE II] dead; suicide suspected.”

viii. Threads encouraging harassment of DOE II

67. Some threads encouraged others to harass DOE II and facilitated harassment by posting her contact information. “Sleazy Z,” for example, started a thread titled “Mad at [DOE II]? E-mail her at [DOE II’s email address].”

68. In a post titled: “[DOE II] HAS HUGE FAKE TITS AND IS UNIVERSALLY HATED,” “Prof. Brian Leiter” wrote: “BTW, someone should make a webpage dedicated just to this girl. host it on google pages. there is NO WAY they could force you to take it down. just go sign up with www.googlepages.com and sign up the account as [DOE II] the web address would be [DOE II]googlepages.com you could put whatever you want up there. you could link to all the xoxo threads. you could include pictures. etc etc etc.”

69. Encouragement to harass DOE II was taken to a new level and a new medium when “Paulie Walnuts” asked “beebee890” to make a You Tube video for DOE II, wishing her a happy belated birthday. The video was made by a young man whom DOE II does not know and whose speech was slurred in the video. In a post titled: “Hilarious video: Belated birthday wishes from Paulie to [DOE II],” “Paulie Walnuts” explained that “beebee890” did the video as a favor to him after he told “beebee890”: “I’m a poors and couldn’t afford ANYTHING for her, so even though [beebee890]’s been sick (before this video, he’d posted videos about all the meds he’s been on)he fulfilled the bday request. sweet, no?”

70. In addition, in an apparent attempt to encourage others to post harmful messages about DOE II, “AK47” started a thread titled “Inflicting emotional distress on cheerful girls named [DOE II].”

d. Injury

71. The statements about DOE II detailed above are false. The numerous false statements and harassing comments posted about DOE II have caused her physical illness and

severe emotional distress, interfered with her educational progress, damaged her reputation, and caused her pecuniary damage.

E. CAUSES OF ACTION

Claim I: Copyright Infringement, 17 U.S.C. § 501

72. DOE II repeats and realleges each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

73. Plaintiff owns valid copyrights in her photographs and has registered these copyrights with the United States Copyright Office.

74. One or more defendants have, without plaintiff's authorization, copied or otherwise reproduced the copyrighted photographs.

Claim II: Appropriation of another's name or likeness

75. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

76. On information and belief, Defendant "pauliewalnuts" operated or had effective control over the t14 Web site located at <http://t14talent.googlepages.com>.

77. On information and belief, Defendant "kibitzer" operated or had effective control over the t14 web log located at <http://top14girls.blogspot.com>.

78. Defendant "pauliewalnuts" and/or Defendant "kibitzer" appropriated for their own use or benefit plaintiffs' names and/or likenesses, without Plaintiffs' authorization, consent or permission.

79. Plaintiffs have suffered injury as a result of defendants' acts of misappropriation.

Claim III: Unreasonable publicity given to another's life

80. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

81. One or more defendants have publicly disclosed matters regarding plaintiffs that would be highly offensive to a reasonable person.

82. Those matters were not a matter of legitimate concern to the public.

83. Plaintiffs have suffered injury as a result of defendants' acts.

Claim IV: Publicity that places another in a false light before the public

84. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

85. One or more defendants have placed plaintiffs in a false light which would be highly offensive to a reasonable person.

86. One or more defendants had knowledge of or acted in reckless disregard as to the falsity of the publicized matters and the false light in which plaintiffs would be placed.

87. Plaintiffs have suffered injury as a result of defendants' acts.

Claim V: Intentional infliction of emotional distress

88. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

89. One or more defendants intended to inflict emotional distress or knew or should have known that emotional distress was the likely result of their conduct.

90. One or more defendants' conduct was extreme and outrageous.

91. One or more defendants' conduct was the cause of plaintiffs' emotional distress.

92. Plaintiffs' emotional distress, resulting from one or more defendants' conduct, was severe.

93. Plaintiffs have suffered injury as a result of one or more defendants conduct.

Claim VI: Negligent infliction of emotional distress

94. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

95. One or more defendants breached his or their duties owed to plaintiffs.

96. One or more defendants' conduct was the cause of plaintiffs' emotional distress.

97. One or more defendants knew or should have known that their conduct involved an unreasonable risk of causing emotional distress.

98. One or more defendants knew or should have known that distress, if it was

caused, might result in illness or bodily harm.

Claim VII: Libel

99. DOE I and DOE II repeat and reallege each and every allegation set forth in the preceding paragraphs of the Amended Complaint as if fully set forth herein.

100. One or more defendants published one or more false statements regarding plaintiffs.

101. One or more defendants made unprivileged publication of the false statements.

102. One or more defendants' publications were made negligently or intentionally.

103. One or more defendants acted with an improper or unjustifiable motive in posting the false statements.

104. Plaintiffs have suffered injury to their reputations as a result of the false statements.

F. REQUEST FOR RELIEF

WHEREFORE, plaintiffs demand judgment against defendants as follows:

1. For actual damages according to proof;
2. For special damages according to proof;
3. For punitive damages in a sum not less than \$245,400;
4. For costs of suit and such other and further relief as the Court deems just.

G. JURY DEMAND

105. Plaintiffs hereby demand a trial by jury on all claims.

Dated: August 5, 2008

PLAINTIFFS DOE I AND
DOE II

By: /s/ Mark Lemley
Mark Lemley (*pro hac vice*)
Ashok Ramani (*pro hac vice*)
KEKER & VAN NEST, LLP
710 Sansome Street
San Francisco, CA 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188
Email: MLemley@kvn.com
ARamani@kvn.com

David N. Rosen
David Rosen & Associates PC
400 Orange Street
New Haven, CT 06511
Telephone: (203) 787-3513
Facsimile: (203) 789-1605
Email: drosen@davidrosenlaw.com