

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

HOLLY JACOBS, f/k/a HOLLI THOMETZ  
Plaintiff,

Case Number: \_\_\_\_\_  
Division: 13-1362 ACA 02

v.

RYAN SEAY, JAMES HORVATH, SEXTINGPICS.COM,  
INTERN-NET1, ANONIB.COM,  
FDC SERVERS, LLC, PINKMETH.TV, CLOUDFLARE  
XHAMSTER.COM, JOHN DOE and JANE DOE,  
Defendants.

THE ORIGINAL FILED  
ON APR 18 2013  
IN THE OFFICE OF  
CIRCUIT COURT MIAMI-DADE CO.  
CIVIL DIVISION

COMPLAINT

COMES NOW, the PLAINTIFF, HOLLY JACOBS, by and through her undersigned counsel, files this Complaint suing the DEFENDANTS and in support thereof, states as follows:

PARTIES AND JURISDICTION

1. The PLAINTIFF is a resident of Miami-Dade County, Florida
2. The DEFENDANT RYAN SEAY is a resident of Hillsborough County, Florida.
3. DEFENDANT JAMES HORVATH is the owner of SEXTINGPICS.COM and is a resident of North Royalton, Ohio.
4. DEFENDANT SEXTINGPICS.COM is a revenge pornography website owned by DEFENDANT JAMES HORVATH, believed to be operating on a server in Las Vegas, Nevada but serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.
5. DEFENDANT INTERN-NET1 is believed to be located in Las Vegas, Nevada and hosting DEFENDANT SEXTINGPICS.COM's website, serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to

Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.

6. DEFENDANT ANONIB.COM is a revenge pornography website with an unknown owner operating on a server believed to be in Chicago, Illinois but advertising, marketing, soliciting and otherwise conducting business operations in Miami-Dade County, Florida.
7. DEFENDANT FDC SERVERS, LLC is an Illinois Limited Liability Corporation with its principal place of operation in Chicago, Illinois. DEFENDANT FDC SERVERS, LLC hosts DEFENDANT ANONIB.COM'S website, serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.
8. DEFENDANT PINKMETH.TV is a revenge pornography website owned by an unknown owner, operating on a server believed to be in San Francisco, California but serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.
9. DEFENDANT CLOUDFLARE is believed to be located in San Francisco, California and hosting DEFENDANT PINKMETH.TV'S website, serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.
10. DEFENDANT XHAMSTER.COM is a revenge pornography website owned by an unknown owner, serving customers worldwide, marketing worldwide, offering services

to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.

11. The unidentified DEFENDANTS, named here as JOHN DOE and JANE DOE, of this cause of action are those unknown persons who host, service, use, subscribe, post or repost images of the PLAINTIFF or otherwise propagate, traffic or redistribute pornographic images and private facts of the PLAINTIFF and serving customers worldwide, marketing worldwide, offering services to Miami-Dade County residents, access to Miami-Dade County residents and otherwise conducting business operations in Miami-Dade County, Florida.
12. As such, all events which gave rise to this cause of action can be said to have occurred in Miami-Dade County, Florida.
13. The amount in controversy in this action is in excess of this Court's minimum jurisdiction.

#### GENERAL ALLEGATIONS

14. The PLAINTIFF realleges and adopts paragraphs 1 through 13 as factually stated herein.
15. The PLAINTIFF and Defendant SEAY were in a dating relationship from 2005 to 2008. During this relationship, DEFENDANT SEAY took, appropriated or otherwise obtained pornographic images of the PLAINTIFF. Upon the termination of the relationship and DEFENDANT SEAY'S discovery of the PLAINTIFF'S new boyfriend, DEFENDANT SEAY began publishing pornographic photographs and video of the PLAINTIFF as well as the PLAINTIFF'S name, occupation, details about her schedule and other personal and private facts about the PLAINTIFF on various websites.

16. The PLAINTIFF never consented to the publication of her image, likeness or private facts.

17. DEFENDANTS ANONIB.COM, PINKMETH.TV, SEXTINGPICS.COM AND XHAMSTER.COM are “revenge porn” websites which traffic in pornographic photographs of young women and children as well as private facts and details of the victims. They also encourage users and subscribers to post comments and redistribute these photographs, facts and details. There is no requirement of permission from the victim, no age verification or any type of requirement to post photographs, facts and details on these websites. The purpose of the websites is to cause the victims severe embarrassment, humiliation and emotional distress to the victims.

18. All persons who post, subscribe, use, own, contribute and administer these websites are aware they do not have permission to use the photographs, likeness, facts or details in the manner they are used in.

19. DEFENDANT FDC SERVERS, LLC is a web hosting company which hosts the website ANONIB.COM. Through its hosting of the website, DEFENDANT FDC is engaged in the publication of pornographic images, details and facts of the victims. DEFENDANT FDC is well aware of the actions of DEFENDANT ANONIB.COM and knowingly hosts such websites, derived a profit from serving such pornographic websites and otherwise is trafficking in pornographic images, likeness, details and facts of the victims.

20. DEFENDANT INTERN-NET1 is a web hosting company which hosts the website SEXTINGPICS.COM. Through its hosting of the website, DEFENDANT INTERN-NET1 is engaged in the publication of pornographic images, details and facts of the victims. DEFENDANT INTERN-NET1 is well aware of the actions of DEFENDANT

SEXTINGPICS.COM and knowingly hosts such websites, derives a profit from serving such pornographic websites and otherwise is trafficking in pornographic images, likeness, details and facts of the victims.

21. DEFENDANT CLOUDFLARE is a web hosting company which hosts the website PINKMETH.TV. Through its hosting of the website, DEFENDANT CLOUDFLARE is engaged in the publication of pornographic images, details and facts of the victims. DEFENDANT CLOUDFLARE is well aware of the actions of DEFENDANT PINKMETH.TV and knowingly hosts such websites, derived a profit from serving such pornographic websites and otherwise is trafficking in pornographic images, likeness, details and facts of the victims.

#### SPECIFIC ALLEGATIONS AND CAUSES OF ACTION

##### INVASION OF PRIVACY

22. The PLAINTIFF realleges and adopts paragraphs 1 through 21 as factually stated herein.
23. The DEFENDANTS, by their collective and individual actions, without authorization of the PLAINTIFF, appropriated and exploited the PLAINTIFF'S personality.
24. The DEFENDANTS, by their collective and individual actions, published the private affairs of the PLAINTIFF for which the publication thereof have no legitimate public concern.
25. The DEFENDANTS, through their collective and individual actions, wrongfully intruded into the private activities of the PLAINTIFF.
26. The manner in which the DEFENDANTS acted was specifically designed to cause outrage and intense mental suffering in the PLAINTIFF.

27. Additionally, the DEFENDANTS, through their collective and individual actions caused the PLAINTIFF shame and humiliation to the extent it offends the ordinary sensibilities of society.

28. The DEFENDANTS collective and individual actions prevent the PLAINTIFF from living a life free from unwanted publicity.

**WHEREFORE**, the PLAINTIFF, HOLLY JACOBS, demands monetary judgment against the DEFENDANTS and any other and further relief this Court deems just and necessary.

#### PUBLIC DISCLOSURE OF PRIVATE FACTS

29. The PLAINTIFF realleges and adopts paragraphs 1 through 28 as factually stated herein.

30. The DEFENDANTS, through their collective and individual actions, published facts of the PLAINTIFF without consent.

31. The facts so published by the DEFENDANTS were in the nature of private facts.

32. The private facts published by the DEFENDANTS were of an offensive nature.

33. The private facts are not of a public nature.

**WHEREFORE**, the PLAINTIFF, HOLLY JACOBS, demands monetary judgment against the DEFENDANTS and any other and further relief this Court deems just and necessary.

#### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

34. The PLAINTIFF realleges and adopts paragraphs 1 through 33 as factually stated herein.

35. The DEFENDANTS' conduct in the publication of the PLAINTIFF'S image, likeness, details and facts was intentional and reckless.

36. The DEFENDANTS knew or should have known their actions would cause emotional distress to the PLAINTIFF.

37. The DEFENDANTS' conduct of publishing the PLAINTIFF'S image, likeness, details and facts was outrageous and go beyond all bounds of public decency.

38. The DEFENDANTS' conduct is odious and utterly intolerable.

39. The DEFENDANTS' conduct did cause the PLAINTIFF severe emotional distress.

**WHEREFORE**, the PLAINTIFF, HOLLY JACOBS, demands monetary judgment against the Defendants and any other and further relief this Court deems just and necessary.

TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

40. The PLAINTIFF realleges and adopts paragraphs 1 through 39 as factually stated herein.

41. Based on the aforementioned facts and allegations, the PLAINTIFF has demonstrated not only a substantial likelihood of success on the merits but actual success on the merits of her stated causes of action.

42. The PLAINTIFF will suffer irreparable harm unless an injunction is issued and damages, both monetary and otherwise, cannot yet be determined as the DEFENDANTS' conduct is ongoing.

43. At this time, there is no other adequate remedy of law available to the PLAINTIFF.

44. The exposure to harm and damages the PLAINTIFF suffers far outweighs any prejudice or harm which would be experienced by the DEFENDANTS should an injunction be issued.

45. The PLAINTIFF requests the waiver of any required bond as the DEFENDANTS will suffer no harm by the granting of an injunction.

46. An injunction in this matter will serve the public interest in compelling the DEFENDANTS to cease and desist their ongoing conduct which causes harm and damages to the PLAINTIFF.

**WHEREFORE**, the PLAINTIFF, HOLLY JACOBS, requests this Court enter an Order providing for temporary and permanent injunctive relief in this matter and any other and further relief this court deems just and necessary.

**DEMAND FOR JURY TRIAL**

47. The PLAINTIFF demands a jury trial for all issues of this action so triable.

Respectfully submitted,



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