



### **JURISDICTION AND VENUE**

3. The original jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332 because the parties have complete diversity of citizenship and the amount in controversy exceeds \$75,000.

4. This Court has personal jurisdiction over Defendants in that, among other things: (a) Defendants are engaged in tortious conduct within the Commonwealth of Pennsylvania and in this District, including by using Plaintiff's image without her authorization and (b) Defendants' conduct causes injury to Plaintiff within the Commonwealth of Pennsylvania.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the acts, omissions and events giving rise to the claims asserted in this Complaint occurred in this judicial district.

### **PARTIES**

6. Plaintiff, Karen Hepp, is an adult individual residing at 737 South Latches Lane, Merion Station, Pennsylvania 19066.

7. Defendant, Facebook, Inc., on information and belief, is a for-profit corporation organized and existing under the laws of Delaware, having its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware 19808.

8. Defendant, Facebook, Inc., owns and operates "Facebook.com," one of the world's largest social media internet sites.

9. Defendant, Imgur, Inc., on information and belief, is a for-profit corporation organized and existing under the laws of Delaware, having its registered agent, Incorporating Services, Ltd., located at 3500 S. Dupont Highway, Dover, Delaware 19901.

10. Defendant, Imgur, Inc., is an internet-based online image-sharing business that owns and operates the website known as “Imgur.com.”

11. Defendant, Reddit, Inc., on information and belief, is a for-profit corporation organized and existing under the laws of Delaware, having its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware 19808.

12. Defendant, Reddit, Inc., is an American social news aggregation company that owns and operates the website known as “Reddit.com.”

13. Defendant, Giphy, Inc., on information and belief, is a for-profit corporation organized and existing under the laws of Delaware, having its registered agent, Corporation Service Company, located at 251 Little Falls Drive, Wilmington, Delaware 19808.

14. Defendant, Giphy, Inc., owns and operates a website known as “Giphy.com” that consists of an online database and search engine that allows users to search for and share short looping videos.

15. Defendant, WCGZ, S.R.O., on information and belief, is a limited liability company existing under the laws of the Czech Republic and having a place of business at Praha 1 - Nové Město, Krakovská 1366/25, PSČ 110 00 Czech Republic.

16. Defendant, WCGZ S.R.O., owns and operates “XNXX.com,” a popular adult-oriented website featuring pornographic materials.

17. Defendants Does 1 through 10 are the owners and operators of other websites and/or media outlets. Plaintiff is unaware of the true names or capacities of Does 1 through 10. Plaintiff is informed and believes, and on that basis avers, that Does 1 through 10 either (a) directly performed the acts alleged herein, (b) were acting as the agents, principals, alter egos, employees, or representatives of the other Defendants, and/or (c) otherwise participated in the

acts alleged herein with the other Defendants. Accordingly, Defendants Does 1 through 10 each are liable for all of the acts alleged herein because they were the cause in fact and proximate cause of all injuries suffered by Plaintiff as alleged herein. Plaintiff will amend the Complaint to state the true names of Defendants Does 1 through 10 when their identities are discovered.

**FACTS GIVING RISE TO THIS ACTION**

18. Plaintiff is a professional television news anchor and joined the FOX 29 News team (Philadelphia-based) in November of 2010.

19. Plaintiff is a co-anchor of the 4 am to 6 am hours of "Good Day Philadelphia," a morning news program, and joins the set as co-host for the final hour of the show from 9 am to 10 am.

20. Prior to joining FOX 29, Plaintiff worked at WNYW-TV in New York City, anchoring Good Day Wakeup.

21. Plaintiff joined Fox 5 in January of 2005 as the weekend anchor.

22. Plaintiff previously worked for NBC-owned-and-operated stations for 8 years including: WNBC in New York; WCAU in Philadelphia; and WVIT in Connecticut. Her career began in Binghamton, New York and Rochester, New York.

23. Plaintiff graduated from New York University and hails from the Philadelphia region.

24. Approximately two years ago, Plaintiff discovered through her co-workers and managers, that, without her consent, a photograph of her taken by a security camera in a convenience store located in New York City was being used in online advertisements for erectile dysfunction and dating websites.

25. Plaintiff was unaware that her photograph was taken in said convenience store and does not know the identity or the location of the store or how her photograph was secured. A true and

correct copy of the photograph is attached hereto, made a part thereof and marked as Exhibit "A." Said photograph shall be referred to hereafter as "The photo."

26. Plaintiff has since learned that The Photo has appeared illegally on many other websites.

27. The photo was featured in a Facebook advertisement soliciting users to "meet and chat with single women." A true and correct copy of said advertisement is attached hereto, made a part hereof and marked as Exhibit "B."

28. The photo was featured on Imgur under the heading "milf," which is a derogatory and degrading slang acronym that refers to a sexually attractive woman with young children. The Imgur link address is <https://i.imgur.com/0lulkf2.jpg>. A true and correct copy of said photograph within the Imgur website is attached hereto, made a part hereof and marked as Exhibit "C."

29. The photo was featured on Reddit titled "Amazing" in the subgroup r/obsf ("older but still \$#^@ble") and posted by a user known as "pepsi\_next." There is a hyperlink for the photograph which links to the Imgur site. The Reddit url address is <https://www.reddit.com/r/obsf/comments/5owd59/amazing/dcnh8wj/>. A true and correct copy of said photograph within the Reddit website is attached hereto, made a part hereof and marked as Exhibit "D."

30. The photo was modified and featured on Giphy wherein a video appears in the background of a man -- who is hiding behind a glass commercial freezer door and masturbating - - to what would appear, from his perspective, to be the backside of Plaintiff. The Giphy url addresses of this combination image/video are as follows: 1) <https://i.giphy.com/media/NfApNcu yg8mzK/giphy.mp4>; 2) <https://media.giphy.com/media/NfApNcu yg8mzK/giphy.gif>, and 3) <https://media.giphy.com/media/l41YmuCE7ZZQeQd1e/giphy.gif>. A true and correct copy of

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