

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Jane Doe (D.R.)

Plaintiff

v.

**SALESFORCE.COM, INC. and
BACKPAGE.COM, LLC,**

Defendants.

Civil Action No. 4:21-cv-02856

PLAINTIFF'S ORIGINAL COMPLAINT

Comes Now, Jane Doe (D.R.), Plaintiff in the above-styled and numbered cause, and files this Original Complaint complaining of Salesforce.com, Inc. and Backpage.com, Inc. as Defendants, and would respectfully shows the Court and Jury as follows:

I. OVERVIEW OF THE LAWSUIT

1. Backpage was the largest sex trafficking website in the world until it was seized by the U.S. Department of Justice and shut down in 2018. The key to Backpage's dominance of the sex trafficking market was its relationship with Salesforce. Salesforce is a technology company that provides customizable software and personalized support to help its clients operate their businesses, manage their relationships with their customers, and market themselves to new customers.

2. Beginning in 2013, Salesforce entered into the first of several lucrative contracts with Backpage. Through providing technology and support to Backpage, Salesforce succeeded in greatly expanding Backpage's business to become the dominant force in online sex trafficking. The relationship between Backpage and Salesforce endured for years, even while Backpage was under

criminal investigation and even after its CEO was arrested on sex crimes charges. Although Salesforce knew that Backpage was engaged in criminal trafficking and knew that its own actions facilitated trafficking on Backpage, Salesforce continued to do business with Backpage until it was shut down.

3. The venture between Salesforce and Backpage left many trafficking victims in its wake. Plaintiff was one victim. Between early 2014 and mid 2017, Plaintiff was trafficked on Backpage and was repeatedly sold for illegal sex against her will. Plaintiff's trafficker paid money to Backpage to post explicit ads through which Plaintiff was sold. The trafficking of Plaintiff on Backpage occurred during the contractual relationship between Backpage and Salesforce and was facilitated by the tools and operational support that Salesforce provided to Backpage.

4. Both Texas and federal statutes permit sex trafficking victims like Plaintiff to recover civilly against both sex traffickers and those who benefit financially from facilitating sex trafficking. Plaintiff files this lawsuit to hold Backpage and Salesforce accountable under these anti-trafficking laws.

II. JURISDICTION AND VENUE

5. This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 because this action involves a federal question under the Trafficking Victims Protection Act ("TVPA"), 18 U.S.C. § 1581, et seq. The Court also has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because they form part of the same case or controversy as her federal claims.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this claim occurred in this District and Division.

7. Plaintiff was trafficked in this District and Division.

III. THE PARTIES

8. Plaintiff is a natural person who is a resident and citizen of Texas. Plaintiff was at all relevant times a trafficked person as that term is understood under the TVPA and the Texas Civil Practice and Remedies Code Chapter 98. Given the nature of these allegations, this complaint identifies Plaintiff as Jane Doe (D.R.) throughout. She may be contacted through her counsel. There is a collective and compelling interest in keeping Plaintiff's identity anonymous.

9. Defendant Salesforce.com, Inc. ("Salesforce") is a foreign corporation organized under the laws of Delaware with its principal place of business in California. Salesforce can be served with process by service on its registered agent in Texas, C T Corporation System, 1999 Bryan St. Ste. 900, Dallas TX 75201-3136. Salesforce does business in a systematic and continuous manner throughout this District and Division. All references to Salesforce include any department, division, office, agency, subsidiary, or corporate affiliate whether domestic, foreign, and/or international. The term also includes any director, officer, agent (either with direct/actual authority and implied/apparent authority), employee, person, firm, or corporation acting on behalf of Salesforce now or at any time relevant to the claims herein.

10. Defendant Backpage.com, LLC ("Backpage") is a Delaware Limited Liability Corporation registered to do business and doing business in Texas. Backpage may be served through its attorney of record, Mark Castillo, 901 Main Street, Suite 6515, Dallas, Texas 75202. All references to Backpage include any department, division, office, agency, subsidiary, or corporate affiliate whether domestic, foreign, and/or international. The term also includes any director, officer, agent (either with direct/actual authority and implied/apparent authority), employee, person, firm, or corporation acting on behalf of Backpage now or at any time relevant to the claims herein.

IV. ASSUMED OR COMMON NAME

11. Plaintiff brings this petition against each Defendant in its assumed or common name and expressly reserves the right under Federal Rule of Civil Procedure 17 to substitute the true name of any Defendant if needed or in response to a Court order. Moreover, Plaintiff expressly invokes the right to amend under the doctrine of misnomer if any Defendants are properly served, but sued and served under the wrong legal name.

V. CONDITIONS PRECEDENT

12. All conditions precedent to the filing of this lawsuit have been performed or have occurred.

VI. FACTUAL ALLEGATIONS

A. The Reach of Human Trafficking Has Greatly Expanded in Recent Years Through The Use of Technology And With The Support Of Modern Technology Companies.

13. Human trafficking is a public health crisis that has reached epidemic proportions. Sex trafficking comprises a significant portion of overall trafficking and the majority of transnational modern-day slavery.¹ There are an estimated 4.8 million victims of sex trafficking worldwide, with the United States leading all other nations in driving demand.² And it is estimated that there are more than 300,000 victims of human trafficking in the State of Texas, and nearly 80,000 of those are identified as minors.³ Human trafficking earns profits of roughly \$150 billion per year, with two-thirds of these dollars resulting from sexual exploitation of the victims.⁴

14. The number of human trafficking victims has grown exponentially in recent years.⁵ Online exploitation of victims has transformed the commercial sex trade and, in the process, has

¹ *Trafficking in Persons Report 2008*, U.S. Department of State, <https://2001-2009.state.gov/g/tip/rls/tiprpt/2008/index.htm>.

² U.S. Institute Against Human Trafficking, <https://usiaht.org/>.

³ Tex. H.R. Con. Res. 35, 86th Leg. R.S.

⁴ *Human Trafficking by the Numbers*, Human Rights First (2017), <https://www.humanrightsfirst.org/sites/default/files/TraffickingbytheNumbers.pdf>.

⁵ Tex. H.R. Con. Res. 35, 86th Leg. R.S.

contributed to the explosion of domestic sex trafficking. Social networks and online-classified sites are being used by traffickers to market, recruit, sell, and exploit victims for criminal purposes. The internet and other modern technologies give traffickers the unprecedented ability to exploit a greater number of victims and advertise their services across geographic boundaries.⁶ These technologies impact various aspects of trafficking, from grooming, recruitment, and control of victims to advertising, movement, and financial transactions.⁷

15. Traffickers need the technology and support provided by these businesses to operate, and they have found many businesses that will assist them as long as they are paid.⁸ These businesses affirmatively facilitate, assist, and support sex trafficking ventures and have participated in the significant expansion of sex trafficking in recent years.

B. Backpage Was the Internet's Largest Sex Trafficking Hub.

16. Backpage.com was established in 2004 and initially began as an online marketplace for various goods and services. However, in 2008, the leading online marketplace, Craigslist, took steps that reduced sex ads on its platform. For Backpage, this led to a period of “explosive growth” by “[o]ptimizing [its] geography strategy” and “capitalizing on displaced Craigslist ad volume.”⁹

17. During the late 2000s, it became apparent that classified ad platforms and social media sites were facilitating and profiting from commercial sex and trafficking.¹⁰

⁶ Mark Latonero et al., *Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds*, University of Southern California (2011), https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf.

⁷ Mark Latonero et al., *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, University of Southern California (November 2012), https://technologyandtrafficking.usc.edu/files/2012/11/HumanTrafficking2012_Nov12.pdf.

⁸ *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking*, The Polaris Project (2020), <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf>.

⁹ U.S. Senate Permanent Subcomm. on Investigations, *Backpage.com's Knowing Facilitation of Online Sex Trafficking*, <https://www.hsgac.senate.gov/imo/media/doc/Backpage%20Report%202017.01.10%20FINAL.pdf>.

¹⁰ Latonero, *supra* note 6.

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