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LONG ISLAND OFFICE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SHANA EDME,

Plaintiff,

**COMPLAINT
CIVIL ACTION NO.**

-against-

**INTERNET BRANDS, INC.
D/B/A MODEL MAYHEM.COM,
MEDIA TAKEOUT.COM, LLC, and
DOMAINS BY PROXY LLC
D/B/A BOSSIP.COM,**

JURY TRIAL DEMANDED

CV-12 3306

**HURLEY, J.
BROWN, M. J.**

Defendants.

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SUMMONS ISSUED

Plaintiff Shana Edme, as and for a Complaint, respectfully alleges as follows:

JURISDICTION AND VENUE

1. This is an action against the defendants for the violation of plaintiff's civil rights and her rights as otherwise guaranteed under law.

2. The Plaintiff seeks compensatory and punitive damages arising under New York Civil Rights Law §§ 50 and 51 [the "Civil Rights Law"].

3. The Plaintiff alleges herein that she was subjected to unlawful invasion of her right to privacy as a direct result of defendants' intentional and reckless disregard for Plaintiff's civil rights. The defendants herein published pictures of the Plaintiff without her permission which resulted in a series of factually false and embarrassing stories and publicity of and concerning the Plaintiff, which subjected her to unwanted and unlawful invasion of her privacy causing her severe

emotional distress, humiliation and embarrassment. The defendants' actions caused harm to the Plaintiff continuing to the present day due to the fact that the defendants' published stories about the Plaintiff are still circulating on the Internet.

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a) as [1] Plaintiff seeks damages of no less than \$3,000,000.00, well in excess of the jurisdictional minimum of \$75,000.00, exclusive of costs and interest, and [2] this action is between citizens of different states.

PARTIES

5. Plaintiff is an African-American female citizen and resident of the State of Georgia.

6. MODEL MAYHEM.COM is a modeling industry website with over 600,000 members nationwide. MODEL MAYHEM.COM provides a platform for professional models and those who seek a career in modeling to market their services to the modeling industry.

7. Defendant INTERNET BRANDS, INC. ("INTERNET BRANDS") is a Delaware corporation with its principal place of business located in El Segundo, California. INTERNET BRANDS owns and operates the website MODEL MAYHEM.COM.

8. MEDIATAKEOUT.COM is a blog-style gossip website which, on its home page, calls itself "The Most Visited Urban Website in the World."

9. MEDIATAKEOUT.COM contains a "bulletin board" that allows persons who

access it to converse on-line with other persons and to post electronic messages for public view. These messages are designed to be read by members of the public nationwide, and are in fact read by members of the public nationwide.

10. MEDIA TAKEOUT.COM also devotes considerable time to publishing posts about famous [or not-so-famous] women who are often pictured as scantily-clad and accompanied by stories discussing their sex lives.

11. Defendant MEDIA TAKEOUT COM LLC (“MEDIA TAKEOUT”) is a New York corporation with its principal place of business in Brooklyn, New York. It is the owner and operator of the website MEDIA TAKEOUT.COM.

12. BOSSIP.COM is a website which primarily features African-American and Black celebrity gossip and entertainment news nationwide.

13. Defendant DOMAINS BY PROXY, INC. (“DOMAINS BY PROXY”) is an Arizona corporation with its principal place of business in Scottsdale, Arizona. DOMAINS BY PROXY owns and operates the website BOSSIP.COM.

FACTS

14. Plaintiff hereby repeats and realleges each allegation contained in paragraphs 1 through 13 as if fully set forth herein.

15. Plaintiff SHANA EDME, an aspiring law student, joined MODEL MAYHEM.COM in 2008 in an effort to further her career as a model and to market her services in the modeling industry at the time.

16. As of 2011, Plaintiff was no longer engaging in any modeling work, and was in fact attending college and employed by a large law firm in Suffolk County, New York, with the intention of applying to law school in the hope of pursuing a career as an attorney.

17. At all relevant times, MODEL MAYHEM.COM represented that it had a privacy policy that would only allow for a member's picture portfolio to be viewed by other persons if that member gave explicit permission allowing for such viewing.

18. At all relevant times, Plaintiff SHANA EDME never gave permission to defendant MODEL MAYHEM.COM for her picture portfolio to be viewed. In particular, Plaintiff's portfolio contained several photographs of her modeling lingerie in 2008.

19. On or before August 4, 2011, the website MODEL MAYHEM.COM released several pictures of the Plaintiff's lingerie photographs to the online media.

20. At no time did the Plaintiff give anyone from MODEL MAYHEM.COM permission to release these pictures to anyone.

21. On August 4th 2011, several of the Plaintiff's friends and family members contacted her by text messages, phone calls, and mass social networking media to inform her that the website MEDIA TAKEOUT.COM had posted a story online falsely identifying Plaintiff as celebrity Kimora Lee Simmons' "lingerie model" sister. The story included several of the Plaintiff's portfolio's lingerie model pictures provided by MODEL MAYHEM.COM.

22. In fact, the story posted by MEDIA TAKEOUT.COM online on August 4, 2011 was on its front page, with several of the Plaintiff's restricted portfolio photos included, and accompanied by this text: **"WOWZERS!! WE GOT PICS OF KIMORA LEE SIMMONS' YOUNGER SISTER... IN LINGERIE!! (LOOKS LIKE KIMMY ... ONLY THICK) Her name is Shana Lee ... and she looks just like her big sis Kimmy ... August 4, 2011. Kimmy's sister's name is Shana and she's looking to get into the modeling world. To email this story to a friend enter email address here:"**

23. This text was then followed by a screen to type in anyone's email address and "send" button to further publish this article to that email address.

24. The article also provided for publication via the social networking websites "Facebook," "Twitter," "Reddit." and "Digg."

25. Below this text, the article included more of the Plaintiff's photographs from her portfolio, with the text **"SEE COMMENTS UNDER THE PHOTOS."**

26. What followed then were several hundred email comments from people nationwide who had seen the photos and read the article - many of the comments being derogatory and sexual in nature.

27. Later that day, another of Plaintiff's friends contacted her via Facebook and informed Plaintiff that the website BOSSIP.COM posted a story with the title **"Rumor Control: Kimora Lee Simmons Says 'That Lil Trashy Lingerie Wearing Heffa Is NOT My Sister' . . . Kimora Lee Simmons took the time out today to address some lies floatin' around the internets that she has a lil lingerie modeling sister named Shana Lee . . .**

Via her blog: [']Today, it was brought to my attention that there is recently published story on the internet claiming I have a younger sister who is a model. This story is not true as I do not have a sister. I felt the need to clear up any confusion or questions.[']"

28. Again, this article from BOSSIP.COM was accompanied by a lingerie photo from Plaintiff's portfolio, next to a photo of Kimora Lee Simmons.

29. Again, this article was followed by numerous online email responses from people nationwide.

30. On August 6, 2011, the entertainment gossip website "GLOBALGRIND.COM" posted an article with the following story: **"Shana Edme Wants MediaTakeOut To Know She Is NOT Kimora Lee Simmons' Sister (PHOTOS) . . .Yesterday, after MediaTakeOut falsely identified former model Shana Edme as the younger sister of Kimora Lee Simmons, Kimora felt it was necessary to make a statement and respond to the rumors."**

31. Again, this article was followed by numerous online email responses from people nationwide.

32. Further, these articles spread throughout the internet, and the story was re-published by such websites as "Huffington Post.Com," "Hollywood.Com," and others.

33. As direct result of the defendants' unlawful and egregious conduct, the Plaintiff SHANA EDME has suffered and continues to suffer from emotional distress, humiliation, and damage to her employment- and personal relationships.

34. As a direct result of the defendants' unlawful and offensive invasion of the Plaintiff SHANA EDME's privacy, Plaintiff has endured receiving numerous communications from men nationwide who have seen the illegally obtained and published photos from Plaintiff's private portfolio.

35. As a direct result of the defendants' unlawful and offensive invasion of the Plaintiff SHANA EDME's privacy, the Plaintiff's future career plans to apply for and attend law school have been placed in jeopardy.

36. As a direct result of the defendant's unlawful acts, the harm to the Plaintiff continues to the present day because the Plaintiff's photos, along with the false and fictional stories published by the defendants are still accessible on the Internet.

AS AND FOR A FIRST CAUSE OF ACTION
VIOLATION OF NEW YORK CIVIL RIGHTS LAW §§ 50 and 51 -
RIGHT OF PRIVACY

37. The Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 36 as thought fully set forth herein.

38. By engaging in the foregoing conduct, defendants have violated Plaintiffs' right to privacy under Sections 50 and 51 in that Plaintiff's personal pictures were published by defendants

for the purposes of trade without ever having obtained Plaintiff's permission.

39. As described within, the defendants acted intentionally, with malice or with reckless disregard for the truth of the Plaintiff's identity and rights, directly causing Plaintiff mental anguish, conscious pain and suffering, public humiliation, and emotional distress.

40. Further, defendants used the Plaintiff's identity and pictures as part of a fictional story knowing that the Plaintiff had not consented to that use, or in reckless disregard of whether the Plaintiff had consented to that use, entitling the Plaintiff to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Shana Edme respectfully requests that this Honorable Court assume jurisdiction herein and thereafter:

1. Award Plaintiff compensatory and punitive damages in an amount to be no less than THREE MILLION DOLLARS [\$3,000,000.00];
2. Award reasonable attorney's fees and the costs of this action; and
3. Award such other and further relief as this Court deems just and proper.

JURY DEMAND

The Plaintiff demands a trial by jury for all claims stated herein.

Dated: Highmount, New York
June 19, 2012

Respectfully submitted,



DAVID GORDON, ESQ. [DG 6062]

Attorney for Plaintiff

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