

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JULIE AMANDA TILTON

CASE NO.: 8:05-cv-692-T-30TGW

Plaintiff,

**AMENDED COMPLAINT**

vs.

**DEMAND FOR JURY TRIAL**

PLAYBOY ENTERTAINMENT GROUP, INC.;  
PLAYBOY ENTERPRISES, INC.;  
PLAYBOY ENTERPRISES INTERNATIONAL, INC.;  
PLAYBOY.COM, INC.;  
PLAYBOY TV INTERNATIONAL, LLC;  
LINCOLNWOOD MOTION PICTURES, LLC;  
NEW CITY RELEASING, INC.;  
IMAGE ENTERTAINMENT, INC.;  
MODERN ENTERTAINMENT LTD.;  
TRANS WORLD ENTERTAINMENT CORP.;  
BEST BUY COMPANY, INC.;  
DESLIN HOTELS, INC.;  
IRENE L. DEVLIN;  
DENNIS B. DEVLIN;  
PAUL A. PREWITT;  
FLORIDA FILM & PHOTO, INC.;  
GOLDRUSH DISC JOCKEYS, INC.;  
DAVID L. BARTON;  
BV & BK PRODUCTIONS, LLLP;  
CHAD W. CIANI;  
MICHAEL WEITZ;  
JASON MASKELL;  
iN-DEMAND L.L.C.;  
TIME WARNER ENTERTAINMENT –  
ADVANCE/NEWHOUSE PARTNERSHIP; and  
COX COMMUNICATIONS, INC.;

Defendants.

**AMENDED COMPLAINT**

The Plaintiff, Julie Amanda Tilton (the "**Plaintiff**"), hereby sues the defendants identified herein and allege as follows:

**The Parities**

1. Plaintiff is a citizen of Florida.
2. Defendant Deslin Hotels, Inc. ("**Deslin**") is a Florida corporation and owns and operates a 250-room motel and conference center known as the Desert Inn Resort Motel a/k/a the Desert Inn Resort & Suites Convention Complex (the "**Desert Inn**") in Daytona Beach, Florida.
3. Defendants Irene L. Devlin and Dennis B. Devlin (the "**Devlins**") are citizens of Florida. The Devlins own Deslin and manage the day-to-day operations of the Desert Inn.
4. Defendant Goldrush Disc Jockeys, Inc. ("**Goldrush**") is a Florida corporation and operates as an entertainment company and provides various entertainment-related services, such as deejays, photography, videography, and limousine services.
5. Defendant David L. Barton a/k/a DJ Dave ("**Barton**") is a citizen of Florida. At all material times, Barton was an employee, officer and authorized agent of Goldrush.
6. Defendant Florida Film & Photo, Inc. ("**FFPI**") is a dissolved Florida corporation. Before its dissolution, FFPI offered and sold various photography and video-related services. Florida Film & Photo continues to operate as an unincorporated business entity and commercial alter-ego of defendant Paul A. Prewitt.
7. Defendant Paul A. Prewitt ("**Prewitt**") is a citizen of Florida. At all relevant times, Prewitt was the owner, employee or agent of FFPI.
8. Defendant BV & BK Productions, LLLP f/k/a BV & BK Productions, LLP ("**BV & BK**") is a Florida limited partnership. BV & BK owns and operates several voyeuristic and sexually-explicit websites, including [www.bikinivoyeur.com](http://www.bikinivoyeur.com), [www.bv4free.com](http://www.bv4free.com), [www.wett-shirt.tv](http://www.wett-shirt.tv) and [www.avsimperium.com](http://www.avsimperium.com), all of which displayed sexually-explicit images and video of the Plaintiff.
9. Defendant Chad W. Ciani a/k/a Bikinivoyeurman ("**Ciani**") is a citizen of Florida.

10. Defendant Michael Weitz (“**Weitz**”) is a citizen of Florida.

11. Defendant Jason Maskell a/k/a “Backov” (“**Maskell**”) is Canadian national conducting business in Florida.

12. Defendant Lincolnwood Motion Pictures, L.L.C. (“**Lincolnwood**”) is a California limited liability company conducting business in Florida. Lincolnwood is a copyright holder and producer of video productions, including *Playboy Exposed: All American Girls* and *Playboy Exposed: Spring Break – Greatest Moments*.

13. Defendant New City Releasing, Inc. (“**New City**”) is a California corporation conducting business in Florida. New City is an entertainment company that specializes in the production and distribution of motion pictures, direct-to-video and pay-per-view programming content and is a copyright holder and producer of video productions, including *Playboy Exposed: Spring Break – Best Of* and *Girls Gone Crazy: Spring Break*.

14. Defendant Playboy Enterprises, Inc. (“**PEI**”) is a Delaware corporation conducting business in Florida. PEI is the publisher of *Playboy* magazine and sells, manufactures and distributes various adult-oriented products. PEI owns, controls and operates a series of adult-oriented websites on the Internet.

15. Defendant Playboy Enterprises International, Inc. (“**PEII**”) is a Delaware corporation conducting business in Florida. PEI is the owner and licensor of certain trademarks, including the *Playboy* name and famous *Playboy* “rabbit-head” design. PEII is responsible for “branding” of *Playboy* products worldwide and branding of *Playboy TV* programming content to international satellite and cable TV systems and worldwide adult home video markets.

16. Defendant Playboy Entertainment Group, Inc. (“**PEGI**”) is a Delaware corporation conducting business in Florida. PEGI is an adult-oriented video programming content provider and a primary and secondary producer of such programming. PEGI operates

several television networks including, but not limited to, *Playboy TV*, which is available to more than 50 million households in the United States.

17. Defendant Playboy.Com, Inc. (“**Playboy.Com**”) is a Delaware corporation conducting business in Florida. Playboy.Com is an adult-oriented Internet entertainment company, operating various Internet websites that advertise, offer for sale and promote adult-oriented video programs and products, including those of PEGI and PEI.

18. Defendant Playboy TV International, LLC (“**PTVI**”) is a Delaware limited liability company conducting business in Florida. PTVI develops, sells, licenses and operates adult-oriented, sexually-explicit television networks in Europe, Asia and other places around the world. (Defendants PEI, PEII, PEGI, PTVI and Playboy.Com shall be referred to herein collectively as the “**Playboy Defendants**”).

20. Defendant Image Entertainment, Inc. (“**Image**”) is a California corporation conducting business in Florida. Image is a domestic distributor of PEGI home video VHS and DVD products to retail outlets in the United States.

21. Defendant Modern Entertainment, Ltd. (“**MEL**”) is a Delaware corporation conducting business in Florida. MEL is a worldwide media and broadcasting conglomerate and distributes adult-oriented films to Russia, Scandinavia and other parts of the world. MEL is also a distributor of PEGI home video products to Hong Kong and other parts of the Far East.

22. Defendant Trans World Entertainment Corporation (“**Trans World**”) is a New York corporation conducting business in Florida and operates over 600 retail stores in the United States under names such as Spec’s Music & Movies, Fye and Warehouse Music. Trans World sells PEGI home video products at retail.

23. Defendant Best Buy Company, Inc. (“**Best Buy**”) is a Minnesota corporation conducting business in Florida. Best Buy operates over 1,600 retail stores throughout the United States and Canada. Best Buy sells PEGI home video products at retail.

24. Defendant iN-DEMAND L.L.C. (“**iN-DEMAND**”) is a New York limited liability company conducting business in Florida. iN-DEMAND operates as a pay-per-view video programming content provider and multi-channel video programming distributor for cable TV and direct-to-home satellite TV operators and systems. iN-DEMAND also specifically operates the sexually-explicit pay-per-view channel known as *Hot Choice*, yet also re-broadcasts the *Playboy TV* channel on a pay-per-view basis.

25. Defendant Time Warner Entertainment – Advance/Newhouse Partnership d/b/a Time Warner Cable (“**Time Warner Cable**”) is a New York general partnership conducting business in Florida. Time Warner Cable operates as a multiple system operator and multi-channel video programming distributor.

26. Defendant Cox Communications (“**Cox Cable**”) is a Delaware corporation conducting business in Florida. Cox Cable operates as an MSO and multi-channel video programming distributor serving over 6.6 million cable TV subscribers in 22 states. (Defendants, iN-DEMAND, Time Warner Cable, and Cox Cable, shall be referred to herein collectively as the “**Broadcast Defendants**”).

#### **Jurisdiction and Venue**

27. The Court has subject-matter jurisdiction over this matter pursuant to 28 U.S.C. §1331 and 18 U.S.C. §2255(a) and has supplemental jurisdiction over this matter pursuant to 28 U.S.C. §1367(a).

28. The Court has personal jurisdiction over each of the Defendants because each Defendant: (a) is a resident or citizen of Florida; or (b) pursuant to Fla. Stat. § 48.193, each

Defendant either: (i) operates, conducts, engages in, or carries on business or a business venture in Florida or has an office, registered business entity or agent in Florida; (ii) committed a tortuous act within Florida; or (iii) caused injury to the Plaintiff in Florida arising out of an act or omission committed by the Defendant outside Florida while the Defendant was engaged in solicitation or service activities within Florida or products, materials, or things processed, serviced, produced or manufactured by the Defendant were used or consumed in Florida in the ordinary course of commerce, trade, or use.

29. Venue is proper in the Middle District of Florida because a substantial part of the events giving rise the claims stated herein occurred in the Middle District of Florida and within the Tampa Division, as per Local Rule 1.02.

**General Allegations Common to All Counts**

30. At all relevant times, the Plaintiff was a minor under the age of 18.

31. During March of 2001, Deslin conducted various “contests” (the “**Contests**”) at the Desert Inn during the Florida high school “Spring Break” vacation season.

32. The subject Contests included the following:

- (a) Wet T-shirt Contest;
- (b) Sexual Positions Contest;
- (c) Banana Sucking Contest;
- (d) Muff Eating Contest and
- (e) Screaming Orgasm Contest.

33. Each of the Contests was designed and intended to include sexually-explicit conduct and to subject participants to demeaning, degrading, inappropriate, exploitive and illegal conduct.

34. In March of 2001, various individuals attempted to persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct or to assist others to engage in sexually-explicit conduct. Such acts by individuals included, but were not limited to, providing the Plaintiff with alcohol and enticing the Plaintiff with the prospect of winning cash and prizes.

35. The Plaintiff was not required to provide and was not asked to provide proof of age before participating in the Contests.

36. As a result of the acts described above, Plaintiff participated in the Wet T-shirt Contest, the Muff Eating Contest, the Banana Sucking Contest, and the Sexual Positions Contest as a minor in March of 2001.

37. During her participation in the Contests, the Plaintiff was persuaded, induced and enticed to perform and did perform various sexually-explicit acts and simulated sexually-explicit acts, including simulating various sexual acts, sexual touching, and exposing her breasts, pubic areas, and buttocks. The Plaintiff was also encouraged to engage in various homo-erotic acts with other minors and was repeatedly molested by other participants on stage.

38. The sexually-explicit videotaped conduct of the Plaintiff and other minors during the Contests includes, but is not limited to, conduct included within the scope of the following:

- (a) "Sexually-explicit conduct" as defined by 18 U.S.C. §2256(2)(A)(i);
- (b) "Sexually-explicit conduct" as defined by 18 U.S.C. §2256(2)(A)(iii);
- (c) "Sexually-explicit conduct" as defined by 18 U.S.C. §2256(2)(A)(v);
- (d) A "sexual performance by a child" as defined by Fla. Stat. §827.071(1)(b);
- (e) "Sexual conduct" as defined by Fla. Stat. §827.071(1)(g);
- (f) A "sexual performance" as defined by Fla. Stat. §827.071(1)(h);
- (g) "Simulated sexual conduct" as defined by Fla. Stat. §827.071(1)(i).

39. During her participation in the Contests, the Plaintiff was subjected to demeaning, degrading, inappropriate, exploitive and illegal conduct.

40. While the Plaintiff participated in the Contests and engaged in sexually-explicit conduct, the Plaintiff was videotaped by various entities including, but not limited to, Goldrush/Barton (the “**Barton Tapes**”), FFPI/Prewitt (the “**Prewitt Tapes**”), and Ciani, Weitz and others (collectively the “**Bikinivoyeur Tapes**”).

41. Subsequent to the Contests, videotapes and other visual depictions of the Plaintiff engaged in sexually-explicit conduct were sold, distributed or broadcast for pecuniary gain to millions of people world-wide via interstate or foreign commerce or by use of the United States mail.

42. Videotape, DVD and broadcast visual depictions of the Plaintiff and other minors engaged in sexually-explicit conduct that have been sold and disseminated nationally and internationally include, but are not limited to, the following:

- (a) *Girls Gone Crazy: Spring Break*;
- (b) *Playboy Exposed: All American Girls* (including an edited version);
- (c) *Playboy Exposed: Spring Break –Greatest Moments*;
- (d) *Playboy Exposed: Spring Break –Best Of*;
- (e) *XTC Girls: Spring Break*;
- (f) *XTC Girls: Greatest Moments*; and
- (g) *XTC Girls: Best Of*.

43. Excerpts from videotapes and DVDs in the form of “theatrical trailers” depicting the Plaintiff and other minors engaged in sexually-explicit conduct, such as in *Playboy Exposed: All American Girls* and *Playboy Exposed: Spring Break – Greatest Moments & Best Of*, have been incorporated into a video advertisement or “theatrical trailer” that is itself child

pornography, that has been incorporated into other adult-oriented erotic videotapes and DVDs including, but not limited to the following titles:

- (a) *Playboy Exposed: Girls' Night Out;*
- (b) *Playboy Exposed: Naughty Wives Party;*
- (c) *Playboy Exposed: Bachelorette Party;*
- (d) *Playboy Exposed: Florida Flash 'N Splash;*
- (e) *Playboy Exposed: Naughty Girls Party in L.A.;*
- (f) *Playboy Exposed: Naked on the 4<sup>th</sup> of July;*
- (g) *Playboy Exposed: Toy Soldiers;*
- (h) *Playboy Exposed: Erotic Scavenger Hunt;*
- (i) *Playboy's Juli Ashton & Friends: Anything Goes;*
- (j) *Playboy's Roommates.*

44. The Barton Tapes, the Prewitt Tapes, the Bikinivoyeur Tapes and all reproductions, modifications, and edited versions thereof referenced in this Amended Complaint, including those set forth in the preceding two paragraphs, depict the Plaintiff and other minors engaged in sexually-explicit conduct.

45. All videotapes and all other visual depictions of the Plaintiff engaged in sexually-explicit conduct constitute "child pornography" as defined by 18 U.S.C. §2256(8)(A) and unlawful visual representations of a minor as defined by Fla. Stat. §827.071(5).

46. The Plaintiff was intoxicated at the time she participated in the Contests and, therefore, she was unaware that she was being videotaped and was otherwise unaware of the nature and extent of her conduct during the Contests or of her resulting illegal sexual exploitation.

47. The Plaintiff was unaware of the nature and extent of her conduct and, therefore, the nature of her damages, until sometime in 2003 when she first learned of and viewed videotapes of the Contests and her conduct pictured thereon.

48. The Plaintiff has retained the following attorneys to represent her in this matter, and she is obligated to pay those attorneys a reasonable fee for their respective services: Litigation Concepts, L.C. (Richard S. Shankman, Esq.), Law Office of Kevin O'Connor, and The Solomon Tropp Law Group, P.A.

49. All conditions precedent to the filing of this action have occurred or been waived.

**Count 1: Violations of 18 U.S.C. §2251(a)**  
**(Deslin and The Devlins)**

50. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

51. This a claim brought pursuant to 18 U.S.C. §2255(a) against Deslin and the Devlins for violations of 18 U.S.C. §2251(a).

52. At all relevant times, the Devlins were the officers, employees, managers and authorized agents of Deslin.

53. Deslin and the Devlins organized, arranged and conducted the Contests.

54. In anticipation of the Contests, Deslin and the Devlins knowingly made, printed or published notices or posted Internet advertisements seeking the participation of minors in sexually-explicit conduct for the purpose of producing a visual depiction of such conduct. Such notices and advertisements included Internet advertisements soliciting high school-aged children to imbibe alcohol and to participate in Deslin's self-described "largest pool deck parties," which were intended and designed to include sexually-explicit conduct by minors and to be videotaped.

55. Deslin and the Devlins knew or had reason to know that such notices and advertisements would be transported in interstate or foreign commerce. Alternatively, such notices and advertisements were transported in interstate or foreign commerce.

56. Deslin and the Devlins, through their employees and agents, conducted the Contests in an enclosed pool deck area at the Desert Inn and charged an admission fee for entry to the pool deck area. At all relevant times, Deslin and the Devlins maintained control over entry into the pool deck area and other areas of the Desert Inn premises.

57. In anticipation of the Contests, Deslin and the Devlins hired Goldrush to act as Master of Ceremonies and deejay for the Contests and to video the Contests.

58. Deslin and the Devlins, through their employees and agents, persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

59. Goldrush, acting within the scope of its authority granted by Deslin and the Devlins, persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

60. Goldrush, acting within the scope of its authority granted by Deslin and the Devlins, created the Barton Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

61. In addition, Deslin and the Devlins knew that many of its customers attending the Contests would create visual depictions of the Contests. Deslin and the Devlins permitted its customers to create visual depictions of the Contests because Deslin and the Devlins knew that such would be beneficial to Deslin, including that the distribution and sharing of images of the Contests would be a form of advertising for Deslin. Visual depictions created during the Contests with the permission or consent of Deslin and the Devlins include the Prewitt Tapes and the Bikinivoyeur Tapes.

62. The above-stated acts constitute violations by Deslin and the Devlins of 18 U.S.C. §2251(a).

63. The above-described acts of Deslin and the Devlins were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the rights and safety of the Plaintiff.

64. At the time the Barton Tapes and other visual depictions of the Contests were created, Deslin and the Devlins knew or had reason to know that such would be transported in interstate or foreign commerce or United States mail. Deslin and the Devlins had this knowledge because they knew or should have known that many of its customers creating visual depictions of the Contests were not residents of Florida and would take the visual depictions with them when they left the state. In addition, Deslin and the Devlins knew or should have known that visual depictions of Contests from the previous years had been posted on the Internet and that visual depictions of the 2001 Contests would be posted on the Internet and would, therefore, be available for viewing and distribution throughout the world. In the alternative, the Barton Tapes and other visual depictions of the Contests have actually been transported in interstate or foreign commerce or mailed.

65. As a proximate cause of the violations of 18 U.S.C. §2251(a), the Plaintiff has suffered personal injury and other damages.

66. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every individual violation of 18 U.S.C. §2251(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages) and all remedies available under 18 U.S.C. §2255(a),

including prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 2: Common Law Negligence**  
**(Deslin)**

67. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

68. This is a claim for negligence against Deslin.

69. At all relevant times, Deslin had a duty not to provide alcohol to persons under the age of 21. At a minimum, Deslin had a duty not to encourage or to tolerate underage consumption of alcohol on the Desert Inn premises and a duty to take reasonable measures, such as checking drivers' licenses, to confirm the age of those who appeared to be under the age of 21 before providing them with alcohol.

70. At all relevant times, Deslin had a duty not to permit minors to participate in the Contests.

71. To persuade, to induce and to entice the Plaintiff and other minors to participate in the Contests and to encourage them and other minors to engage in sexually-explicit conduct, Deslin, through its authorized employees and agents, (a) provided alcohol or caused or directed that alcohol be provided to the Plaintiff and other minors for the purpose of reducing their inhibitions and (b) offered cash, prizes and other incentives.

72. At the time Deslin provided alcohol or caused or directed that alcohol be provided to the Plaintiff, Deslin, through its employees and agents, knew that the Plaintiff was under the age of 21. Alternatively, Deslin knew that the Plaintiff reasonably appeared to be under the age of 21, but Deslin failed to take reasonable steps to confirm the age of the Plaintiff.

73. Deslin breached its duty of care by, among other things, providing alcohol or causing or permitting alcohol to be provided to the Plaintiff and by permitting the Plaintiff to participate in the Contests.

74. As a proximate result of the breach of duty by Deslin, the Plaintiff has sustained damages, including, but not limited to, damages related to the Plaintiff's participation in the Contests and being videotaped while engaged in sexually-explicit conduct and with other minors engaging in sexually-explicit conduct during the Contests.

75. The above-described acts of Deslin were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the rights and safety of the Plaintiff.

76. The following conduct of Deslin was outrageous:

- (a) Providing alcohol or permitting alcohol to be provided to the Plaintiff to reduce her inhibitions;
- (b) Persuading, inducing, enticing and instructing the Plaintiff to engage in sexually-explicit conduct herself and with other minors;
- (c) Subjecting the Plaintiff to demeaning, degrading, inappropriate, exploitive and illegal conduct during the Contests;
- (d) Videotaping and permitting the videotaping by others of the Plaintiff engaged in sexually-explicit conduct herself and with other minors;
- (e) Causing the use, dissemination or distribution of the videotapes of the Plaintiff engaged in sexually-explicit conduct herself and with other minors.

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 3: Intentional Infliction of Emotional Distress**  
**(Deslin)**

77. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

78. This is a claim for intentional infliction of emotional distress against Deslin.

79. Deslin, through its employees and agents, persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct.

80. At the time Deslin persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Deslin knew that the Plaintiff was a minor or recklessly disregarded the age of the Plaintiff.

81. To persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Deslin, through its employees and agents, provided alcohol or caused or directed that alcohol to be provided alcohol to the Plaintiff and offered cash, prizes and other incentives to the Plaintiff

82. The following conduct of Deslin was outrageous:

- (a) Providing alcohol or causing or permitting alcohol to be provided to the minor Plaintiff to reduce her inhibitions;
- (b) Persuading, inducing, enticing and instructing the Plaintiff to engage in sexually-explicit conduct herself and with other minors;
- (c) Subjecting the Plaintiff to demeaning, degrading, inappropriate, exploitive and illegal conduct during the Contests;
- (d) Videotaping and permitting the videotaping by others of the Plaintiff engaged in sexually-explicit conduct herself and with other minors;
- (e) Causing the use, dissemination or distribution of the videotapes of the Plaintiff engaged in sexually-explicit conduct herself and with other minors.

83. Deslin knew or should have known that emotional distress would likely result from their outrageous conduct.

84. The outrageous conduct of Deslin has caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 4: Unjust Enrichment**  
**(Deslin)**

85. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

86. This is a claim for unjust enrichment against Deslin.

87. Deslin, through its employees and agents, persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct.

88. At the time Deslin persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Deslin knew or should have known that the Plaintiff was a minor or reasonably appeared to be a minor.

89. To persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Deslin, through its employees and agents, provided alcohol or caused or directed that alcoholic be provided to the Plaintiff and offered cash, prizes and other incentives to the Plaintiff

90. The videotaped and live conduct of the Plaintiff in the Contests conferred an economic benefit to Deslin, including, but not limited to, revenue from admissions to the pool deck area on the day Plaintiff participated in the Contests, the sale of food and beverages on the day Plaintiff participated in the Contests, revenue generated from the sale or use of the videotapes of the Plaintiff in the Contests, and revenue generated from the advertising of the Desert Inn in the videos of the Plaintiff in the Contests, including the Barton Tapes.

91. Deslin appreciated and accepted the economic benefits conferred upon them by the videotaped and live conduct of the Plaintiff.

92. The acceptance and retention of the economic benefits by Deslin under the circumstances would be inequitable.

93. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against this Defendant.

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 5: Violations of 18 U.S.C. §2251(a)**  
**(Goldrush and Barton)**

94. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

95. This a claim brought pursuant to 18 U.S.C. §2255(a) against Goldrush and Barton for violations of 18 U.S.C. §2251(a).

96. Goldrush was hired to act as Master of Ceremonies and a deejay for the Contests and to videotape the sexually-explicit performances of the Plaintiff and other minors.

97. Barton and other Goldrush employees and agents persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

98. Barton and other Goldrush employees and agents created the Barton Tapes by videotaping the sexually-explicit conduct of the Plaintiff and other minors in the Contests.

99. Barton and other Goldrush employees and agents knowingly made, printed or published notices and advertisements offering to distribute or reproduce the Goldrush Videos.

100. Goldrush and Barton knew or had reason to know that such notices and advertisements would be transported in interstate or foreign commerce. Alternatively, such notices and advertisements were transported in interstate or foreign commerce.

101. The above-described acts of Goldrush and Barton constitute violations of 18 U.S.C. §2251(a).

102. The above-described acts of Goldrush and Barton were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the rights and safety of the Plaintiff.

103. As a proximate cause of the violations of 18 U.S.C. §2251(a), the Plaintiff has suffered personal injury and other damages.

104. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of any violations of 18 U.S.C. §2251(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 6: Violations of 18 U.S.C. §2252(a)**  
**(Goldrush and Barton)**

105. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

106. This a claim brought pursuant to 18 U.S.C. §2255(a) against Goldrush and Barton for violations of 18 U.S.C. §2252(a).

107. After Goldrush and Barton created the Barton Tapes, Goldrush and Barton knowingly transported or shipped the Barton Tapes, in whole or in part, in interstate or foreign commerce.

108. At the time Goldrush and Barton mailed, transported, shipped or distributed the Barton Tapes, Goldrush and Barton had positive knowledge or they were consciously and willfully ignorant of the fact that the Barton Tapes depicted minors, including the Plaintiff, engaging in sexually-explicit conduct.

109. The above-described acts of Goldrush and Barton constitute violations of 18 U.S.C. §2252(a).

110. The above-described acts of Goldrush and Barton were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

111. As a proximate cause of the violation of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

112. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of any violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 7: Violation of 18 U.S.C. §2252A(a)**  
**(Goldrush and Barton)**

113. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

114. This a claim brought pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f) against Goldrush and Barton for violations of 18 U.S.C. §2252A(a).

115. After Goldrush and Barton created the Barton Tapes, Goldrush and Barton knowingly mailed, transported, shipped or distributed the Barton Tapes, in whole or in part, in interstate or foreign commerce.

116. At the time Goldrush and Barton mailed, transported, shipped or distributed the Barton Tapes, Goldrush and Barton had positive knowledge or they were consciously and willfully ignorant of the fact that the Barton Tapes depicted minors, including the Plaintiff, engaged in sexually-explicit conduct, and constituted child pornography.

117. The above-described acts of Goldrush and Barton constitute violations of 18 U.S.C. §2252A(a).

118. The above-described acts of Goldrush and Barton were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

119. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

120. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 8: Common Law Negligence**  
**(Goldrush and Barton)**

121. Plaintiff incorporates herein the allegations of ¶¶1 - ¶¶49 above.

122. This is a claim for negligence against Goldrush and Barton.

123. At all relevant times, Goldrush and Barton had a duty not to provide alcohol to persons under the age of 21. At a minimum, Goldrush and Barton had a duty not to encourage or to recklessly tolerate underage consumption of alcohol and a duty to take reasonable measures, such as checking drivers' licenses, to confirm the age of those who reasonably appeared to be under the age of 21 before providing them with alcohol.

124. At all relevant times, Goldrush and Barton had a duty not to permit minors to participate in the Contests.

125. To persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Goldrush and Barton, among other things, (a) provided alcohol or caused or directed that alcohol be provided to the Plaintiff to reduce her inhibitions, and (b) offered cash, prizes and other incentives to entice the Plaintiff to participate in the Contests.

126. At the time Goldrush and Barton provided alcohol or directed that alcohol be provided to the Plaintiff, Goldrush and Barton had positive knowledge that the Plaintiff was under the age of 21. Alternatively, Goldrush and Barton knew that the Plaintiff reasonably appeared to be under the age of 21, but Goldrush and Barton failed to take reasonable steps to confirm the age of the Plaintiff.

127. Goldrush and Barton breached their duty of care by, among other things, providing alcohol or causing or permitting alcohol to be provided to the Plaintiff and by permitting the Plaintiff to participate in the Contests.

128. As a proximate result of the breach of duty by Goldrush and Barton, the Plaintiff has sustained damages, including, but not limited to, damages related to the Plaintiff's conduct in the Contests and being videotaped while engaging in sexually-explicit conduct during the Contests.

129. The above-described acts of Goldrush and Barton were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the rights and safety of the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 9: Intentional Infliction of Emotional Distress**  
**(Goldrush and Barton)**

130. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

131. This is a claim for intentional infliction of emotional distress against Goldrush and Barton.

132. Goldrush and Barton persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct.

133. At the time Goldrush and Barton persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Goldrush and Barton knew the Plaintiff was a minor or recklessly disregarded the age of the Plaintiff.

134. To persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Goldrush and Barton, among other things, provided alcohol or caused or directed that alcohol to be provided alcohol to the Plaintiff and offered cash, prizes and other incentives to the Plaintiff.

135. The following conduct of Goldrush and Barton was outrageous:

- (a) Persuading, inducing, enticing and instructing the Plaintiff and other minors to engage in sexually-explicit conduct in the Contests;
- (b) Subjecting the Plaintiff to demeaning, degrading, inappropriate, exploitive and illegal conduct;
- (c) Videotaping the Plaintiff and other minors engaged in such sexually-explicit conduct;
- (d) Providing alcohol or directing that alcohol be provided to the minor Plaintiff to reduce her inhibitions.

136. Goldrush and Barton knew or should have known that emotional distress would likely result from their outrageous conduct.

137. The outrageous conduct of Goldrush and Barton caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 10: Unjust Enrichment**  
**(Goldrush and Barton)**

138. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

139. This is a claim for unjust enrichment against Goldrush and Barton.

140. Goldrush and Barton persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct.

141. At the time Goldrush and Barton persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Goldrush and Barton knew or should have known that the Plaintiff was a minor or reasonably appeared to be a minor.

142. To persuade, to induce and to entice the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Goldrush and Barton, among other things, (a) provided alcohol or caused or directed that alcohol be provided to the Plaintiff to reduce her inhibitions and (b) offered cash, prizes and other incentives.

143. The videotaped and live conduct of the Plaintiff in the Contests conferred an economic benefit to Goldrush and Barton, including, but not limited to, fees or salaries received by Goldrush and Barton for their “services” on the pool deck of the Desert Inn and any revenue that may have been generated from the sale or use of Barton Tapes depicting the Plaintiff in the Contests.

144. Goldrush and Barton appreciated and accepted the economic benefit conferred upon them by the videotaped and live conduct of the Plaintiff.

145. The acceptance and retention of the benefit by Goldrush and Barton under the circumstances would be inequitable.

146. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 11: Violation of 18 U.S.C. §2251(a)**  
**(FFPI and Prewitt)**

147. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

148. This a claim brought pursuant to 18 U.S.C. §2255(a) against FFPI and Prewitt for violations of 18 U.S.C. §2251(a).

149. Prewitt and other FFPI employees and agents persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

150. Prewitt and other FFPI employees and agents created the Prewitt Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

151. Prewitt and other FFPI employees and agents knowingly created, printed, assembled or published notices and advertisements offering to distribute, sell, license or reproduce the Prewitt Tapes.

152. FFPI and Prewitt knew or had reason to know that such notices and advertisements would be transported in interstate or foreign commerce. Alternatively, such notices and advertisements were transported in interstate or foreign commerce.

153. The above-described acts of FFPI and Prewitt constitute violations of 18 U.S.C. §2251(a).

154. The above-described acts of FFPI and Prewitt were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

155. As a proximate cause of the violations of 18 U.S.C. §2251(a), the Plaintiff has suffered personal injury and other damages.

156. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2251(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a),

prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 12: Violation of 18 U.S.C. §2252(a)**  
**(FFPI and Prewitt)**

157. Plaintiff incorporates herein the allegations of ¶1 – ¶49 above.

158. This a claim brought pursuant to 18 U.S.C. §2255(a) against FFPI and Prewitt for violations of 18 U.S.C. §2252(a).

159. Prewitt and other FFPI employees and agents persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

160. Prewitt and other FFPI employees and agents created the Prewitt Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

161. After FFPI and Prewitt produced the Prewitt Tapes, FFPI and Prewitt knowingly mailed, transported, shipped, transmitted or distributed the Prewitt Tapes, in whole or in part, in interstate or foreign commerce.

162. At the time FFPI and Prewitt mailed, transported, shipped or distributed the Prewitt Tapes, FFPI and Prewitt had positive knowledge or were consciously and willfully ignorant of the fact that the Prewitt Tapes depicted minors, including the Plaintiff, engaging in sexually-explicit conduct.

163. The above-described acts of FFPI and Prewitt constitute violations of 18 U.S.C. §2252(a).

164. The above-described acts of FFPI and Prewitt were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

165. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

166. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 13: Violations of 18 U.S.C. §2252A(a)**  
**(FFPI and Prewitt)**

167. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

168. This a claim brought pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f) against FFPI and Prewitt for violations of 18 U.S.C. §2252A(a).

169. Prewitt and other FFPI employees and agents persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

170. Prewitt and other FFPI employees and agents created the Prewitt Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

171. After FFPI and Prewitt produced the Prewitt Tapes, FFPI and Prewitt knowingly mailed, transported, shipped, transmitted or distributed the Prewitt Tapes, in whole or in part, in interstate or foreign commerce.

172. At the time FFPI and Prewitt mailed, transported, shipped or distributed the Prewitt Tapes, FFPI and Prewitt had positive knowledge or were consciously and willfully

ignorant of the fact that the Prewitt Tapes depicted minors, including the Plaintiff, engaging in sexually-explicit conduct.

173. At the time FFPI and Prewitt mailed, transported, shipped or distributed the Prewitt Tapes, FFPI and Prewitt had positive knowledge or were consciously and willfully ignorant of the fact that the Prewitt Tapes depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

174. The above-described acts of FFPI and Prewitt constitute violations of 18 U.S.C. §2252A(a).

175. The above-stated acts of FFPI and Prewitt were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

176. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

177. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 14: Intentional Infliction of Emotional Distress**  
**(FFPI and Prewitt)**

178. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

179. This is a claim for intentional infliction of emotional distress against FFPI and Prewitt.

180. Prewitt and other FFPI employees and agents persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct for the purpose of producing visual depictions of such conduct.

181. Prewitt and other FFPI employees and agents created the Prewitt Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

182. At the time FFPI and Prewitt persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, FFPI and Prewitt had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and recklessly disregarded the age of the Plaintiff.

183. The following conduct of FFPI and Prewitt was outrageous:

- (a) Persuading, inducing, enticing and instructing the Plaintiff and other minors to engage in sexually-explicit conduct in the Contests;
- (b) Subjecting the Plaintiff to demeaning, degrading, inappropriate, exploitive and illegal conduct;
- (c) Videotaping the Plaintiff and other minors while engaged in such sexually-explicit conduct; and
- (d) Distributing, licensing or selling the "Prewitt Tapes."

184. FFPI and Prewitt knew or should have known that emotional distress would likely result from their outrageous conduct.

185. The outrageous conduct of FFPI and Prewitt caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 15: Unjust Enrichment**  
**(FFPI and Prewitt)**

186. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

187. This is a claim for unjust enrichment against FFPI and Prewitt.

188. At the time FFPI and Prewitt persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct, FFPI and Prewitt knew or should have known that the Plaintiff was a minor or reasonably appeared to be a minor.

189. The conduct of the Plaintiff in the Contests conferred an economic benefit to FFPI and Prewitt, including, but not limited to, revenue generated from the sale, licensing or use of videotapes of the Plaintiff in the Contests, including the Prewitt Tapes themselves.

190. FFPI and Prewitt appreciated and accepted the economic benefits conferred upon them by the videotaped conduct of the Plaintiff.

191. The acceptance and retention of the economic benefits by FFPI and Prewitt under the circumstances would be inequitable.

192. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 16: Violations of 18 U.S.C. §2251(a)**  
**(Ciani, Weitz, BV & BK and Maskell)**

193. Plaintiff incorporates herein the allegations of ¶¶1 - ¶¶49 above.

194. This a claim brought pursuant to 18 U.S.C. §2255(a) against Ciani, Weitz, BV & BK and Maskell for violations of 18 U.S.C. §2251(a).

195. Ciani, Weitz and their agents persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purposes of producing commercial visual depictions of such conduct for use and sale on subscription pornographic Internet websites. In this regard, Ciani, Weitz and their agents did, among other things, the following: (1) they orally encouraged the Plaintiff and other minors to participate in the Contest; and (2) while videotaping the Contests, they orally encouraged the Plaintiff and other minors in the Contests to engage in sexually-explicit conduct. Ciani, Weitz and their agents engaged in such conduct because it was to their financial benefit to have as many participants as possible in the Contests and to have the participants engage in conduct that was as sexually-explicit as possible, which would enhance the sale value of the Bikinivoyeur Tapes.

196. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

197. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create new visual depictions (the "**Bikinivoyeur Content**") of the Plaintiff engaged in sexually-explicit conduct for use and sale on subscription pornographic websites.

198. Ciani, Weitz, BV & BK and Maskell knowingly made, produced, transmitted, printed or published notices and advertisements offering to distribute, sell, license, or reproduce the Bikinivoyeur Content and related manipulated sexually-explicit content suitable for use on pornographic Internet websites.

199. Ciani, Weitz, BV & BK and Maskell knew or had reason to know that such notices and advertisements would be transported in interstate or foreign commerce. Alternatively, such notices and advertisements were transported in interstate or foreign commerce.

200. The above-described acts of Ciani, Weitz, BV & BK and Maskell constitute violations of 18 U.S.C. §2251(a).

201. The above-described acts of Ciani, Weitz, BV & BK and Maskell were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

202. As a proximate cause of the violations of 18 U.S.C. §2251(a), the Plaintiff has suffered personal injury and other damages.

203. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2251(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 17: Violations of 18 U.S.C. §2252(a)**  
**(Ciani, Weitz, BV & BK and Maskell)**

204. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

205. This a claim brought pursuant to 18 U.S.C. §2255(a) against Ciani, Weitz, BV & BK and Maskell for violations of 18 U.S.C. §2252(a)

206. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

207. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create the Bikinivoyeur Content of the Plaintiff engaged in sexually-explicit conduct for use and sale on subscription pornographic websites.

208. Ciani, Weitz, Maskell and BV & BK knowingly mailed, transported, shipped, transmitted or distributed the Bikinivoyeur Tapes and Bikinivoyeur Content, in whole or in part, in interstate or foreign commerce.

209. At the time Ciani, Weitz, Maskell and BV & BK mailed, transported, shipped or distributed the Bikinivoyeur Tapes and Bikinivoyeur Content, they had positive knowledge or were consciously and willfully ignorant of the fact that the Bikinivoyeur Tapes and Bikinivoyeur Content depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

210. The above-described acts of Ciani, Weitz, BV & BK and Maskell constitute violations of 18 U.S.C. §2252(a).

211. The above-described acts of Ciani, Weitz, BV & BK and Maskell were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United

States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

212. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

213. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 18: Violations of 18 U.S.C. §2252A(a)**  
**(Ciani, Weitz, BV & BK and Maskell)**

214. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

215. This a claim brought pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f) against Ciani, Weitz, BV & BK and Maskell for violations of 18 U.S.C. §2252A(a)

216. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

217. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create the Bikinivoyeur Content of the Plaintiff engaged in sexually-explicit conduct for use and sale on subscription pornographic websites.

218. Ciani, Weitz, Maskell, and BV & BK knowingly mailed, transported, transmitted, shipped or distributed the Bikinivoyeur Content, in whole or in part, in interstate or foreign commerce.

219. At the time Ciani, Weitz, Maskell and BV & BK mailed, transported, shipped or distributed the Bikinivoyeur Tapes and Bikinivoyeur Content, they had positive knowledge or were consciously and willfully ignorant of the fact that the Bikinivoyeur Tapes and Bikinivoyeur Content depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

220. The above-described acts of Ciani, Weitz, BV & BK and Maskell constitute violations of 18 U.S.C. §2252A(a).

221. The above-described acts of Ciani, Weitz, BV & BK and Maskell were intentional or were committed with reckless disregard for or conscious indifference of the laws of the United States, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

222. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

223. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 19: Violations of 18 U.S.C. §1466A(a)(1)**  
**(Ciani, Weitz, BV & BK and Maskell)**

224. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

225. This a claim brought pursuant to 18 U.S.C. § 2252A(f) against Ciani, Weitz, BV & BK and Maskell for violations of 18 U.S.C. § 1466A(a)(1).

226. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

227. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create the Bikinivoyeur Content.

228.

229. Ciani, Weitz, Maskell and BV & BK mailed, shipped or transported the Bikinivoyeur Tapes and Bikinivoyeur Content, in whole or in part, in interstate or foreign commerce.

230. At the time Ciani, Weitz, Maskell and BV & BK mailed, shipped or transported the Bikinivoyeur Tapes and Bikinivoyeur Content, they had positive knowledge or were consciously and willfully ignorant of the fact that the Bikinivoyeur Tapes and Bikinivoyeur Content depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

231. The acts of Ciani, Weitz, BV & BK and Maskell constitute the knowing distribution of child pornography and violations of 18 U.S.C. § 1466A(a)(1).

232. As a proximate cause of the violations of 18 U.S.C. § 1466A(a)(1), the Plaintiff has suffered personal injury and other damages.

233. Pursuant to 18 U.S.C. § 2252A(f), the Plaintiff is an aggrieved party and is entitled to recover damages, her attorneys' fees, expert witness fees, and costs incurred as a result of each and every violation of 18 U.S.C. § 1466A(a)(1).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 20: Intentional Infliction of Emotional Distress**  
**(Ciani, Weitz, BV & BK and Maskell)**

234. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

235. This is a claim for intentional infliction of emotional distress against Ciani, Weitz, BV & BK and Maskell.

236. Ciani, Weitz and their agents persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purposes of producing commercial visual depictions of such conduct for use and sale on subscription pornographic Internet websites. In this regard, Ciani, Weitz and their agents did, among other things, the following: (1) they orally encouraged the Plaintiff and other minors to participate in the Contest; and (2) while videotaping the Contests, they orally encouraged the Plaintiff and other minors in the Contests to engage in sexually-explicit conduct. Ciani, Weitz and their agents engaged in such conduct because it was to their financial benefit to have as many participants as possible in the Contests and to have the participants engage in conduct that was as sexually-explicit as possible, which would enhance the sale value of the Bikinivoyeur Tapes.

237. At the time Ciani and Weitz persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Ciani and Weitz had

positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and recklessly disregarded the age of the Plaintiff.

238. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

239. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create the Bikinivoyeur Content of the Plaintiff engaged in sexually-explicit conduct for use and sale on subscription pornographic websites.

240. The following conduct of Ciani and Weitz was outrageous:

- (a) Persuading, inducing, enticing and instructing the Plaintiff to engage in sexually-explicit conduct themselves and with other minors in the Contests;
- (b) Subjecting the Plaintiff to demeaning, degrading, inappropriate, exploitive and illegal conduct during the Contests;
- (c) Videotaping the Plaintiff and other minors engaged in such conduct during the Contests; and
- (d) Distributing, licensing, transmitting, selling or disseminating the Bikinivoyeur Tapes and Bikinivoyeur Content.

241. BV & BK, Ciani and Maskell engaged in outrageous conduct by distributing, licensing, advertising, trading, transmitting, hosting, renting or selling the "Bikinivoyeur Content" while knowing or remaining consciously and willfully ignorant of the fact that the Plaintiff contained therein was a minor.

242. Ciani, Weitz, BV & BK and Maskell knew or should have known that emotional distress would likely result from their outrageous conduct.

243. The outrageous conduct of Ciani, Weitz, BV & BK and Maskell caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 21: Unjust Enrichment**  
**(Ciani, Weitz, BV & BK and Maskell)**

244. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

245. This is a claim for unjust enrichment against Ciani, Weitz, BV & BK and Maskell.

246. Ciani, Weitz and their agents persuaded, induced and enticed the Plaintiff and other minors to participate in the Contests and to engage in sexually-explicit conduct for the purposes of producing commercial visual depictions of such conduct for use and sale on subscription pornographic Internet websites. In this regard, Ciani, Weitz and their agents did, among other things, the following: (1) they orally encouraged the Plaintiff and other minors to participate in the Contest; and (2) while videotaping the Contests, they orally encouraged the Plaintiff and other minors in the Contests to engage in sexually-explicit conduct. Ciani, Weitz and their agents engaged in such conduct because it was to their financial benefit to have as many participants as possible in the Contests and to have the participants engage in conduct that was as sexually-explicit as possible, which would enhance the sale value of the Bikinivoyeur Tapes.

247. At the time Ciani and Weitz persuaded, induced and enticed the Plaintiff to participate in the Contests and to engage in sexually-explicit conduct, Ciani and Weitz knew or should have known that the Plaintiff was a minor or reasonably appeared to be a minor.

248. Ciani, Weitz and their agents produced the Bikinivoyeur Tapes by videotaping the Plaintiff's participation in the Contests, including the sexually-explicit conduct of the Plaintiff and other minors.

249. Subsequent to the production of the Bikinivoyeur Tapes, Ciani, Weitz, BV & BK and Maskell edited, assembled, produced, modified, transmuted and otherwise manipulated the Bikinivoyeur Tapes, in whole or in part, to create the Bikinivoyeur Content of the Plaintiff engaged in sexually-explicit conduct for use and sale on subscription pornographic websites.

250. At the time they created the Bikinivoyeur Content, BV & BK, Ciani, Weitz and Maskell knew or should have known that the Plaintiff was a minor or appeared to be a minor.

251. The videotaped conduct of the Plaintiff in the Contests and the inclusion of the Plaintiff in the Bikinivoyeur Tapes and Bikinivoyeur Content conferred an economic benefit to Ciani, Weitz, BV & BK and Maskell including, but not limited to, revenue generated from the sale, licensing or use of the visual depictions of the Plaintiff in the Contests, including the Bikinivoyeur Tapes and the Bikinivoyeur Content.

252. Ciani, Weitz, BV & BK and Maskell appreciated and accepted the economic benefit conferred upon them by the videotaped conduct of the Plaintiff.

253. The acceptance and retention of the economic benefit by Ciani, Weitz, BV & BK and Maskell under the circumstances would be inequitable.

254. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 22: Violations of 18 U.S.C. §2252(a)**  
**(Lincolnwood and New City)**

255. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

256. This a claim brought pursuant to 18 U.S.C. §2255(a) against Lincolnwood and New City for violations of 18 U.S.C. §2252(a).

257. In September of 2001, Lincolnwood and New City purchased the Prewitt Tapes from Prewitt and FFPI.

258. Subsequently, Lincolnwood and New City edited, assembled, modified and otherwise used the Prewitt Tapes, in whole or in part, and created and produced new videos (collectively, the “**New City Videos**”), including those videos identified in ¶43 (b) through (d) and ¶44 (a) through (j) (collectively the “**Playboy Videos**”), depicting or including the Plaintiff and other minors engaging in sexually-explicit conduct.

259. Lincolnwood and New City then sold and licensed the Playboy Videos to PEGI, PEI and PEII.

260. Lincolnwood and New City knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the New City Videos in whole or in part, in interstate or foreign commerce.

261. At the time Lincolnwood and New City mailed, transported, shipped or distributed the New City Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

262. The above-described acts of Lincolnwood and New City constitute violations of 18 U.S.C. §2252(a).

263. The above-described acts of Lincolnwood and New City were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

264. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

265. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 23: Violations of 18 U.S.C. § 2252A(a)**  
**(Lincolnwood and New City)**

266. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

267. This a claim brought pursuant to 18 U.S.C. § 2255(a) and 18 U.S.C. §2252A(f) against Lincolnwood and New City for violations of 18 U.S.C. §2252A(a).

268. In September of 2001, Lincolnwood and New City purchased the Prewitt Tapes from Prewitt and FFPI.

269. Subsequently, Lincolnwood and New City edited, assembled, modified and otherwise used the Prewitt Tapes, in whole or in part, and created and produced the New City Videos, depicting or including the Plaintiff and other minors engaging in sexually-explicit conduct.

270. Lincolnwood and New City then sold and licensed the Playboy Videos to PEGI, PEI and PEII.

271. Lincolnwood and New City knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the New City Videos in whole or in part, in interstate or foreign commerce.

272. At the time Lincolnwood and New City mailed, transported, shipped or distributed the New City Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the New City Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

273. The above-described acts of Lincolnwood and New City constitute violations of 18 U.S.C. §2252A(a).

274. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

275. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 24: Violations of 18 U.S.C. §1466A(a)(1)**  
**(Lincolnwood and New City)**

276. Plaintiff incorporates herein the allegations of ¶¶1 - ¶49 above.

277. This a claim brought pursuant to 18 U.S.C. § 2252A(f) against Lincolnwood and New City for violations of 18 U.S.C. § 1466A(a)(1).

278. In September of 2001, Lincolnwood and New City purchased the Prewitt Tapes from Prewitt and FFPI.

279. Subsequently, Lincolnwood and New City edited, assembled, modified and otherwise used the Prewitt Tapes, in whole or in part, and created and produced the New City Videos.

280. Lincolnwood and New City knowingly produced, distributed or possessed with the intent to distribute the New City Videos and knowingly distributed or possessed with the intent to distribute the Prewitt Tapes.

281. The New City Videos and the Prewitt Tapes depict the Plaintiff and other minors engaged in sexually-explicit conduct and are obscene.

282. Lincolnwood and New City mailed, shipped or transported the New City Videos and the Prewitt Tapes, in whole or in part, in interstate or foreign commerce.

283. At the time Lincolnwood and New City mailed, shipped or transported, the New City Videos and the Prewitt Tapes, they had positive knowledge or were consciously and willfully ignorant of the fact that the New City Videos and the Prewitt Tapes depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

284. The acts of Lincolnwood and New City constitute the knowing distribution of child pornography and violations of 18 U.S.C. § 1466A(a)(1).

285. As a proximate cause of the violations of 18 U.S.C. § 1466A(a)(1), the Plaintiff has suffered personal injury and other damages.

286. Pursuant to 18 U.S.C. § 2252A(f), the Plaintiff is an aggrieved party and is entitled to recover damages, her attorneys' fees, expert witness fees, and costs incurred as a result of each and every violation of 18 U.S.C. § 1466A(a)(1).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 25: Intentional Infliction of Emotional Distress**  
**(Lincolnwood and New City)**

287. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

288. This is a claim for intentional infliction of emotional distress against Lincolnwood and New City.

289. Lincolnwood and New City knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the New City Videos, in whole or in part, in interstate or foreign commerce.

290. Lincolnwood and New City engaged in outrageous conduct by distributing or selling the New City Videos when Lincolnwood and New City had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the New City Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

291. Lincolnwood and New City knew or should have known that emotional distress would likely result from their outrageous conduct.

292. The outrageous conduct of Lincolnwood and New City caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 26: Unjust Enrichment**  
**(Lincolnwood and New City)**

293. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

294. This is a claim for unjust enrichment against Lincolnwood and New City.

295. At the time Lincolnwood and New City produced the New City Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the New City Videos depicted minors, including the Plaintiff, engaged in sexually-explicit conduct.

296. The videotaped conduct of the Plaintiff in the Contests and the inclusion of the Plaintiff in the New City Videos conferred an economic benefit to Lincolnwood and New City including, but not limited to, revenue generated from the sale, licensing or use of the New City Videos.

297. Lincolnwood and New City appreciated and accepted the economic benefit conferred upon them by the videotaped conduct of the Plaintiff in the New City Videos.

298. The acceptance and retention of the economic benefits by Lincolnwood and New City under the circumstances would be inequitable.

299. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 27: Violations of 18 U.S.C. §2252(a)**  
**(Playboy Defendants)**

300. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

301. This a claim brought pursuant to 18 U.S.C. §2255(a) against the Playboy Defendants for violations of 18 U.S.C. §2252(a).

302. The Playboy Defendants knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the Playboy Videos in whole or in part, in interstate or foreign commerce.

303. At the time the Playboy Defendants mailed, transported, shipped or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

304. The above-described acts of the Playboy Defendants constitute violations of 18 U.S.C. §2252(a).

305. The above-described acts of the Playboy Defendants were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

306. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

307. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 28: Violations of 18 U.S.C. § 2252A(a)**  
**(Playboy Defendants)**

308. Plaintiff incorporates herein the allegations of ¶¶1 - ¶¶49 above.

309. This a claim brought pursuant to 18 U.S.C. § 2255(a) and 18 U.S.C. §2252A(f) against the Playboy Defendants for violations of 18 U.S.C. §2252A(a).

310. The Playboy Defendants knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the Playboy Videos in whole or in part, in interstate or foreign commerce.

311. At the time the Playboy Defendants mailed, transported, shipped or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

312. The above-described acts of the Playboy Defendants were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

313. The above-described acts of the Playboy Defendants constitute violations of 18 U.S.C. §2252A(a).

314. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

315. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and

18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 29: Violations of 18 U.S.C. §1466A(a)(1)**  
**(Playboy Defendants)**

316. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

317. This a claim brought pursuant to 18 U.S.C. § 2252A(f) against the Playboy Defendants for violations of 18 U.S.C. § 1466A(a)(1).

318. The Playboy Defendants knowingly produced, distributed or possessed with the intent to distribute the Playboy Videos.

319. The Playboy Videos depict the Plaintiff and other minors engaged in sexually-explicit conduct and are obscene.

320. The Playboy Defendants mailed, shipped or transported the Playboy Videos, in whole or in part, in interstate or foreign commerce.

321. At the time the Playboy Defendants mailed, shipped or transported the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

322. The acts of the Playboy Defendants constitute the knowing distribution of child pornography and violations of 18 U.S.C. § 1466A(a)(1).

323. As a proximate cause of the violations of 18 U.S.C. § 1466A(a)(1), the Plaintiff has suffered personal injury and other damages.

324. Pursuant to 18 U.S.C. § 2252A(f), the Plaintiff is an aggrieved party and is entitled to recover damages, her attorneys' fees, expert witness fees, and costs incurred as a result of each and every violation of 18 U.S.C. § 1466A(a)(1).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 30: Intentional Infliction of Emotional Distress**  
**(Playboy Defendants)**

325. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

326. This is a claim for intentional infliction of emotional distress against the Playboy Defendants.

327. The Playboy Defendants knowingly mailed, transported, shipped, transmitted, broadcast, transmuted, disseminated or distributed the Playboy Videos in whole or in part, in interstate or foreign commerce.

328. The Playboy Defendants engaged in outrageous conduct by distributing or selling the Playboy Videos when the Playboy Defendants had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

329. The Playboy Defendants knew or should have known that emotional distress would likely result from their outrageous conduct.

330. The outrageous conduct of the Playboy Defendants caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 31: Unjust Enrichment**  
**(Playboy Defendants)**

331. Plaintiff incorporates herein the allegations of ¶¶1 - ¶¶49 above.

332. This is a claim for unjust enrichment against the Playboy Defendants.

333. The Playboy Defendants sold or distributed the Playboy Videos.

334. At the time the Playboy Defendants sold or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

335. The videotaped conduct of the Plaintiff in the Contests and the inclusion of the Plaintiff in the Playboy Videos and other videos sold or distributed by the Playboy Defendants conferred an economic benefit to the Playboy Defendants including, but not limited to, revenue generated from the sale, licensing, royalties, trademark usage, subscription fees for viewing, broadcasting and other use of such videos.

336. The Playboy Defendants appreciated and accepted the economic benefit conferred upon them by the videotaped conduct of the Plaintiff.

337. The acceptance and retention of the benefit by the Playboy Defendants under the circumstances would be inequitable.

338. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 32: Violations of 18 U.S.C. §2252(a)**  
**(Image, Trans World, Best Buy and MEL)**

339. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

340. This a claim brought pursuant to 18 U.S.C. §2255(a) against Image, Trans World, Best Buy and MEL for violations of 18 U.S.C. §2252(a).

341. Image, Trans World, Best Buy and MEL knowingly mailed, transported, shipped or distributed in interstate or foreign commerce the Playboy Videos depicting minors, including the Plaintiff, engaging in sexually-explicit conduct. Alternatively, Image, Trans World, Best Buy and MEL knowingly received or distributed the Playboy Videos that had previously been mailed, transported, shipped or distributed in interstate or foreign commerce.

342. At the time Image, Trans World, Best Buy and MEL transported, shipped, received or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

343. The above-described acts of Image, Trans World, Best Buy and MEL constitute violations of 18 U.S.C. §2252(a).

344. The above-described acts of the Image, Trans World, Best Buy and MEL were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

345. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

346. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 33: Violations of 18 U.S.C. §2252A(a)**  
**(Image, Trans World, Best Buy and MEL)**

347. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

348. This a claim brought pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f) against Image, Trans World, Best Buy and MEL for violations of 18 U.S.C. §2252A(a).

349. Image, Trans World, Best Buy and MEL knowingly mailed, transported, shipped or distributed in interstate or foreign commerce the Playboy Videos depicting minors, including the Plaintiff, engaging in sexually-explicit conduct. Alternatively, Image, Trans World, Best Buy and MEL knowingly received or distributed the Playboy Videos that had previously been mailed, transported, shipped or distributed in interstate or foreign commerce.

350. At the time Image, Trans World, Best Buy and MEL transported, shipped, received or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

351. The above-described acts of Image, Trans World, Best Buy and MEL constitute violations of 18 U.S.C. §2252A(a).

352. The above-described acts of the Image, Trans World, Best Buy and MEL were intentional or were committed with reckless disregard for or conscious indifference of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

353. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

354. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, cost and any other relief deemed appropriate by the Court.

**Count 34: Violations of 18 U.S.C. §1466A(a)(1)**  
**(Image, Trans World, Best Buy and MEL)**

355. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

356. This a claim brought pursuant to 18 U.S.C. § 2252A(f) against Image, Trans World, Best Buy and MEL.

357. Image, Trans World, Best Buy and MEL knowingly distributed, received or possessed with the intent to distribute the Playboy Videos.

358. The Playboy Videos depict the Plaintiff and other minors engaged in sexually-explicit conduct and are obscene.

359. Image, Trans World, Best Buy and MEL Playboy Defendants mailed, shipped or transported the Playboy Videos, in whole or in part, in interstate or foreign commerce.

360. At the time Image, Trans World, Best Buy and MEL mailed, shipped or transported the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

361. The acts of Image, Trans World, Best Buy and MEL constitute the knowing distribution of child pornography and violations of 18 U.S.C. § 1466A(a)(1).

362. As a proximate cause of the violations of 18 U.S.C. § 1466A(a)(1), the Plaintiff has suffered personal injury and other damages.

363. Pursuant to 18 U.S.C. § 2252A(f), the Plaintiff is an aggrieved party and is entitled to recover damages, her attorneys' fees, expert witness fees, and costs incurred as a result of each and every violation of 18 U.S.C. § 1466A(a)(1).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 35: Intentional Infliction of Emotional Distress**  
**(Image, Trans World, Best Buy and MEL)**

364. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

365. This is a claim for intentional infliction of emotional distress against Image, Trans World, Best Buy and MEL.

366. Image, Trans World, Best Buy and MEL knowingly mailed, transported, shipped or distributed in interstate or foreign commerce the Playboy Videos depicting minors, including the Plaintiff, engaging in sexually-explicit conduct. Alternatively, Image, Trans World, Best

Buy and MEL knowingly received or distributed the Playboy Videos that had previously been mailed, transported, shipped or distributed in interstate or foreign commerce.

367. At the time Image, Trans World, Best Buy and MEL transported, shipped, received or distributed the Playboy Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

368. Image, Trans World, Best Buy and MEL engaged in outrageous conduct by distributing or selling the Playboy Videos.

369. Image, Trans World, Best Buy and MEL knew or should have known that emotional distress would likely result from their outrageous conduct.

370. The outrageous conduct of Image, Trans World, Best Buy and MEL caused severe emotional distress and other harm to the Plaintiff.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 36: Unjust Enrichment**  
**(Image, Trans World, Best Buy and MEL)**

371. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

372. This is a claim for unjust enrichment against Image, Trans World, Best Buy and MEL.

373. Image, Trans World, Best Buy and MEL sold, advertised and distributed the Playboy Videos depicting the Plaintiff and other minors engaging in sexually-explicit conduct.

374. At the time Image, Trans World, Best Buy and MEL sold, advertised and distributed the Playboy Videos, they had positive knowledge or were consciously and willfully

ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

375. The videotaped conduct of the Plaintiff in the Contests and the inclusion of the Plaintiff in the videos sold or distributed by Image, Trans World, Best Buy and MEL conferred an economic benefit to Image, Trans World, Best Buy and MEL including, but not limited to, revenue generated from the sale, licensing, trademark usage or other use of videos of the Plaintiff in the Contests.

376. Image, Trans World, Best Buy and MEL appreciated and accepted the economic benefit conferred upon them by the videotaped conduct of the Plaintiff.

377. The acceptance and retention of the economic benefits by Image, Trans World, Best Buy and MEL under the circumstances would be inequitable.

378. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 37: Violations of 18 U.S.C. § 2252(a)**  
**(Broadcast Defendants)**

379. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

380. This a claim brought pursuant to 18 U.S.C. §2255(a) against the Broadcast Defendants for violations of 18 U.S.C. §2252(a).

381. The Broadcast Defendants knowingly transmitted, re-transmitted, transmuted, broadcast, re-broadcast, distributed or disseminated in interstate or foreign commerce some or all of the videos identified in ¶43 (a) through (g) (collectively the “**Broadcast Videos**”).

Alternatively, the Broadcast Defendants knowingly received, down-linked, up-linked, encrypted, enhanced, transmitted, re-transmitted, transmuted, distributed or disseminated the Broadcast Videos which had been previously been transported, shipped, mailed, transmitted, re-transmitted, or distributed in interstate or foreign commerce.

382. The aforementioned transmission, re-transmission, transmutation, broadcast, re-broadcast, distribution or dissemination of the Broadcast Videos in interstate or foreign commerce involved use of the wire and cable systems of the United States, the United States mail and equipment owned or leased by the Broadcast Defendants that is subject to the laws of the United States.

383. At the time the Broadcast Defendants transmitted, re-transmitted, transmuted, broadcast, re-broadcast, distributed or disseminated the Broadcast Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

384. The above-described acts of the Broadcast Defendants constitute violations of 18 U.S.C. §2252(a).

385. The above-described acts of the Broadcast Defendants were intentional or were committed with reckless disregard of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

386. As a proximate cause of the violations of 18 U.S.C. §2252(a), the Plaintiff has suffered personal injury and other damages.

387. Pursuant to 18 U.S.C. §2255(a), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 38: Violations of 18 U.S.C. § 2252A(a)**  
**(Broadcast Defendants)**

388. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

389. This a claim brought pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f) against the "Broadcast Defendants" of 18 U.S.C. §2252A(a).

390. The Broadcast Defendants knowingly transmitted, re-transmitted, transmuted, broadcast, re-broadcast, distributed or disseminated in interstate or foreign commerce the Broadcast Videos. Alternatively, the Broadcast Defendants knowingly received, down-linked, up-linked, encrypted, enhanced, transmitted, re-transmitted, transmuted, distributed or disseminated the Broadcast Videos which had been previously been transported, shipped, mailed, transmitted, re-transmitted, or distributed in interstate or foreign commerce.

391. At the time the Broadcast Defendants transmitted, re-transmitted, transmuted, broadcast, re-broadcast, distributed or disseminated the Broadcast Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Playboy Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

392. The above-described acts of the Broadcast Defendants constitute violations of 18 U.S.C. §2252A(a).

393. The above-described acts of the Broadcast Defendants were intentional or were committed with reckless disregard of applicable law, the consequences of those acts, the exploitive nature of those acts and the illegal nature of those acts.

394. As a proximate cause of the violations of 18 U.S.C. §2252A(a), the Plaintiff has suffered personal injury and other damages.

395. Pursuant to 18 U.S.C. §2255(a) and 18 U.S.C. §2252A(f), the Plaintiff is entitled to recover damages, her attorneys' fees, expert witness fees and costs incurred as a result of each and every violation of 18 U.S.C. §2252A(a).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. §2255(a) and 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 39: Violations of 18 U.S.C. §1466A(a)(1)**  
**(Broadcast Defendants)**

396. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

397. This a claim brought pursuant to 18 U.S.C. § 2252A(f) against the Broadcast Defendants.

398. The Broadcast Defendants knowingly produced, distributed, received or possessed with the intent to distribute the Broadcast Videos.

399. The Broadcast Videos depict the Plaintiff and other minors engaged in sexually-explicit conduct and are obscene.

400. The Broadcast Defendants mailed, shipped or transported the Broadcast Videos, in whole or in part, in interstate or foreign commerce.

401. At the time the Broadcast Defendants mailed, shipped or transported the Broadcast Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Broadcast Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

402. The acts of the Broadcast Defendants constitute the knowing distribution of child pornography and violations of 18 U.S.C. § 1466A(a)(1).

403. As a proximate cause of the violations of 18 U.S.C. § 1466A(a)(1), the Plaintiff has suffered personal injury and other damages.

404. Pursuant to 18 U.S.C. § 2252A(f), the Plaintiff is an aggrieved party and is entitled to recover damages, her attorneys' fees, expert witness fees, and costs incurred as a result of each and every violation of 18 U.S.C. § 1466A(a)(1).

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), all remedies available under 18 U.S.C. § 2252A(f), prejudgment and post-judgment interest, attorneys' fees, expert witness fees, costs and any other relief deemed appropriate by the Court.

**Count 40: Common Law Negligence**  
**(Broadcast Defendants)**

405. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

406. This is a claim for negligence against the Broadcast Defendants.

407. At all relevant times, the Broadcast Defendants owed the Plaintiff a duty of reasonable care not to broadcast or to transmit videos or images depicting the minor Plaintiff engaging in sexually-explicit conduct.

408. The Broadcast Defendants breached their duty of care by broadcasting or transmitting the Broadcast Videos or other video programming content depicting the Plaintiff and other minors engaging in sexually-explicit conduct.

409. At the time the Broadcast Defendants transmitted or broadcast the Broadcast Videos or other video programming content depicting the Plaintiff and other minors engaging in sexually-explicit conduct, the Broadcast Defendants knew or should have known that the Plaintiff and others depicted in the Broadcast Videos or other video programming content were minors.

410. As a proximate result of the breach of duty by the Broadcast Defendants, the Plaintiff has incurred damages.

WHEREFORE, Plaintiff demands judgment against the defendants named in this count for damages (including punitive damages), prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Count 41: Unjust Enrichment**  
**(Broadcast Defendants)**

411. Plaintiff incorporates herein the allegations of ¶1 - ¶49 above.

412. This is a claim for unjust enrichment against the Broadcast Defendants.

413. At the time the Broadcast Defendants down-linked, up-linked, encrypted, enhanced, transmitted, re-transmitted, transmuted, distributed or disseminated distributed, broadcast or transmitted the Broadcast Videos, they had positive knowledge or were consciously and willfully ignorant of the fact that the Plaintiff was a minor and reasonably appeared to be a minor and recklessly disregarded the fact that the Broadcast Videos depicted minors, including the Plaintiff, engaging in sexually-explicit conduct and constituted child pornography.

414. The videotaped conduct of the Plaintiff in the Contests and the inclusion of the Plaintiff in the Broadcast Videos, distributed, broadcast or transmitted by the Broadcast

Defendants, conferred an economic benefit to the Broadcast Defendants including, but not limited to, revenue generated from the sale, licensing, distribution, broadcasting, transmission, re-transmission, encryption, enhancement or transmutation of the Broadcast Videos.

415. The Broadcast Defendants appreciated and accepted the economic benefits conferred upon them by the videotaped conduct of the Plaintiff.

416. The acceptance and retention of the economic benefits by the Broadcast Defendants under the circumstances would be inequitable.

417. Plaintiff has no adequate legal remedy. This claim is asserted in the alternative to any legal claims asserted by the Plaintiff against these Defendants.

WHEREFORE, Plaintiff demands judgment against the defendants named in this Count for damages, prejudgment and post-judgment interest, costs and any other relief deemed appropriate by the Court.

**Demand for Jury Trial Under Rule 38(b)**

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

/s/ Mark S. Howard

Mark S. Howard, Esq.

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**Certificate of Service**

I hereby certify that on June 26, 2006, a copy of the foregoing has been furnished by electronic filing and/or United States Mail to the following:

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