

1 Plaintiff engaged in private sexual behavior. Plaintiff did not know that video and audio of  
2 her had been captured and recorded during her sexual encounter with Defendant.

3 12. During the course of the entire sexual encounter between Defendant and Plaintiff, no other  
4 person was present. Furthermore, the sexual encounter occurred in an area in which invited  
5 guests such as Plaintiff had a reasonable expectation of privacy. That is, the room appeared  
6 to conceal sights and sounds that occurred inside the room from anyone who is outside the  
7 room. Thus, Plaintiff had a reasonable expectation that her sexual behavior with Defendant  
8 would remain private.

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10 13. Upon information and belief, Defendant knowingly and intentionally distributed the  
11 recording of his sexual encounter with Plaintiff to third parties without Plaintiff's knowledge  
12 or consent.

13 14. Upon information and belief, Defendant knowingly and intentionally transmitted, published,  
14 broadcast, sold, or offered for sale the recording of his sexual encounter with Plaintiff to  
15 adult websites on the Internet without Plaintiff's knowledge or consent. Upon information  
16 and belief, Defendant's purpose in publishing the recorded sexual encounter was to profit  
17 monetarily from images, video and audio of Plaintiff engaging in a private sexual encounter  
18 with Defendant.

19 15. Defendant was later arrested after Sacramento authorities had investigated him for suspicion  
20 of recording video and audio of people engaging in private behavior without their knowledge  
21 or consent. The first time that Plaintiff learned that she had been secretly recorded by  
22 Defendant was on or about October 27, 2010 when she was shown recordings confiscated  
23 from Defendant's home by law enforcement.  
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1 16. When Defendant learned that Plaintiff was a potential witness who might testify against him  
2 in a criminal trial, Defendant hired persons to go to Plaintiff's house to harass and intimidate  
3 her against testifying. Plaintiff feared for her safety and the safety of her children.

4 17. On March 14, 2011, Defendant pleaded guilty to, and was convicted of, four felony counts  
5 of eavesdropping and recording the confidential communications of (and video images of)  
6 persons engaging in private behavior without their knowledge or consent, in violation of  
7 Penal Code Section 632 (a). Count 4 of the Amended Complaint in Sacramento Superior  
8 Court Case Number 10F06789 listed Plaintiff as crime victim "Jane Doe #3." Defendant  
9 pleaded guilty to, and was convicted of, Count 4 on or about March 14, 2011.

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11 **IV. CLAIMS FOR RELIEF**

12 **FIRST CAUSE OF ACTION**

13 **Eavesdropping**

14 (Penal Code Sections 632 (a) and 637.2 (a))

15 18. The Plaintiff re-alleges paragraphs 1 through 17 and incorporates them by reference as  
16 though fully set forth herein

17 19. Defendant's conduct alleged herein constitutes unlawful eavesdropping and recording of  
18 Plaintiff's confidential communication in violation of California Penal Code Section 632 (a)  
19 for which Plaintiff is authorized, under Penal Code Section 637.2 (a), to recover damages for  
20 her injuries.

21 20. As a direct and proximate result of Defendant's misconduct, Plaintiff suffered injury  
22 including shock, extreme emotional distress, and humiliation.

23 21. Defendant's conduct towards Plaintiff constituted malice, oppression, or fraud justifying an  
24 award of punitive damages against Defendant in favor of Plaintiff.  
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**SECOND CAUSE OF ACTION**  
**Intrusion (Invasion of Privacy)**  
(Common Law)

22. The Plaintiff re-alleges paragraphs 1 through 17 and incorporates them by reference as though fully set forth herein.

23. Defendants' misconduct constituted intentional intrusion into places, matters and concerns in which Plaintiff had an objectively reasonable expectation of privacy. Such intrusion is highly offensive to a reasonable person.

24. As a direct and proximate result of Defendant's misconduct, Plaintiff suffered injury including shock, extreme emotional distress, and humiliation.

25. Defendant's conduct towards Plaintiff constituted malice, oppression, or fraud justifying an award of punitive damages against Defendant in favor of Plaintiff.

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**THIRD CAUSE OF ACTION**  
**Invasion of Privacy**  
(Civil Code Section 1708.8, subd. (b) and (f))

26. The Plaintiff re-alleges paragraphs 1 through 17 and incorporates them by reference as though fully set forth herein.

27. Defendant's conduct constitutes constructive invasion of privacy in violation of Civil Code Section 1708.8 (b). Defendant's conduct in transmitting, broadcasting, publishing, selling, or offering to sell the video and audio recording of Plaintiff constitutes invasion of privacy in violation of Civil Code Section 1708.8 (f).

28. As a direct and proximate result of Defendant's misconduct, Plaintiff suffered injury including shock, extreme emotional distress, and humiliation.

29. Defendant's conduct towards Plaintiff constituted malice, oppression, or fraud justifying an award of punitive damages against Defendant in favor of Plaintiff.