

Salar Atrizadeh, Esq. (SBN: 255659)
LAW OFFICES OF SALAR ATRIZADEH
9701 Wilshire Blvd., 10th Floor
Beverly Hills, CA 90212
Telephone: 310-694-3034
Facsimile: 310-694-3057
Email: salar@atrizadeh.com

Attorney for Plaintiff
JOHN DOE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

JOHN DOE, an individual,

Plaintiff,

v.

DAMIEN VAZQUEZ, an individual, and
DOES 1 to 10, inclusive,

Defendants.

Case No.:

COMPLAINT

1. INVASION OF PRIVACY
2. CIVIL HARASSMENT IN VIOLATION OF C.C.P. § 527.6
3. CIVIL STALKING IN VIOLATION OF CIVIL CODE § 1708.7 ET SEQ.
4. CYBER EXPLOITATION IN VIOLATION OF CIVIL CODE § 1708.85 ET SEQ.
5. INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE
6. NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE
7. DECLARATORY AND INJUNCTIVE RELIEF

ACTION BASED ON CIVIL CODE SECTION 1708.85

[DEMAND FOR JURY TRIAL]

1 COMES NOW Plaintiff, John Doe, which by way of this verified complaint alleges that:

2 **JURISDICTION AND VENUE**

- 3 1. Jurisdiction is conferred pursuant to 28 U.S.C. § 1332, in that there is complete diversity
4 between the parties hereto. There is supplemental jurisdiction pursuant to 28 U.S.C. §
5 1367 to hear and determine Plaintiff's state law claims because those claims are related to
6 Plaintiff's federal claims, and arise out of a common nucleus of operative facts, and form
7 part of the same case or controversy under Article III of the United States Constitution.
8
9 2. The Court has jurisdiction over Plaintiff's action for declaratory and injunctive relief
10 pursuant to 28 U.S.C. § 2201 et seq. and Rules 57 and 65 of the Federal Rules of Civil
11 Procedure.
12
13 3. Venue is proper pursuant to 28 U.S.C. § 1391 et seq. because: (i) Defendants reside and/or
14 conduct their business in this district; (ii) a substantial part of the events or omissions
15 giving rise to the claim occurred in this district; or (iii) a substantial part of property that is
16 the subject of this action is situated in this district.

17 **THE PARTIES**

- 18 4. Plaintiff John Doe ("Plaintiff") is, and at all times mentioned herein was a resident in Los
19 Angeles, California.
20
21 5. Defendant Damien Vazquez ("Defendant") is, and at all times mentioned herein was a
22 resident of the State of New York.
23
24 6. Plaintiff is informed and believes that all defendants, as agents of the other defendants,
25 acting in concert with each other, have at all relevant times been in the entertainment
26 business. On information and belief, defendants were the alter-egos of Defendant Vazquez,
27 who at all times were acting within the scope of such alter-ego relationship, and actively
28 participated in, or subsequently ratified and adopted, or both, each and all acts or conduct

1 alleged, with full knowledge of all the facts and circumstances, including, but not limited
2 to, full knowledge of each and every violation of Plaintiff's rights and the damages
3 proximately caused thereby.

4 7. Defendants and Does 1 through 10, inclusive, are sometimes individually and/or
5 collectively referred to as Defendants. Plaintiff is ignorant of the true names and capacities
6 of Defendants named in this action as Does 1 through 10 (collectively "Doe Defendants")
7 and they are therefore sued by such fictitious names. This complaint will be amended to
8 allege their true names and capacities when they have been ascertained. Plaintiff is
9 informed and believes, and based thereon alleges, that such fictitiously-named defendants,
10 and each of them, are responsible in some manner for the occurrences alleged, and that
11 Plaintiff's damages were proximately caused by their conduct.
12

13
14 **COMMON FACTS AND GENERAL ALLEGATIONS**

15 8. Plaintiff is a professional model and an actor. He has appeared in various shows and has
16 numerous online followers on social media websites, including, but not limited to,
17 Facebook, Twitter, Instagram, Tumblr, and/or Snapchat.

18 9. Defendant is active in the entertainment industry. Defendant owns and/or operates Loud
19 Platinum, which on information and belief, provides custom promotional album plaques.

20 10. On or about October 2015, Defendant reached out to Plaintiff, via Instagram, to initiate a
21 friendship with him.
22

23 11. The parties' friendship started and ensued for several months. During the aforesaid
24 friendship, on or around April 22, 2016, Plaintiff was invited to stay at Defendant's
25 residence, where unbeknownst to Plaintiff, Defendant surreptitiously took nude or semi-
26 nude photos of Plaintiff while he was sleeping. Plaintiff was not aware of Defendant's
27 actions. Plaintiff did not learn of the taking of the nude or semi-nude photos until
28

1 Defendant shared them with Plaintiff's friends, colleagues, and/or relatives. On
2 information and belief, Defendant took the nude or semi-nude photos to feel close to
3 Plaintiff and to use them for personal gratification or to gain an advantage over him.

4 12. On or about May 10, 2016, Defendant texted the nude or semi-nude photos to Plaintiff and
5 his relatives (e.g., Plaintiff's mother) with the threat of dissemination on social media
6 websites and towards third parties.

7
8 13. Around the same time, Defendant took Plaintiff's mobile phone without Plaintiff's
9 authorization and extracted private pictures and videos that belonged to Plaintiff. For
10 example, while in attendance at Coachella Valley Music and Arts Festival in Indio,
11 California, Defendant surreptitiously extracted personal photos from Plaintiff's cell phone
12 since they were staying at same rental property. Afterwards, Defendant made numerous
13 threats of dissemination of the nude or semi-nude photos unless Plaintiff kept his friendship
14 intact with Defendant.

15
16 14. On or about June 9, 2016, the nude or semi-nude photos were posted on social media
17 websites (e.g., Twitter, Tumbler, Instagram). Moreover, on or about May 10, 2016, the
18 nude or semi-nude photos were texted and emailed towards Plaintiff and electronically sent
19 to third parties, such as Plaintiff's mother, friends, and industry professionals.

20
21 15. Therefore, as a result of the above-listed actions, Plaintiff indicated to Defendant that he no
22 longer desired to remain friends with Defendant. However, Plaintiff's request to end his
23 friendship with Defendant did not sit well with Defendant. As stated herein, Defendant has
24 failed or refused to leave Plaintiff alone. Thus far, Defendant has refused to accept the fact
25 that Plaintiff does not wish to communicate with him under any circumstances.

26 16. Nonetheless, due to Defendant's insistence to continue the so-called friendship, Plaintiff
27 gave in and tried to renew his friendship with Defendant. Their attempt to renew the so-
28

called friendship did not go well, which led to Defendant's visit to Los Angeles, California, in order to meet with Plaintiff and try to restore the friendship.

17. Defendant has been continuously contacting Plaintiff, his friends, colleagues, and/or relatives for the past several months in order to disrupt Plaintiff's life and business relations.

18. Despite Plaintiff's appeals to Defendant to stop all communications through email, phone calls, and texting, Plaintiff has received continuous phone calls from "Unknown Caller ID" for several months. In addition, Defendant has used over 150 aliases to contact Plaintiff for no legitimate reason.

19. Plaintiff, by using TrapCall (www.trapcall.com), has successfully captured and logged the unidentified phone calls that were received from the "Unknown Caller ID" and converted them to a known identification and phone number that directly associates with Defendant.

20. In summary, for the past several months, Defendant has engaged in the following acts:

1. Extracted private pictures from Plaintiff's mobile phone without authorization;
2. Took nude or semi-nude pictures of Plaintiff while Plaintiff was sleeping without consent. Defendant electronically distributed the aforesaid pictures to Plaintiff's friends, colleagues, and/or relatives;
3. Posted private nude or semi-nude pictures of Plaintiff on various social media websites (e.g., Twitter, Instagram, Tumblr);
4. Contacted Plaintiff's modeling/acting agents and industry professionals to ruin his business relationships;
5. Contacted Plaintiff's mother and current/former friends to damage his reputation;
6. Spoofed mobile numbers in order to contact third parties, including, but not limited to, Plaintiff's friends, colleagues, and/or relatives;
7. Disrupted Plaintiff's professional efforts in Tokyo, Japan by continuing to harass Plaintiff without justification;
8. Remitted or attempted to remit funds towards Plaintiff's friends to divulge Plaintiff's personal information, including, but not limited to, his phone number;
9. Reached out to Plaintiff's fans in an effort to ruin his reputation; and
10. Continuously called Plaintiff's mobile phone (i.e., 500+ calls per day), so that Plaintiff's mobile phone cannot be used for legitimate purposes.

21. On or about May 13, 2016, Defendant contacted Plaintiff's modeling agents via Twitter at (@IMGmodels, @NeXTModels) and stated that: "Keep checking my page for those leaked [REDACTED] nudes!"

22. On or about May 13, 2016, Defendant contacted Plaintiff's business colleagues (@ComicConHouston) via Twitter and stated that: "Keep checking my page for those leaked [REDACTED] nudes!"

23. On or about May 22, 2016, Defendant contacted Plaintiff's friend and stated that: "\$1,000 electronic payment made through www.venmo.com for Plaintiff's phone number."

24. On or about October 1, 2016, Defendant contacted Plaintiff's manager, via Instagram, and stated that: "Your client needs saving."

25. From March 2016 until the present time, despite Plaintiff's numerous attempts to end his friendship with Defendant, which has been unsuccessful so far, Plaintiff and his mother have been compelled to change their telephone number several times.

26. On information and belief, Defendant is gaining access to Plaintiff and his mother's mobile phone numbers as soon as their mobile phone numbers are cancelled, revoked, or changed in order to avoid receiving repeated calls from Defendant. In fact, on or about December 15, 2016, Defendant used Plaintiff's mother's latest work phone number to attempt to reach Plaintiff.

27. Defendant is under the impression that Plaintiff owes him an apology. Defendant has asked Plaintiff to apologize for his actions, and in return, Plaintiff has apologized towards Defendant to resolve their differences. Nevertheless, it seems that Defendant cannot be reasonably satisfied with any apology. At times, Defendant's contentions are about trying to save Plaintiff from himself. In other instances, Defendant contends that Defendant and his mother have been wronged and there must be retribution.

1 28. Plaintiff has desperately tried to resolve the issues that Defendant may have with him. In
2 fact, despite Plaintiff's numerous attempts to apologize and terminate the so-called
3 friendship with Defendant, Plaintiff is still receiving numerous phone calls and/or text
4 messages from Defendant.

5 29. On or about November 21, 2016, the parties negotiated, and ultimately executed a
6 settlement and mutual release agreement ("Settlement Agreement") in an effort to resolve
7 the issues and avoid litigation. Therein, among other items, the parties agreed to leave each
8 other alone and to never contact each other. However, from the above-listed date until the
9 present time, Defendant has failed or refused to comply with the terms of the Settlement
10 Agreement.

11 30. Defendant continuously checks Plaintiff's social media accounts on [REDACTED]
12 [REDACTED] to determine when, where, how, or
13 why Plaintiff is working on various business projects.

14 31. Defendant's actions have caused business interruptions. For example, Plaintiff's agent was
15 prevented from contacting Plaintiff by telephone for days, due to Defendant's continuous
16 and uninterrupted phone calls, to inform Plaintiff that he had a feature film movie offer to
17 be shot the next day.

18 32. Plaintiff was in a business relationship with MTV Networks and Bravo Models. Defendant
19 knew about these business relations since Defendant follows Plaintiff on social media
20 websites, and as a result, would have seen Plaintiff's online postings. In fact, Defendant
21 sent a message from PlatinumKid44 @gmail.com towards Plaintiff and threatened to
22 prevent Plaintiff's opportunity of getting on the final season of "Teen Wolf" even if it is for
23 two minutes.

24 33. Defendant has used the following email addresses to alarm, annoy, or harass Plaintiff or his
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26
27
28

1 immediate family: (1) musicboysitems@aol.com; (2) anotherdmusic@aol.com; (3)
2 RichieRich1444@aol.com; (4) platinumkid44@gmail.com; (5)
3 DollarDameDoller@aol.com; (6) Platinumkid1444@gmail.com; and (7)
4 damedoller@aol.com.

5
6 34. Also, Defendant has used the following telephone numbers to alarm, annoy, or harass
7 Plaintiff or his immediate family: (1) 917-597-5622; (2) 320-435-6727; (3) 310-435-6727;
8 (4) 818-569-9062; (5) 347-586-5852; (6) 252-517-3289; (7) 484-388-5390; (8) 704-440-
9 0790; (9) 240-776-8586; and (10) 714-408-9384.

10 35. Defendant's continuous and uninterrupted phone calls have rendered Plaintiff's cell phone
11 practically unusable for normal business operations. In fact, MTV Networks cancelled its
12 offer to Plaintiff to appear in a promotional taping of "Teen Wolf" that was to be filmed
13 from November 11-14, 2016, due to the studio's inability to connect with Plaintiff through
14 his cell phone since it was always busy and made Plaintiff appear inaccessible.
15

16 36. Defendant's actions directly impacted Bravo Models' desire and ability to line up modeling
17 appointments for Plaintiff. As such, Plaintiff was forced to return home in order to address
18 the situation and was compelled to terminate his business relationships with Bravo Models.
19

20 37. Based on the foregoing, an actual controversy has arisen, and now exists, between Plaintiff
21 and Defendant concerning their respective rights and duties. As such, a judicial declaration
22 is necessary and appropriate at this time in order for the parties to ascertain their rights and
23 duties pursuant to applicable laws.

24 **FIRST CAUSE OF ACTION**
25 **Invasion of Privacy**
26 **(Against All Defendants)**

27 38. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 37 as though fully
28 set forth herein.

39. Defendant invaded Plaintiff's privacy by taking nude or semi-nude pictures without Plaintiff's authorization. Defendant invaded Plaintiff's privacy by accessing his electronic devices without authorization. As such, Defendant's transgressions constitute invasion of privacy due to the above-listed intrusions upon seclusion and/or publications of private facts.

40. Defendant intruded into Plaintiff's private place, conversation, or matter in a manner that was highly offensive to Plaintiff.

41. Defendant publicly disclosed private facts that were offensive and objectionable to Plaintiff and not related to any legitimate public concern.

42. Plaintiff's privacy rights are protected by federal common law, federal public policy, federal statutory law, the federal Constitution, as well as California state common law, California state public policy, California state statutory law, and the California state Constitution.

43. As stated hereinabove, these invasions were highly offensive towards Plaintiff. Moreover, the invasions would be highly offensive to any reasonable person.

44. Therefore, Plaintiff has been generally damaged in an amount within the jurisdictional limits of this court.

SECOND CAUSE OF ACTION
Civil Harassment In Violation of C.C.P. § 527.6
(Against All Defendants)

45. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 44 as though fully set forth herein.

46. Defendant's wrongful conduct, as alleged hereinabove, though not threatening violence, nevertheless was "a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate

1 purpose.” As such, such misconduct constitutes civil harassment, under C.C.P. § 527.6(b),
2 as well as, misdemeanor crime, under Penal Code §§ 653m and 653.2. Stated otherwise,
3 the “course of conduct [was] such as would cause a reasonable person to suffer substantial
4 emotional distress, and [did] actually cause substantial emotional distress to [Plaintiff]” as
5 required by C.C.P. § 527.6(b).
6

7 47. As alleged herein, Plaintiff did suffer severe emotional distress as a direct consequence of
8 Defendant’s harassment.

9 48. As a direct and proximate consequence of Defendant’s harassment alleged herein, Plaintiff
10 has been generally, specially, and consequentially damaged in the amount to be established
11 according to evidence.

12 49. Under C.C.P. § 527.6(r), Plaintiff is entitled to an award of attorney’s fees that he incurs to
13 prosecute an action seeking an injunction pursuant to C.C.P. § 527.6.
14

15 50. The civil harassment was committed willfully and intentionally, and by means of
16 oppression, fraud, and malice, and in conscious disregard of Plaintiff’s rights. Therefore,
17 Plaintiff is entitled to an award of exemplary or punitive damages under Civil Code § 3294,
18 in an amount to be established at trial, in order to meaningfully punish Defendant, and to
19 thereby deter similar conduct in the future. Punitive damages are especially appropriate
20 because of Defendant’s past pattern of oppressive and harassing conduct.
21

22 51. Defendant’s harassment alleged herein, unless enjoined by a preliminary injunction order
23 and a permanent injunction judgment of this court (or in the alternative, statutory
24 temporary restraining order and three-year injunction under C.C.P. § 527.6) will continue
25 to cause great and irreparable injury to Plaintiff. As such, Plaintiff has no adequate remedy
26 at law for injuries that he is currently suffering, and are threatened to be suffered from
27 Defendant’s harassment and illegal conduct.
28

THIRD CAUSE OF ACTION
Civil Stalking In Violation of Civil Code § 1708.7 Et Seq.
(Against All Defendants)

52. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 as though fully set forth herein.

53. Defendant engaged in conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

54. Plaintiff reasonably feared for his safety, or the safety of an immediate family member.

55. Plaintiff suffered substantial emotional distress, and the pattern of conduct would cause a reasonable person to suffer substantial emotional distress.

56. Defendant, as a part of his pattern of conduct, made a credible threat with the intent to place Plaintiff in reasonable fear for his safety, or the safety of an immediate family member, which was in violation of, *inter alia*, Penal Code §§ 422, 646.9, and 653.

57. Defendant, as part of his pattern of conduct, made a credible threat with reckless disregard for the safety of Plaintiff or that of an immediate family member. Plaintiff, on at least one occasion, clearly and definitively demanded that Defendant ceases and abates his pattern of conduct. However, Defendant persisted in his pattern of conduct.

FOURTH CAUSE OF ACTION
Cyber Exploitation In Violation of Civil Code § 1708.85 Et Seq.
(Against All Defendants)

58. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 57 as though fully set forth herein.

59. Defendant intentionally distributed photographs, films, videotapes, recordings, or other reproductions of Plaintiff without his consent.

60. Defendant knew that Plaintiff had a reasonable expectation that the aforesaid material would remain private. Plaintiff did not waive his reasonable expectation of privacy in the

distributed material under any circumstances.

61. The distributed material, including, but not limited to, photographs, films, videotapes, or recordings exposed an intimate body part of Plaintiff, or showed Plaintiff engaging in an act of intercourse, oral copulation, sodomy, or other act of sexual penetration.

62. Defendant's conduct is in violation of, *inter alia*, California Penal Code sections 502, 502.01, 647, 647.8, 786, and is punishable by fine and/or imprisonment.

63. As a result of Defendant's conduct, Plaintiff has suffered general and/or special damages as stated herein. As such, Plaintiff is entitled to injunctive relief, attorney's fees, and costs.

FIFTH CAUSE OF ACTION
Intentional Interference with Prospective Economic Advantage
(Against All Defendants)

64. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 63 as though fully set forth herein.

65. By virtue of Defendant's repeated communications with Plaintiff's agents, fans, and business colleagues, Defendant has been, and is well aware of Plaintiff's many existing and prospective business relations, including, but not limited to, MTV Networks and Bravo Models.

66. Through Defendant's false statements and online posting concerning Plaintiff's nude or semi-nude pictures, Defendant has intentionally interfered with Plaintiff's existing and prospective business with actual and/or potential employers, and potentially others, by diverting business to Defendant that likely would have been acquired by Plaintiff.

67. Defendant intended to interfere with Plaintiff's prospective economic advantage, and Defendant's intentional interference has caused Plaintiff to suffer actual damages, including, lost profits, in an amount to be determined at trial, plus consequential damages.

1 Defendant's intentional interference with prospective economic advantage also has resulted
2 and continues to result in the unjust enrichment of Defendant.

3 68. Defendant has committed his acts of intentional interference with prospective economic
4 advantage willfully and maliciously to injure Plaintiff's business and improve his own,
5 thereby entitling Plaintiff to an award of exemplary damages and attorney's fees.
6

7 **SIXTH CAUSE OF ACTION**
8 **Negligent Interference with Prospective Economic Advantage**
9 **(Against All Defendants)**

10 69. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 68 as though fully
11 set forth herein.

12 70. Plaintiff and third parties, including, but not necessarily limited to, MTV Networks and
13 Bravo Models, were in an economic relationship that probably would have resulted in a
14 future economic benefit to Plaintiff.

15 71. Defendant knew or should have known of the economic relationship.

16 72. Defendant knew or should have known that this relationship would be disrupted if
17 Defendant failed to act with reasonable care.

18 73. Defendant owed Plaintiff a duty of care, however, Defendant failed to act with reasonable
19 care. Defendant engaged in wrongful conduct through engaging in the above-listed
20 conduct, which caused Plaintiff's economic relationship to be disrupted.
21

22 74. As a result of Defendant's conduct Plaintiff was harmed. Furthermore, Defendant's
23 wrongful conduct was a substantial factor in causing Plaintiff's harm.

24 **SEVENTH CAUSE OF ACTION**
25 **Declaratory and Injunctive Relief**
26 **(Against All Defendants)**

27 75. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 74 as though fully
28 set forth herein.

1 76. An actual controversy has arisen and now exists between Plaintiff and Defendant(s)
2 concerning their respective rights and duties. As such, a judicial declaration is necessary
3 and appropriate at this time in order that the parties may ascertain their rights and duties
4 under the applicable laws.

5 77. Defendants' conduct as described herein, are continuing and have caused and are causing
6 irreparable damages to Plaintiff. Unless Plaintiff obtains declaratory relief from this
7 Honorable Court, and/or unless such conduct by Defendant is preliminarily and
8 permanently enjoined, Plaintiff will continue to suffer irreparable damages, which will
9 necessitate the filing of multiple and/or successive lawsuits. As such, Plaintiff is entitled to
10 injunctive relief pursuant to the applicable laws.
11

12 **PRAYER FOR RELIEF**

13 **WHEREFORE**, Plaintiff prays for judgment as follows:
14

- 15 1. For monetary damages, in excess of \$75,000, or according to proof;
- 16 2. For compensatory, general, and monetary damages, past, present, and future in an amount
17 to fully compensate Plaintiff within the jurisdictional limits of this Court, according to
18 proof;
- 19 3. For punitive and exemplary damages, as appropriate, according to proof;
- 20 4. For attorney's fees and costs, as appropriate, according to proof;
- 21 5. For incidental and/or consequential damages, as appropriate, past, present, and future,
22 according to proof;
- 23 6. For prejudgment and post-judgment interest;
- 24 7. For applicable statutory damages, past, present, and future, according to proof;
- 25 8. For applicable special damages, past, present, and future, according to proof;
- 26 9. For applicable economic damages, past, present, and future, according to proof;
- 27
- 28

1 10. For declaratory relief, and/or preliminary and permanent injunction prohibiting the
2 conduct and activities alleged herein.

3 11. For such other and further relief as the Court deems just and equitable, and conforming to
4 proof at the time of trial.

5 **DEMAND FOR JURY TRIAL:** Plaintiff hereby demands a trial by jury of his peers to the
6 fullest extent allowed by law.
7

8 Dated: January 11, 2017

LAW OFFICES OF SALAR ATRIZADEH

9
10 By: /s/ Salar Atrizadeh
11 SALAR ATRIZADEH, ESQ.
12 Attorney for Plaintiff
13 JOHN DOE
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VERIFICATION

I, JOHN DOE, the undersigned, certify and declare that I am the Plaintiff in this matter. I have read the foregoing complaint, and know and understand its contents thereof. The matters stated herein, are true of my own knowledge and belief, except as to those matters alleged and/or stated on my information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on January 11, 2017, in Los Angeles, California.


JOHN DOE