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14 *Attorneys for Defendants*
15 MINDGEEK USA INCORPORATED,
16 MINDGEEK S.A.R.L., MG FREESITES
17 LTD (D/B/A PORNHUB), MG FREESITES II
18 LTD, MG CONTENT RT LIMITED,
19 AND 9219- 1568 QUEBEC, INC. (D/B/A MINDGEEK)

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

JANE DOE on behalf of herself and all
other similarly situated,
Plaintiffs,

v.

MINDGEEK USA INCORPORATED,
MINDGEEK S.A.R.L., MG
FREESITES LTD (D/B/A PORNHUB),
MG FREESITES II LTD, MG
CONTENT RT LIMITED, AND 9219-
1568 QUEBEC, INC. (D/B/A
MINDGEEK),
Defendants.

CASE NO. 8:21-CV-00338-CJC-ADS

Judicial Officer: Cormac J. Carney

**DEFENDANTS' ANSWER AND
JURY DEMAND TO PLAINTIFF'S
THIRD AMENDED COMPLAINT**

Defendants MindGeek USA Inc., MindGeek S.à r.l., MG Freesites Ltd, MG Freesites II Ltd, 9219-1568 Quebec Inc., and MG Content RT Ltd (collectively “Defendants”), by and through their undersigned counsel, hereby respond to Plaintiff’s Third Amended Complaint (“TAC”) as follows:

INTRODUCTORY STATEMENT

Many of the allegations of the TAC are vague, conclusory, and/or contain terms which are undefined and susceptible to different meanings. In particular, the TAC is replete with references to, summaries of, and purported quotations from various documents, including newspaper articles, congressional testimony, and an unsubstantiated advocacy presentation purporting to discuss and/or characterize activity that occurred on one or more of the websites operated by MG Freesites Ltd. Because much of the information concerning this alleged activity is anonymized, incomplete, and largely concerns a database of millions of pieces of content, Defendants reserve the right to amend and/or supplement this Answer to the extent further investigation or discovery reveals additional information.

The comments and objections in this Introductory Statement are incorporated into each numbered paragraph of this Answer.

ANSWER TO ALLEGATIONS REGARDING THE NATURE OF THE ACTION

1. Defendants acknowledge that Plaintiff is seeking to maintain a class action for damages and injunctive relief but deny that she is entitled to same. Plaintiff’s claims, being in writing, speak for themselves. Defendants deny that they are liable for any alleged injuries and that Plaintiff is in any way entitled to damages or other relief. Any remaining or inconsistent allegations are denied.

2. Denied.

3. Denied. To the extent the allegations of Paragraph 3 contain excerpts of an online discussion, those excerpts are incomplete, are out of context, and do not

1 address age verification of individuals appearing in content on any websites
2 operated by MG Freesites Ltd.

3 4. Denied.

4 5. The allegations of Paragraph 5 state legal conclusions to which no
5 response is required. To the extent a response is required, Defendants deny that
6 Paragraph 5 fairly characterizes the Trafficking Victims Protection Reauthorization
7 Act ("TVPRA"). Any remaining or inconsistent allegations are denied.

8 **ANSWER TO ALLEGATIONS REGARDING THE PARTIES**

9 6. Defendants lack knowledge or information sufficient to form a belief as to
10 the truth of the matters alleged.

11 7. The allegations of Paragraph 7 state legal conclusions and/or are not
12 directed to Defendants and therefore do not require a response. To the extent a
13 response is required, Defendants lack knowledge or information sufficient to form a
14 belief as to the truth of the matters alleged.

15 8. Defendants admit that MindGeek USA Incorporated is a corporation
16 organized and existing under the laws of the state of Delaware, with an established
17 place of business in California. MindGeek USA Incorporated's registered agent for
18 service of process in the State of California is CT Corporation System. MindGeek
19 USA Incorporated is an indirect subsidiary of MindGeek S.à r.l. Any remaining or
20 inconsistent allegations are denied.

21 9. Defendants admit that MindGeek S.à r.l. is a foreign holding company
22 organized and existing under the laws of Luxembourg with its sole place of business
23 in Luxembourg. Any remaining or inconsistent allegations are denied.

24 10. Defendants admit that MG Freesites Ltd is a private limited company
25 incorporated in Cyprus and is an indirect subsidiary of MindGeek S.à r.l. Any
26 remaining or inconsistent allegations are denied.

1 11. Denied. MG Freesites II Ltd has been dissolved and the entire business of
2 MG Freesites II Ltd was transferred to MG Freesites Ltd.

3 12. Denied. MG Content RT Limited has been dissolved and the entire
4 business of MG Content RT Limited was transferred to MG Freesites Ltd.

5 13. Defendants admit that 9219-1568 Quebec, Inc. is a company organized
6 and existing under the laws of the Province of Quebec with its principal place of
7 business in Montreal, Canada. Any remaining or inconsistent allegations are
8 denied.

9 14. Defendants admit that Plaintiff refers in the TAC to MindGeek USA
10 Incorporated, MindGeek S.à r.l., MG Freesites Ltd, MG Freesites II, Ltd, 9219-1568
11 Quebec Inc., MG Content RT Ltd, and all of their parents, subsidiaries and affiliates
12 as “Defendants” or “MindGeek.” It is denied that such characterization is
13 reasonable, accurate, or appropriate and also denied that unidentified “parents,
14 subsidiaries and affiliates” may be defined as part of “MindGeek.” Defendants do
15 not file this Answer on behalf of any entities other than those specifically named as
16 parties hereto.

17 15. Denied.

18 16. The allegations of Paragraph 16 state legal conclusions to which no
19 response is required. To the extent a response is required, Defendants lack
20 knowledge and information sufficient to form a belief as to the truth of Plaintiff’s
21 allegations regarding her knowledge.

22 **ANSWER TO ALLEGATIONS REGARDING**
23 **JURISDICTION AND VENUE**

24 17. The allegations of Paragraph 17 state legal conclusions to which no
25 response is required.

26 18. The allegations of Paragraph 18 state legal conclusions to which no
27 response is required.

1 19. The allegations of Paragraph 19 state legal conclusions to which no
 2 response is required. To the extent a response is required, the allegations of
 3 Paragraph 19 are denied with respect to MindGeek S.à r.l., MG Freesites Ltd, MG
 4 Freesites II Ltd, 9219-1568 Quebec Inc., and MG Content RT Ltd.

5 20. Defendants admit that MindGeek USA Incorporated is a corporation
 6 organized and existing under the law of the state of Delaware that has a place of
 7 business at 21800 Oxnard Street, Suite 150, Woodland Hills, CA 91367.
 8 Defendants also admit that based on information available from May 2019 Los
 9 Angeles, California was at that time the fourth highest city for daily traffic to
 10 Pornhub. Defendants admit that MG Freesites Ltd operates websites that host
 11 millions of videos and images that may be viewed in California. Any remaining or
 12 inconsistent allegations are denied.

13 21. The allegations of Paragraph 21 state legal conclusion to which no
 14 response is required. To the extent a response is required, Defendants admit that
 15 MindGeek S.à r.l. and MindGeek USA Inc. were defendants in *Preservation*
 16 *Technologies, LLC v. MindGeek USA, Inc. and MindGeek S.A.R.L.*, Case No. 2:17-
 17 cv—08906-DOC-JPR (C.D. Cal.).

18 22. The allegations of Paragraph 22 state legal conclusions to which no
 19 response is required.

20 23. The allegations of Paragraph 23 state legal conclusions to which no
 21 response is required. To the extent a response is required, Defendants admit that
 22 MindGeek USA Inc. maintains a place of business in California. Defendants lack
 23 knowledge or information sufficient to form a belief as to the truth of the allegations
 24 regarding where the events giving rise to Plaintiff's claims occurred.

25 **ANSWER TO ALLEGATIONS OF FACT**

26 24. Defendants admit that CSEM is a global problem. To the extent the
 27 allegations of Paragraph 24 purport to quote or characterize the document

1 referenced, that document, being in writing, speaks for itself. Defendants lack
2 knowledge or information sufficient to form a belief regarding the truth of any
3 hearsay statements attributed to others. Any remaining or inconsistent allegations
4 are denied.

5 25. Defendants lack knowledge or information sufficient to form a belief as to
6 the truth of the matters alleged. To the extent the allegations of Paragraph 25
7 purport to quote or characterize the document referenced, that document, being in
8 writing, speaks for itself. Defendants lack knowledge or information sufficient to
9 form a belief regarding the truth of any hearsay statements attributed to others. Any
10 remaining or inconsistent allegations are denied.

11 26. Defendants lack knowledge or information sufficient to form a belief as to
12 the truth of the matters alleged.

13 27. Defendants lack knowledge or information sufficient to form a belief as to
14 the truth of the matters alleged. To the extent the allegations of Paragraph 27
15 purport to quote or characterize an unidentified document, that document, being in
16 writing, speaks for itself. Defendants lack knowledge or information sufficient to
17 form a belief regarding the truth of any hearsay statements attributed to others. Any
18 remaining or inconsistent allegations are denied.

19 28. The allegations of Paragraph 28 purport to quote or characterize the
20 referenced document. That document, being in writing, speaks for itself.
21 Defendants lack knowledge or information sufficient to form a belief regarding the
22 truth of any hearsay statements attributed to others. Any remaining or inconsistent
23 allegations are denied.

24 29. Defendants lack knowledge or information sufficient to form a belief as to
25 the truth of the allegations regarding the link between sexual exploitation and
26 pornographic videos. To the extent the allegations of Paragraph 29 purport to quote
27 or characterize an article by Melissa Farley, that article, being in writing speaks for
28

1 itself. Defendants lack knowledge or information sufficient to form a belief
2 regarding the truth of any hearsay statements attributed to others. Any remaining or
3 inconsistent allegations are denied.

4 30. Defendants have a zero tolerance policy for CSEM. Defendants are
5 unequivocally committed to combating CSEM and have instituted an industry-
6 leading trust and safety policy to identify and eradicate illegal material from the
7 community. Defendants lack knowledge or information sufficient to form a belief
8 as to the truth of the matters alleged in Paragraph 30. To the extent the allegations
9 of Paragraph 30 purport to quote or characterize the referenced study, that study,
10 being in writing, speaks for itself. Any remaining or inconsistent allegations are
11 denied.

12 31. Defendants admit that Congress passed the TVPA in 2000 and deny the
13 remaining allegations of Paragraph 31.

14 32. Defendants admit that Congress passed the TVPRA in 2003. The
15 remaining allegations of Paragraph 32 state legal conclusions to which no response
16 is required.

17 33. Defendants admit that Congress amended the TVPRA in 2008. The
18 remaining allegations of Paragraph 33 state legal conclusions to which no response
19 is required. To the extent the allegations of Paragraph 33 purport to quote or
20 characterize the TVPRA, that document, being in writing, speaks for itself. To the
21 extent a response is required, Defendants deny that Paragraph 33 fairly characterizes
22 the TVPRA.

23 34. The allegations of Paragraph 34 state legal conclusion to which no
24 response is required. To the extent the allegations of Paragraph 34 purport to quote
25 or characterize the TVPRA, that document, being in writing, speaks for itself. To
26 the extent a response is required, Defendants deny that Paragraph 34 fairly
27 characterizes the TVPRA.

1 35. Denied.

2 36. Defendants admit that Congress passed the Allow States and Victims to
3 Fight Online Sex Trafficking/Stop Enabling Sex Traffickers Act
4 (“FOSTA/SESTA”) in 2018. To the extent the allegations of Paragraph 36 purport
5 to quote or characterize the referenced article or Section 230, those documents,
6 being in writing, speak for themselves. Defendants lack knowledge or information
7 sufficient to form a belief regarding the truth of any hearsay statements attributed to
8 others. Any remaining or inconsistent allegation are denied.

9 37. The allegations of Paragraph 37 state legal conclusions to which no
10 response is required. To the extent a response is required, Defendants deny that
11 Paragraph 37 fairly characterizes FOSTA/SESTA.

12 38. Defendants admit that they are privately held companies. Defendants also
13 admit that MG Freesites Ltd operates adult entertainment websites, including
14 Pornhub, RedTube, and YouPorn. Any remaining or inconsistent allegations are
15 denied.

16 39. Defendants admitted that the quoted language is an excerpt from a letter to
17 the Canadian Parliament and that that letter, being in writing, speaks for itself. Any
18 remaining or inconsistent allegations are denied.

19 40. Admitted, except that to the extent the allegations of Paragraph 40 purport
20 to quote or characterize the referenced document, that document, being in writing,
21 speaks for itself.

22 41. Defendants admit that in 2019, the United States was the country with the
23 highest daily traffic to Pornhub and that based on information from May 2019, Los
24 Angeles, California was at that time the city with the fourth highest daily traffic to
25 Pornhub. Any remaining or inconsistent allegations are denied.

1 42. Defendants admitted that the quoted language is an excerpt from a letter to
2 the Canadian Parliament and that that letter, being in writing, speaks for itself. Any
3 remaining or inconsistent allegations are denied.

4 43. Defendants admit Pornhub had approximately 13,740,000 adult
5 entertainment videos in its free searchable library on or around December 1, 2020.
6 Any remaining or inconsistent allegations are denied.

7 44. Defendants admit that Pornhub, operated by MG Freesites Ltd, is
8 considered a “tube site,” meaning Pornhub allows lawful content to be uploaded
9 from verified uploaders. Defendants also admit that account holders are able to
10 comment on content on Pornhub. Any remaining and inconsistent allegations are
11 denied.

12 45. Denied.

13 46. Denied.

14 47. Denied.

15 48. Defendants admit that Pornhub has a Model Program. To become a
16 member of the Model Program, an individual must become a verified uploader
17 which requires that individual to: (i) create a user name and password, provide an
18 email address, and agree to the site’s terms of service, including the site’s privacy
19 policy; (ii) provide government-issued identification and a set of live photographs of
20 himself or herself (i.e. one taken in real time by the computer or smartphone’s
21 camera); and (iii) agree to the term of service that states that the user is at least 18
22 years old by checking an opt-in box during the user-verification process. Members
23 of Pornhub’s Model Program who have complied with all the requirements for
24 becoming a verified uploader may upload lawful content of themselves as free-to-
25 view videos that earn ad revenue. At the time of upload, the Model Program
26 member must confirm that (i) they have the consent of those depicted in the content
27 and (ii) the uploader has collected one piece of photo ID from any additional

1 performer who appears in the video as well as a photo of the additional performer
2 holding their ID. Plaintiff does not allege that she or her ex-boyfriend were
3 members of Pornhub's Model Program. Any remaining or inconsistent allegations
4 are denied.

5 49. Denied. Defendants admit that to become a member of Pornhub's Model
6 Program an individual must be a verified uploader. To become a verified uploader
7 an individual must: (i) create a user name and password, provide an email address,
8 and agree to the site's terms of service, including the site's privacy policy; (ii)
9 provide government-issued identification and a set of live photographs of himself or
10 herself (*i.e.* one taken in real time by the computer or smartphone's camera); and
11 (iii) agree to the term of service that states that the user is at least 18 years old by
12 checking an opt-in box during the user-verification process. To the extent the
13 allegations of Paragraph 49 purport to quote or characterize an unidentified
14 document, that document, being in writing, speaks for itself. Any remaining or
15 inconsistent allegations are denied.

16 50. Denied.

17 51. Denied.

18 52. Denied. Defendants admit that one step in the process to become a
19 Pornhub Model Program member requires an individual to provide a set of live
20 photographs of himself or herself (*i.e.* one taken in real time by the computer or
21 smartphone's camera). But that is not the step in the process that confirms the age
22 of the applicant. A Model Program applicant must also provide government-issued
23 identification and agree to the term of service that states that the user is at least 18
24 years old by checking an opt-in box during the user-verification process. To the
25 extent the allegations of Paragraph 52 purport to quote or characterize an
26 unidentified document, that document, being in writing, speaks for itself. Any
27 remaining or inconsistent allegations are denied.

1 53. Denied.

2 54. Denied.

3 55. Denied.

4 56. Denied.

5 57. Defendants admit that since mid-December 2020, MG Freesites Ltd does
6 not allow content from any of the websites it operates to be downloaded. The
7 limitations on the downloading of content are designed to prevent inappropriate
8 content being re-uploaded to Defendants' websites or further disseminated by third
9 parties. Defendants also admit that all content uploaded to Pornhub is screened
10 using automated detection technologies including fingerprinting tools that rely on a
11 unique digital fingerprint to match a video or photograph to those already identified
12 in databases including suspected CSEM. Those tools include YouTube's CSAI
13 Match, Microsoft's Photo DNA, Vobile's MediaWise, and MindGeek's own tool,
14 Safeguard. Any suspected CSEM identified by Pornhub's moderation process or as
15 a result of a flag or take down request is fingerprinted using MindGeek's
16 fingerprinting tools, and the digital fingerprint is transmitted to Microsoft, YouTube,
17 and Vobile to be added to their databases. The fingerprinting process prevents the
18 same content from being uploaded to Pornhub and any third-party platforms that use
19 these technologies. Defendants lack knowledge or information sufficient to form a
20 belief as to the truth of allegations regarding what any individual did with the
21 content they downloaded. Any remaining or inconsistent allegations are denied.

22 58. Defendants admit that Pornhub account holders can send each other
23 private messages and can create folders that can be shared with other Pornhub
24 account holders. Folders can only contain content that has been through Pornhub's
25 moderation process. Defendants lack knowledge or information sufficient to form a
26 belief as to the truth of the remaining allegations. To the extent the allegations of
27 Paragraph 58 purport to quote or characterize the referenced document, that

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1 document, being in writing, speaks for itself. Defendants lack knowledge or
2 information sufficient to form a belief regarding the truth of any hearsay statements
3 attributed to others. Further, the author of that document, Laila Mickelwait, is the
4 founder of Traffickinghub and also the spokesperson for Exodus Cry, a far-right
5 organization that opposes legal pornography and which has been disavowed by
6 media outlets and other organizations. The document itself is an advocacy piece
7 prepared by Ms. Mickelwait in her admitted crusade to shut down Pornhub and
8 MindGeek. Any remaining or inconsistent allegations are denied.

9 59. Defendants admit that the VPNHUB app was created and that the use of
10 cryptocurrency is permitted on Pornhub. To the extent the allegations of Paragraph
11 59 purport to quote or characterize the referenced document, that document, being in
12 writing, speaks for itself. Defendants lack knowledge or information sufficient to
13 form a belief regarding the truth of any hearsay statements attributed to others. Any
14 remaining or inconsistent allegations are denied.

15 60. Defendants admit that a tor site was created. To the extent the allegations
16 of Paragraph 60 purport to quote or characterize the referenced document, that
17 document, being in writing, speaks for itself. Defendants lack knowledge or
18 information sufficient to form a belief regarding the truth of any hearsay statements
19 attributed to others. Any remaining or inconsistent allegations are denied.

20 61. Defendants admit that verified uploaders are allowed to upload to Pornhub
21 lawful content that complies with Pornhub's terms of service. To the extent that
22 Paragraph 61 purports to quote from an interview given by Fabian Thylmann in
23 2017, Mr. Thylmann was not affiliated with Pornhub or MindGeek at that time and
24 was not speaking on behalf of any Defendant. Mr. Thylmann's interview speaks for
25 itself. Defendants lack knowledge or information sufficient to form a belief
26 regarding the truth of any hearsay statements attributed to others. Any remaining or
27 inconsistent allegations are denied.

1 62. Paragraph 62 purports to quote from an interview given by Fabian
2 Thylmann in 2017. Mr. Thylmann was not affiliated with Pornhub or MindGeek at
3 that time and was not speaking on behalf of any Defendant. That interview speaks
4 for itself. Any remaining or inconsistent allegations are denied.

5 63. Denied.

6 64. Denied. Content that is uploaded to Pornhub is not automatically
7 uploaded to any other MindGeek website or mobile application, except
8 Thumbzilla.com. Thumbzilla.com is not a tube site; it has never been possible for
9 users to upload directly to that website. In addition, verified uploaders who are
10 members of the Model Program can opt to have their content uploaded to other sites
11 during the upload process.

12 65. Denied.

13 66. Denied.

14 67. Defendants admit that account holders can opt to subscribe to premium
15 websites that offer access to content that is different from the content available on
16 free sites. To the extent the allegations of Paragraph 67 purport to quote or
17 characterize the referenced document, that document, being in writing, speaks for
18 itself. Defendants lack knowledge or information sufficient to form a belief
19 regarding the truth of any hearsay statements attributed to others. Any remaining or
20 inconsistent allegations are denied.

21 68. Defendants admit that advertisements appear on websites operated by MG
22 Freesites Ltd. To the extent the allegations of Paragraph 68 purport to quote or
23 characterize the referenced document, that document, being in writing, speaks for
24 itself. Defendants lack knowledge or information sufficient to form a belief
25 regarding the truth of any hearsay statements attributed to others. Any remaining or
26 inconsistent allegations are denied.

1 69. Defendants admit that revenue is generated from advertisements placed on
2 websites operated by MG Freesites Ltd. Any remaining or inconsistent allegations
3 are denied.

4 70. Denied.

5 71. Denied except that Defendants admit that members of Pornhub's Model
6 Program who have complied with all of the requirements for becoming a verified
7 uploader and who at the time of upload certify they have consent, release records,
8 and valid government photo IDs for all performers appearing in the video, are
9 allowed to upload content to Pornhub and receive advertising share revenue.
10 Models are encouraged to have co-performers sign the Co-Performer Agreements
11 provided on Pornhub.com. Models are advised that that they may be contacted to
12 provide copies of co-performer IDs and signed agreements for auditing purposes or
13 in response to external concerns. To the extent the allegations of Paragraph 71
14 purport to quote or characterize the referenced document, that document, being in
15 writing, speaks for itself. Defendants lack knowledge or information sufficient to
16 form a belief regarding the truth of any hearsay statements attributed to others.

17 72. Defendants admit that revenue is generated from advertisements that
18 appear on websites operated by MG Freesites Ltd. Further, members of Pornhub's
19 Model Program who have complied with all the requirements for becoming a
20 verified uploader may upload lawful content of themselves that complies with
21 Pornhub's terms of service as free-to-view videos that earn ad revenue. Defendants
22 also admit that subscription fees are collected for access to premium websites.
23 Defendants also admit that in and around December 2020, Visa, Mastercard, and
24 Discover stopped processing transactions involving Pornhub and that Pornhub
25 removed all user-generated content on its site from unverified user accounts, which
26 amounted to approximately 10 million videos. To the extent the allegations of
27 Paragraph 72 purport to quote or characterize the referenced document, that

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1 document, being in writing, speaks for itself. Defendants lack knowledge or
2 information sufficient to form a belief regarding the truth of any hearsay statements
3 attributed to others. Any remaining or inconsistent allegations are denied.

4 73. Denied, except that Defendants admit that MG Freesites Ltd has made
5 modifications to Pornhub since December 2020.

6 74. Defendants admit that Pornhub published its first Transparency Report in
7 April 2021 and that document, being a writing, speaks for itself. Defendants also
8 admit that Pornhub uses several different automated detection technologies to help
9 moderate content before it can be published; that Pornhub reports suspected CSEM
10 to NCMEC; that NCMEC maintains hash databases of suspected CSEM; and that
11 PhotoDNA is an image-recognition technology. To the extent the allegations of
12 Paragraph 74 purport to quote or characterize the referenced documents, those
13 documents, being in writing, speak for themselves. Defendants lack knowledge or
14 information sufficient to form a belief regarding the truth of any hearsay statements
15 attributed to others. Any remaining or inconsistent allegations are denied.

16 75. Denied. To the extent the allegations of Paragraph 75 purport to quote or
17 characterize the referenced document, that document, being in writing, speaks for
18 itself. Defendants lack knowledge or information sufficient to form a belief
19 regarding the truth of any hearsay statements attributed to others.

20 76. Denied.

21 77. Denied.

22 78. Defendants lack knowledge or information sufficient to form a belief as to
23 the truth of the matters alleged, except that Defendants admit that a video with the
24 title provided in the referenced document was uploaded and subsequently removed
25 from Pornhub on multiple occasions. To the extent the allegations of Paragraph 78
26 purport to quote or characterize the referenced document, that document, being in
27 writing, speaks for itself. Defendants lack knowledge or information sufficient to

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1 form a belief regarding the truth of any hearsay statements attributed to others. Any
2 remaining or inconsistent allegations are denied.

3 79. Defendants lack knowledge or information sufficient to form a belief as to
4 the truth of the matters alleged. Further to the extent the referenced document
5 purports to provide examples of instances where links were left on Pornhub, the
6 examples provided are of search results on Google, not Pornhub.

7 80. Denied.

8 81. Denied. Pornhub screens each piece of content uploaded to its website for
9 suspected CSEM, non-consensual content, and other content that violates Pornhub's
10 terms of service before it is made available to the public. Pornhub uses a
11 combination of technological tools and human moderators in this process. Pornhub
12 account holders can create and title their own playlists which they can elect to make
13 viewable to other Pornhub users. The only content that can be included in a playlist
14 is content that has gone through Pornhub's moderation process. Defendants also
15 admit that Pornhub maintains a list of banned terms that are not permitted to be used
16 in any content titles, searches, or comments. These fields are subject to banned
17 terms prevention software, as well as review by moderators.

18 82. Denied except that Defendants admit that to create an unverified account
19 on Pornhub users are asked to provide an email address, a username, and a
20 password. Users are then invited to provide details about their gender expression
21 and sexual preferences, and pornography preferences. Users are also able to provide
22 their birthdate, location, nickname, relationship status and a biography. This
23 information is used to deliver content that is consistent with the user's indicated
24 preferences and to enable the social features of the platform.

25 83. Denied except that Defendants admit that by using Pornhub, users agree to
26 Pornhub's terms of service and privacy policy which address the information
27 collected by Pornhub. The information captured by Pornhub includes the website

1 activity data and any other information supplied by the user including information
2 such as email addresses, pages visited, search history, browser and operating system
3 information, devices used to access Pornhub, time zone settings, and IP address
4 information. This information, as well as the information referred to in paragraph
5 82 above, is used to deliver content that is consistent with the user's indicated
6 preferences and to enable the social features of the platform.

7 84. Denied except that Defendants admit that except that Pornhub screens
8 each piece of content uploaded to its website for suspected CSEM, non-consensual
9 content, and other content that violates Pornhub's terms of service before it is made
10 available to the public. Pornhub uses a combination of technological tools and
11 human moderators in this process.

12 85. Denied.

13 86. The allegations of Paragraph 86 purport to quote or characterize an
14 unidentified statement, which statement, if in writing, speaks for itself.

15 87. Denied. To the extent the allegations of Paragraph 87 purport to quote or
16 characterize the referenced document, that document, being in writing, speaks for
17 itself. Defendants lack knowledge or information sufficient to form a belief
18 regarding the truth of any hearsay statements attributed to others.

19 88. Denied. To the extent Paragraph 88 purports to quote or characterize the
20 referenced document, that document, being in writing, speaks for itself. Defendants
21 lack knowledge or information sufficient to form a belief regarding the truth of any
22 hearsay statements attributed to others.

23 89. Denied.

24 90. Denied except that Defendants admit that in 2019 approximately 6.83
25 million videos or 1.36 million hours of videos were uploaded to Pornhub and that
26 Pornhub screens each piece of content uploaded to its website for suspected CSEM,
27 non-consensual content, and other content that violates Pornhub's terms of service,

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1 before it is made available to the public. Pornhub uses a combination of
2 technological tools and human moderators in this process.

3 91. Denied.

4 92. Denied.

5 93. Defendants admit that, despite Pornhub's moderation process, content
6 violating Pornhub's terms of service, including suspected CSEM, may make its way
7 onto the website for public viewing. When content on Pornhub is flagged, the
8 content is immediately examined and suspended immediately if the reviewer
9 determines there is any risk that it might be suspected CSEM. When content on
10 Pornhub is reported as suspected CSEM using a content removal form or by a
11 Trusted Flagger, and the report includes the URL, the content is automatically
12 disabled before it even reaches a reviewer. In both cases, an investigation follows,
13 which includes examination of the documentation on file from the uploader, and
14 possible requests for additional documents. If there is insufficient evidence to
15 demonstrate that the individual depicted in the content was 18 or older at the time
16 the content was produced, the content is permanently removed from the platform
17 and protocols for reporting and protecting against future uploads are engaged. To
18 the extent the allegations of Paragraph 93 purport to quote or characterize the
19 referenced document, that document, being in writing, speaks for itself. Defendants
20 lack knowledge or information sufficient to form a belief regarding the truth of any
21 hearsay statements attributed to others.

22 94. Denied except that Defendants admit that MG Freesites Ltd provides
23 DMCA take-down services relying on fingerprinting as well as other services and
24 technologies in its moderation process for all content submitted to Pornhub.

25 95. Defendants lack knowledge or information sufficient to form a belief as to
26 the truth of the matter asserted. The term "CP" is a banned term that is not
27 permitted to be used in any content titles, searches, or comments on websites

1 operated by MG Freesites Ltd. To the extent the allegations of Paragraph 95 purport
2 to quote or characterize the referenced document, that document, being in writing,
3 speaks for itself. Defendants lack knowledge or information sufficient to form a
4 belief regarding the truth of any hearsay statements attributed to others. Any
5 remaining or inconsistent allegations are denied.

6 96. Denied except that the page on Pornhub that the allegations of Paragraph
7 96 purport to quote or characterize is a document, which being in writing, speaks for
8 itself.

9 97. Denied except that Defendants admit that Pornhub suggests that users
10 make their titles “enticing, witty, or funny so users will be curious enough to click!”
11 To the extent the allegations of Paragraph 97 purport to quote or characterize the
12 referenced document, that document, being in writing, speaks for itself. Any
13 remaining or inconsistent allegations are denied.

14 98. Denied.

15 99. Paragraph 99 does not contain any factual allegation that requires a
16 response. To the extent there are allegations requiring a response, they are denied.

17 100. Denied.

18 101. Defendants admit that the New York Times published an opinion article
19 entitled *The Children of Pornhub* on December 4, 2020. The publication, being in
20 writing, speaks for itself. Defendants lack knowledge or information sufficient to
21 form a belief regarding the truth of any hearsay statements attributed to others. Any
22 remaining or inconsistent allegations are denied.

23 102. Defendants admit that the New York Times published an opinion article
24 entitled *The Children of Pornhub* on December 4, 2020. The publication, being in
25 writing, speaks for itself. Defendants lack knowledge or information sufficient to
26 form a belief regarding the truth of any hearsay statements attributed to others. Any
27 remaining or inconsistent allegations are denied.

1 103. Denied. To the extent the allegations of Paragraph 103 purport to quote or
2 characterize the referenced document, that document, being in writing, speaks for
3 itself. Defendants lack knowledge or information sufficient to form a belief
4 regarding the truth of any hearsay statements attributed to others.

5 104. Defendants admit that the Sunday Times published an article entitled
6 *Unilever and Heinz pay for ads on Pornhub* on November 3, 2019. The publication,
7 being in writing, speaks for itself. Defendants lack knowledge or information
8 sufficient to form a belief regarding the truth of any hearsay statements attributed to
9 others. Any remaining or inconsistent allegations are denied.

10 105. Denied. Defendants admit that Pornhub screens each piece of content
11 uploaded to its website for suspected CSEM, non-consensual content, and other
12 content that violates Pornhub's terms of service before it is made available to the
13 public. Pornhub uses a combination of technological tools and human moderators in
14 this process. Pornhub account holders can create and title their own playlists which
15 they can elect to make viewable to other Pornhub users. The only content that can
16 be included in a playlist is content that has gone through Pornhub's moderation
17 process.

18 106. Defendants admit that they are aware that GirlsDoPorn and Czech Casting
19 have been accused of sex trafficking and that both entities were members of the
20 content partner program on Pornhub. Any remaining or inconsistent allegations are
21 denied.

22 107. Denied. Content created by GirlsDoPorn was removed from Pornhub as
23 of October 14, 2019. To the extent the allegations of Paragraph 107 purport to
24 quote or characterize the referenced document, that document, being in writing,
25 speaks for itself. Defendants lack knowledge or information sufficient to form a
26 belief regarding the truth of any hearsay statements attributed to others.

1 108. Defendants lack knowledge or information sufficient to form a belief as to
2 the truth of the matters alleged. To the extent the allegations of Paragraph 108
3 purport to quote or characterize the referenced documents, those documents, being
4 in writing, speak for themselves. Defendants lack knowledge or information
5 sufficient to form a belief regarding the truth of any hearsay statements attributed to
6 others. Any remaining or inconsistent allegations are denied.

7 109. Defendants admit that Pornhub receives takedown requests from users,
8 third parties, law enforcement, and the public. Any remaining or inconsistent
9 allegations are denied.

10 110. To the extent Paragraph 110 purports to quote or characterize the
11 referenced document and testimony, that document and transcript being in writing
12 speak for themselves. Defendants lack knowledge or information sufficient to form
13 a belief regarding the truth of any hearsay statements attributed to others. Any
14 remaining or inconsistent allegations are denied.

15 111. To the extent Paragraph 111 purports to quote or characterize the
16 referenced document or testimony, that document and transcript being in writing
17 speak for themselves. Defendants lack knowledge or information sufficient to form
18 a belief regarding the truth of any hearsay statements attributed to others. Any
19 remaining or inconsistent allegations are denied.

20 112. Denied. To the extent Paragraph 112 purports to quote or characterize the
21 referenced document, that document being in writing speaks for itself. Defendants
22 lack knowledge or information sufficient to form a belief regarding the truth of any
23 hearsay statements attributed to others.

24 113. Denied. To the extent Paragraph 113 purports to quote or characterize the
25 referenced document, that document being in writing speaks for itself. Defendants
26 lack knowledge or information sufficient to form a belief regarding the truth of any
27 hearsay statements attributed to others.

1 114. Denied except Defendants admit that MG Freesites Ltd made no reports to
2 NCMEC in 2019. To the extent Paragraph 114 purports to quote or characterize the
3 referenced document, that document being in writing speaks for itself.

4 115. Defendants admit that Pornhub receives notification of suspected CSEM
5 from users, third parties, law enforcement, and the public. Any remaining or
6 inconsistent allegations are denied.

7 116. Defendants admit that the New York Post and the Mercury News each
8 published articles on October 26, 2018. Those publications, being in writing, speak
9 for themselves. Defendants lack knowledge or information sufficient to form a
10 belief regarding the truth of any hearsay statements attributed to others. Any
11 remaining or inconsistent allegations are denied.

12 117. Defendants admit that the Sunday Times published an article on
13 November 3, 2019. That publication, being in writing, speaks for itself. Defendants
14 lack knowledge or information sufficient to form a belief regarding the truth of any
15 hearsay statements attributed to others. Any remaining or inconsistent allegations
16 are denied.

17 118. Defendants admit that the Sunday Times published an article on
18 November 3, 2019. That publication, being in writing, speaks for itself. Defendants
19 lack knowledge or information sufficient to form a belief regarding the truth of any
20 hearsay statements attributed to others. Any remaining or inconsistent allegations
21 are denied.

22 119. Defendants admit that the Sunday Times published an article on
23 November 3, 2019. That publication, being in writing, speaks for itself. Defendants
24 lack knowledge or information sufficient to form a belief regarding the truth of any
25 hearsay statements attributed to others. Any remaining or inconsistent allegations
26 are denied.

1 120. Defendants admit that a video uploaded to Pornhub by the individual
2 identified in the referenced article was available for approximately two years, had
3 2,447 views, and has been removed from the website. To the extent paragraph 120
4 purports to quote or characterize the referenced document, that document being in
5 writing speaks for itself. Defendants lack knowledge or information sufficient to
6 form a belief regarding the truth of any hearsay statements attributed to others. Any
7 remaining or inconsistent allegations are denied.

8 121. Paragraph 121 purports to quote or characterize the referenced document.
9 That document being in writing speaks for itself. Defendants lack knowledge or
10 information sufficient to form a belief regarding the truth of any hearsay statements
11 attributed to others. Any remaining or inconsistent allegations are denied.

12 122. Paragraph 122 purports to quote or characterize the referenced document.
13 That document being in writing speaks for itself. Defendants lack knowledge or
14 information sufficient to form a belief regarding the truth of any hearsay statements
15 attributed to others. Any remaining or inconsistent allegations are denied.

16 123. Defendants admit that Nicholas Kristof is a New York Times columnist
17 and that he wrote the opinion article *The Children of Pornhub*. Any remaining or
18 inconsistent allegations are denied.

19 124. Defendants admit that there are numerous advocacy groups dedicated to
20 combatting child pornography on the internet. Defendants lack knowledge or
21 information sufficient to form a belief as to the truth of the allegations concerning
22 the amount of resources used by these advocacy groups in any of their work. Any
23 remaining or inconsistent allegations are denied.

24 125. Defendants admit that the Internet Watch Foundation is an organization
25 whose stated goal is to eliminate child sexual abuse imagery online. To the extent
26 Paragraph 125 purports to quote or characterize the referenced document, that
27 document being in writing speaks for itself. Defendants lack knowledge or

1 information sufficient to form a belief regarding the truth of any hearsay statements
2 attributed to others. Any remaining or inconsistent allegations are denied.

3 126. Defendants admit that Traffickinghub is an advocacy group founded by
4 Laila Mickelwait, the author of the document upon which Plaintiff relies for the
5 majority of her allegations, and that Traffickinghub and Ms. Mickelwait's central
6 purpose is to shut down Pornhub and MindGeek. Any remaining or inconsistent
7 allegations are denied.

8 127. Defendants lack knowledge or information sufficient to form a belief as to
9 the truth of the matters alleged.

10 128. Paragraph 128 purports to quote or characterize the referenced document.
11 That document being in writing speaks for itself. Defendants lack knowledge or
12 information sufficient to form a belief regarding the truth of any hearsay statements
13 attributed to others. Any remaining or inconsistent allegations are denied.

14 129. To the extent Paragraph 129 purports to quote or characterize the
15 referenced document, that document being in writing speaks for itself. Defendants
16 lack knowledge or information sufficient to form a belief regarding the truth of any
17 hearsay statements attributed to others. Any remaining or inconsistent allegations
18 are denied.

19 130. Denied.

20 131. Denied. Defendants admit that the New York Times published an opinion
21 article entitled *The Children of Pornhub* on December 4, 2020, written by Nicholas
22 Kristof. The publication, being in writing, speaks for itself. Defendants lack
23 knowledge or information sufficient to form a belief regarding the truth of any
24 hearsay statements attributed to others. Any remaining or inconsistent allegations
25 are denied.

26 132. Defendants admit that the New York Times published an opinion article
27 entitled *The Children of Pornhub* on December 4, 2020, written by Nicholas Kristof.

28

1 The publication, being in writing, speaks for itself. Defendants lack knowledge or
2 information sufficient to form a belief regarding the truth of any hearsay statements
3 attributed to others. Any remaining or inconsistent allegations are denied.

4 133. Defendants admit that the New York Times published an opinion article
5 entitled *The Children of Pornhub* on December 4, 2020, written by Nicholas Kristof.
6 The publication, being in writing, speaks for itself. Defendants lack knowledge or
7 information sufficient to form a belief regarding the truth of any hearsay statements
8 attributed to others. Any remaining or inconsistent allegations are denied.

9 134. Defendants admit that the New York Times published an opinion article
10 entitled *The Children of Pornhub* on December 4, 2020, written by Nicholas Kristof.
11 The publication, being in writing, speaks for itself. Defendants lack knowledge or
12 information sufficient to form a belief regarding the truth of any hearsay statements
13 attributed to others. Any remaining or inconsistent allegations are denied.

14 135. Denied.

15 136. To the extent Paragraph 136 purports to quote or characterize the New
16 York Times opinion article written by Nicholas Kristof, the article being in writing,
17 speaks for itself. To the extent Paragraph 136 purports to quote or characterize a
18 statement by Mastercard, that statement being in writing speaks for itself.
19 Defendants lack knowledge or information sufficient to form a belief regarding the
20 truth of any hearsay statements attributed to others. Any remaining or inconsistent
21 allegations are denied.

22 137. To the extent Paragraph 137 purports to quote or characterize the
23 referenced document, the document being in writing speaks for itself. Defendants
24 lack knowledge or information sufficient to form a belief regarding the truth of any
25 hearsay statements attributed to others. Any remaining or inconsistent allegations
26 are denied.

1 138. To the extent Paragraph 138 purports to quote or characterize the
2 referenced document, the document being in writing speaks for itself. Defendants
3 lack knowledge or information sufficient to form a belief regarding the truth of any
4 hearsay statements attributed to others. Any remaining or inconsistent allegations
5 are denied.

6 139. Denied, except that Defendants admit that in December 2020 Pornhub
7 removed all user-generated content from unverified user accounts on its website
8 bringing the total number of videos available on Pornhub down from approximately
9 13.7 million to approximately 4 million. To the extent Paragraph 139 purports to
10 quote or characterize the referenced document, the document being in writing
11 speaks for itself.

12 140. Denied, except that Defendants admit that since mid-December 2020, MG
13 Freesites Ltd does not allow content from any of the websites it operates to be
14 downloaded. Any remaining or inconsistent allegations are denied.

15 141. Defendants lack knowledge or information sufficient to form a belief
16 regarding the truth of the matters alleged.

17 142. Defendants lack knowledge or information sufficient to form a belief
18 regarding the truth of the matters alleged.

19 143. Defendants lack knowledge or information sufficient to form a belief
20 regarding the truth of the matters alleged.

21 144. Defendants lack knowledge or information sufficient to form a belief
22 regarding the truth of the matters alleged.

23 145. Defendants lack knowledge or information sufficient to form a belief
24 regarding the truth of the matters alleged.

25 146. Defendants lack knowledge or information sufficient to form a belief
26 regarding the truth of the matters alleged.

1 147. Defendants lack knowledge or information sufficient to form a belief
2 regarding the truth of the matters alleged.

3 148. Defendants admit that MG Freesites Ltd received a request on March 26,
4 2020 for the removal of four videos, that the videos were removed within hours and
5 fingerprinted, that the user who uploaded the videos was banned, that the videos
6 were reported to NCMEC, and that MG Freesites Ltd cooperated with law
7 enforcement in its pursuit of the user who posted the videos. Defendants lack
8 knowledge or information sufficient to form a belief regarding the truth of the
9 balance of the matters alleged. To the extent Paragraph 149 purports to quote or
10 characterize an unidentified document, that document being in writing speaks for
11 itself.

12 149. Denied. MG Freesites Ltd fingerprints content it is made aware of that
13 includes suspected CSEM and endeavors to prevent the re-upload of such content
14 by, among other things, comparing subsequent content sought to be uploaded
15 against databases of previously removed and fingerprinted content.

16 150. Defendants lack knowledge or information sufficient to form a belief
17 regarding the truth of the matters alleged.

18 151. Denied.

19 152. Denied.

20 153. The allegations of Paragraph 153 state legal conclusions and therefore do
21 not require a response. To the extent a response is required, the allegations of
22 Paragraph 153 are denied.

23 **ANSWER TO CLASS ACTION ALLEGATIONS**

24 154. Defendants admit that Plaintiff purports to being a class action and that
25 Plaintiff purports to define the members in her purported class action. Defendants
26 deny that a class action is appropriate. Any remaining or inconsistent allegations are
27 denied.

1 155. Defendants admit that Plaintiff purports to being a class action and that
2 Plaintiff purports to define the members in her purported class action. Defendants
3 deny that a class action is appropriate. Any remaining or inconsistent allegations are
4 denied.

5 156. The allegations of Paragraph 156 state legal conclusions and therefore do
6 not require a response. To the extent a response is required, Defendants lack
7 knowledge or information sufficient to form a belief as to the truth of the matters
8 alleged.

9 157. The allegations of Paragraph 157 state legal conclusions and therefore do
10 not require a response. To the extent a response is required, the allegations of
11 Paragraph 157 are denied.

12 158. The allegations of Paragraph 158 state legal conclusions and therefore do
13 not require a response. To the extent a response is required, the allegations of
14 Paragraph 158 are denied.

15 159. The allegations of Paragraph 159 state legal conclusions and therefore do
16 not require a response. To the extent a response is required, the allegations of
17 Paragraph 159 are denied.

18 160. The allegations of Paragraph 160 state legal conclusions and therefore do
19 not require a response. To the extent a response is required, the allegations of
20 Paragraph 160 are denied.

21 **ANSWER TO FIRST CLAIM FOR RELIEF**

22 **Trafficking Victims Protection Act**

23 **18 U.S.C. §§ 1591, 1595**

24 161. Defendants incorporate by reference the preceding paragraphs of this
25 Answer as if fully set forth herein. By way of further response, all of Plaintiff's
26 claims should be dismissed for the reasons set forth in Defendants' Memorandum of
27 Points and Authorities in Support of Defendants' Motion to Dismiss the First

28

1 Amended Complaint with Prejudice (Dkt. # 45-1), their Reply Memorandum of
2 Points and Authorities in Support of Defendants' Motion to Dismiss the First
3 Amended Complaint and Response to Plaintiff's Objections to Request for Judicial
4 Notice (Dkt. #53) and in their Memorandum of Points and Authorities in Support of
5 Defendants' Motion for Reconsideration of the Order Denying Defendants' Motion
6 to Dismiss or, in the Alternative, for § 1292(b) Certification (Dkt. #73-1), as well as
7 the Reply Memorandum filed in support of that motion (Dkt. #77). Since Plaintiff
8 has not substantively amended her allegations in support of this claim, Defendants
9 are not burdening the Court with a renewed motion as to it. Rather, Defendants
10 incorporate by reference the reasons for dismissal set forth in the above-referenced
11 filings and preserve all rights to appeal from the Court's September 3, 2021 Order
12 Denying in Substantial Part Defendants' Motion to Dismiss Plaintiff's First
13 Amended Complaint (Dkt. #66) and otherwise relative to those arguments. Nothing
14 in this pleading should be construed as a waiver of such rights.

15 162. The allegations of Paragraph 162 state legal conclusions and therefore do
16 not require a response. To the extent a response is required, the allegations of
17 Paragraph 162 are denied.

18 163. Denied.

19 164. Denied.

20 165. Denied, except that Defendants admit that despite Pornhub's moderation
21 process, content violating Pornhub's terms of service, including suspected CSEM,
22 may make its way onto the website for public viewing. When content on Pornhub is
23 flagged, the content is immediately examined and suspended immediately if the
24 reviewer determines there is any risk that it might be potential CSEM. When
25 content on Pornhub is reported as suspected CSEM using a content removal form or
26 by a Trusted Flagger, and the report includes the URL, the content is automatically
27 disabled before it even reaches a reviewer. In both cases, an investigation follows,

1 which includes examination of the documentation on file from the uploader, and
2 possible requests for additional documents. If there is insufficient evidence to
3 demonstrate that the individual depicted in the content was 18 or older at the time
4 the content was produced, the content is permanently removed from the platform
5 and protocols for reporting and protecting against future uploads are engaged.

6 166. Denied.

7 167. Denied.

8 168. Denied.

9 169. Denied.

10 170. Denied.

11 171. The allegations of Paragraph 171 state legal conclusions and therefore do
12 not require a response. To the extent a response is required, the allegations of
13 Paragraph 171 are denied.

14
15 **ANSWER TO SECOND CLAIM FOR RELIEF**

16 **Receipt and Distribution of Child Pornography**

17 **18 U.S.C. § 2252A**

18 172. Defendants incorporate by reference the preceding paragraphs of this
19 Answer as if fully set forth herein.

20 173. Denied.

21 174. Denied.

22 175. The allegations of Paragraph 175 state legal conclusions and therefore do
23 not require a response. To the extent a response is required, the allegations of
24 Paragraph 175 are denied.

25 176. The allegations of Paragraph 176 state legal conclusions and therefore do
26 not require a response. To the extent a response is required, the allegations of
27 Paragraph 176 are denied.

1 177. The allegations of Paragraph 177 state legal conclusions and therefore do
2 not require a response. To the extent a response is required, the allegations of
3 Paragraph 177 are denied.

4 178. The allegations of Paragraph 178 state legal conclusions and therefore do
5 not require a response. To the extent a response is required, the allegations of
6 Paragraph 178 are denied.

7 **ANSWER TO THIRD CLAIM FOR RELIEF**

8 **Distribution of Private Sexually Explicit Materials, Cal. Civ. Code § 1708.85**

9 179. Defendants incorporate by reference the preceding paragraphs of this
10 Answer as if fully set forth herein.

11 180. Denied.

12 181. Defendants lack knowledge or information sufficient to form a belief as to
13 the truth of the matters alleged.

14 182. The allegations of Paragraph 182 state legal conclusions and therefore do
15 not require a response. To the extent a response is required, the allegations of
16 Paragraph 182 are denied.

17 183. Defendants lack knowledge or information sufficient to form a belief as to
18 the truth of the matters alleged.

19 184. The allegations of Paragraph 184 state legal conclusions and therefore do
20 not require a response. To the extent a response is required, the allegations of
21 Paragraph 184 are denied.

22 **ANSWER TO FOURTH CLAIM FOR RELIEF**

23 **Violation of California's Unfair Competition Law ("UCL")**

24 **Cal. Bus. & Prof. Code § 17200**

25 185. Defendants incorporate by reference the preceding paragraphs of this
26 Answer as if fully set forth herein.

1 186. The allegations of Paragraph 186 state legal conclusions and therefore do
2 not require a response. To the extent a response is required, the allegations of
3 Paragraph 186 are denied.

4 187. Denied.

5 188. Denied.

6 189. Denied.

7 190. The allegations of Paragraph 190 state legal conclusions and therefore do
8 not require a response. To the extent a response is required, the allegations of
9 Paragraph 190 are denied.

10 191. Defendants lack knowledge or information sufficient to form a belief as to
11 the truth of the matters alleged.

12 192. Denied.

13 193. Denied.

14 194. The allegations of Paragraph 194 state legal conclusions and therefore do
15 not require a response. To the extent a response is required, Defendants
16 acknowledge that Plaintiff is seeking restitution but deny that she is entitled to same.
17 Defendants deny that they are liable for any alleged injuries and that Plaintiff is in
18 any way entitled to damages or other relief. Any remaining or inconsistent
19 allegations are denied.

20 **ANSWER TO FIFTH CLAIM FOR RELIEF**

21 **Violation of California's Trafficking Victims Protection Act**

22 **Cal. Civ. Code § 52.5**

23 195. Defendants incorporate by reference the preceding paragraphs of this
24 Answer as if fully set forth herein.

25 196. The allegations of Paragraph 196 state legal conclusions and therefore do
26 not require a response. To the extent a response is required, the allegations of
27 Paragraph 196 are denied.

1 197. The allegations of Paragraph 197 state legal conclusions and therefore do
2 not require a response. To the extent a response is required, the allegations of
3 Paragraph 197 are denied.

4 198. Admitted insofar as MG Freesites Ltd operates websites that are available
5 all over the country, including in California. Any remaining or inconsistent
6 allegations are denied.

7 **ANSWER TO SIXTH CLAIM FOR RELIEF**

8 **Intentional Infliction of Emotional Distress**

9 199. Defendants incorporate by reference the preceding paragraphs of this
10 Answer as if fully set forth herein.

11 200. The allegations of Paragraph 200 state legal conclusions and therefore do
12 not require a response. To the extent a response is required, the allegations of
13 Paragraph 200 are denied.

14 201. The allegations of Paragraph 201 state legal conclusions and therefore do
15 not require a response. To the extent a response is required, the allegations of
16 Paragraph 201 are denied.

17 202. The allegations of Paragraph 202 state legal conclusions and therefore do
18 not require a response. To the extent a response is required, the allegations of
19 Paragraph 202 are denied.

20 203. The allegations of Paragraph 203 state legal conclusions and therefore do
21 not require a response. To the extent a response is required, the allegations of
22 Paragraph 203 are denied.

23 204. The allegations of Paragraph 204 state legal conclusions and therefore do
24 not require a response. To the extent a response is required, the allegations of
25 Paragraph 204 are denied.

1 **RESPONSE TO “PRAYER FOR RELIEF”**

2 Defendants deny that Plaintiff is entitled to the relief enumerated in the
3 “PRAYER FOR RELIEF”, including its subparts, or to any relief whatsoever.

4 **JURY DEMAND**

5 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure,
6 Defendants demand a trial by jury on all issues so triable.

7 **STATEMENT OF AFFIRMATIVE DEFENSES**

8 Defendants undertake the burden of proof only as to those defenses
9 deemed affirmative defenses by law, regardless of how such defenses are
10 denominated below. As and for its affirmative and other defenses, Defendants state
11 as follows:

12 **FIRST DEFENSE**

13 Plaintiff’s Third Amended Complaint fails to state facts sufficient to
14 constitute a claim or claims upon which relief can be granted against Defendants.

15 **SECOND DEFENSE**

16 Plaintiff’s claims against Defendants are barred, in whole or in part, by 47
17 U.S.C. § 230(c)(1) and (e)(3).

18 **THIRD DEFENSE**

19 Plaintiff’s claims against Defendants are barred, in whole or in part, by 47
20 U.S.C. § 230(c)(2).

21 **FOURTH DEFENSE**

22 Plaintiff’s claims against Defendants are barred, in whole or in part, by the
23 protections of the First and Fourteenth Amendments to the United States
24 Constitution and any freedom of speech protections afforded by the California
25 Constitution.

26 **FIFTH DEFENSE**

27 Plaintiff’s claims against Defendant are barred, in whole or in part, by the
28 doctrine of unclean hands.

1 **SIXTH DEFENSE**

2 Plaintiff's claims against Defendants are barred, in whole or in part, by the
3 failure to join one or more necessary parties.

4 **SEVENTH DEFENSE**

5 Plaintiff's claims against Defendants are barred, in whole or in part,
6 because any injuries Plaintiff suffered were not directly or proximately caused by
7 any act or omission by Defendants.

8 **EIGHTH DEFENSE**

9 Plaintiff is not entitled to relief because the injuries alleged, if any, were
10 caused by the intervening and/or unlawful acts of third parties.

11 **NINTH DEFENSE**

12 Plaintiff's claims against Defendants are barred, in whole or in part,
13 because the alleged acts or omissions were not committed by agents or employees of
14 Defendants or, to the extent Defendants' agents or employees did commit any of the
15 alleged acts or omissions, it was outside the scope of authority conferred by
16 Defendants and not ratified by Defendants.

17 **TENTH DEFENSE**

18 Plaintiff's claims against Defendants are barred, in whole or in part,
19 because any damage, loss, or liability alleged by Plaintiff must be reduced,
20 diminished, and/or barred in proportion to the wrongful or negligent conduct of
21 persons or entities other than Defendants, including third parties such as Plaintiff's
22 alleged traffickers, and others who may have published sexually explicit images of
23 Plaintiff, under the principles of proportionate responsibility, equitable allocation,
24 recoupment, set-off, and/or comparative fault.

25 **ELEVENTH DEFENSE**

26 Plaintiff's claims against Defendants are barred, in whole or in part, by the
27 applicable statute of limitations.

1 **TWELFTH DEFENSE**

2 Plaintiff's claims against Defendants are barred, in whole or in part, by the
3 doctrines of laches, waiver, or estoppel.

4 **THIRTEENTH DEFENSE**

5 None of MindGeek USA Inc., MindGeek S.à r.l., or 9219-1568 Quebec
6 Inc., operate, manage, maintain, supervise or control the day-to-day operations of
7 any website on which images of Plaintiff may have appeared, and therefore, are not
8 liable for the Plaintiff's alleged damages.

9 **FOURTEENTH DEFENSE**

10 MG Freesites II Ltd and MG Content RT Ltd have been dissolved and
11 their entire businesses were transferred to MG Freesites Ltd. Therefore, they are not
12 liable for the Plaintiff's alleged damages.

13 **FIFTEENTH DEFENSE**

14 Plaintiff's claims against Defendants fail to establish that any officer,
15 director, or managing agent of Defendants acted with malice, oppression, or fraud,
16 or directed, knew, or approved of an employee's malice, oppression, fraud, or duress
17 as required to justify the imposition of punitive damages under California Civil
18 Code sections 3294 or 52.5(b).

19 **SIXTEENTH DEFENSE**

20 Plaintiff's claims against Defendant fail to establish that Defendants acted
21 with intentional and outrageous conduct, as required to justify the imposition of
22 punitive damages under federal common law.

23 **SEVENTEENTH DEFENSE**

24 With respect to Plaintiff's claims for punitive damages, Defendants
25 specifically incorporate by reference any and all standards of limitation regarding
26 the determination and/or enforceability of punitive damage awards which arose in
27 the decisions of *BMW of No. America v. Gore*, 116 U.S. 1589 (1996); *Cooper*

1 *Industries, Inc. v. Leatherman Tool Group, Inc.*, 532 U.S. 424 (2001); *State Farm*
2 *Mut. Auto Ins. Co. v. Campbell*, 538 U.S. 438 (2003), and their progeny.

3 **EIGHTEENTH DEFENSE**

4 With respect to Plaintiff's claims for punitive damages, any such damages
5 claims are in violation of and are barred by the Constitution of the United States and
6 any relevant comparable state constitutional provisions, including but not limited to,
7 the Due-Process and Equal Protection Clauses contained in the Fifth and Fourteenth
8 Amendments; the Excessive Fines Clause of the Eighth Amendment; and the Tenth
9 Amendment.

10 **NINETEENTH DEFENSE**

11 Defendants intend to rely upon any additional defenses that become
12 available during the course of investigation and/or discovery and reserves the right
13 to amend its Answer to assert those defenses.

14 WHEREFORE, Defendants request that Plaintiff's Third Amended
15 Complaint be dismissed in its entirety with prejudice, that judgment be entered in
16 favor of Defendants, that Defendants be awarded costs and, to the extent provided
17 by law, attorneys' fee, and any such other relief as the Court may deem proper.

18 DATED: May 17, 2023

RESPECTFULLY SUBMITTED,

19 /s/ Kathleen N. Massey
20 KATHLEEN N. MASSEY (*admitted pro hac vice*)
21 DECHERT LLP

22 *Attorneys for Defendants*
23 MINDGEEK USA INCORPORATED,
24 MINDGEEK S.A.R.L., MG FREESITES LTD
25 (D/B/A PORNHUB), MG FREESITES II LTD, MG
26 CONTENT RT LIMITED, AND 9219- 1568
27 QUEBEC, INC. (D/B/A MINDGEEK)