

2019 WL 1373185 (Cal.Super.) (Trial Pleading)
Superior Court of California:
San Francisco County

Jane DOES #1 through #50, sex trafficking survivors, Plaintiffs,
v.
SALESFORCE, INC., a Delaware corporation and a California citizen, Defendant.

No. CGC-19-574770.
March 25, 2019.

Plaintiffs' Original Complaint for Damages (with Jury Demand), 1. Sex trafficking (Cal. Civ. Code s 52.5); 2. Negligence; 3. Negligence per se; 4. Gross Negligence; and 5. Civil Conspiracy., 6. Sex trafficking (Cal. Civ. Code s 52.5); 7. Negligence; 8. Negligence per se; 9. Gross Negligence; and 10. Civil Conspiracy.

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SUMMARY

1. Sex trafficking has hit epidemic proportions in our communities, and it has had a devastating effect on the victims and a crushing financial effect on our world.
2. The biggest forum of sex trafficking in the United States has undisputedly been the website Backpage.
3. The fight against Backpage and online sex trafficking gained prominence in 2008.

4. California was one of the early leaders in the public fight against Backpage and its executives. The California Legislature drafted and passed forward-thinking anti-trafficking legislation. Meanwhile, the Attorney General of California (at the time, Senator Kamala Harris) was fighting Backpage with lawsuits and arrests of Backpage executives.
5. By 2013, the fight had picked up momentum with 47 state attorneys general, including California's, coming together to recognize Backpage as the “hub of human trafficking” and recommending Backpage be shut down.
6. Despite the growing public outcry and efforts to shut down Backpage, Salesforce stepped in at the same time to help Backpage survive and even grow.
7. In public, including on Twitter, Salesforce boasted about fighting human trafficking using its data tools.
8. But behind closed doors, Salesforce's data tools were actually providing the backbone of Backpage's exponential growth.
9. Salesforce didn't just provide Backpage with a customer-ready version of its data and marketing tools. Salesforce designed and implemented a heavily customized enterprise database tailored for Backpage's operations, both locally and internationally.
- ✂ 10. With Salesforce's guidance, Backpage was able to use Salesforce's tools to market to new “users”—that is, pimps, johns, and traffickers—on three continents.
11. Backpage could also use Salesforce's custom tools to remarket to those pimps, johns, and traffickers who had been underusing its trafficking services.
12. It is inconceivable that the technologies used world-round to manage customer and marketing databases would be put to the immoral and illegal purposes engineered by Backpage and Salesforce.
13. It should not be our tax dollars, charities, and churches that carry the burden of the catastrophic harms and losses to sex trafficking survivors. That responsibility should fall to companies like Salesforce, that have facilitated and profited from sex trafficking.
14. Salesforce knew the scourge of sex trafficking because it sought publicity for trying to stop it. But at the same time, this publicly traded company was, in actuality, among the vilest of rogue companies, concerned only with their bottom line.

15. And human beings—many more than just these 50—were raped and abused because of it.

JURISDICTION & VENUE

16. Venue is proper in this Court pursuant to California Code of Civil Procedure section 395(a) because Salesforce resides in the County of San Francisco.

17. The Jane Does' damages are in excess of the minimum jurisdictional limits of this Court.

THE PARTIES

18. Jane Doe #1 is a natural person who is a resident and citizen of Sacramento, California.

19. Jane Doe #2 is a natural person who is a resident and citizen of Cincinnati, Ohio.

20. Jane Doe #3 is a natural person who is a resident and citizen of Livingston, California.

21. Jane Doe #4 is a natural person who is a resident and citizen of Baltimore, Maryland.

22. Jane Doe #5 is a natural person who is a resident and citizen of Cincinnati, Ohio.

23. Jane Doe #6 is a natural person who is a resident and citizen of Pittsburg, California.

24. Jane Doe #7 is a natural person who is a resident and citizen of Orange, Texas.

25. Jane Doe #8 is a natural person who is a resident and citizen of Milwaukee, Wisconsin.

26. Jane Doe #9 is a natural person who is a resident and citizen of Danville, Illinois.

27. Jane Doe #10 is a natural person who is a resident and citizen of Kansas City Missouri.

28. Jane Doe #11 is a natural person who is a resident and citizen of Kannapolis, North Carolina.

29. Jane Doe #12 is a natural person who is a resident and citizen of Baltimore, Maryland.

30. Jane Doe #13 is a natural person who is a resident and citizen of Fresno, California.

31. Jane Doe #14 is a natural person who is a resident and citizen of Seattle, Washington.

32. Jane Doe #15 is a natural person who is a resident and citizen of Anchorage, Alaska.
33. Jane Doe #16 is a natural person who is a resident and citizen of Apple Valley, California.
34. Jane Doe #17 is a natural person who is a resident and citizen of St. Johnsbury, Vermont.
35. Jane Doe #18 is a natural person who is a resident and citizen of Seattle, Washington.
36. Jane Doe #19 is a natural person who is a resident and citizen of Seattle, Washington.
37. Jane Doe #20 is a natural person who is a resident and citizen of Lithonia, Georgia.
38. Jane Doe #21 is a natural person who is a resident and citizen of Camden, North Carolina.
39. Jane Doe #22 is a natural person who is a resident and citizen of Rochester, New York.
40. Jane Doe #23 is a natural person who is a resident and citizen of Phoenix, Arizona.
41. Jane Doe #24 is a natural person who is a resident and citizen of Longview, Washington.
42. Jane Doe #25 is a natural person who is a resident and citizen of Chicago, Illinois.
43. Jane Doe #26 is a natural person who is a resident and citizen of New Orleans, Louisiana.
44. Jane Doe #27 is a natural person who is a resident and citizen of Martinez, California.
45. Jane Doe #28 is a natural person who is a resident and citizen of Antioch, California.
46. Jane Doe #29 is a natural person who is a resident and citizen of Milwaukee, Wisconsin.
47. Jane Doe #30 is a natural person who is a resident and citizen of Reading, Pennsylvania.
48. Jane Doe #31 is a natural person who is a resident and citizen of Bangor, Maine.
49. Jane Doe #32 is a natural person who is a resident and citizen of Minneapolis, Minnesota.
50. Jane Doe #33 is a natural person who is a resident and citizen of Coweta, Oklahoma.
51. Jane Doe #34 is a natural person who is a resident and citizen of Staten Island, New York.

52. Jane Doe #35 is a natural person who is a resident and citizen of Minneapolis, Minnesota.
53. Jane Doe #36 is a natural person who is a resident and citizen of Hamilton, New Jersey.
54. Jane Doe #37 is a natural person who is a resident and citizen of Jacksonville, Florida.
55. Jane Doe #38 is a natural person who is a resident and citizen of Athens, Georgia.
56. Jane Doe #39 is a natural person who is a resident and citizen of Neenah, Wisconsin.
57. Jane Doe #40 is a natural person who is a resident and citizen of Bakersfield, California.
58. Jane Doe #41 is a natural person who is a resident and citizen of Annandale, Virginia.
59. Jane Doe #42 is a natural person who is a resident and citizen of Pittsburg, California.
60. Jane Doe #43 is a natural person who is a resident and citizen of North Jackson, Ohio.
61. Jane Doe #44 is a natural person who is a resident and citizen of Yakima, Washington.
62. Jane Doe #45 is a natural person who is a resident and citizen of Penrose, California.
63. Jane Doe #46 is a natural person who is a resident and citizen of Cambridge, Minnesota.
64. Jane Doe #47 is a natural person who is a resident and citizen of Saco, Maine.
65. Jane Doe #48 is a natural person who is a resident and citizen of Valdosta, Georgia.
66. Jane Doe #49 is a natural person who is a resident and citizen of Portland, Oregon.
67. Jane Doe #50 is a natural person who is a resident and citizen of Cleveland, Ohio.
68. Jane Does #1 through #50 are referred to jointly as the “Jane Does.”
69. The Jane Does prosecute this action under fictitious names for good cause. (*See Doe v. Sup. Ct.* (2d Dist. 2011) 194 Cal.App.4th 750, 752-53.)
70. For example, identification of the Jane Does may create a risk of retaliatory physical or mental harm. (*Doe v. Lincoln Unified Sch. Dist.* (1st Dist. 2010) 188 Cal.App.4th 758, 766-67.)

71. Anonymity of the Jane Does is also necessary to protect privacy for the sensitive and highly personal matters as they relate to the Jane Does. (*Id.*)
72. The Jane Does' need for anonymity outweighs the prejudice, if any, to opposing parties. (*Id.*)
73. The Jane Does' need for anonymity outweighs the public's interest in knowing her identity. (*Id.*)
74. Salesforce.com, Inc. (“Salesforce”) is a foreign corporation organized under the laws of Delaware.
75. Salesforce maintains its headquarters and principal place of business in the County of San Francisco, California.
76. Salesforce is a citizen of both Delaware and California.
77. Salesforce has designated its principal executive office in California as within the County of San Francisco, California.
78. Salesforce may be served by serving its registered agent for service of process, **CT Corporation, 818 West Seventh St., Ste. 930, Los Angeles, CA 90017**, or by any other method authorized by law.

FACTS

A. Sex trafficking has hit epidemic proportions in the United States.

79. The horrific crime of human trafficking and sexual exploitation generates billions of dollars each year in illegal proceeds, making it more profitable than any transnational crime except drug trafficking. (U.S. DEPT. OF HOMELAND SECURITY, What is Human Trafficking, <https://www.dhs.gov/blue-campaign/what-human-trafficking> (last accessed Mar. 24, 2019).)
80. Estimates are that in 2016 there were as many as 40.3 million victims of human trafficking and sexual exploitation worldwide—including 4.8 million people trapped in sexual exploitation. INT'L LABOUR OFFICE, *Global estimates of modern slavery: Forced labour and forced marriage*, at 9, 38 (available at https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms_575479.pdf).

81. In passing the Californians Against Sexual Exploitation Act, Proposition 35 (2012) recognized there were over 300,000 American children at risk of commercial exploitation, that most entered the sex trade at 12 to 14 years old, and that some victims may be trafficked as young four years old.

B. Backpage was the biggest and most notorious sex trafficking website in the United States.

82. With the help of online advertising, pimps and traffickers can maximize profits, evade law enforcement detection, and maintain control of victims by transporting them quickly between locations.

83. Online advertising has transformed the commercial sex trade, and in the process, has contributed to the explosion of domestic sex trafficking.

84. Sex trafficking previously took place (and continues to through the aid of online advertising) on the streets, casinos, truck stops, and in other physical locations. Now, most sex trafficking, including the trafficking of the Jane Does, is facilitated online.

85. Backpage was the leading online marketplace for commercial sex and sex trafficking.

86. The National Association of Attorneys General aptly described Backpage as a “hub” of “human trafficking, especially the trafficking of minors.”

C. The Jane Does were sexually exploited and trafficked through Backpage.

87. Each Jane Doe was sexually exploited through the use of Backpage.

88. Traffickers, pimps, and johns all communicated with one another on Backpage.

89. Through ads posted on Backpage by pimps and traffickers, the Jane Does were caused by any means into sex trafficking and sexual exploitation and suffered as well as continue to suffer significant harms and losses as a result.

D. Salesforce steps in to help build Backpage.

90. As Backpage's user levels stalled in 2013, Backpage set its sights on growth. Enter Salesforce.

91. In December 2013, Salesforce took on Backpage as a client and helped Backpage thrive and operate on a much larger scale than ever before.

92. While Backpage had the idea on how to make millions of dollars trafficking victims and promoting prostitution, it did not have the ability to put its online marketing and advertising platform into action without operational and marketing support and guidance.

93. Backpage needed operational support through a customer relationship management (“CRM”) to help maximize not only customer acquisition and retention, but marketing strategies to those customers as well.

94. Salesforce advertises itself as a company that can drive business growth through the use of customer relationship management, market, service, analytics, and other support applications and technology.

95. Salesforce often has referred to its services as offering a complete “architecture that empowers every business” for the businesses it enters ventures with. (Product Habits, How Salesforce Built a \$10 Billion Empire from a CRM, <https://producthabits.com/salesforce-built-10-billion-empire-crm/> (last accessed Mar. 18, 2019)).

96. The Salesforce CRM platform, which is designed and administered by Salesforce, has the goal of “find new customers, win their business, and keep them happy and grow your business faster.” (Salesforce, CRM 101, What is CRM?, <https://www.salesforce.com/crm/what-is-crm/> (last accessed Mar. 18, 2019)).

97. Salesforce boasts that using its services and CRM has proven track record of increasing business:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

98. CRM, or Customer Relationship Management, is a type of software developed and utilized by Salesforce to drive the growth of the companies it has contracts and ventures with by providing operational support.

99. Publicly, Salesforce took credit for using its CRM to help fight human trafficking:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

100. Behind the scenes, however, Salesforce kept taking Backpage's money and supporting it with the CRM database of pimps, johns, and traffickers that Backpage needed to operate:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

101. Salesforce's CRM successfully provided the following tools to Backpage, leading to Backpage's exponential growth:

- Creating custom SMS platforms for Backpage to contact and procure customers;
- Creating a custom data deduplication tool for Backpage's use;
- Creating a custom API to Backpage's servers;
- Creating a custom PPI for Backpage's payment systems;
- ✓ • Identifying and categorizing sales opportunities to traffickers and pimps for Backpage;
- ✗ • Identifying and increasing referrals from existing traffickers and pimps using Backpage by creating cross-selling and upselling opportunities;
- ✗ • Managing marketing campaigns to traffickers and pimps for Backpage;
- ✗ • Managing trafficker and pimp histories of Backpage including their previous history with Backpage, any outstanding customer issues, and more;
- Gathering and managing information from Backpage's traffickers' and pimps' public social media activity, including but not limited to their likes and dislikes and what they are saying and sharing about Backpage and its competitors;
- ✗ • Providing and managing Backpage's trafficker and pimp database as well as tracking and collecting trafficker and john data across multiple platforms including phone, email, and social media;
- ✗ • Collecting and managing traffickers' and pimps' data across multiple sources and channels and using this information to promote Backpage;
- ✗ • Automatically generating insights into traffickers' and pimps' purchasing habits to help Backpage understand the traffickers and johns better and predicting how they will feel and act so Backpage could prepare the right outreach;

109. Salesforce succeeded, and sex trafficking has exploded as a result of the internet marketplace for sexual assault and exploitation growing at an exponential rate.

110. Backpage posted huge profits with the knowledge, skills, and assistance of Salesforce, who also reaped profits from its own participation in this venture.

FIRST CAUSE OF ACTION—SEX TRAFFICKING

111. The Jane Does incorporate all other allegations.

112. At all relevant times, the Jane Does were and are victims within the meaning of California Civil Code section 52.5(a) and California Penal Code section 236.1.

113. At all relevant times, Salesforce was and is a person within the meaning of California Penal Code section 236.1(a)-(c).

114. Salesforce acted with Backpage to deprive and violate the personal liberty of the Jane Does.

115. The Jane Does were forced, coerced, and made victims of sex trafficking by means of force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to themselves and others, including family members.

116. Salesforce committed acts at issue with malice, oppression, fraud, and duress. CAL. CIV. CODE § 52.5(b); CAL. PENAL CODE § 236.1(h).

117. Salesforce's CTVPA violations were a direct, producing, and proximate cause of the injuries and damages to the Jane Does.

SECOND CAUSE OF ACTION—NEGLIGENCE

118. The Jane Does incorporate all other allegations.

119. Salesforce had a duty to the general public and to persons affected by its products, including the Jane Does, to take reasonable steps to protect them from the foreseeable dangers of its products.

120. Salesforce failed to exercise ordinary care as would a reasonably prudent entity under the same circumstances.

121. Salesforce was also negligent in one or more of the following, non-exclusive particulars:

a. Failure to monitor for and safeguard from the use of its platform for illegal activities, including sex trafficking;

b. Providing services to enable and further criminal activity, including sex trafficking;

c. Failure to set forth guidelines to ensure the legal and safe use of its CRM platforms and other services;

d. Failing to monitor its customer base to identify participation in an illegal venture;

e. Allowing, permitting, and encouraging the use of its platform for the exploitation of sex trafficking victims.

122. Salesforce's negligent actions proximately caused legal injuries to the Jane Does.

123. Each of Salesforce's negligent acts and omissions, singularly or collectively, constituted negligence and proximately caused legal injuries to the Jane Does.

THIRD CAUSE OF ACTION—NEGLIGENCE PER SE

124. The Jane Does incorporate all other allegations.

125. Salesforce's acts and omissions violated various provisions of California law, including the CTVPA.

126. Salesforce's failure to comply with the standard of care set forth in these laws constitutes negligence per se.

127. Each of Salesforce's negligent acts and omissions, singularly or collectively, constituted negligence per se and proximately caused legal injuries to the Jane Does.

FOURTH CAUSE OF ACTION—GROSS NEGLIGENCE

128. The Jane Does incorporate all other allegations.

129. Salesforce's acts and omissions constitute gross neglect.

130. Viewed objectively from the standpoint of Salesforce at the time of the incidents, Salesforce's acts and omissions involved an extreme degree of risk, considering the probability and magnitude of the potential harm to the Jane Does.

131. Salesforce nevertheless evidenced conscious indifference to the rights, safety, or welfare of others, including the Jane Does.

132. As a result of Salesforce's gross neglect, the Jane Does were exposed to and did sustain serious and grievous personal injury.

133. Each of Salesforce's negligent acts and omissions, singularly or collectively, constituted gross negligence and proximately caused legal injuries to the Jane Does.

134. Exemplary damages are warranted for Salesforce's gross negligence.

FIFTH CAUSE OF ACTION—CIVIL CONSPIRACY

135. The Jane Does incorporate all other allegations.

136. Salesforce entered into a civil conspiracy with Backpage.

137. The conspiracy accomplished an unlawful purpose by unlawful means, including but not limited to, promoting and assisting human traffickers' sexual exploitation of minors, including but not limited to the Jane Does.

138. Salesforce and Backpage had a meeting of the minds on the object of the conspiracy and its course of action.

139. At least one or more of Salesforce and Backpage committed one or more unlawful, overt acts to further the conspiracy.

140. The Jane Does suffered injury and damages as a direct and proximate result of Salesforce's wrongful acts.

141. This civil conspiracy and Salesforce's individual, predicate misconduct, wrongful acts, and omissions, were a direct, producing, and proximate cause of the injuries and damages to the Jane Does.

142. This civil conspiracy and Salesforce's individual, predicate misconduct, wrongful acts, and omissions, were a substantial factor in bringing about the injury and damages to the Jane Does.

143. Without this civil conspiracy, and Salesforce's individual, predicate misconduct, wrongful acts, and omissions, the injury and damages would not have occurred.

144. A person of ordinary intelligence in Salesforce's position would have foreseen the damages resulting from this civil conspiracy and from Salesforce's individual, predicate misconduct, wrongful acts, and omissions.

DAMAGES

145. Salesforce's acts and omissions, individually and collectively, caused each Jane Doe to sustain legal damages.

146. The Jane Does are entitled to be compensated for all personal injuries and economic damages allowed under the CTVPA, including:

- a. Actual damages;
- b. Compensatory damages;
- c. Punitive damages;
- d. Attorneys' fees and costs; and
- e. Treble damages.

147. The Jane Does are entitled to be compensated for personal injuries and economic damages allowed under law, including:

- a. Actual damages;
- b. Direct damages;
- c. Incidental and consequential damages;
- d. Unjust enrichment damages;

- e. Mental anguish and emotional distress damages (until trial and in the future);
- f. Necessary medical expenses (until trial and in the future);
- g. Physical pain and suffering (until trial and in the future);
- h. Physical impairment (until trial and in the future);
- i. Disfigurement (until trial and in the future); and
- j. Mental anguish (until trial and in the future).

148. The Jane Does are entitled to exemplary damages.

149. The Jane Does are entitled to treble damages.

150. The Jane Does are entitled to recover attorneys' fees and costs of court.

151. The Jane Does are entitled to pre- and post-judgment interest at the maximum legal rates.

JURY DEMAND

152. The Jane Does demand a trial by jury.

RELIEF SOUGHT

153. Wherefore, the Jane Does pray for judgment against Salesforce as follows:

- a. For a judgment finding Salesforce liable damages and violations of law as set forth herein;
- b. For a judgment awarding the Jane Does attorneys' fees and costs;
- c. For a judgment awarding the Jane Does pre- and post-judgment interest at the highest rates allowed by law; and
- d. For all such other and further relief as may be necessary and appropriate.

Date: *March 25, 2019*

Respectfully submitted,

ANNIE MCADAMS, PC

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By: <<signature>>

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