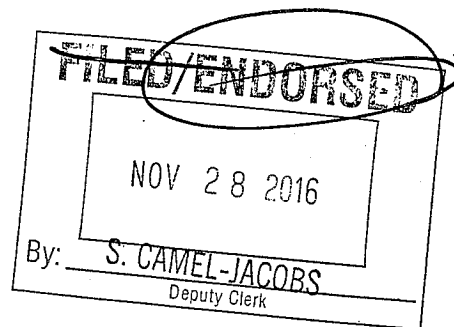


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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SACRAMENTO
12

13 **PEOPLE OF THE STATE OF CALIFORNIA,**
14
15 Plaintiffs,
16 v.
17 **CARL FERRER,**
18 **MICHAEL LACEY,**
19 **JAMES LARKIN,**
20 Defendants.

Case No. 16FE019224

**PEOPLE'S SUPPLEMENTAL BRIEF IN
OPPOSITION TO DEFENDANTS'
DEMURRER TO FELONY COMPLAINT**

Date: December 9, 2016
Time: 1:30 p.m.
Dept.: 61
Judge: The Honorable Michael G. Bowman

21
22 **I. INTRODUCTION**

23 The Communications Decency Act (CDA) 47U.S.C. §230 is not a flat bar to any criminal
24 prosecution involving a website and by its own terms, does not apply to the enforcement of consistent
25 state law. Indeed, it would be ludicrous to expect that a defendant who designed and profited from a
26 website wholly dedicated to an illegal and dangerous purpose would not be subject to prosecution just
27 because a website was his or her means of carrying out the crime. A defendant could create a site
28 exclusively for selling narcotics, or stolen property, or soliciting murder for that matter. Prosecuting

1 these sorts of crimes is not inconsistent with federal law, but instrumental to the State's police powers.
2 The criminal culpability of such a defendant rests on multiple factors such as his or her knowledge and
3 intent, whether the defendant was merely a neutral publisher or affirmatively contributed to the illegal
4 conduct, and whether the defendant created some or all of the content that aided in carrying out the
5 crime. The People maintain that a preliminary hearing, and not a demurrer, is the appropriate avenue to
6 establish such facts and show why these Defendants are not entitled to CDA defense. However, based
7 on the Court's tentative ruling and comments during argument, the People proffer some of the evidence
8 that we intend to present at the preliminary hearing.

9 Defendants created two websites called Evil Empire and Big City. Defendants specifically
10 selected and manipulated photos and data from Backpage Escort ads to create new profiles for victims.
11 The evidence will show that the victims listed in counts 2 through 6 and 9 through 10 were all direct
12 victims of this manipulative and deceitful practice and that none of the victims were aware that
13 Defendants were manipulating their photographs and information to create Defendants' Evil Empire and
14 Big City websites. Defendants developed these sites to further their illegal purposes by both eliminating
15 competition and deceiving companies that would not do business with Backpage because of the illegal
16 nature of their ads.

17 Defendants' actions in exploiting the victims' likenesses and information not only constituted the
18 creation and development of content, but also violated the victims' rights of publicity. Intellectual
19 property violations, which include violations of the right to publicity, are expressly and separately
20 outside the scope of the CDA. Those very violations were also the means, in part, by which Defendants
21 committed the conspiracy and perpetrated the other charged crimes.

22 Aside and separate from Defendants' actions in developing content, the People reiterate that the
23 CDA does not immunize Defendants from state criminal prosecution and disagree with the Court's
24 characterization of Defendants as publishers. The People seek to hold Defendants responsible for their
25 own misconduct, not for others' speech. This is not a case against Backpage, a website; it is a case
26 against three individual defendants who used multiple platforms to commercially sexually exploit
27 vulnerable women and children. That is the core of the People's prosecution; and nothing in the CDA
28 was intended to preclude the People from proving that case.

II. DEFENDANTS CREATED AND DEVELOPED CONTENT IN WHOLE OR IN PART, PLACING THEM OUTSIDE THE CDA'S PROTECTION

As the Court stated in its tentative ruling, "The case law is clear that, immunity is removed when the service provider affirmatively acts to create the offensive conduct." The People intend to prove that Defendants did just that.

The only California criminal case that operates as controlling authority on what constitutes content development under the CDA is *People v. Bollaert* (2016) 248 Cal.App.4th 699. There, the Court of Appeal determined that a website administrator had created content, and therefore fell outside the scope of the CDA, when he required his site's users to answer a series of questions with damaging content, including full names and nude photographs, in order to create accounts. *Bollaert* held that the defendant's "actions were not neutral, but rather materially contributed to the illegality of the content and the privacy invasions suffered by the victims. In that way, he developed in part the content, taking him outside the scope of CDA immunity." (*Id.* at p. 721.)

Notably, the *Bollaert* court did not suggest that these were the only ways to create or develop content. To the contrary, *Bollaert* relied heavily on the Ninth Circuit's decision in *Fair Housing Council of San Fernando Valley v. Roommates.Com* ("Roommates") (9th Cir. 2008) 521 F.3d 1157. (See *Bollaert*, *supra*, 248 Cal.App.4th at pp. 718-722.) *Roommates* recognized that a website operator can be both a service provider and a content provider. If the operator passively displays content created by third parties, then it is only a service provider with respect to that content. "But as to content that it creates itself, or is 'responsible, in whole or in part' for creating or developing, the website is also a content provider." (*Roommates*, *supra*, 521 F.3d at p. 1162.) According to the Ninth Circuit, "development" requires an act that "contributes materially to the alleged illegality of the conduct." (*Id.* at p. 1168.) By way of example, "a website operator who edits in a manner that contributes to the alleged illegality—such as by removing the word 'not' from a user's message reading '[Name] did not steal the artwork' in order to transform an innocent message into a libelous one—is directly involved in the alleged illegality and thus not immune." (*Ibid.*) Even if a website's data was originally supplied by third parties, the website may still contribute to the illegality alleged and therefore be liable as a developer. (*Id.* at p. 1171.)

1 Similar to *Bollaert* and *Roommates*, the evidence will show that Defendants created and
2 developed content on Big City and Evil Empire because they contributed materially to the alleged
3 illegality of the conduct. Defendants' pimping involved the deliberate manipulation of the victims'
4 content on Evil Empire and Big City to ensure Defendants' continuous profit from and domination of
5 the online market for prostitution-related ads. Defendants' creation of Evil Empire and Big City served
6 this purpose in different ways.

7 Defendants created Evil Empire to improve Backpage.com's search results and thereby increase
8 their prostitution-related revenue. Defendants selected specific content from victims' Backpage.com
9 Escort ads and created Evil Empire listings. (See declaration of Bassem Banafa, attached as Exhibit 1,
10 and hereby incorporated by reference.) Defendants developed the content so that Evil Empire would
11 rank highly among search results for escorts' phone numbers (numbers that were often listed on
12 prostitution review sites), and they marketed the site as an "Escort Phone Number Directory." Potential
13 buyers could contact the "escorts" directly via the Evil Empire listed phone number, but Defendants also
14 added links of the victims' Backpage.com ads to the Evil Empire listings. Defendants understood that
15 adding the links would improve Backpage.com search results, increase revenue and dominate any
16 competitors. (See Exhibit 1; see email from Backpage Information Systems Manager attached as
17 Exhibit 2 and hereby incorporated by reference; see also *Huon v. Denton* (7th Cir., Nov. 14, 2016, No.
18 15-3049) 2016 WL 6682931, at *6 ["Critically, the complaint hints at why [defendant's] employees
19 might have anonymously authored comments, alleging that increasing the defamatory nature of
20 comments can increase traffic to [defendant's] websites, which can in turn enhance the attractiveness of
21 [defendant's] commenting system for prospective advertisers"].)

22 Defendants created Big City to expand Backpage's share of the online commercial sex market
23 over its competitors and thereby increase Defendants' pimping profits. As with Evil Empire,
24 Defendants created Big City profiles by manipulating content from Backpage Escort ads. But in
25 contrast to Evil Empire, Defendants tried to keep Big City clean of direct links to Backpage for several
26 reasons. First, Defendants learned that people were beginning to use mobile dating apps to engage in
27 prostitution. (See Exhibit 1.) To retain Backpage's market share, Defendants planned to pitch Big City
28 as a dating site to Backpage.com Escort users. (See email from Carl Ferrer to Joe Kaiping attached as

1 Exhibit 3 and hereby incorporated by reference.) Defendants “pre-populated” Big City profiles with
2 victims’ likenesses and information taken from Backpage.com Escort ads. (See email string between
3 Carl Ferrer and Backpage employees attached as Exhibit 4 and hereby incorporated by reference.)
4 Defendants hoped, however, to eventually build a “real” user base. (See Big City log-in screen attached
5 as Exhibit 5 and hereby incorporated by reference. [Big City admin view shows button for “Real Users”,
6 as well as button to “Edit” profiles].) They created a mobile app version of Big City, developing
7 prostitution-related features with “keywords like ‘Late Night Special.’” And although potential buyers
8 could initiate contact via the phone number in the profile, Defendants also encouraged the use of a
9 “chat” feature “to allow Backpage users to communicate anonymously.” (See chart of Big City app
10 features attached as Exhibit 6 and hereby incorporated by reference; see email from Carl Ferrer to
11 Joe@backpage.com attached as Exhibit 7 and hereby incorporated by reference.) But when Defendants
12 submitted the Big City app for the App Store’s approval, Defendants chose to submit the app under a
13 “separate company” because they were concerned Apple would “not take Backpage.com LLC due to
14 content.” (See Exhibit 1.) Defendants were right; the App Store initially rejected the Big City app
15 because it contained “user-generated content that is frequently sexually explicit.” Backpage’s
16 developers who created Big City did not find this rejection “too surprising,” in part of course because
17 they generated the content – not real users. (See email string between Tom@bigcity and Carl Ferrer
18 attached as Exhibit 8 and hereby incorporated by reference.)

19 These actions constituted more than the mere reposting of information with “slight”
20 modifications. (Cf. *Doe v. Friendfinder* (D. N.H. 2008) 540 F.Supp.2d 288, 297 [change in person’s age
21 held to be slight].) For instance, many of the original ads contained a text “disclaimer” that the users’
22 requested “donations” were for companionship and not prostitution; the defendants deleted those
23 statements along with all other text in the Evil Empire and Big City ads. In creating Big City,
24 Defendants sought to expand their pool of potential customers by creating a site that would seem like an
25 innocuous “dating” service, unrelated to prostitution. These customers would eventually encounter the
26 real people behind Backpage’s misappropriated content who had only offered the euphemistically titled
27 “Escort” services from which Defendants would derive their profits. Defendants thus transformed the
28 content they appropriated from Backpage for Big City, changing ads that proposed an overtly financial

1 transaction to “dating” profiles. This stripping of content was intended to conceal the illegal nature of
2 the original ads, so that Backpage could reach a new market through the App Store – thus increasing
3 market exposure for the Backpage postings, increasing the exploitation of underage or trafficked
4 Backpage users, and increasing Defendants’ profits. In some circumstances, the mere deletion of
5 offensive terms by a legitimate internet service provider may be nothing more than a typical editorial or
6 publishing function, protected under the CDA, see *Roommates*, 521 F.3d at p. 1168. Here, however, the
7 People will prove that Defendants altered victims’ ads with the specific intent to further Defendants’
8 conspiracy to pimp. This intention is plain, for instance, where Backpage’s Operations Manager
9 instructed Big City moderators what to do with profiles that explicitly offered sex acts for money. Big
10 City moderators were told, “Rates can be listed if sex acts are not; sex acts can be described if rates are
11 not attached. The two, however, should never appear together.” Moderators were also told to only
12 remove images of “unquestionable” minors. (See email from Andrew Padilla, Operations Manager of
13 Backpage to employees explaining moderation rules, attached as Exhibit 9 and hereby incorporated by
14 reference.) Such moderation did not eliminate illegal conduct, it furthered it by deliberately attempting
15 to conceal the illegality, while still collecting money, manipulating the posting, and continuing the
16 lucrative pimping cycle.

17 Take for example the ads of one child victim, Z.G. (count 6). Her Backpage ad mentions a
18 “donation” for her time, and it was posted in the Escort section; regardless of Defendants’ claims that all
19 escorts are not offering to have sex in exchange for money, all escorts would expect money in exchange
20 for their time, as Z.G. stated in her ad. But Defendants materially changed her message on Big City by
21 removing all of the text, including her mention of a donation. Equally important, Defendants promoted
22 Big City as a “dating site.” A common-sense understanding of “dating” does not include or anticipate
23 the exchange of money for one’s time. As discussed above, by attempting to brand Big City as a dating
24 site, Defendants sought to maneuver around the roadblocks that stymied them as a prostitution site. The
25 clear goal was to increase their profits, but in so doing, they created content by materially altering the
26 meaning of Z.G.’s ad, without her knowledge.

27 In addition, Defendants’ acts of placing the photos on the websites constituted an implied false
28 endorsement of the Evil Empire and Big City sites by the Backpage users whose images were

1 appropriated. As a result, Defendants' conduct transformed and altered content that the Backpage users
2 had created. (See, e.g., *Fraley v. Facebook, Inc.* (N.D.Cal. 2011) 830 F.Supp.2d 785, 801-803
3 [allegation that Facebook placed members' names, photos, and assertion they "liked" certain advertisers
4 on other members' pages constituted creation and development of commercial content, violating
5 statutory right of publicity and not immune under CDA]; *Perkins v. LinkedIn Corp.* (N.D.Cal. 2014) 53
6 F.Supp.3d 1222, 1247 [LinkedIn developed content when it sent reminder emails to recipients using
7 plaintiffs' likenesses as personalized endorsements].) But even aside from this implied endorsement,
8 Defendants created content based on the transformative nature of the Evil Empire and Big City ads
9 compared to the original Backpage ads.

10 Defendants bear responsibility for the creation and development of this new content on Big City
11 and Evil Empire. In a similar fashion, the CDA did not protect Yahoo when it allegedly sent "profiles of
12 actual, legitimate former subscribers whose subscriptions had expired and who were no longer members
13 of the [dating] service, to current members of the service"; the court found that because "Yahoo!'s
14 manner of presenting the profiles—not the underlying profiles themselves—constitute[d] fraud," the
15 CDA did not apply. (See *Anthony v. Yahoo Inc.* (N.D. Cal. 2006) 421 F.Supp.2d 1257, 1263.) Here,
16 Defendants' manner of creating and presenting Evil Empire and Big City constitutes a material part of
17 their conspiracy to pimp. Defendants knowingly and repeatedly accepted the victims' prostitution
18 earnings. In turn, Defendants used the earnings and content they received from the victims to create
19 sites like Evil Empire.com. Defendants designed such sites to draw customers away from Backpage's
20 competitors and increase and expand their own pimping operation. The primary purpose of Evil Empire
21 was not to host third-party content. Instead, Defendants created Evil Empire and developed the content
22 on it to increase Backpage's dominance as an online brothel, enabling them to monopolize the market
23 and charge increased fees. The victims' prostitution earnings and misappropriated likenesses enabled
24 Defendants to do so; said differently, Defendants knowingly derived support from the victims'
25 prostitution earnings.

26 Finally, taken together, the evidence of content creation furthers an additional basis on which
27 liability remains, notwithstanding the CDA: Defendants actively induced commercial sex, a crime,
28 through their business plan to attract ads for prostitution. (See *Huon v. Denton supra* – F.3d – [2016

1 WL 6682931, at *6] [Under the CDA, “[a] company can, however, be liable for creating and posting,
2 inducing another to post, or otherwise actively participating in the posting of a defamatory statement in a
3 forum that that company maintains”].) Here, Defendants “induced” prostitutes and pimps to post illegal
4 advertisements, by creating a service that was wholly intended to attract such ads. Unlike the websites
5 in other CDA cases, the People will show that the Defendants’ website was not neutrally designed to
6 attract legal and illegal ads alike. Instead, Defendants’ core commercial plan was to intentionally
7 design Backpage to make it useful to prostitutes and pimps in particular; their business model was to
8 make money by inducing such posts. And they succeeded – the prosecution’s investigation revealed
9 strong evidence that those seeking services on the website were solely seeking illegal services; they
10 knew they could do so, because those offering services through posted ads were exclusively offering
11 illegal services. To the extent that Backpage has been successful in claiming CDA protection in the past,
12 the defendants have not faced a prosecution where an extensive criminal investigation has revealed
13 overwhelming evidence of both knowledge and content creation.

14 **III. DEFENDANTS VIOLATED THE VICTIMS’ INTELLECTUAL**
15 **PROPERTY RIGHTS TO FURTHER THE CONSPIRACY TO PIMP,**
16 **THEREBY LOSING ANY CDA PROTECTION**

17 Separate and aside from the question of content creation, the CDA does not apply because
18 Defendants violated the victims’ rights of publicity. Those rights are expressly exempted from the reach
19 of the CDA. Moreover, it was through the violation of those rights that Defendants furthered the
20 pimping and the underlying conspiracy.

21 The preemption provisions of the CDA specifically provide that nothing in that law “shall be
22 construed to limit or expand any law pertaining to intellectual property.” (47 U.S.C. § 230(e)(2).)
23 “[T]here appears to be no dispute that the right of publicity is a type of intellectual property right.”
24 (*Almeida v. Amazon.com, Inc.* (11th Cir. 2006) 456 F.3d 1316, 1323.) Defendants violated the
25 intellectual property rights of the victims whose likenesses they took from Backpage ads and used on
26 either Big City or Evil Empire without the victim’s knowledge. These deceptive websites were then
27 used to promote the defendants’ own commercial purposes in creating an online brothel monopoly and
28 thereby increasing their profits from commercial sex.

1 California recognizes statutory (Civ. Code, § 3344) and common law rights of publicity. A
2 statutory cause of action exists whenever any living person's name, photograph or likeness has been
3 used for commercial purposes without his or her consent. (*Comedy III Productions, Inc. v. Gary*
4 *Saderup, Inc.* (2001) 25 Cal.4th 387, 391.)¹ Backpage used the victims' photos without permission to
5 promote its business, thereby satisfying the elements of this tort. This violation is relevant in two
6 different ways: (i) it constitutes a violation of state intellectual property law; and (ii) as discussed
7 further above it also demonstrates the creation of new content.

8 The *Friendfinder* case is instructive. There, the plaintiff sued several affiliated websites, which
9 allowed users to post "swinger" personal advertisements, and which allowed portions of the profiles to
10 create teasers and advertisements on other websites. The plaintiff alleged that someone else created a
11 profile for her and that the defendant websites used the profile as unauthorized advertisements on other
12 websites to increase their profitability. This pleading was sufficient to both state a claim for
13 infringement of the plaintiff's right of publicity and surmount the CDA preemption bar. (*Friendfinder*,
14 *supra*, 540 F.Supp.2d at p. 304; see generally *Coton v. Televised Visual X-Ography, Inc.* (M.D.Fla.
15 2010) 740 F.Supp.2d 1299, 1310-1311 [defendant's placement of plaintiff's self-portrait "prominently
16 on the packaging of the Body Magic DVD for the purpose of marketing a pornographic movie" without
17 plaintiff's permission was a violation of Florida's statutory right of publicity].)

18 In *Jane Doe No. 1 v. Backpage.com, LLC* (1st Cir. 2016) 817 F.3d 12, 26, the First Circuit
19 rejected the plaintiffs' assertions that Backpage violated their state intellectual property rights because
20 facts were not alleged to show Backpage appropriated the commercial value of the images. In rejecting
21 the plaintiffs' claim, the court pointed out that "Matters might be different if Backpage had used the
22 pictures to advertise its own services, [citation], but the appellants proffer no such claim." (*Ibid.*)
23 While the plaintiffs were limited to pleading facts known at the time, the instant criminal investigation,
24 in which multiple search warrants were executed, has revealed evidence that the Defendants did use the
25 victims' images for their own commercial purposes. (See Exhibit 1.)

26
27 ¹ Civil Code section 3344, subdivision (a), provides broadly: "Any person who knowingly uses another's name,
28 voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of
advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person's prior
consent, or, in the case of a minor, the prior consent of his parent or legal guardian, shall be liable. . . ."

1 Defendants' acts of using the victims' images and violating their right of publicity were, in part,
2 the means by which Defendants promoted their sites and profited. Once again, the controlling case of
3 *People v. Bollaert* illustrates how Defendants' conduct eliminates the CDA protection. There, the Court
4 of Appeal affirmed the convictions under Penal Code section 530.5 based on the theory that the
5 defendant had obtained and retained the victims' personal information for the unlawful purpose of
6 invading the victims' rights of privacy. (*Bollaert, supra*, 248 Cal.App.4th at pp. 711-714.) By
7 designing the website to violate the right of privacy, the defendant also fell outside the CDA. (*Id.* at pp.
8 721-722 ["Bollaert's actions were not neutral, but rather materially contributed to the illegality of the
9 content and the privacy invasions suffered by the victims. In that way, he developed in part the content,
10 taking him outside the scope of CDA immunity"].) Likewise, here the People will show that Defendants
11 violated the victims' rights of publicity (a form of privacy) and that this conduct removed them from the
12 scope of the CDA.

13 **IV. THE CDA DOES NOT BAR THIS PROSECUTION BECAUSE PENAL** 14 **CODE SECTION 266H DOES NOT TREAT DEFENDANTS AS** 15 **PUBLISHERS OR SPEAKERS OF THIRD-PARTY CONTENT**

16 The CDA does not bar Defendants' prosecution because section 266h does not treat Defendants
17 as the publishers or speakers of third-party content. Section 266h treats Defendants as exploitative
18 profiteers of others' prostitution. Defendants' culpability stems from their knowledge, general and
19 direct, of victims' commercial sex, and Defendants' intentional efforts to facilitate that commercial sex
20 to further their own profits.

21 This Court's tentative order stated that "Backpage charged money for the placement of
22 advertisements," and that "[g]iven the services provided by the online publisher," Defendants therefore
23 rendered services for legal purposes. (Tentative at 4.) But Defendants did not provide services for any
24 legal or legitimate purpose. Yes, Defendants took victims' earnings to post Escort ads. But the People's
25 evidence will show that Defendants knew the purpose of those ads was to solicit and further prostitution.
26 Defendants also knew that Backpage's existence depended on continued profits from the victims'
27 continued commercial sex. So Defendants designed Backpage to function in furtherance of prostitution.
28 These efforts do not constitute legitimate publishing services rendered for any legal purpose.

1 *People v. Lauria* (1967) 251 Cal.App.2d 471, provides a legal framework for cases where the
2 defendant profits from illegal activity by charging for an ostensibly legitimate service. In *Lauria*, the
3 defendant charged a fee, and provided a telephone service by which prostitutes connected with clients.
4 The key to attaching criminal liability was the defendant's knowledge. (See, e.g., *Stoner v. eBay, Inc.*
5 (Cal. Super. Ct., Nov. 7, 2000) 2000 WL 35504832 [a CDA case, citing *Lauria* and stating "for liability
6 to arise and the [CDA defense] to be lost, it would be necessary to show actual, rather than constructive,
7 knowledge of illegal sales, and some affirmative action by the computer service, beyond making its
8 facilities available in the normal manner, designed to accomplish the illegal sales"].)

9 *Lauria* discussed the *Direct Sales* case in the context of inferring intent from volume; the
10 defendant, a drug manufacturer, made bulk sales of morphine to a rural physician "so frequently and
11 over so long a period it must have known he could not dispense the amounts received in lawful practice
12 and was therefore distributing the drug illegally." (*Direct Sales Co. v. United States* (1943) 319 U.S.
13 703, 705.) But the sale volume was not the only indicator of illegal intent. The Court also noted that the
14 drug manufacturer specifically targeted rural physicians by "pushing" quantity sales at prices half of its
15 competitors. This policy "attracted customers, including a disproportionately large group of physicians
16 who had been convicted of violating the Harrison Act." (*Id.* at pp. 706-707.) Backpage engages in
17 similar tactics to the *Direct Sales* defendant – packaging its service in ways that are "attractive" to those
18 engaged in prostitution and that, incidentally, have the effect of attracting a "disproportionately large"
19 number of prostitutes.

20 *Direct Sales* further stated that "all of this was not without warning, purpose or design"; the
21 defendant was warned by narcotics investigators that convicted physicians were making use of the
22 service and the defendant used addicts to distribute the drugs. (*Id.* at p. 707.) The same can be said for
23 Defendants and Backpage, with the daily child sex trafficking reports they receive from law
24 enforcement in addition to Backpage's promotion of its "service" through an affiliate program.

25 *Direct Sales* also limited its rule based on the type of commodity or service offered: "The
26 difference between sugar, cans, and other articles of normal trade, on the one hand, and narcotic drugs,
27 machine guns and such restricted commodities, on the other, arising from the latter's inherent capacity
28 for harm and from the very fact they are restricted, makes a difference in the quantity of proof required

1 to show knowledge that the buyer will utilize the article unlawfully.” (*Id.* at p. 708.) Here, the “service”
2 offered by Backpage is materially different from a psychologist who counsels prostitutes or a 7/11 clerk
3 who sells condoms to prostitutes. Precedent distinguishes cases where the prosecution can prove that
4 the service is provided for an illegitimate purpose. For instance, in *People v. Tipton*, the defendant lived
5 across the hall at a single room occupancy (SRO) from a minor who engaged in prostitution to feed her
6 heroin addiction; the victim gave all her earnings to defendant, who in exchange gave her heroin. *Tipton*
7 noted that it was “reasonable to assume that the furnishing of narcotics to [the victim] was intended to
8 induce her, and obviously would have the effect of inducing her, as an addict, to continue in prostitution
9 in order to make the earnings with which to buy the heroin.” (*People v. Tipton* (1954) 124 Cal.App.2d
10 213, 218.)

11 The service Backpage provides ceases to be “legitimate” when the ads’ overwhelming use is
12 prostitution. If a prostitute gives money to a person for a legitimate purpose, such as to start a business,
13 then that conduct does not violate section 266h. (See *People v. Reitzke* (1913) 21 Cal.App. 740, 742
14 [court was skeptical that victim gave defendant money “for the purpose of enabling him to engage in
15 some respectable calling, so that he might thereafter take the prosecuting witness out of the mode of life
16 she was following”].) “In such circumstances, even if paid with proceeds earned from prostitution, the
17 [person] derives his support from his own performance of services, and not directly from the prostitute’s
18 earnings.” (*People v. Grant* (2011) 195 Cal.App.4th 107, 116.) Here, the evidence will show that
19 Defendants derive support directly from prostitution earnings; the only “service” they provide is part and
20 parcel to the victims’ continued prostitution, which Defendants need to further their continued profits.
21 Prostitutes are not paying Backpage for a legitimate service; they are using Backpage to engage in
22 prostitution. The converse is equally true – Backpage is not deriving support from the performance of a
23 legitimate service because it knows that the overwhelming majority of Escort users advertise illegal
24 services. (See, e.g., *People v. Frey* (1964) 228 Cal.App.2d 33, 50 [where the defendant committed
25 pimping because as the owner-manager of an apartment complex where he recruited prostitutes to live
26 and work, he “profited not only through the rent charged, but from [the tenant’s] earnings as a prostitute,
27 by collecting money from customers he solicited and procured for her”].)

28 ///

1 Further, any “legitimate” ads on Backpage are a subterfuge. Backpage conceals Escort ads’
2 proportion of its ad volume by soliciting bulk “feeds” of non-Adult ads. Evidence will show that the
3 overwhelming majority of Backpage’s revenue is the Escort ads and that these ads are for commercial
4 sex.

5 Last, with no legitimate purpose and providing no service, Defendants exerted complete control
6 over the victims’ photos and the information when Defendants created the Evil Empire and Big City
7 profiles. Defendants, through Backpage, alone determined what content would be placed on the sites
8 and they alone had the ability to add and remove that content. Defendants, deliberately through these
9 sites they controlled, repurposed the victims’ likenesses and information to further Defendants’ profits
10 and Backpage.com’s business. Importantly, Defendants did not provide to the victims, and the victims
11 did not ask for, pay for, or accept, any service – legitimate or otherwise – purportedly performed by the
12 Defendants’ creations.

13 V. CONCLUSION

14
15 Because of California criminal pleading standards, the People did not include in the criminal
16 complaint specific facts regarding Defendants’ content creation and intellectual property violations
17 which exclude Defendants from the CDA. The Court should not apply civil pleading standards to this
18 criminal prosecution. A preliminary hearing is designed to “weed out groundless or unsupported
19 charges of grave offenses and to relieve the accused of the degradation and expense of a criminal trial.”
20 [Citation.] Preliminary hearings . . . ‘operate as a judicial check on the exercise of prosecutorial
21 discretion’ and help ensure ‘that the defendant [is] not . . . charged excessively.’” (*People v.*
22 *Plengsangtip* (2007) 148 Cal.App.4th 825, 835.) Preliminary hearings thus serve to protect both the
23 liberty interest of the accused and the judicial system’s and society’s interest in fairness and the
24 expeditious dismissal of groundless or unsupported charges, thereby avoiding a waste of scarce public
25 resources. (*Bridgeforth v. Superior Court* (2013) 214 Cal.App.4th 1074, 1086-1087.) Here, a
26 preliminary hearing would allow the People to present evidence showing the defendants knowingly
27 committed the charged crimes, and because of their own conduct, are not protected by CDA.

28 ///

1 At the preliminary hearing, the People will present evidence proffered herein and more, to show
2 that each charge is justified. In addition, the evidence will show that the CDA will not shield
3 Defendants from their conduct in profiteering from the commercial sexual exploitation of many victims,
4 including children. The People have provided the Court with a sufficient offer of proof that the evidence
5 will show that Defendants are not protected by the CDA. The People respectfully request that the Court
6 overrule the demurrer and calendar the preliminary hearing. In the alternative, the People ask leave of
7 Court to file an amended Complaint under section 1007 on December 16, 2016, which will include
8 specific factual allegations that the CDA does not protect Defendants.

9 Respectfully submitted this 28th day of November 2016.

10
11 KAMALA D. HARRIS
12 Attorney General of California
13

14
15 By: 

16 MAGGY KRELL
17 Supervising Deputy Attorney General
18 State Bar No. 226675
19
20
21
22
23
24
25
26
27
28

Exhibit 1

1 KAMALA D. HARRIS
2 Attorney General of California
3 ROBERT MORGESTER
4 Senior Assistant Attorney General
5 RANDY MAILMAN
6 Deputy Attorney General
7 MAGGY KRELL
8 Supervising Deputy Attorney General
9 State Bar No. 226675
10 1300 I Street, Suite 125
11 P.O. Box 944255
12 Sacramento, CA 94244-2550
13 Telephone: (916) 327-1995
14 Fax: (916) 322-2368
15 *Attorneys for the People of the State of California*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11
12 IN AND FOR THE COUNTY OF SACRAMENTO

14 **PEOPLE OF THE STATE OF
15 CALIFORNIA,**

16 **Plaintiffs,**

17 **v.**

18 **CARL FERRER,**

19 **MICHAEL LACEY,**

20 **JAMES LARKIN,**

21 **Defendants.**

Case No. 16FE019224

DECLARATION OF BASSEM BANAFI

Date: December 9, 2016
Time: 1:30 p.m.
Dept.: 61
Judge: The Honorable Michael G.
Bowman

22 I, Bassem Banafa, declare as follows:

23
24 1. I am a Forensic Accountant with the Contra Costa County District Attorney's Office.
25 I am assigned to the Special Operations division of the District Attorney's Office to assist with
26 complex cases involving human trafficking, drug trafficking, money laundering, large-scale
27 fraud, and other criminal activities. I have been assigned to assist the California Department of
28 Justice (DOJ) with the financial and technical aspects of this case.

1 2. I earned a B.S. in Commerce Degree in Accounting from Santa Clara University. I
2 am a Certified Public Accountant, a Certified Fraud Examiner, a Chartered Global Management
3 Accountant, Accredited in Business Valuation, a Certified Anti-Money Laundering Specialist, a
4 Certified Financial Crime Specialist, Certified in Financial Forensics, and an EnCase Certified
5 Examiner. I have been qualified as an expert in Forensic Accounting in California Superior
6 Court.

7 3. In the course of investigating financial crimes and preparing analyses of complex
8 business operations, I have audited, analyzed, created and managed databases for litigation and
9 investigation purposes, including databases hosted by Amazon Web Services, Inc. ("AWS").

10 4. I have previously worked as a consultant with TM Financial Forensics, LLC, a
11 national business and disputes consulting firm specializing in financial, accounting, economic,
12 engineering, and damages analysis. I prepared analyses related to business operations in a variety
13 of industries, including but not limited to satellite television, mortgage lending, investment
14 banking, enterprise software, baby products, and retail apparel.

15 5. I also served as a Financial Crimes Consultant at Wells Fargo & Co in the Financial
16 Institution Investigations Group ("FIIG"). As part of FIIG, I investigated Wells Fargo's
17 correspondent banks and their customers. I reported on the nature of these businesses using
18 proprietary databases, inquiries, and open-source intelligence. In addition to conducting my own
19 investigations, I taught a class to investigators on cybersecurity and methods to avoid
20 compromising their investigations.

21 **Defendants' Creation of BigCity.com and EvilEmpire.com**

22 6. I provide this declaration to describe my assistance with DOJ's investigation into
23 Defendants' creation and use of EvilEmpire.com and BigCity.com, as well as the sites'
24 relationship to Backpage.com.

25 7. DOJ provided me with access to a database of Defendants' Backpage-related records
26 that I understand were received pursuant to search warrants. These records included emails and
27 technical documents. Through my review of these records, I learned that Backpage.com staff
28 took images and information from Backpage escort ads and used them to create dating profiles on

1 BigCity.com I also learned that Backpage staff took images and information from Backpage
2 escort ads and used them to create a phone directory for female escorts on EvilEmpire.com

3 **Defendants' Creation of BigCity.com**

4 8 In a January 2013 email, Carl Ferrer ("Ferrer") described his intention to create a
5 mobile phone application ("app") that "combines features of badoo, skout, grinder[sic], twitter
6 and snapchat." This application was to be called BigCity.

7 9 I understand that Badoo, Skout, Grindr, Twitter, and SnapChat are social networking
8 and online communication apps.

9 10 In a July 2014 document detailing notes of a meeting between Ferrer and certain
10 Backpage developers, Ferrer remarked that YikYak and Tinder were "getting some heat because
11 prostitutes are using [them]" and then Ferrer proposed a plan to advertise BigCity directly to
12 purchasers of Backpage.com Escort ads.

13 11 I understand that Yikyak and Tinder are location-based social networking and dating
14 apps.

15 12 In order to give BigCity the appearance of widespread usage, Ferrer instructed
16 Desertnet, Backpage's outside development firm, and Backpage personnel to create fake profiles
17 using information and images from Backpage Escort ads. (See Exhibit A, attached and
18 incorporated by reference.)

19 13 Ferrer furthered this plan by developing a marketing campaign based on these fake
20 profiles. Ferrer suggested inviting Escort ad posters to "claim" the BigCity profile that Backpage
21 had created. (See Exhibit B, attached and incorporated by reference.)

22 14 I reviewed the source code for version 1.4.2 of the BigCity app and noted that at
23 various times the BigCity app was programmed to offer users the option to purchase "Featured
24 Profiles" for \$1. Featured profiles displayed a user's profile image four times larger than
25 standard profile images.

26 15 I also identified "Sponsored" ads for BigCity on Backpage.com (See Exhibit C,
27 attached and incorporated by reference.) The ads display BigCity's logo and are titled "Post &
28

1 Respond to Dates for FREE – 21.” The ads show a banner of rotating photos, most featuring
2 nearly nude female subjects. (See Exhibit D, attached and incorporated by reference.)

3 **Defendants’ Development and Moderation of BigCity.com**

4 16 Backpage staff extracted information from Backpage ads, including the web address
5 of the ad and of the incorporated images, as well as the user’s age and phone number. Initially,
6 Defendants selected content from the following categories: female escorts, body rubs, women
7 seeking men, men seeking women, women seeking women, and men seeking women. Within 6
8 months, Backpage limited their selection solely to female escort content.

9 17. Other criteria used to develop BigCity profiles included: (1) the number of photos
10 posted in the ad, (2) whether the ad was “live”, and (3) how long the ad had been posted. (See
11 Exhibit E, attached and incorporated by reference.)

12 18. The web address and the text of the original Backpage ads were not included or
13 mentioned in the resulting BigCity profile. Instead, Backpage staff created BigCity profiles with
14 a scrolling gallery of Backpage users’ photos, as well as their phone number and age. Backpage
15 staff removed the ability to respond by email and replaced it with an online chat service.

16 19. Backpage then added new information to each of these BigCity profiles, in line with
17 the alleged purpose of the profile. These included statements that the user displayed in the profile
18 was “Interested in Men”, “Interested in Women”, or “Interested in Everyone.” This information
19 was not taken from the original Backpage ad; Backpage staff selected it from one of three choices
20 available to Backpage staff creating the BigCity profiles. In some cases, the code used to create
21 the profile or extract data from the Backpage ads did not work properly. Backpage’s
22 development of BigCity included the creation of an application with tools to manage these fake
23 profiles and review them for such errors.

24 20. In September of 2014, nearly 18 months after Backpage staff created the first BigCity
25 profiles, Backpage staff discovered that BigCity was displaying images that were later moderated
26 out by Backpage.com moderators. Ferrer and Backpage staff adjusted the selection criteria to try
27 to address the issue. However, as of November 2016, I have been able to identify multiple
28

1 images of victims and others that are currently available for viewing on BigCity but that have
2 been deleted or "moderated out" of Backpage ads.

3 21. BigCity is currently viewable as a website and was previously available as an iOS app
4 on the Apple App Store. The Android app is available for direct download on BigCity.com.

5 **Defendants' Creation of EvilEmpire.com**

6 22. Backpage staff developed the EvilEmpire escort phone directory using much of the
7 same data that was selected to create BigCity profiles. Many of the EvilEmpire entries even
8 contain direct links to a BigCity profile that was generated for that Backpage escort user.

9 23. However, unlike BigCity, EvilEmpire does not appear to offer any way for users to
10 sign up, create an entry, modify an entry, delete an entry, or contribute to EvilEmpire entries.

11 24. EvilEmpire entries contains images from Backpage ads, the subject line, and excerpts
12 from many of those same ads. These entries also included direct links to the originating Backpage
13 ad.

14 25. I believe Backpage added these links to EvilEmpire entries to improve Backpage's
15 ranking in search engine results, a process often referred to as search engine optimization. One of
16 the criteria that search engines, like Google, use to rank websites in search results is the number
17 and quality of other websites that link to a website. I reviewed email exchanges where Ferrer and
18 Backpage staff refer to their use of EvilEmpire to achieve this result (See Exhibit F, attached and
19 incorporated by reference.)

20 **Analysis of Victim Backpage Ads**

21 26. I was asked to review Backpage ads regarding the named victims in this case and
22 determine whether BigCity profiles and EvilEmpire entries were created and developed using
23 content from those ads. Copies of these ads as well as billing information were returned in
24 response to search warrants. During my review, I identified phone numbers as the key link
25 between the three sites.

26 27. I noted that many of the victims in this case had multiple listings on EvilEmpire and
27 BigCity as a result of Backpage's reliance on phone numbers as the escort user's "ID." The
28 victim in count 10 of the criminal complaint had at least five different EvilEmpire entries and

1 three different BigCity profiles because she had been featured in Backpage ads under multiple
2 phone numbers.

3 28 I extracted phone numbers and other data including timestamps, ad price, associated
4 email address, and post ID from the victims' Backpage ads. I searched EvilEmpire.com for the
5 phone numbers and collected data on entries that I was able to locate, including any links to
6 Backpage, the number of photos available, and any links to BigCity. I reviewed the linked
7 BigCity profiles and confirmed that the phone numbers had been listed in the victims' Backpage
8 ad. I then collected data from BigCity profiles including profile IDs and "names," as well as what
9 the BigCity profile stated the user was interested in (men, women, or everyone).

10 29 Both EvilEmpire.com and BigCity.com contain scrolling image galleries in their
11 entries/profiles; I took screenshots of the entry/profile as each photo was displayed in the gallery.

12 30 I found that with respect to the victims named in counts 2 through 6 and 9 through 10,
13 BigCity profiles and/or EvilEmpire entries were created and developed using content from their
14 Backpage ads.

15 **Defendants' Relationship with BigCity and EvilEmpire**

16 31. Publicly, Backpage denied any affiliation with EvilEmpire and BigCity. Ferrer and
17 Backpage personnel went to great lengths to ensure that there was no public connection between
18 Backpage and BigCity. However, I noted that Ferrer opted to disclose this relationship to law
19 enforcement.

20 32. I reviewed a May 2015 email between Ferrer and Backpage's Operations Manager,
21 Andrew Padilla. Padilla asked Ferrer how to respond to a law enforcement request for an ad
22 posted on EvilEmpire.com. Padilla stated that "total transparency" would be explaining that
23 EvilEmpire was Backpage's "in-house directory of backpage ads." Padilla offered to "treat
24 evilempire as a separate entity and figure out how that will work." Ferrer responded and opted
25 for "transparency" to the law enforcement official. (See Exhibit G, attached and incorporated by
26 reference.)

27 33 I also reviewed an August 2015 email between Backpage support staff and a user
28 requesting to have an EvilEmpire ad listing her phone number taken down. Backpage support

1 responded, "Backpage is not affiliated with that site," and told the user that "Unfortunately, you
2 would have to contact them to request removal of your content." (See Exhibit H, attached and
3 incorporated by reference.)
4

5 I declare under penalty of perjury that I am competent to testify as a witness, that the
6 foregoing is true and correct, and based on my personal knowledge except for those statements
7 based on information and belief, and as to those statements I believe them to be true, and that if
8 called as a witness, I would so testify. Executed on November 28, 2016, at Milpitas, California.
9


10 
11 _____
12 BASSÉM BANAFÀ, FORENSIC ACCOUNTANT
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Exhibit A

Message

From: Carl Ferrer [carl.ferrer@backpage.com]
Sent: 1/25/2013 2:22:16 PM
To: Joe Backpage [joe@backpage.com]; Tom Backpage [tom@backpage.com]; Rock Backpage [rock@backpage.com]; Briano Backpage [briano@backpage.com]; Dan Backpage [dan@backpage.com]
Subject: Fwd: App wireframe and story board

Are you all available on Friday, Feb 1?

I am hoping to set up a walk thru on BigCity for Friday, Feb 1, 10 am CST / 11 am Phoenix time. We could try flunky Web-EX to go thru the wireframe.

Rock is continuing to update the mock ups, though you can see version A in the links below. He will demonstrate the desired functionality of BigCity as a dating app. The app combines features of badoo, skout, grinder, twitter and snapchat. We are working on version B where we will actually let users consume content before prompting them for an email address. They can look at all the images they want but if they want to chat or follow someone, they will need to sign up with an email address (someday even verify via SMS text)

The content will be pre-populated with millions of images from backpage where we hope to extract two words of the title, the phone number, and age of the person. The images will need to be processed to where we crop an area most likely to give us a wholesome image. We also will need to extract phone numbers which we will put in the profile. This pre-populated content will always need to sort underneath content that was posted by actual bigcity app users.

Our short run revenue model is simple. No revenue.

In a year or so, we can charge users \$1 to blast a pic or video to their followers if they have 500 or more followers. There's dozens of other ways to make money when you get traction. So, all we care about is traction.

Carl

----- Forwarded message -----

From: Rock Backpage <rock@backpage.com>
Date: Thu, Jan 24, 2013 at 9:44 AM
Subject: App wireframe and story board
To: Carl Ferrer <carl.ferrer@backpage.com>, Dan Backpage <dan@backpage.com>

Here is the initial wireframe and app narration.

<http://share.axure.com/QRVLZK/>
PW: dallas

Things to note:

- This mockup was created as a bare wireframe to outline functionality. Colors, buttons, icons are all just placeholders with no stylesheet designed.
- Most of the links and integral "buttons" are clickable. This should help with simulating user experience.
- There is no functionality in place for text input.

- The narrative for the Picture blast page is currently just screenshots of the SnapChat sending sequence.

Exhibit B

Message

From: Scott Spear [scott.spear@cereusproperties.com]
Sent: 2/5/2013 6:48:00 AM
To: Jed Brunst [Jed.Brunst@VillageVoiceMedia.com]
Subject: Fwd: Big City update and more
Attachments: bigcityarchitecture.pdf; Untitled attachment 00013.txt

Jed,

See last paragraph. Carl feels he needs a separate company to submit the Big City App to Apple. Probably true as they will not take Backpage.com LLC due to content. Any of the existing new ones we could drop this into or do we have to conjure up another one? Same for other items in graph: DNS, domain registration and the trademark VVMH currently owns on Big City (which includes a live and let live agreement with a band called Big City. This was crafted by Watkinson over 15 years ago).

Scott

Scott Spear
President
Cereus Properties, LLC
602-721-8369 c
480-800-3283 o

This message contains information from Cereus Properties, LLC that is confidential and may be privileged and protected from disclosure. If you are not the intended recipient, please be advised that any use, dissemination, distribution or copying is strictly prohibited. If you think you have received this message in error, please contact me immediately at 480-800-3283 or at scott.spear60@gmail.com. Thank you.

Begin forwarded message:

> From: Carl Ferrer <carl.ferrer@backpage.com>
> Subject: Big City update and more
> Date: February 1, 2013 5:07:37 PM EST
> To: Jim Larkin <jim.larkin@villagevoicemedia.com>
> Cc: Scott Spear <scott.spear@villagevoicemedia.com>
>
> 1. Our Phoenix based developers think \$500k for an EU datacenter is nuts
> - use Amazon for bulk of servers
> - less CAPEX for Data center
> - run backups on different cloud for disaster recovery
> - DN never been true cloud believers. They have a conflict of interest
> - The truth is somewhere in the middle I suppose.
>
> Recommendation:
> Get Wil and his team on phone with our phoenix developers to discuss this next week Thursday or Friday.
>
> 2. Use Amazon for search
> <http://aws.amazon.com/cloudsearch/>
> - no hardware
>
> Recommendation:
> review Amazon search
> can we use search fields (like allowing pets in rentals or gender preference in roommates)
> even if we can not, we may still want it for simple keyword searches 99% of searches anyway.
>
> 3. BigCity
> - App is being written in HTML5
> - Tom D to write up proof of concepts
> - we expect to have an app by the end of the week with these concepts.
> - But more like 60 days for full app (depends on how much feature creep we can hold back)
>
> - Add to wireframe
> * the online now button
> * hash tags /filter terms using current BP in-site search terms
> * allow transgendered without getting trashy
> * allow users to claim profile from a BP profile import (send SMS to phone?)
> * try to make it more clear what "follow" gets you

- > * can a user follow a group like on Tumblr (example: "asian", "bbw", "dallas" means I get pic blasts from anyone with these three hash tags.)
- > - this app needs compete for craigslist casual encounter users so make sure users can consume content easily without logins
- >
- > - write up data dump specs from BP to BC
- > * escort, dating, body rub ads with unique phone #'s, location(use subdomain), age, first two words of title, and hash tags / filter terms
- > * filter terms should be common words extracted for posts to make app data searchable (bbw, asian, latina, etc)
- > * only ads posted by users logged into their accounts for better quality data
- > * when and how do we get this data (weekly or monthly dumps?)
- > * determine image crop processing
- >
- > - images on CDN / Pic blasts to follower not on CDN
- >
- > - Get Tom an Ipad (I did this...it really is necessary for him to test the iphone part. He has an Android phone)
- >
- > - Report Metric
- > * we can get this info at the API level
- > * write up metrics we want to track- #apps downloaded, # apps opened per day, #profiles, profiles sorted by the most #followers, page views, pageviews by user, etc.
- >
- > - Web association
- > * determine web view: show content, reduced functionality for web/desktop view.
- >
- > I attached a pdf about the architecture.
- >
- > Recommendation:
- > - in 45 days, I need a company to submit BigCity as an app to apple.
- > - next week create separate Google analytics script for BigCity
- > - make private BigCity registration info on netnames
- > - consider DNS switch for BigCity (it still uses villagevoicemedia account) or see if we can use a more generic company name for DNS.
- >
- >

Exhibit C

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION
PUBLISHED WEEKLY
535 N. Dearborn Ave., Chicago, Ill. 60610-5412
Subscription Service Department
Second-class postage paid at Chicago, Ill.
Postmaster: Send address changes in U.S.A. to JAMA, 535 N. Dearborn Ave., Chicago, Ill. 60610-5412. Outside U.S.A.: JAMA, P.O. Box 133, 1100 Avenue of the Americas, New York, N.Y. 10020-1133.
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NO POSTAGE
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IN THE
UNITED STATES

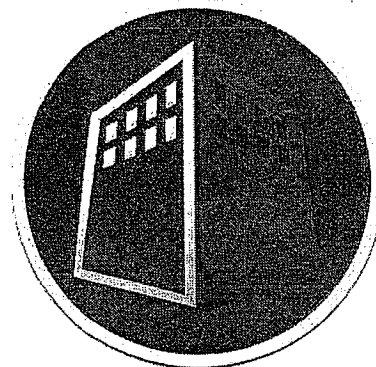
Exhibit D

Post & Respond to Dates for FREE - 21

Posted: Tuesday, November 22, 2016 10:02 AM



Connect with people nearby



[Enlarge Picture](#)



Join



Browse

100% FREE to join and use.

Chat with as many people as you like.

Unlimited messaging.

Unlimited image uploads.

Poster's age: 21

- Location: City of San Diego, San Diego
- Post ID: 15612289 sandiego

[email to friend](#)

[My Account](#) | [Buy Credits](#) | [Help](#) | [Privacy](#) | [Terms](#) | [Safety](#)

sandiego.backpage.com is an interactive computer service that enables access by multiple users and should not be treated as the publisher or speaker of any information provided by another information content provider. © 2016 [backpage.com](#)

Exhibit E

Message

From: Scott Spear [scott.spear@cereusproperties.com]
Sent: 2/5/2013 6:48:00 AM
To: Jed Brunst [Jed.Brunst@VillageVoiceMedia.com]
Subject: Fwd: Big City update and more
Attachments: bigcityarchitecture.pdf; Untitled attachment 00013.txt

Jed,

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Scott Spear
President
Cereus Properties, LLC
602-721-8369 c
480-800-3283 o

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> To: Jim Larkin <jim.larkin@villagevoicemedia.com>
> Cc: Scott Spear <scott.spear@villagevoicemedia.com>
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>
>

Exhibit E – Attachment 1
to email

Mobile Applications

- Built on PhoneGap -- builds native mobile applications out of HTML5/JavaScript.
- Dojo for front-end -- native Android, iPhone, iPad look and feel.
- PhoneGap Cloud Compilation -- easy to build new versions for all platforms, no developer environment setup.
- Single codebase -- HTML5/JavaScript/CSS, no native platform APIs to learn.
- Simple build process -- one click build for all platforms, no development environments to configure/maintain.
- Support for all popular mobile platforms -- iOS / Android and many others.

Server Architecture

EC2 for web servers

- Node.js running a simple API that all platforms speak with.
- NginX to proxy node.js instances and serve static content.
- Central datasources, scaling is easy, just make more web server instances..
- Node.js handles websocket communication for realtime chat / image blast.
- Managed by Amazon, available in many regions.

RDS for database

- User login, profile, favorites and profile image urls are stored here.
- Managed and backed up by Amazon, point-and-click scaling.

S3 for profile images and static content

- Store all user-uploaded media here, keep it off the web servers.
- CloudFront for CDN.
- Managed by Amazon, per-region storage.

CloudSearch for searching profiles?

- Optimized for searching, keeps the database fast.
- Maintained by Amazon, scales with search load automatically.
- Only available in US-East region, doesn't natively handle geo searching (there are ways to do it though), we may want to roll our own on an EC2 instance, ie. ElasticSearch.

ElastiCache for caching

- Cache user authentication tokens and profile information for fast retrieval.
- Managed by Amazon, easy to scale.

Source Control with GitHub -- We should create an organization account with private repositories.

Deployment with Capistrano -- I've used this before but open to suggestions.

Exhibit F

Message

From: Dan Backpage [dan@backpage.com]
Sent: 4/19/2015 5:45:11 PM
To: Kelly Backpage [kellyh@backpage.com]
CC: Carl Ferrer [carl.ferrer@backpage.com]; Dan Hyer [Dan.Hyer@backpage.com]
Subject: Re: Gallery view reduces google referrals

There's far less add text on gallery view, so we don't get to "double dip" from the category view when the phone number is displayed in the title.

Maybe we can experiment with having DN detect & place the phone # in the URL similar to evil empire.

Seeing it beat backpage and everyone else in some searches.

On Apr 19, 2015, at 12:18 PM, Kelly Backpage <kellyh@backpage.com> wrote:

I'll have to investigate the sitemap possibility. It could also be related to or compounded by Google algorithm changes. The big one is coming this week but there have been several reported in 2015.

On Sun, Apr 19, 2015 at 11:26 AM, Carl Ferrer <carl.ferrer@backpage.com> wrote:

Sorry. Ignore last pdf. Look at this one. We sank and then went flat on google referrals.

-carl

On Sun, Apr 19, 2015 at 11:23 AM, Carl Ferrer <carl.ferrer@backpage.com> wrote:

Look at this chart. We lost a million google referrals per week when we switched to Gallery view on 1/21.

Is there anything we can do about it? Does our site map sent google to gallery view of the adult categories?

-carl

--
Kelly H

Exhibit G

Message

From: Andrew Backpage [andrew@backpage.com]
Sent: 5/6/2015 8:50:52 PM
To: Carl Ferrer [carl.ferrer@backpage.com]
Subject: Re: Fwd:

sounds good. thanks

Andrew Padilla
Operations Manager
Backpage.com
Phone: 469.269.2110
Fax: 214.757.8548

On Wed, May 6, 2015 at 3:49 PM, Carl Ferrer <carl.ferrer@backpage.com> wrote:
Records@backpage.com
Transparency it is.

On May 6, 2015, at 6:51 PM, Andrew Backpage <andrew@backpage.com> wrote:
how transparent should i be with this guy?

total transparency is, i tell him to send an evil empire link to records@backpage.com and records will treat it normally and return backpage records. if anyone asks what the connection is, we say evilempire is our in-house directory of backpage ads

or, i treat evilempire as a separate entity and figure out how that will work.

Andrew Padilla
Operations Manager
Backpage.com
Phone: 469.269.2110
Fax: 214.757.8548

----- Forwarded message -----

From: Holguin, Denise M. (DET) <1978@elpasotexas.gov>
Date: Wed, May 6, 2015 at 11:14 AM
Subject:
To: "dom-admin@backpage.com" <dom-admin@backpage.com>

Needing information on where to send a fax or email a preservation order for an ad posted on evilempire.com.

Det. D. Holguin 1978

El Paso Police Dept.-Westside Region-CID

4801 Osborne, El Paso Texas 79922

915-585-6158

Fax 915-585-6148

Exhibit H

Message

From: Support Backpage [support@backpage.com]
Sent: 8/16/2015 11:15:09 AM
To: orchid1215@yahoo.com
Subject: Re: central florida Support Ticket 1439745442: How do I delete my ad?

Hi,

Backpage is not affiliated with that site.

Unfortunately, you would have to contact them to request removal of your content.

Thanks,
Charlie

--

Get a wallet--buy bitcoin.

<https://www.paxful.com/>

<https://www.bitquick.co/backpage>

On Sun, Aug 16, 2015 at 12:17 PM, orchid1215@yahoo.com via backpage.com <mail@backpage.com> wrote:

> Email Address: orchid1215@yahoo.com
> Inquiry: How do I delete my ad?
> Metro Area: central florida
> Ad Link: 407-373-4897 - Orlando, FL evilempire.com > 407-373-4897
> Mobile-friendly - Jul 7, 2015 - 30 year old escort in Orlando, FL.
>
> 407-373-4897 - Orlando, FL evilempire.com > 407-373-4897 Mobile-friendly -
> Jul 7, 2015 - 30 year old escort in Orlando, FL. When I click the above ad !
> It brings me to your site and this ad was created for a day on your site
> then taken down for safety concerns . There is no way to contact that site
> to take the ad down and it is link back to you so please make an effort to
> see how you can take it down asap please ! Thank u

Exhibit 2

Message

From: Chris Kempel [chris.kempel@backpage.com]
Sent: 4/10/2015 5:26:56 AM
To: Dan Backpage [dan@backpage.com]
CC: Rock Backpage [rock@backpage.com]; Carl Ferrer [carl.ferrer@backpage.com]; Tyler Backpage [tyler@backpage.com]; Tom Backpage [tom@backpage.com]
Subject: Re: bitchesofbackpage detective work

Thanks for the info guys! Carl and I talked yesterday and I'm contacting the registrar, cloudflare and google and requesting DMCA C&D. We did agree that nakedcity.com and evilempire.com being the way to kill off these types as we can do it better than them everyday of the week. I'll update with results.

--
Chris Kempel

Information Systems Manager
Backpage.com
t 469 317-6001
m 602 741-1551
e chris.kempel@backpage.com

On Fri, Apr 10, 2015 at 7:03 AM, Dan Backpage <dan@backpage.com> wrote:
It's like a hitlist of URLs we hate.

Good finds. I tagged Chris, i think he may have sent the registrar a C&D.

On Thu, Apr 9, 2015 at 6:56 PM, Rock Backpage <rock@backpage.com> wrote:
Here are the connections/info that Tyler was able to find so far. I've CC'd both Tyler and Tom on in case they found any additional intel. I think it's some really good research. We should consider offering investigative services by T.Ellis Internet Investigashunz P.I.™ :)

-Rock

Tyler Ellis

providerphone.com	aliciapaxpp@outlook.es		
eroticmugshots.com	mariajgomez@yahoo.com.co	104.18.56.222	singapore cloudflare
bitchesofbackpage.com	carmenrestrepobob@outlook.es		
escortphonereview.com	carmenrestrepobob@outlook.es		
adultescortfinder.com	mariaoroeb@outlook.es	207.158.37.75	san diego cloudflare
escortbrowser.com	karamelatorresab@outlook.cl	207.158.37.75	san diego cloudflare
massagetroll.com	faliciaalverezmt@yahoo.com.ve		
escortphonesearch.com	mariaomezaps@yahoo.com.co		
escortsincollege.com	n/a		
exgirlfriendimages.com	n/a	50.87.146.218	provo RIG?
bitchesofcraigslist.com	danielhernandezpt@outlook.cl	104.28.4.83	singapore cloudflare
	bocservice@gmail.com		
vostechologies.com		207.158.37.75	san diego cloudflare
vostechologies@gmail.com			
"gbrent" "ron" "brent"			

Brent Russell
<https://www.linkedin.com/in/brentrussell>
<https://www.youtube.com/user/chionoman>

<http://who.is/domain-history/bitchesofbackpage.com>

<https://www.linkedin.com/in/brentrussell>



"KNOWN AS FASTERLIST.COM UNTIL RELEASE DATE

Entrepreneur, Part OwnerJul 09 - Current

Creating an online advertising system that fills the void between classifieds in the newspapers and craigslist.com. Many features are being implemented such as geo targeting, favorites, a notes system, mobile phone marketing, and local news.

My duties mainly consist of development, server setup and maintenance, hiring and screening candidates for marketing and advertising or development. Budget and projections. Thinking cap for new ideas and for solving those problems that make businesses ideas fail.

All content and images © Brent Russell 2013. If I find one of my photos used on your site without permission, I promise I will take action. My tinyeye API script will find it."

"CEO and Founder

Voz Technologies

January 2012 – Present (3 years 4 months)Medellin, Colombia

Nothing really, things just run automatically and this has become my little tax haven. Traffic, SEO, affiliate marketing, Google ad words, stock trading, and anything else I can automate or create and channel cash through.

I just update the servers and check that my scripts work every now and then."

Exhibit 3

Message

From: Carl Ferrer [carl.ferrer@backpage.com]
Sent: 4/6/2014 9:27:34 PM
To: Joe Kaiping [joe@backpage.com]
Subject: q2 Goals

Please send any additions.

I added some. We only need three, You can replace anything I added below:

JOE

Q1-

Build prepayment model

Build improved fraud control technology

Add tokenization

Q2-

JetPay tokenization

PCI compliance

Data clean up

I'd like to see more progress on fraud control (sandboxing fraudsters), using data to find other fraudsters on previous purchases, create cascading for hard blocks using net cash or ymas, hire developers, etc.

BRIAN O'NEIL

Q1-

Release Prepayment 'Credit' option to PPI Payment page

Release multi-processor tokenization solution

Create regression test suite to help automate multi-processor tokenization testing

Q2-

GEOFF

Q1

Review and update Google Analytics process and available metrics

Release Fraud identification and Fraud payment flow solution

Release initial new PPI fraud report tool listing probable transactions to review and refund

Q2-

CHRIS K

Q1-

Finish XP phase out

Audit web domain management security

Setup Apple Server and centralize Mac updates and Time Machine backups

Dispose of obsolete assets

Q2-

ROCK

Q1:

Submit Big City (v1.2.1) to Apple & Android prior to launch

If technically sound, launch Big City & corresponding marketing campaign

Maintain quality standards for Big City when necessary

Manage Big City Support inquiries

Assist in migration to Universal Analytics

Q2-

Continuing adding 1k profiles per week

Map out and build an upwell option

List several other additional marketing tasks

TOM

Q1:

Update Bigcity Web Framework and design initial paid services flow

Review Bitcoin Security model and provide options

Review NetCash solution flow and provide detailed screenshots for approval

Q2:

Review and determine if we need to scale up technology to handle video load.

Continue adding more improvements to Bigcity

Help outline plan to create posting API's and improved ad PPI's,

JOSH

Q1:

UX design of account logging

UX design of posting form

Q2:

UX design of truckrjobs

UX design and creation of Billing Descriptor pages.

UX design and review of payment pages.

Exhibit 4

Message

From: Joe Backpage [joe@backpage.com]
Sent: 1/25/2013 2:27:45 PM
To: Carl Ferrer [carl.ferrer@backpage.com]
Subject: Re: App wireframe and story board

Count me in

On Fri, Jan 25, 2013 at 3:22 PM, Carl Ferrer <carl.ferrer@backpage.com> wrote:

> Are you all available on Friday, Feb 1?

>

> I am hoping to set up a walk thru on BigCity for Friday, Feb 1, 10 am CST /
> 11 am Phoenix time. We could try flunky Web-EX to go thru the wireframe.

>

> Rock is continuing to update the mock ups, though you can see version A in
> the links below. He will demonstrate the desired functionality of BigCity as
> a dating app. The app combines features of badoo, skout, grinder, twitter
> and snapchat. We are working on version B where we will actually let users
> consume content before prompting them for an email address. They can look at
> all the images they want but if they want to chat or follow someone, they
> will need to sign up with an email address (someday even verify via SMS
> text)

>

> The content will be pre-populated with millions of images from backpage
> where we hope to extract two words of the title, the phone number, and age
> of the person. The images will need to be processed to where we crop an area
> most likely to give us a wholesome image. We also will need to extract phone
> numbers which we will put in the profile. This pre-populated content will
> always need to sort underneath content that was posted by actual bigcity app
> users.

>

> Our short run revenue model is simple. No revenue.

>

> In a year or so, we can charge users \$1 to blast a pic or video to their
> followers if they have 500 or more followers. There's dozens of other ways
> to make money when you get traction. So, all we care about is traction.

>

> Carl

>

> ----- Forwarded message -----

> From: Rock Backpage <rock@backpage.com>

> Date: Thu, Jan 24, 2013 at 9:44 AM

> Subject: App wireframe and story board

> To: Carl Ferrer <carl.ferrer@backpage.com>, Dan Backpage <dan@backpage.com>

>

>

> Here is the initial wireframe and app narration.

>

> <http://share.axure.com/QRVLZK/>

> PW: dallas

>

> Things to note:

> - This mockup was created as a bare wireframe to outline functionality.

> Colors, buttons, icons are all just placeholders with no stylesheet
> designed.

> - Most of the links and integral "buttons" are clickable. This should help
> with simulating user experience.

> - There is no functionality in place for text input.

> - The narrative for the Picture blast page is currently just screenshots of
> the Snapchat sending sequence.

>

>

>

Exhibit 5

Columns Sort By id Start at last
id thumbnail permalink city updated actions
197967 1 Picture Minneapolis / St. paul, MN 22 minutes ago 22 minutes ago
Approved Deleted Real Users Everything
of 1 next last 50 Per Page

Columns Sort By id Start at last
id thumbnail permalink city name sex about created updated actions
197967 1 Picture Minneapolis / St. paul, MN Rick M 22 minutes ago 22 minutes ago
Approved Deleted Edit Delete Profile
of 1 next last 50 Per Page

Exhibit 6

Big City App

Features and Uses

- 1 Image uploads and location notice
- 2 Notify specials and special requests
- 3 Trending for providers
- 4 Peer to Peer connection via messages (public or private)
- 5 Create a queue for providers to contact
- 6 Create "badges" "reviews" "medals" "trophy"
- 7 Bookmark, flags or markers for a location
- 8 User able to search for matches closest to center
- 9 Feeds from App Profiles and Posts sent out
- 10 Site Referral Traffic Research
- 11 App profile and posts Autopost on other sites
- 12

Information From the User or Account

- 2 Location of user
- 3 Content
- 4 Date and time
- 5 Way to contact
- 6 Profile: Interests, hobbies, similar likes
- 7 Profile info: Height, weight, age, stats
- 8 Search criteria from user
- 9
- 10

Sources of Revenue

Price of App
 Posting Upgrade
 Profile upgrades
 Added feature expansions
 Upgrades paid for from site use
 Partner Site Fees

Where to get the initial Profiles from

- 1 When a user posts in a certain sections of backpage the profile is created
- 2 Make use of the BigCity.com website for profile sign up.
- 3
- 4 Feature on staggered release dates
- 5

Known Problems and Issues

- 1 Unable to post ads from mobile phone without use of App. BigCity App can facilitate use.
- 2 Backpage and bigcity app users account be linked?

Big City App

3	BigCity App used as a companion App or a stand alone?
4	Log into account? Require email to view listings?
5	

Apps from Competitors	
1	foursquare
2	GyPSii
3	buzzd
4	Brightkite
5	whrrl
6	Gowalla
7	Backpage Mobile
8	Gentleman's Navigator
9	
10	OkCupid

Big City App

Notes
Mobile traffic increases 20% yearly. Addresses lack of postings to websites by facilitation of image uploads.
Ranking system of some kind. Allows users to vet potential matches
ie: keywords like "Late Night Special" "Downtown" "BBW"
Users are able to screen before face to face.
Virtual "Waiting Room" or "Lobby"
Ranking system of some kind. Allows users to vet potential matches
Tagging area of interest for other user? Similar to Foursquare "to do" list
Provide content for backpage and other personals websites. Leveraged content and possible revenue stream
Test site referral traffic to better extrapolate capture rate for results driven by referrals.
Rev share model using site API to interface to their purchase/upgrade platforms.

Source of information
Geolocation from GPS or Cell Triangulation
Daily activity posts, profile updates, website posts or updates.
Events set up for users. IE: Flying into town for the weekend. Monday Specials.
Viewable posts in thread format. Private messages.
Matches found from real time searches. Pushed Match messages? "Black Book" matches so the user can choose at their convenience.

Notes
Possible way to Vet users who aren't going to use the provider services.
Featured position or spot.
Special icons, additional photos, access to special sections
Cost for each Expansion pack release. Features like: Ability to peer to peer message.
Integration of site and mobile as stand alone interfaces. Costs variables from desktop vs mobile app purchases.
Sites paying for content feeds? App generates transactions for partner site upgrades. Manage multiple ads from one App. Would be API and RSS reliant.

example of image upload ap use:

<http://admin.southeasttexas.backpage.com/HealthServices/its-a-great-time-to-start-maintaining-your-hair/12681326>

Big City App

apps like OkCupid require account creation

<http://itunes.apple.com/app/gypsii/id305089145?mt=8>
<http://www.apple.com/webapps/entertainment/buzzd.html>

<http://itunes.apple.com/us/app/backpage-mobile-online-classified/id397649055?mt=8>
<http://www.gentsnav.com>
<http://www.sugarsugar.com/>
<http://www.okcupid.com/>

Revenue Sources

Sources of Revenue	
1	Price of App
2	Posting Upgrade
3	Profile upgrades
4	Added feature expansions
5	Upgrades paid for from site use
6	Partner Site Fees
7	
8	
9	
10	
11	
12	

Revenue Sources

Notes
Possible way to Vet users who aren't going to use the provider services.
Featured position or spot.
Special Icons, additional photos, access to special sections
Cost for each Expansion pack release. Features like: Ability to peer to peer message.
Integration of site and mobile as stand alone interfaces. Costs variables from desktop vs mobile app purchases.
Sites paying for content feeds? App generates transactions for partner site upgrades. Manage multiple ads from one App. Would be API and RSS reliant.

Forecasts

	Sources of Revenue	Forecasted Revenue	Price
1	Price of App	\$4,950,000.00	\$0.99
2	Posting Upgrade	\$816,750.00	\$0.99
3	Profile upgrades	\$2,062,500.00	\$5.00
4	Added features	\$1,650,000.00	\$2.00
5	Upgrades paid for from site use	\$2,475,000.00	\$1.00
6			
7			
8			
9			
10			
11			
12			

Actual National Downloads	Projected Worldwide Download	Worldwide Download Factorial	Number of Active Users from Actual
1,000,000	5,000,000	5	250,000

Projected Website Users	Website Upgraders	% Paying for Upgrade	% Over Mobile Users
3,750,000	1,237,500	33.00%	300%

Annual Revenue from Monthly Purchase	\$59,301,000.00
One Time Costs	\$7,012,500.00
Total	\$66,313,500.00

User Input Cost	\$13.97
Monthly Cost	\$7.98
Total Annual User Cost	\$101.75

Forecasts

Projected Active Users	Mobile Upgrade Users
1,250,000	412,500

% of Active Users	No. monthly upgrades
25%	2

t

Exhibit 7

Message

From: Joe [joe@backpage.com]
Sent: 11/26/2012 11:22:15 PM
To: Carl Ferrer [carl.ferrer@backpage.com]
Subject: Re: I would like to call you and get some feed back on this.

That sounds like a winner. I need to reread when not so drunk but could help write specs if u want or be sounding board. Are u ok to chat when I'm back in "the office" or would u prefer sooner? I have boat ride tomorrow til 2 Hawaii time but will check email then to c when u'd like

-Joe

On Nov 26, 2012, at 12:27 PM, Carl Ferrer <carl.ferrer@backpage.com> wrote:

- > I'd like to do this. Later, Tom D could help us on it too: Find a local app developer who can build an Android and Iphone app to allow backpage users to communicate anonymously. Do it 30 days for \$30k.
- >
- > The app would work this way:
- > 1) User posts ads on backpage
- > 2) User gets option to use new mobile dating app (it will have a different domain like nakedcity or bigcity)
- > 3) API sends text, images and content from backpage to new mobile app site
- > 4) Email and/or text message is sent to user to load app.
- > 5) User loads app, sets password and filters (example: m4w, age, etc)
- > 6) User opens app and sees these features:
- > - sees gallery of images with content near them matching their filter
- > - can send/block messages and/or images to and from other users.
- > 7) User can create a profile page without posting backpage too.
- >
- > That's it. Later, businesses within our niche can post locations or specials like FourSquare. Or, users can pay for super powers, etc.
- >
- > It does not seem like forking technology as much as another business where you are enabling people to chat with one another anonymous.
- > Yes, there's a bunch of apps like this but no one but us could create community and content over night.

Exhibit 8

Message

From: rock@backpage [rock@backpage.com]
Sent: 6/18/2013 7:12:30 AM
To: Carl Ferrer [carl.ferrer@backpage.com]
CC: Tom BigCity [tom@bigcity.com]
Subject: Re: BigCity - Chat, Share Pictures, Meet Local People: App Submission Feedback

Understood.

On Jun 18, 2013, at 9:10 AM, Carl Ferrer <carl.ferrer@backpage.com> wrote:

Lets not share the blow by blow with counsel.

We can give them a debrief once approved.

On Jun 17, 2013, at 9:49 PM, "rock@backpage" <rock@backpage.com> wrote:

Yeah! What Tom just said!!

In all seriousness, by EOD tomorrow, I'll have a better grasp of the standard EULA from Apple and make sure we've covered all instance that they have pushed back on.

I will also try to have an initial draft of our EULA framed up with that mash up of Apple and our TOS tomorrow as well.

On Jun 17, 2013, at 9:39 PM, Tom BigCity <tom@bigcity.com> wrote:

Alright bad news, we got rejected. Good news is I think it'll be easy to fix. Here's why we got rejected:

18.2

We found your app contains user-generated content that is frequently sexually explicit, which is not in compliance with the App Store Review Guidelines.

Apps which provide user-generated content must also provide the following user protection:

- Moderators need to be used in order to flag and remove inappropriate content
- Users have to agree to terms (EULA) and these terms must be clear that there's no tolerance for objectionable content
- Users need a way to flag or report objectionable content and/or users generating this content
- Developer must act on objectionable content reports within 24 hours by removing the content and ejecting the user who provided the offending content
- Developer needs a method for ejecting users who violate the terms of the EULA

So this isn't too surprising. I've been chatting with Rock a bit already and we're going to respond to all points here, but in particular #3 can probably be addressed with a report button. It could simply send an email to support with a link to the profile in the moderation app. We also may need to craft a custom EULA combining our ToS and some of Apple's EULA's requirements. Otherwise I think we're fairly well covered, and they didn't give us any other reasons why we were rejected. I think we can get this back in for review by tomorrow or Wednesday.

Thanks,

Tom

----- Forwarded message -----

From: iTunes Store <do_not_reply@apple.com>

Date: Mon, Jun 17, 2013 at 7:00 PM

Subject: BigCity - Chat, Share Pictures, Meet Local People: App Submission Feedback

To: tom@bigcity.com

Hello Tom,

Your app BigCity - Chat, Share Pictures, Meet Local People has been reviewed, but we are unable to post this version. For details, or to directly contact the App Review team, visit the [Resolution Center](#) in iTunes Connect. Do not reply to this email.

Regards,

App Review

Converse with fellow developers and Apple engineers on technical topics.

Apple Developer Forums — <http://devforums.apple.com>

Apple Inc. 1 Infinite Loop, Cupertino, CA 95014
[Privacy policy](#) / [Terms of service](#) / [Terms of sale](#)



Exhibit 9

Message

From: Andrew Backpage [andrew@backpage.com]
Sent: 3/5/2014 7:07:49 PM
To: Cody Gautier [cody@backpage.com]; Tanya Perkins [trp@backpage.com]; Sara Colombo 18025 [sara@backpage.com]; Sarah Hutchinson [sarah@backpage.com]; Angela Backpage [angela@backpage.com]
CC: Joye Vaught [joye@backpage.com]
BCC: Tom Dinchak [tom@backpage.com]
Subject: Moderating BigCity 030514

All:

Here's the admin link to moderate Big City:

<https://mgmt.bigcity.com/#profiles?approved=0>

It's worth noting that although this URL says "approved=0", it's actually a link to the Unapproved profiles. The value in this instance just happens to be 0. If you lose your place navigating Big City (BC), refer back to this email.

Big City is not Backpage; the guidelines are different. It's intended as a social networking/dating.

Some notes:

- If the "Thumbnail" displays a generic profile icon, it means there are no pictures to sort through.
- "Names" should not be moderated unless it seems explicitly related to the exploitation of a minor. In that case, copy the User ID and email it to me.
- The "About" descriptions should not describe specific sex acts for money. Rates can be listed if sex acts are not; sex acts can be described if rates are not attached. The two, however, should never appear together. Copy the User ID's of these violators and email them to me.
- Images should not contain dicks, completely bare breasts, puss shots, buttoholes, sex acts or images of an unquestionable minor. If you run into images of an unquestionable minor, email me the User ID and delete the profile. For all other violations, simply remove the offending image(s).
- Email me once, at the end of your shift, with a list of all your deleted User ID's and a one word description of why you removed it.
- IMPORTANT. BC profiles do not need to be moderated as quickly as BP ads. Let's set the standard at 2 hours for now.
- Cody will guide you through the mechanics of navigating the BC interface.

Sara: coordinate the training via conference call. Sit in, if you can, when Cody trains Tanya. Reply-all each night with the name of an overnigher for Cody to train. Eventually we'll get through the whole overnight roster. You and Tanya will be enough on evenings for now but I want every overnigher with some training on BC.

Joye can decide tomorrow who Cody should train as a backup on days.

Sarah H: You'll split up supervising this project with Cody.

Sara and Angela: any help you can provide will go toward your special project hours. We can go over the details later.

Andrew Padilla

Backpage.com

Operations Manager

Phone: 469.269.2110

Fax: 214.757.8548

DECLARATION OF SERVICE BY E-MAIL and U.S. Mail

Case Name: **People of the State of California v. Carl Ferrer, Michael Lacey, James Larkin**

Case No.: **16FE019224**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 28, 2016, I served the attached **PEOPLE'S SUPPLEMENTAL BRIEF IN OPPOSITION TO DEFENDANTS' DEMURRER TO FELONY COMPLAINT** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

James C. Grant, Esq.
Davis Wright Tremaine LLP - Seattle
1201 Third Avenue, Suite 2200
Seattle, WA 98101

E-mail Address: jamesgrant@dwt.com

Cristina C. Arguerias, Esq.
Ted W. Cassman, Esq.
ARGUEDAS CASSMAN & HEADLEY, LLP
803 Hearst Avenue
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E-mail Address: arguedas@achlaw.com

Tom Henze, Esq.
Henze Cook Murphy PLLC
4645 N. 32nd. Street, Suite 150
Phoenix, AZ 85018

E-mail Address: tom@henzecoockmurphy.com

Don Bennett Moon, Esq.
500 Downer Trail
Prescott, AZ 86305

E-mail Address: don.moon@azbar.org

Robert Corn-Revere, Esq.
Davis, Wright, Tremaine LLP
1919 Pennsylvania Avenue, NW, Suite 800
Washington, D.C. 20006

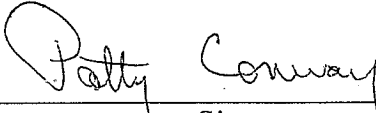
E-mail Address: bobcornrevere@dwt.com

Rochelle Wilcox, Esq.
Davis Wright Tremaine LLP - San Francisco
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6433

E-mail Address: rochellewilcox@dwt.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 28, 2016, at Sacramento, California.

Patty Conway
Declarant


Signature