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11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 RED GRANITE PICTURES, INC.

Case No. 2:15-cv-05763

15 Plaintiff,

**COMPLAINT FOR:**

16 v.

17 JOHN/JANE DOES 1-10

18 Defendant.  
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- 1) **VIOLATIONS OF THE COMPUTER FRAUD AND ABUSE ACT, 18 U.S.C. § 1030, *et seq.*;**
- 2) **VIOLATION OF THE CALIFORNIA COMPREHENSIVE COMPUTER DATA ACCESS AND FRAUD ACT, CALIFORNIA PENAL CODE § 502;**
- 3) **TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS**
- 4) **INVASION OF PRIVACY**
- 5) **STALKING UNDER CALIFORNIA CIVIL CODE § 1708.7**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Red Granite Pictures, Inc. (“Plaintiff”), by and through its  
2 undersigned counsel, having reasonable cause to believe that violations of law  
3 have occurred, alleges as follows:

4 **INTRODUCTION**

5 1. Plaintiff brings this action against Defendants John/Jane Does 1-10,  
6 whose identities are presently unknown, as a result of Defendants’ campaign of  
7 harassment and threats against Plaintiff and its employees, advisors, and business  
8 partners. As described below, Defendants have been responsible for sending  
9 harassing e-mails to many of Plaintiff’s employees, including to employees at non-  
10 public e-mail addresses, as well as to third parties that do business with Plaintiff.  
11 Defendants have also made a series of harassing and threatening phone calls to an  
12 employee of a related company, who advises Plaintiff.

13 **THE PARTIES**

14 2. Plaintiff is a motion picture production and distribution enterprise,  
15 incorporated under the laws of California, and conducting business in the County  
16 of Los Angeles, California.

17 3. The true identities of Defendants John/Jane Does 1-10 are unknown.  
18 Upon information and belief, information obtained in discovery from third party e-  
19 mail service providers, social networking websites, financial institutions, and  
20 telecommunications providers will lead to the identification of these Defendants.

21 **JURISDICTION AND VENUE**

22 4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331  
23 over the first claim for relief alleging violation of the Computer Fraud and Abuse  
24 Act (“CFAA”), 18 U.S.C. §§ 1030 *et seq.* This Court has pendent jurisdiction over  
25 the remaining claims for relief, pursuant to 28 U.S.C. § 1367(a), as those claims  
26 are substantially related to Plaintiff’s claims under the CFAA and arise from a  
27 common nucleus of operative facts, and thus form part of the same case or  
28 controversy under Article III of the United States Constitution.



1           12. Starting on at least that date, Plaintiff's employees began receiving  
2 mass e-mails, consisting of defamatory blog postings or reports alleging improper  
3 activities allegedly connected with Plaintiff, often accompanied by sensational or  
4 offensive subject lines.

5           13. Plaintiff's employees receiving these mass e-mails included those  
6 who had purely internal e-mail addresses and no public functions. Many of these  
7 employees' internal e-mail addresses are not publically disseminated, and  
8 obtaining these e-mail addresses would require non-public information on  
9 Plaintiff's employee roster and internal communications.

10           14. Upon information and belief, on an unknown date prior to July 10,  
11 2015, Defendants unlawfully and without permission obtained access to Plaintiff's  
12 computer systems, and used that unauthorized access to, among other things,  
13 collect non-public information on Plaintiff's business operations, employee lists,  
14 and internal communications.

15           15. Defendants then used this misappropriated information to construct a  
16 distribution list, which they have used to repeatedly e-mail Plaintiff's staff with  
17 harassing and defamatory communications. Defendants executed this intrusion  
18 and scheme in support of their campaign to damage Plaintiff's operations by  
19 intimidating and demoralizing its employees.

20           16. Defendants have also sent identical or nearly-identical e-mails to third  
21 parties that do business with Plaintiff. For example, Defendants sent a harassing e-  
22 mail to a producer and talent agent who has continued business dealings with  
23 Plaintiff.

24           17. These harassing e-mails have originated from a series of e-mail  
25 accounts using a free web-based e-mail service. A review of publicly-available  
26 sources returned no references to any of these e-mail addresses or their associated  
27 information, suggesting that they were recently created. Upon information and  
28

1 belief, these e-mail accounts were created solely for the purpose of directing  
2 harassing mass e-mails at Plaintiff's employees and business partners.

3 18. When Plaintiff's information technology staff blocked these harassing  
4 e-mails, they began arriving from a different newly-created e-mail address. When  
5 that address was blocked in turn, yet another new e-mail address was used to send  
6 the same mass e-mails to Plaintiff's employees and business partners.

7 19. These mass e-mails have had the effect of intimidating Plaintiff's  
8 employees and disrupting Plaintiff's business operations. Plaintiff has been forced  
9 to retain information security consultants and expend increased resources on this  
10 cat-and-mouse game attempting to block the daily harassment.

11 20. At this time it is unclear what other non-public information, if any,  
12 Defendants accessed or downloaded from Plaintiff's computer systems without  
13 authorization.

14 **Plaintiff's Advisor Receives Threatening Phone Calls from Defendants**

15 21. At the same time Plaintiff's employees were targeted by daily  
16 harassing e-mails, one of Plaintiff's outside advisors was also threatened by  
17 Defendants.

18 22. Victim-1 is a senior executive of a company that advises Plaintiff on  
19 various matters, including with respect to operations and financial management.

20 23. On or about July 12, 2015, Victim-1 began to receive threatening  
21 phone calls by Defendants on a phone number Victim-1 uses to conduct business  
22 with, among others, Plaintiff. These calls occurred in the middle of the night, often  
23 between 1 AM and 4 AM and have continued on a near-daily basis.

24 24. In the first such call, a John Doe defendant pretended to be a former  
25 co-worker of Victim-1. Victim-1 initially believed this ruse, and revealed where  
26 Victim-1 was travelling on business. In subsequent calls, the John Doe defendant  
27 did not identify himself, and warned Victim-1 to "stay away" from an executive of  
28 Plaintiff.





**THIRD CAUSE OF ACTION**

**(TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS)**

**Against All Defendants**

39. Plaintiff repeats and realleges paragraphs 1-38 as if fully set forth herein.

40. Defendants have intentionally used improper and illegal means in an attempt to damage Plaintiff's business operations and prospective economic advantages.

41. Defendants accessed Plaintiff's computer systems without authorization and by exceeding authorized access, and through this obtained non-public business information, including the identities of Plaintiff's employees. Defendants then used this information to harass and demoralize Plaintiff's employees and outside business partners, and threatened Plaintiff's outside advisers.

42. Defendants intended that their conduct would damage Plaintiff's prospective business relations, including with the third party business partners that were the recipients of Defendants' harassing e-mails.

**FOURTH CAUSE OF ACTION**

**(INVASION OF PRIVACY)**

**Against All Defendants**

43. Plaintiff repeats and realleges paragraphs 1-42 as if fully set forth herein.

44. Plaintiff, including its officers and employees, has a reasonable expectation of privacy as to nonpublic information maintained on its computer systems.

45. Defendants, by unlawfully accessing Plaintiff's computer systems, have improperly invaded that expectation of privacy. Defendants have compounded this harm by using that non-public information to harass Plaintiff's employees and business partners, disrupt its operations, and threaten its advisor.



**FIFTH CAUSE OF ACTION**

**(STALKING UNDER CALIFORNIA CIVIL CODE § 1708.7)**

**Against All Defendants**

46. Plaintiff repeats and realleges paragraphs 1-45 as if fully set forth herein.

47. Defendants engaged in a pattern of conduct with the intent of alarming or harassing Plaintiff's employees and advisers, and in particular, Victim-1.

48. Defendants knowingly and willfully directed electronic communications at Victim-1 for the purpose of alarming, tormenting, or terrorizing Victim-1, and these communications served no legitimate purpose.

49. Defendants' communications included credible threats against Victim-1 through electronic devices, including computers and telephone communications.

50. As a result of this pattern of conduct, Plaintiff's employees and advisers, including Victim-1, reasonably feared for their physical safety and suffered emotional distress.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiff demands the Court enter judgment as follows:

- A. For compensatory damages;
- B. For declaratory relief;
- C. For all costs and fees incurred in prosecuting this Complaint;
- D. For such other and further relief as this Court deems just and proper.

**JURY TRIAL DEMAND**

Plaintiff hereby demands a trial by jury as to all issues so triable in this action.

1 Dated: July 29, 2015

Respectfully Submitted,

2 BOIES, SCHILLER & FLEXNER LLP

3 By: /s/ Karen Paik

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