

1 M. Cris Armenta (SBN 177403)
 2 THE ARMENTA LAW FIRM APC
 3 11900 W. Olympic Boulevard, Suite 730
 4 Los Angeles, CA 90064
 5 Tel: (310) 826-2826 x 108
 6 Facsimile: (310) 826-5456
 7 Email: cris@crisarmenta.com

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 ORIGINAL FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

SEP 19 2012

John A. Clarke, Executive Officer/Clerk
 BY Mary Flores, Deputy

5 Credence E. Sol (SBN 219784)
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 8 credence.sol@sol-law.com
 9 Attorneys for Plaintiff
 10 Cindy Lee Garcia

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 FOR THE COUNTY OF LOS ANGELES

12 CINDY LEE GARCIA, an individual, Case No. BC 49 2358

13 Plaintiffs, **THE** COMPLAINT FOR:

14 vs. **Hollywood**
 15 NAKOULA BASSELEY NAKOULA,
 16 an individual also known as SAM
 17 BACILE; GOOGLE, INC., a Delaware
 18 Corporation; YOUTUBE, a California
 19 limited liability company, and DOES 1
 20 through 200, inclusive.

- 1. Declaratory Relief
- 2. Invasion of Privacy
- 3. False Light Invasion of Privacy
- 4. Right of Publicity;
- 5. Fraud;
- 6. Unfair Business Practices
- 7. Slander;
- 8. Intentional Infliction of Emotional Distress

19 Defendants.

[Demand For Jury Trial]

[Ex Parte Application for a
 Temporary Restraining Order and a
 Preliminary Injunction Requested]

1 For her verified Complaint against Defendants Nakoula Basseley Nakoula, also known as
2 Sam Bacile, Google, Inc. and YouTube LLC, Plaintiff Cindy Lee Garcia alleges as follows:

3 **GENERAL ALLEGATIONS**

4 **A. The Parties**

5 1. Plaintiff Cindy Lee Garcia is an individual and at all relevant times herein was a
6 resident of Kern County, California.

7 2. Defendant Nakoula Basseley Nakoula, also known as Sam Bacile ("Defendant
8 Nakoula" or "Bacile") is an individual and at all relevant times herein as a resident of Los Angeles
9 County, California.

10 3. Defendant Google, Inc., is a corporation incorporated in Delaware with its principal
11 place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Google
12 conducts business throughout California, the nation, and the world.

13 4. Defendant YouTube, LLC, is a California limited liability company. YouTube
14 conducts business throughout California, the nation, and the world.

15 5. Plaintiff lacks knowledge of the true names and capacities of the defendants sued
16 herein as DOES 1 through 200, inclusive, and therefore sues these defendants by such fictitious
17 names. DOES 1-150 are unidentified posters of the film, as further described below. Plaintiff will
18 amend this complaint to allege their true names and capacities when they have been ascertained.

19 6. Plaintiff is informed and believes that each of the defendants designated herein as a
20 Doe is responsible in some manner for the events and happenings herein alleged, as well as for the
21 damages alleged.

22 7. Plaintiff is informed and believes that each of the defendants was the agent or
23 employee of each of the remaining defendants and, at all relevant times herein, acted within the
24 course and scope of such agency and/or employment.

25 **FACTUAL BACKGROUND**

26 8. Plaintiff Garcia is an actress. Garcia works in film, television and theatre.

27 9. In July of 2011, Plaintiff Garcia responded to a casting call posted on Backstage for
28 a film titled "Desert Warrior," which was represented to be an "historical Arabian Desert

1 adventure film.” She was cast in the film. The producers of the film, including DOES 151-200,
2 and Defendant Bacile, intentionally concealed the purpose and content of the film.

3 10. Ms. Garcia was given pages of the script “Desert Warrior.” There was no mention
4 of “Mohammed” during filming or on the set. There were no references made to religion nor was
5 there any sexual content of which Ms. Garcia was aware. Mr. Bacile represented to her that the
6 Film was indeed an adventure film and about ancient Egyptians. Based on those specific
7 representations made and the script and the manner in which the Film was shot, she agreed to
8 deliver an acting performance for “Desert Warriors.”

9 11. On July 2, 2012, Defendant Bacile published a video entitled “The Innocence of
10 Muslims” (the “Film”) to the Internet site www.youtube.com, making the Film available publicly
11 and globally. The Film includes Plaintiff’s acting work from “Desert Warriors” and has been
12 changed grotesquely to make it appear that Ms. Garcia voluntarily performed in a hateful anti-
13 Islamic production. The Film is vile and reprehensible. Plaintiff was unaware of the vile content
14 contained in the Film, as the content and overall purpose of the Film was concealed from them at
15 all times by Defendant Bacile and DOES 151 through 200. This lawsuit is not an attack on the
16 First Amendment nor on the right for Americans to say what they think, but does request that the
17 offending content be removed from the Internet.

18 12. Based on information and belief, in around September of 2012, Defendant Bacile
19 published the Film, with the voices of Plaintiffs and her castmates dubbed into Arabic, on
20 YouTube. The availability of the Film in Arabic has set off protests and violence in the Middle
21 East. That violence resulted in the assassination of four embassy officials in Libya, including
22 United States Ambassador Christopher Stevens.

23 13. After the Film was published on YouTube, Plaintiff received death threats.

24 14. After the Film was published on YouTube, Plaintiff’s family, fearing for their own
25 safety, informed her that she was no longer permitted to see her grandchildren, whom she
26 previously babysat regularly.

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SECOND CAUSE OF ACTION

Invasion of Privacy

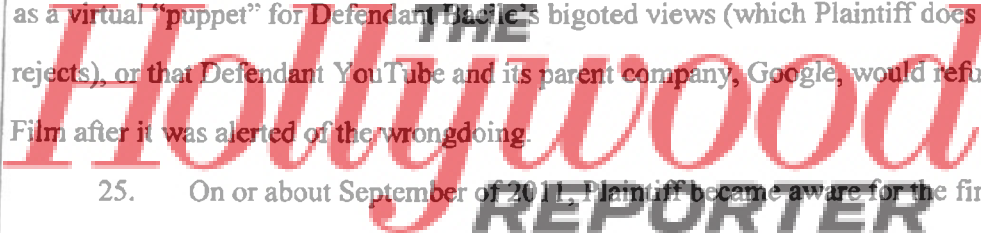
Against All Defendants

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4 21. Plaintiff repeats and realleges paragraphs 1 through 20 of this Complaint as though
5 set forth in full.

6 22. The right of privacy is protected by the California Constitution, Article I, Section 1.

7 23. At all times herein mentioned and up to and including the present, Plaintiff had a
8 legally protected interest in her privacy and the right to be free from having hateful words put in
9 her mouth or being depicted as a bigot. The right to privacy is a fundamental right, long respected
10 in the California courts.

11 24. At all times herein mentioned and up to and including the present, Plaintiff had a
12 reasonable expectation of privacy, and at no time expected that Defendants would use her image
13 as a virtual "puppet" for Defendant Basile's bigoted views (which Plaintiff does not share and
14 rejects), or that Defendant YouTube and its parent company, Google, would refuse to remove the
15 Film after it was alerted of the wrongdoing.



16 25. On or about September of 2011, Plaintiff became aware for the first time that
17 another voice had been dubbed over her image, making it appear that she had made outrageously
18 bigoted statements that she never said and does not endorse.

19 26. The conduct of Defendants, and each of them, in disseminating this false depiction
20 of Plaintiff as described herein constituted a serious invasion of Plaintiff's right to privacy, and
21 was an egregious breach of social norms that subjected Plaintiff to death threats and extreme
22 emotional distress.

23 27. As a proximate cause of the conduct of Defendants, and each of them, Plaintiff has
24 suffered emotional distress, mental suffering, and invasion of her Constitutional right to privacy in
25 a sum that is presently unascertainable. Plaintiff will seek leave of court to amend this Complaint
26 to set forth the full amount of said damage when ascertained.

27 28. The acts of Defendants, and each of them, were willful, wanton, malicious, and
28 oppressive, and justify an award of exemplary and punitive damages.

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THIRD CAUSE OF ACTION
False Light Invasion of Privacy
Against All Defendants

29. The allegations set forth in paragraphs 1 through 28 are realleged and incorporated herein by reference

30. Defendants, through the above-described Film and their actions in publishing it, including the content that falsely purported to depict Plaintiff saying bigoted things that she did not say, gave publicity to matters concerning Plaintiff that unreasonably places her in a false light and violates her right of privacy.

31. The false light in which Plaintiff was placed would be highly offensive to a reasonable person.

32. Defendants knew of the falsity of the publicized matter and the false light in which Plaintiff would be placed and/or acted with reckless disregard for the truth or falsity of the publicized matter and the false light in which Plaintiff would be placed.

33. As a direct and proximate result of the above-described depiction, Plaintiff has suffered and will suffer emotional distress, and has been, and continues to be, embarrassed and humiliated by the false statements and implications, terrorized by the death threats that she has received as a result of the false light in which she has been placed, and reasonably fears that she will be shunned, avoided, and subjected to ridicule.

34. Additionally, as a direct and proximate result of the above-described statements and depictions, Plaintiff has suffered, and may continue to suffer, significant damage to her reputation and to her livelihood, particularly among those who do not know Plaintiff personally or professionally. Further, as a direct and proximate result of the above-described statements and depictions, Plaintiff has suffered, and may continue to suffer, significant damage to her personal reputation in the community. As a result of this potential damage to her reputation, Plaintiff's business and personal relationships have been, and may continue to be, adversely affected.

1 35. All of these above-described damages are in an amount that cannot presently be
2 ascertained but which Plaintiff is informed and believes are in excess of the jurisdictional
3 minimum of this Court, according to proof at trial.

4 36. Defendants, and each of them, have acted with knowledge that the depiction of
5 Plaintiff was false and with a reckless disregard of truth or falsity. Defendants' conduct was
6 intended by them to cause injury to Plaintiffs, and was despicable conduct carried on with a willful
7 and conscious disregard of the rights, reputation, and safety of Plaintiff. As such, Plaintiff is
8 entitled to recover punitive and exemplary damages in an amount sufficient to punish Defendants
9 and deter them from such conduct in the future.

10 **FOURTH CAUSE OF ACTION**

11 **Right of Publicity**

12 **Against All Defendants**

13 37. The allegations set forth in paragraphs 1 through 36 are realleged and incorporated
14 herein by reference.

15 38. California's Right of Publicity Statute, California Civil Code § 3344 *et seq.*,
16 protects persons from the unauthorized appropriation of the person's identity by another for
17 commercial gain.

18 39. Defendants Bacile, Google, and the Does 1-150 and 151-200 knowingly used
19 Plaintiff's name, photograph, or likeness for commercial gain or otherwise.

20 40. None of the Defendants had Plaintiff's consent to do so.

21 41. Other than payment for acting in "Desert Warriors," Plaintiff received no
22 compensation or other consideration for Defendants' use of her name, photograph, or likeness.

23 42. Plaintiff was harmed by Defendants' actions.

24 43. The use of Plaintiff's name, photograph, or likeness was directly connected to
25 Defendants' commercial or other use.

26 44. Defendants' actions were a substantial factor in Plaintiff's harms.

27 45. The Film was not used in conjunction with news, public affairs, a sports broadcast
28 or account, or a political campaign.

1 46. Plaintiff therefore seeks injunctive relief, and other such preliminary and other
2 equitable or declaratory relief as may be appropriate.

3 47. Plaintiff also seeks a remedy as provided for by California Civil Code Section
4 3344(a) in the amount equal to the greater of \$750 per incident, or actual damages, any profits
5 attributable to Defendants' illegal action, before taking into account any actual damages, punitive
6 damages, attorneys fees and costs, and any other relief as may be appropriate.

7 **FIFTH CAUSE OF ACTION**

8 **Fraud**

9 **Against Defendant Bacile and DOES 1 through 10**

10 48. The allegations set forth in paragraphs 1 through 47 are realleged and incorporated
11 herein by reference.

12 49. Defendant Bacile represented to Plaintiff that the Film was an "adventure" film,
13 and that she would be depicted as a benign historical character.

14 50. Defendant Bacile's representations that he intended to make an "adventure" film,
15 and that Plaintiff would be depicted as a concerned mother, were false. Instead, Defendant Bacile
16 made an anti-Islam propaganda film, in which Plaintiff is falsely made to appear to accuse the
17 founder of the Islamic religion of being a sexual deviant and child molester.

18 51. When Defendant Bacile represented to Plaintiff that he intended to make an
19 "adventure" film, and that her character was merely to express concern for her child, he knew that
20 the representations were false, or he made the representations with reckless disregard as to their
21 falsity.

22 52. Defendant Bacile made the misrepresentations with the intent to defraud Plaintiff.
23 In making the misrepresentations, Defendant Bacile intended to induce Plaintiff to rely upon the
24 misrepresentations and to act upon them by agreeing to appear in his "adventure" film.

25 53. At the time Defendant Bacile made the misrepresentations, Plaintiff was unaware
26 of the falsity of the misrepresentations. Plaintiff acted in reliance on the truth of the
27 misrepresentations, in that the misrepresentations substantially influenced her actions, and
28 Plaintiff was justified in relying on the misrepresentations.

1 have been seen and heard by millions of individuals throughout the world, whose names are not
2 presently known to Plaintiff.

3 69. These words were slanderous because they tend to injure Plaintiff in her profession,
4 trade and business by imputing to her a general disqualification for working with the public,
5 something that the occupation and duties of her profession peculiarly require, and the profitability
6 of which is naturally lessened if she is believed to be a religious bigot.

7 70. These words published by Defendants were stated not as a matter of opinion, but as
8 a matter of fact, and therefore were not protected or privileged in any way.

9 71. The words published by Defendants also were slanderous because Plaintiff never
10 called the founder of Islam a child molester, either on the set of the Film or at any other place or
11 time.

12 72. At no relevant time did Plaintiff ratify or consent to the dissemination of the
13 statements, on YouTube or anywhere else. In fact, Plaintiff subsequently contacted Defendant
14 Bacile to ask him to remove the Film from YouTube and also contacted Google and YouTube to
15 request the same thing.

16 73. Plaintiff is informed and believes and thereon alleges that Defendants repeated the
17 false statements to others, including a worldwide audience on YouTube.

18 74. The words that Defendants put, and kept, in Plaintiff's mouth carried a defamatory
19 meaning by their very terms and were understood by those who saw and heard them in a way that
20 defamed Plaintiff.

21 75. Defendants further published such statements deliberately and with knowledge and
22 intention that such words would be heard by a worldwide YouTube.com audience.

23 76. As a proximate result of Defendants' publication of the false statements, Plaintiff
24 has suffered loss of her reputation, shame, mortification, and hurt feelings all to her general
25 damages in a sum to be proven at trial.

26 77. As a further result of Defendants' publication of the false statements, Plaintiff has
27 suffered special damages according to proof.

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1 78. As the above-described statements were published with malice and oppression and
2 fraud, an award of exemplary and punitive damages is necessary and appropriate.

3
4 **EIGHTH CAUSE OF ACTION**

5 **Against All Defendants**

6 **Intentional Infliction of Emotional Distress**

7 79. The allegations set forth in paragraphs 1 through 78 are realleged and incorporated
8 herein by reference.

9 80. The conduct set forth hereinabove was extreme and outrageous and an abuse of the
10 authority and position of Defendants, and each of them. Said conduct was intended to cause
11 severe emotional distress, or was done in conscious disregard of the probability of causing such
12 distress. Said conduct exceeded the inherent risks of Plaintiff's work as an actress and was not the
13 sort of conduct normally expected to occur in the production of a Film, or in the posting of a film
14 to YouTube. Defendants, and each of them, abused their positions of authority toward Plaintiff,
15 and engaged in conduct intended to make Plaintiff a target of extremist violence. Defendant
16 Google abused its authority over removal of videos from YouTube, and directly injured Plaintiff
17 by their ratification of Defendant Bacile's acts.

18 81. The foregoing conduct did in fact cause Plaintiff to suffer extreme emotional
19 distress. As a proximate result of said conduct, Plaintiff suffered embarrassment, anxiety,
20 humiliation and emotional distress, and will continue to suffer said emotional distress in the future
21 in an amount according to proof.

22 **PRAYER**

23 Plaintiff Garcia prays for judgment against Defendants as follows:


- 24 1. For temporary and permanent injunctive relief;
- 25 2. For general damages according to proof at trial, exceeding the jurisdictional
26 minimum of this Court;
- 27 3. For special damages arising from the loss of business and business opportunities,
28 according to proof at trial;

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- 4. For restitution;
- 5. For exemplary and punitive damages;
- 6. For attorney fees and costs of suit incurred herein; and
- 7. For such other and further relief as the Court deems just and proper.

THE ARMENTA LAW FIRM, A.P.C.

Dated: September 18, 2012

By: 
 M. Cris Armenta
 Attorneys for Plaintiff
 Cindy Lee Garcia

THE
Hollywood
REPORTER

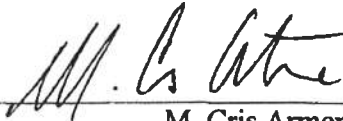
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REQUEST FOR JURY TRIAL

Plaintiff hereby requests a trial for jury.

Dated: September 18, 2012

THE ARMENTA LAW FIRM, A.P.C.

By: 
M. Cris Armenta
Attorneys for Plaintiff
Cindy Lee Garcia

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VERIFICATION

I, Cindy Lee Garcia, a Plaintiff in this proceeding, have read the documents:

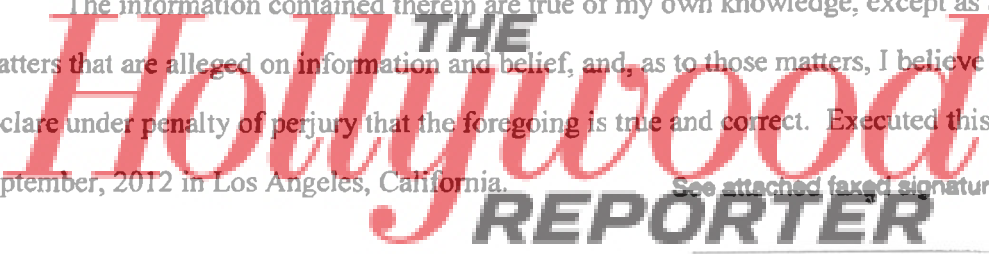
COMPLAINT FOR:

**Declaratory Relief
Invasion of Privacy
False Light Invasion of Privacy
Right of Publicity;
Fraud;
Unfair Business Practices
Slander;
Intentional Infliction of Emotional Distress**

[Demand For Jury Trial]

[Ex Parte Application for a Temporary Restraining Order and a Preliminary Injunction Requested]

The information contained therein are true of my own knowledge, except as to those matters that are alleged on information and belief, and, as to those matters, I believe it to be true. I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of September, 2012 in Los Angeles, California. *See attached faxed signature*



Cindy Lee Garcia

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VERIFICATION

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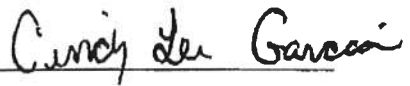
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