

D-1-GN-24-001779

CAUSE NO. _____

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MULTI MEDIA, LLC D/B/A	§	459TH, DISTRICT COURT
CHATURBATE.COM,	§	
<i>Defendant.</i>	§	____ JUDICIAL DISTRICT

Plaintiff's Original Verified Petition and Application for Permanent Injunction

Defendant MULTI MEDIA, LLC d/b/a CHATURBATE.COM (“Multi Media”) publishes sexually explicit material online that is accessible and harmful to Texas children and adolescents. Civil Practice and Remedies Code Chapter 129B protects Texas minors from the harmful sexually explicit material that can be found on the chaturbate.com website. This recent Texas law requires pornographic websites, like those of Multi Media, to use reasonable age verification measures to ensure those viewing its pornography are 18 years of age or older.

Multi Media is in continuing violation of Texas law. There is an ongoing threat to the public—specifically Texas children and adolescents—by Multi Media’s continuing violation of Civil Practice and Remedies Code Chapter 129B. Consequently, as authorized by statute, the State of Texas, by and through Ken Paxton, the Attorney General of Texas, files this Original Petition and Application for Permanent Injunction asking the Court to order Multi Media to comply with Texas law and to impose civil penalties of up to \$10,000 a day since September 19, 2023.

INTRODUCTION

1. Sexually explicit material on the internet has become increasingly accessible to Texas children and adolescents. Exposure to this material is harmful and can be associated with many negative emotional, psychological, and physical health outcomes for preadolescent users. House Comm. on Jud. & Civ. Juris., Bill Analysis, Tex. H.B. 1181, 88th Leg., R.S. (2023).
2. Approximately one in five youth experience unwanted online exposure to sexually explicit material. *Id.*

3. HB 1181, codified at Chapter 129B of the Texas Civil Practices and Remedies Code, holds individuals and entities who publish sexual material harmful to minors on a website accountable by setting out age verification requirements and creating liability for those who violate certain requirements. *Id.*

4. Chapter 129B of the Texas Civil Practices and Remedies Code became effective on September 1, 2023.

5. Chapter 129B requires that websites use reasonable age verification methods, as described in the statute, to verify that an individual attempting to access sexual material harmful to minors is 18 years of age or older.

6. Multi Media is a commercial entity that knowingly and intentionally publishes or distributes material on Chaturbate.com an internet website, more than one-third of which is sexual material harmful to minors.

7. Multi Media does not use reasonable age verification methods as required by Chapter 129B.

8. The State of Texas, by and through the Attorney General, is authorized to bring an action against an entity who is knowingly violating Chapter 129B.

NATURE OF SUIT

9. The State of Texas brings this action to enjoin continuing violations of Chapter 129B and compel Multi Media to comply with Texas law. Multi Media's publication or distribution of sexual material harmful to minors on the internet without implementing the reasonable age verification methods required by Chapter 129B harms, and continues to harm, Texas children and adolescents.

DISCOVERY CONTROL PLAN

10. Discovery is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.3.

11. The State of Texas seeks injunctive relief. Therefore, this suit is not governed by the expedited actions process in Tex. R. Civ. P. 169.

VENUE

12. Venue is proper in Travis County under Texas Civil Practices and Remedies Code section 129B.006(a).

JURISDICTION

13. Defendant MULTI MEDIA, LLC d/b/a CHATURBATE.COM is a California limited liability company with its principal place of business at 23600 El Toro Road, #D344, Lake Forest, California 92630, that conducts business throughout the United States, including within the State of Texas. This Court has personal jurisdiction over Multi Media in accordance with Texas Civil Practice & Remedies Code § 17.042 because at all times material to this action Multi Media has engaged in business in Texas. Multi Media does not maintain a place of regular business in Texas and has no designated agent in Texas on whom service of citation may be made in this action. Upon information and belief, Defendant can be served with citation through its registered agent at Registered Agents, Inc., 1401 21st Street, Suite R, Sacramento, CA 95811. In addition, or in the alternative, Multi Media may be served with process by serving the Texas Secretary of State. Tex. Civ. Prac. & Rem. Code § 17.044.

PARTIES

14. Plaintiff is the State of Texas.

15. Defendant MULTI MEDIA, LLC d/b/a CHATURBATE.COM is a limited liability company incorporated in the State of California, conducting business throughout the United States, including within the State of Texas. Its principal address is located at 23600 El Toro Road, #D344, Lake Forest, California 92630. Defendant Multi Media states in its website that it is a technology company that provides live streaming platforms for independent content creators and supports a sex-positive culture and environment. Defendant Multi Media owns the popular pornographic website chaturbate.com that distributes sexual material harmful to minors.

FACTUAL ALLEGATIONS AND VIOLATIONS

16. Multi Media is in violation of Civil Practice and Remedies Code Chapter 129B by knowingly and intentionally publishing or distributing sexual material harmful to minors without implementing reasonable age verification methods, on the landing pages of its internet website.

17. Multi Media's continuing violations of Chapter 129B places Texas children and adolescents at risk of viewing harmful online sexually explicit material.

18. The chaturbate.com website, under the control of Multi Media, has not implemented reasonable age verification methods as required by Chapter 129B. Minors are able to visit Defendant's pornographic website and view sexual material harmful to minors without being required to complete a reasonable age verification method as described in Texas Civil Practice and Remedies Code § 129B.003. Instead, minors who visit Defendant's website are either immediately presented with sexual material harmful to minors with no form of verification needed, or they are simply asked to complete the trivial step of clicking an "I AGREE" button, which ostensibly verifies the viewer is over the age of 18. The age verification methods used by the Defendant on its chaturbate.com website cannot be said to verify anything at all, and they wholly fail to comply with the requirements of Chapter 129B.

A. Defendant MULTI MEDIA, LLC D/B/A CHATURBATE.COM is in violation of Texas Civil Practice and Remedies Code §§ 129B.002(a) and 129B.003(b) because it has failed to implement reasonable age verification methods.

19. Texas Civil Practice and Remedies Code § 129B.002(a) states, "A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by Section 129B.003 to verify that an individual attempting to access the material is 18 years of age or older."

20. Texas Civil Practice and Remedies Code § 129B.003(b) states, "A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website or a third party that performs age verification under this chapter shall require an individual to:

- (1) provide digital identification; or

- (2) comply with a commercial age verification system that verifies age using:
 - (A) government-issued identification; or
 - (B) a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

21. Multi Media is a commercial entity that must comply with Texas Civil Practice and Remedies Code §§ 129B.002 and 129B.003.

22. Each day since September 19, 2023—and continuing still—Multi Media has violated Civil Practice and Remedies Code §§ 129B.002 and 129B.003.

23. Multi Media publishes or distributes sexual material harmful to minors on the internet through the website under the Defendants’ control, known as chaturbate.com.

REQUEST FOR RELIEF

A. Request for Injunctive Relief under Texas Civil Practice and Remedies Code § 129B.006.

24. The State of Texas would show that Multi Media is violating the laws of the State of Texas and will continue to violate such laws unless restrained by a court order enforceable by contempt. Unless Multi Media is restrained and enjoined by an injunction to require implementation of reasonable age verification methods on the landing pages of its website, Texas children and adolescents will continue to have access to harmful online sexually explicit materials, and Multi Media will continue to operate in violation of state law.

25. “If the attorney general believes that an entity is knowingly violating or has knowingly violated this chapter and the action is in the public interest, the attorney general may bring an action in a Travis County district court or the district court in the county in which the principal place of business of the entity is located in this state to enjoin the violation, recover a civil penalty, and obtain other relief the court considers appropriate.” Tex. Civ. Prac. & Rem. Code § 129B.006(a).

26. Pursuant to Texas Civil Practice and Remedies Code §129B.006, the State of Texas, by and through the Attorney General, seeks an order enjoining Multi Media from violating Chapter 129B.

B. Request for Permanent Injunction.

27. The State of Texas is entitled to a statutory injunction against Multi Media enjoining its violations of Civil Practice and Remedies Code §§ 129B.002, and 129B.003.

28. Upon notice and hearing, the State of Texas requests the Court enter a permanent injunction warranted by the facts against Multi Media, its agents, assigns, subsidiaries, successors in interest, and employees, including but not limited to ordering the following:

- A. Concluding that MULTI MEDIA, LLC d/b/a CHATURBATE.COM is violating Texas Civil Practice and Remedies Code Chapter 129B.
- B. Enjoining MULTI MEDIA, LLC d/b/a CHATURBATE.COM its agents, assigns, subsidiaries, successors in interests, and employees, from forming new entities and transferring assets thereto absent pre-approval from the Court;

Enjoining MULTI MEDIA, LLC d/b/a CHATURBATE.COM, its agents, assigns, subsidiaries, successors in interests, and employees, from online publication or distribution of sexual material harmful to minors without implementing reasonable age verification methods required by Texas Civil Practice and Remedies Code sections 129B.002, and 129B.003, to verify that an individual attempting to access the material is 18 years of age or older.

To remain in effect until and unless MULTI MEDIA, LLC d/b/a CHATURBATE.COM comes into full compliance with Texas Civil Practice and Remedies Code Chapter 129B, as well as payment of any and all penalties and sanctions the Court may award.

29. The State of Texas is not required to post a bond prior to issuance of injunctive relief pursuant to Texas Civil Practice and Remedies Code section 6.001.

C. Request for Civil Penalties.

30. “A civil penalty imposed under this section for a violation of Section 129B.002 or 129B.003 may be in an amount equal to not more than the total, if applicable, of \$10,000 per day that the entity operates an Internet website in violation of the age verification requirements of this

chapter.” *Id.* § 129B.006(b)(1).

31. As of the date of the filing of this suit, Multi Media has violated Civil Practice and Remedies Code sections 129B.002 and .003, for at least 178 days and must pay a civil penalty of up to \$1,780,000; plus an additional penalty of up to \$10,000 a day for each day after the date of filing in which Multi Media continues to operate in violation of Chapter 129B.

32. The Attorney General requests the Court, upon final hearing in this cause, assess civil penalties against Multi Media in accordance with Texas Civil Practice and Remedies Code section 129B.006(b)(1) up to \$1,780,000; plus an additional penalty of up to \$10,000 a day for each day after the date of filing in which Multi Media continues to operate in violation of Chapter 129B.

D. Request for Attorney’s Fees and Other Costs.

33. Pursuant to Civil Practice and Remedies Code § 129.006(d), the State of Texas, by and through the Attorney General, may recover reasonable and necessary attorney’s fees and costs incurred in this action.

34. The State of Texas requests that, upon final trial, the Court Order Multi Media to reimburse the State of Texas, by and through the Attorney General, for all costs of investigation and litigation, including reasonable attorney’s fees, reasonable investigative expenses, court costs, witness fees, deposition expenses, and civil administrative costs in accordance with Civil Practice and Remedies Code §129B.006(b)(1).

Prayer

The State of Texas prays the Court, after notice and hearing, grant the following relief:

- a. A permanent injunction enjoining Multi Media from further violating Texas Civil Practice and Remedies Code Chapter 129B.
- b. Civil penalties payable by Multi Media in the amount of up to \$1,780,000 (\$10,000 a day from September 19, 2023, to the date of the filing of this lawsuit), plus an additional penalty of up to \$10,000 a day for each day after the date of filing in which Multi Media continues to operate in violation of Chapter 129B, under Section 129B.006(b)(1) of the Texas Civil Practices and Remedies Code.

- c. Reasonable and necessary attorney's fees and costs incurred by the State of Texas.
- d. All other relief as the Court deems equitable and just.

Dated: March 19, 2024.

Respectfully submitted,

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

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/s/ Clay Watkins

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ATTORNEYS FOR PLAINTIFF
STATE OF TEXAS

CAUSE NO. D-1-GN-24-_____

STATE OF TEXAS,
Plaintiff,

v.

MULTI MEDIA, LLC d/b/a
CHATURBATE.COM,
Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

____TH JUDICIAL DISTRICT

Declaration of Investigator

My name is Erik Cabrera. I am over eighteen years of age, am of sound mind, have not been convicted of a felony, and am capable of making this declaration. I am an Investigator in the Office of the Texas Attorney General, Criminal Investigation Division / Child Exploitation Unit / Southern Texas ICAC Task Force.

I have read the above Original Verified Petition and Application for Permanent Injunction. I verify that the facts stated therein are within my personal knowledge and are true and correct.


Erik Cabrera

Sworn and subscribed before me on this 1st day of March, 2024.




Notary Public

STATE OF TEXAS

COUNTY OF DALLAS

Know all men by these presents

that I, the undersigned

do hereby certify

that the within and foregoing

is a true and correct copy

of the original as the same appears from the records of the County of Dallas, State of Texas.

In testimony whereof, I have hereunto set my hand and the seal of the County of Dallas, this _____ day of _____, 2011.

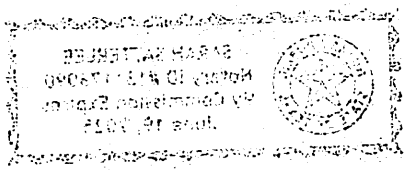
My commission expires _____ day of _____, 2011.

Notary Public in and for the State of Texas

My office is located at _____, Dallas, Texas.

[Signature]

[Signature]



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Meridith Fischer on behalf of Clayton Watkins

Bar No. 24103982

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Envelope ID: 85728659

Filing Code Description: Petition

Filing Description: PLAINTIFF'S ORIGINAL VERIFIED PETITION AND APPLICATION FOR PERMANENT INJUNCTION

Status as of 3/20/2024 9:37 AM CST

Associated Case Party: STATE OF TEXAS

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