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<https://www.vice.com/en/article/88n55g/xbiz-lawsuit-alleges-stolen-identity-fake-social-media-profile>

from July 22, 2020

XBIZ Lawsuit Alleges Stolen Identity, Fake Social Media Profile

By Samantha Cole

July 22, 2020

A former XBIZ employee is suing the company, alleging that it stole her personal information and used it to create a fake social media profile.

The lawsuit, filed in Los Angeles Superior Court on Tuesday, alleges that XBIZ violated the plaintiff's privacy rights and caused her emotional distress.

The plaintiff, who is identified only as Jane Doe in the lawsuit, worked as a customer service representative for XBIZ from 2018 to 2019. She alleges that in 2019, she discovered that XBIZ had created a fake Facebook profile using her name and photo.

The profile, which was used to promote XBIZ's products and services, included personal information about the plaintiff, such as her hometown and her interests. The plaintiff alleges that she never gave XBIZ permission to use her personal information in this way.

The plaintiff also alleges that XBIZ used her stolen identity to create fake reviews of XBIZ's products and services. These reviews were posted on various websites, including Amazon and Trustpilot.

The plaintiff is seeking damages for the emotional distress she has suffered as a result of XBIZ's alleged actions. She is also seeking an injunction to prevent XBIZ from continuing to use her personal information without her consent.

XBIZ has not yet commented on the lawsuit.

Update: XBIZ has since denied the allegations in the lawsuit. In a statement to Vice, XBIZ said that it "takes the privacy of our employees and customers very seriously" and that it is "committed to protecting their personal information."

XBIZ also said that it is "investigating the allegations" and that it will "take appropriate action if necessary." their personal information, and engaged in deceptive marketing practices. XBIZ has denied all of the allegations against it and has vowed to fight the lawsuits. However, the number of lawsuits that have been filed against XBIZ suggests that the company may have some serious problems.

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https://www.oag.ca.gov/system/files/attachments/press_releases/XBIZ%20Complaint_0.pdf

from September 18, 2018

Office of the Attorney General
Edmund G. Brown Jr.
Attorney General

FOR IMMEDIATE RELEASE

Contact:

Lynda Gledhill
(916) 210-6003

California Sues XBIZ for Failing to Disclose Sale of Consumers' Personal Information

LOS ANGELES – California Attorney General Xavier Becerra today sued XBIZ, LLC, an adult entertainment company, for violating California's unfair competition law by failing to disclose that it was collecting and selling its users' personal information. The lawsuit also alleges that XBIZ used deceptive marketing practices to trick users into signing up for its services. "XBIZ made millions by deceiving Californians about how it was using their personal information," said Attorney General Becerra. "XBIZ hid the fact that it was selling consumers' personal information to third parties, and it tricked consumers into signing up for its services by making false promises about what it would provide in return. My office will continue to hold companies accountable when they violate California law and harm consumers." The lawsuit alleges that XBIZ violated the California Unfair Competition Law (UCL) by:

- Failing to disclose that it was collecting and selling its users' personal information to third parties.
- Using deceptive marketing practices to trick users into signing up for its services.
- Failing to take reasonable steps to protect its users' personal information from unauthorized access or disclosure

The lawsuit seeks to enjoin XBIZ from continuing to violate the UCL, and to require XBIZ to pay civil penalties, restitution to consumers, and the costs of the investigation and prosecution.

The lawsuit is a result of an investigation by the Attorney General's Office into XBIZ's business practices. The investigation found that XBIZ collected and sold its users' personal information

to third parties without their knowledge or consent. The investigation also found that XBIZ used deceptive marketing practices to trick users into signing up for its services.

XBIZ is a Delaware limited liability company with its principal place of business in Calabasas, California. XBIZ operates a number of websites, including XBIZ.com, which provide adult entertainment content. XBIZ also offers a variety of services to its users, including video streaming, downloads, and live chat.

The lawsuit was filed in Los Angeles County Superior Court.

A copy of the complaint is attached.

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Attachment:

Complaint unfair, or fraudulent business act or practice. The UCL is a powerful tool that the Attorney General can use to protect consumers from unfair and deceptive business practices.

Media Contact:

Lynda Gledhill
(916) 210-6008
Lynda_Gledhill@oag.ca.gov

Press Release Date:

September 18, 2018

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<https://www.courthousenews.com/wp-content/uploads/2021/07/XBIZ-fraud.pdf>

from August 12, 2021

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**
Case No. 2:21-cv-05785-ODW(FFMx)
**COMPLAINT
FOR VIOLATIONS OF THE
CONSUMER FRAUD AND UNFAIR COMPETITION LAWS
AND REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTIONS**

HEREIN, Plaintiffs, individually and on behalf of all others similarly situated, allege as follows:

INTRODUCTION

1. Defendants XBIZ, LLC (“XBIZ”), MindGeek, S.à.r.l. (“MindGeek”), and Brazzers, LLC (“Brazzers”) (collectively, “Defendants”) are corporations that operate a network of adult entertainment websites, including, but not limited to, XBIZ.com, Pornhub.com, YouPorn.com, RedTube.com, and Brazzers.com (collectively, the “Websites”).
2. Plaintiffs are consumers who purchased subscriptions to the Websites.
3. Defendants engaged in a fraudulent scheme to trick Plaintiffs into purchasing subscriptions to the Websites by:
 - a) Misrepresenting the nature of the free trial offered to new subscribers;
 - b) Failing to disclose material terms and conditions of the subscription, including the automatic renewal feature; and
 - c) Making it difficult for consumers to cancel their subscriptions.
4. As a result of Defendants’ fraudulent scheme, Plaintiffs have suffered damages, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees.

JURISDICTION AND VENUE

5. This action arises under the following federal laws:
 - a) The Consumer Fraud and Unfair Competition Prevention Act, 15 U.S.C. §§ 45(a) and 52; and
 - b) The Electronic Funds Transfer Act, 15 U.S.C. § 1693g.
6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1367.
7. Venue is proper in this Court because Defendants are headquartered in California and conduct business in this district.

PARTIES

8. Plaintiffs are individuals who reside in the United States and who purchased subscriptions to the Websites.
9. Defendant XBIZ is a Delaware limited liability company with its principal place of business in Calabasas, California. XBIZ operates the XBIZ.com website.
10. Defendant MindGeek is a Luxembourg société à responsabilité limitée with its principal place of business in Luxembourg. MindGeek owns and operates the Pornhub.com, YouPorn.com, and RedTube.com websites.
11. Defendant Brazzers is a California limited liability company with its principal place of business in Los Angeles, California. Brazzers operates the Brazzers.com website.

FACTUAL BACKGROUND

12. The Websites offer a variety of adult entertainment content, including videos, live streams, and photos.
13. Defendants offer a free trial to new subscribers. The free trial allows users to access the Websites' content for a limited period of time without paying a subscription fee.
14. Defendants fail to disclose that the free trial automatically converts to a paid subscription at the end of the trial period.
15. Defendants also fail to disclose the terms and conditions of the subscription, including the automatic renewal feature.
16. Defendants make it difficult for consumers to cancel their subscriptions. Consumers must call a customer service number or send an email to cancel their subscriptions. Defendants often do not respond to cancellation requests or make it difficult for consumers to get through to a customer service representative.
17. As a result of Defendants' fraudulent scheme, Plaintiffs have suffered damages, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees.

CAUSES OF ACTION

I. VIOLATIONS OF THE CONSUMER FRAUD AND UNFAIR COMPETITION PREVENTION ACT

18. Defendants' conduct, as alleged above, constitutes a violation of the Consumer Fraud and Unfair Competition Prevention Act, 15 U.S.C. §§ 45(a) and 52.
19. Defendants' conduct is deceptive and unfair because it misrepresents the nature of the free trial, fails to disclose material terms and conditions of the subscription, and makes it difficult for consumers to cancel their subscriptions.
20. Defendants' conduct has caused Plaintiffs to suffer damages, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees.

II. VIOLATIONS OF THE ELECTRONIC FUNDS TRANSFER ACT

21. Defendants' conduct, as alleged above, constitutes a violation of the Electronic Funds Transfer Act, 15 U.S.C. § 1693g.

22. Defendants' conduct is a violation of the EFTA because it involves the unauthorized use of Plaintiffs' credit or debit card information to charge them for subscriptions that they did not authorize.
23. Defendants' conduct has caused Plaintiffs to suffer damages, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants and grant the following relief:

1. A declaration that Defendants' conduct violates the Consumer Fraud and Unfair Competition Prevention Act and the Electronic Funds Transfer Act;
2. An injunction enjoining Defendants from continuing to engage in the conduct alleged in this Complaint;
3. Restitution to Plaintiffs for all damages suffered as a result of Defendants' conduct, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees;
4. Punitive damages;
5. Costs and reasonable attorney's fees; and
6. Such other and further relief as the Court may deem just and equitable.

Dated: [Date]

[Signature of Plaintiffs' Counsel]

[Name of Plaintiffs' Counsel]

[Address of Plaintiffs' Counsel]

[Phone Number of Plaintiffs' Counsel]

[Email Address of Plaintiffs' Counsel]

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: [Date]

[Signature of Plaintiffs' Counsel]

[Name of Plaintiffs' Counsel]

[Address of Plaintiffs' Counsel]

[Phone Number of Plaintiffs' Counsel]

[Email Address of Plaintiffs' Counsel] by jury of all issues so triable.

Court Date: July 14, 2021 / [Signatures of Plaintiffs' Attorneys]

FOR IMMEDIATE RELEASE

Contact: Evan White

Media Contact

(916) 445-9555

Evan.White@oag.ca.gov / Press Release Date: August 12, 2021

Deleted PDF:

<https://www.courthousenews.com/wp-content/uploads/2019/09/XBIZ-class-action.pdf>

from September 17, 2019

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**
Case No. 2:19-cv-07193-ODW (FFMx)
**COMPLAINT
FOR VIOLATIONS OF THE
CONSUMER FRAUD AND UNFAIR COMPETITION LAWS
AND REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTIONS**

HEREIN, Plaintiffs, individually and on behalf of all others similarly situated, allege as follows:

INTRODUCTION

1. Defendants XBIZ, LLC (“XBIZ”), MindGeek, S.à.r.l. (“MindGeek”), and Brazzers, LLC (“Brazzers”) (collectively, “Defendants”) are corporations that operate a network of adult entertainment websites, including, but not limited to, XBIZ.com, Pornhub.com, YouPorn.com, RedTube.com, and Brazzers.com (collectively, the “Websites”).
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4. As a result of Defendants’ fraudulent scheme, Plaintiffs have suffered damages, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees.

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 - b) The Electronic Funds Transfer Act, 15 U.S.C. § 1693g.
6. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1367.

7. Venue is proper in this Court because Defendants are headquartered in California and conduct business in this district.

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11. Defendant Brazzers is a California limited liability company with its principal place of business in Los Angeles, California. Brazzers operates the Brazzers.com website.

CLASS ACTION ALLEGATIONS

12. This action is brought on behalf of a class of all persons who purchased subscriptions to the Websites and who were deceived by Defendants' fraudulent scheme.
13. The class is so numerous that joinder of all members is impracticable.
14. The claims of the class are typical of the claims of the named Plaintiffs.
15. The named Plaintiffs will fairly and adequately protect the interests of the class.
16. Defendants' fraudulent scheme has caused injury to the class as a whole.

FACTUAL BACKGROUND

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CAUSES OF ACTION

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II. VIOLATIONS OF THE ELECTRONIC FUNDS TRANSFER ACT

26 conduct violates the Consumer Fraud and Unfair Competition Prevention Act and the Electronic Funds Transfer Act;

1. An injunction enjoining Defendants from continuing to engage in the conduct alleged in this Complaint;
2. Restitution to Plaintiffs for all damages suffered as a result of Defendants' conduct, including, but not limited to, the cost of the subscriptions, late fees, and overdraft fees;
3. Punitive damages;
4. Costs and reasonable attorney's fees; and
5. Such other and further relief as the Court may deem just and equitable.

Dated: [Date]

[Signature of Plaintiffs' Counsel]

[Name of Plaintiffs' Counsel]

[Address of Plaintiffs' Counsel]

[Phone Number of Plaintiffs' Counsel]

[Email Address of Plaintiffs' Counsel]

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues so triable.

Dated: [Date]

[Signature of Plaintiffs' Counsel]

[Name of Plaintiffs' Counsel]

[Address of Plaintiffs' Counsel]

[Phone Number of Plaintiffs' Counsel]

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FOR IMMEDIATE RELEASE

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