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14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
16 **SOUTHERN DIVISION**

18 JANE DOE on behalf of herself and  
all others similarly situated,

19 Plaintiff,

20 v.

21 MINDGEEK USA  
INCORPORATED, MINDGEEK  
22 S.A.R.L., MG FREESITES, LTD  
(D/B/A PORNHUB), MG  
23 FREESITES II, LTD, MG CONTENT  
RT LIMITED, AND 9219-1568  
24 QUEBEC, INC. (D/B/A  
MINDGEEK),

25 Defendants.

Case No. 8:21-cv-00338-CJC-ADS

*Hon. Cormac J. Carney*

**CLASS ACTION**

**PLAINTIFF’S NOTICE OF  
MOTION AND MOTION TO  
APPROVE FORM AND MANNER  
OF CLASS NOTICE**

Date: January 29, 2024

Time: 1:30 p.m.

Courtroom: 9B

**JURY TRIAL DEMANDED**

1 **TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**

2 **PLEASE TAKE NOTICE** that on January 29, 2024 at 1:30 p.m., or as soon  
3 thereafter as this matter may be heard, Plaintiff Jane Doe, on behalf of herself and all  
4 others similarly situated, (“Plaintiff”) will and hereby do move the Court pursuant to  
5 Federal Rules of Civil Procedure 23 for an order approving the Plaintiff’s proposed  
6 form of notice and manner of class notice.

7 This Motion will be heard in the Courtroom of the Honorable Cormac J.  
8 Carney for the United States District Court in the Central District of California. The  
9 Court is located at the Ronald Reagan Federal Building and United States  
10 Courthouse, Courtroom 9B, 411 West Fourth Street, Santa Ana, CA 92701-4516.

11 This Motion is based on this Notice of Motion and Motion, the accompanying  
12 Memorandum of Points and Authorities in support of the Motion, and the  
13 concurrently filed Declarations of Gina Intrepido-Bowden, with accompanying  
14 exhibits, and Melissa Snow.

15

16 Dated: December 22, 2023

Respectfully submitted,

17

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By: /s/ Krysta Kauble Pachman  
Krysta Kauble Pachman  
Attorneys for Plaintiff

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**MEMORANDUM OF POINTS AND AUTHORITIES**

Plaintiff Jane Doe (“Plaintiff” or “Jane Doe”), as the class representative of the certified class, submits the following memorandum of points and authorities in support of her motion to approve form and manner of class notice (“Motion”).

**I. INTRODUCTION**

In any case certified under Federal Rule of Civil Procedure 23(b)(3), the Court must direct notice to the certified class. On November 17, 2023, the Court granted Plaintiff’s motion for class certification and certified under both Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3) two classes. ECF No. 209 at 1-2. The Court first certified a national class including “all persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by Defendants in the last ten years” (the “Class”). ECF No. 107 at 44, ¶ 154. The Court next certified a subclass of “all persons residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by Defendants in the last ten years” (the “California Subclass”). *Id.*, ¶ 155. Susman Godfrey LLP was appointed as class counsel (“Class Counsel”). ECF No. 209 at 11-12. Pursuant to Federal Rule of Civil Procedure 23(c)(2)(B), Plaintiff now moves the Court for an order approving the form and manner of class notice in this certified class action. This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on December 13, 2023.

Class Members are a uniquely vulnerable group. As such, Class Counsel has made special efforts to ensure that the proposed form and manner of class notice does not further traumatize Class Members. Class Counsel sent a request for proposal to six reputable notice and claims administrators, requesting proposed notice plans and cost estimates. After this intensive bidding process, Class Counsel chose to work with JND Claims Administration LLC (“JND”), an experienced notice and claims

1 administrator who is cognizant and responsive to the specific needs of the Class. As  
2 set forth in more detail in the supporting Declaration of Gina Intrepido-Bowden, Vice  
3 President at JND, JND has more than 20 years of experience designing and  
4 implementing class action legal notice programs and has been involved in many of  
5 the largest and most complex class action notice programs, including all aspects of  
6 notice dissemination. Class Counsel has worked closely with JND to develop the  
7 proposed notice plan (“Notice Plan”). Class Counsel further reached out to the  
8 National Center for Missing & Exploited Children (“NCMEC”), who additionally  
9 agreed to disseminate class notice through its channels.

10 The proposed notice plan, with its four forms of proposed notice, provide all  
11 of the information required by Rule 23(c)(2)(B) to the Class, in language that is plain  
12 and easy to understand. Gina Intrepido-Bowden submits a declaration in support of  
13 the proposed notice plan, attesting to the adequacy and constitutionality of the  
14 postcard notice (“Postcard Notice”), email notice (“Email Notice”), third party email  
15 notice (“Third Party Email Notice”), long form notice (“Long Form Notice”), digital  
16 ads, a digital audio script describing notice, and a press release. Declaration of Gina  
17 Intrepido-Bowden (“Gina Intrepido-Bowden Decl.”), Exhibits A-G. Moreover,  
18 Melissa Snow, Executive Director of Child Sex Trafficking Programs at NCMEC,  
19 submits a declaration in further support of the proposed notice plan, declaring that  
20 NCMEC is amenable to further disseminating notice through its established channels  
21 of communication with survivors of CSAM. Declaration of Melissa Snow in Support  
22 of Motion to Approve Form and Manner of Class Notice (“Melissa Snow Decl.”).  
23 With this motion, Plaintiff provides proposed forms for Postcard Notice, Email  
24 Notice, Third Party Email Notice, Long Form Notice, digital ads in both audio and  
25 visual form, and a press release. The Notice Plan meets the requirements of Federal  
26 Rule of Civil Procedure 23 and constitutional Due Process and should be approved.

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## II. AUTHORITY AND ARGUMENT

### A. Legal Standard

In any class action certified under Rule 23(b)(3), the Court must direct notice of class certification to class members using “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” Fed. R. Civ. P. 23(c)(2)(B). The “best notice that is practicable” standard applies to both the form and manner of notice. *See* William R. Rubenstein, *3 Newberg on Class Actions* § 8:5 (5th ed.). The class notice must “clearly and concisely state in plain, easily understood language” the following: (i) the nature of the action; (ii) the definition of the class certified; (iii) the class claims, issues, or defenses; (iv) that a class member may enter an appearance through an attorney; (v) that the court will exclude from the class any member who requests exclusion; (v) the time and manner for requesting exclusion; and (vi) the binding effect of a class judgment on class members. Fed. R. Civ. P. 23(c)(2)(B).

Further, because class members are bound by the results of a certified Rule 23(b)(3) class action unless they affirmatively opt out, class notice is also required to comply with constitutional due process. *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985); *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 173-74 (1974). To satisfy constitutional Due Process, “notice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Roes, 1-2 v. SFBSC Mgmt., LLC*, 944 F.3d 1035, 1045 (9th Cir. 2019) (quoting *Eisen*, 417 U.S. at 174) (internal quotation marks omitted). More generally, class notice must afford potential class members the ability to “make an informed decision about their participation [in the litigation].” Moore’s Federal Practice, *Manual for Complex Litigation* § 21.311 at 289 (4th ed. 2004).

### B. The form and content of Plaintiff’s proposed form of notice satisfies Rule 23(c)(2)(B).



1 As outlined in the Gina Intrepido-Bowden Declaration, Class Counsel  
2 proposes three forms of notice. First, JND will either electronically mail an Email  
3 Notice, which is attached as Exhibit A to the Gina Intrepido-Bowden Declaration, or  
4 physically mail a Postcard Notice, which is attached as Exhibit B to the Gina  
5 Intrepido-Bowden Declaration, to all Class Members that can be identified through  
6 MindGeek’s internal records. Gina Intrepido-Bowden Decl. ¶¶ 10-22. JND will  
7 additionally disseminate Third Party Email Notice, which is attached as Exhibit E to  
8 the Gina Intrepido-Bowden Declaration, to non-Class Members who submitted a  
9 child pornography “content removal” request or otherwise notified Defendants about  
10 child pornography on their websites and whose contact information is obtained from  
11 Defendants’ internal documents. *Id.* ¶ 33.

12 Second, JND will post a more detailed Long Form Notice, which is attached  
13 as Exhibit G to the Gina Intrepido-Bowden Declaration, to a case-specific website.  
14 *Id.* ¶¶ 38-39.

15 Third, as outlined in the attached Melissa Snow declaration, Class Counsel will  
16 work with NCMEC to provide class notice through NCMEC’s three principal  
17 channels of communication with child sex trafficking survivors. Melissa Snow Decl.,  
18 ¶¶ 6-7. NCMEC will provide notice through its national network of direct service  
19 providers to survivors of child sex trafficking (“Direct Service Provider Network”),  
20 which can be an effective network to help make survivors aware of this case and  
21 provide support and assistance as they navigate the ensuing legal process. *Id.*  
22 NCMEC will further provide a form of notice to local, state, and federal law  
23 enforcement victim advocates, including those in the FBI and DHS, who, in turn, can  
24 share notice with survivors they know appeared on MindGeek’s websites within their  
25 jurisdictions. *Id.* NCMEC will finally provide notice to its national network of  
26 individual abuse survivor leader and advocates (“Survivor Network”), who support  
27 NCMEC’s work and have extensive knowledge and connections among survivors.  
28 *Id.*

1 Plaintiff's proposed Notice Plan meets the enumerated requirements of Rule  
2 23(c)(2)(B). Each form of notice is appropriate because it presents all the information  
3 required by Rule 23 "clearly and concisely" in "plain, easily understood language."  
4 Fed. R. Civ. P. 23(c)(2)(B). These forms of notice include the class definition, a brief  
5 overview of the case, the option for any Class Member to opt-out and the procedure  
6 to do so, a statement that the judgment will be binding on Class Members who do not  
7 opt-out, and the right of any member who does not opt-out to appear in the case  
8 through his or her lawyer. *Id.*; Gina Intrepido-Bowden Decl., Exhibits A-B, E, G.  
9 The proposed forms of notice further describe the central elements of Plaintiff's  
10 claims in clear and simple language and therefore, contain all of the information  
11 necessary to allow Class Members to make informed decisions. Also, should  
12 additional information be needed, the proposed Long Form Notice clearly designates  
13 and provides contact information for the claims administrator and Class Counsel.  
14 Accordingly, the form and content of the proposed Postcard Notice, Email Notice,  
15 Third Party Email Notice, and Long Form Notice satisfy Rule 23(c)(2)(B).

16 **C. Plaintiff's proposed Notice Plan is reasonable and represents the**  
17 **best notice practicable under the circumstances.**

18 Plaintiff's proposed Notice Plan further comports with Rule 23(c)(2)(B) and  
19 constitutional Due Process, as it allows for the best notice practicable under the  
20 circumstances. Courts have generally held that direct notice by physical and  
21 electronic mail is sufficient to notify identified class members and meet Rule 23. *See,*  
22 *e.g., Romero v. Producers Dairy Foods, Inc.*, 235 F.R.D. 474, 492-93 (E.D. Cal.  
23 2006) (citing *Peters v. Nat'l R.R. Passenger Corp.*, 966 F.2d 1483, 1486 (D.C. Cir.  
24 1992)) ("First class mail is ordinarily sufficient to notify class members who have  
25 been identified."); *In re Facebook Internet Tracking Litig.*, 2022 WL 16902426, at  
26 \*3-5 (N.D. Cal. Nov. 10, 2022) (approving direct email notice). As such, for those  
27 Class Members who can be readily ascertained from MindGeek's internal records or  
28

1 by third-party information, JND will cause Postcard or Email Notice to be mailed  
2 within fourteen (14) days of court approval. Gina Intrepido-Bowden Decl., ¶¶ 10-22.

3 However, Rule 23 does not require that each individual actually receive notice;  
4 rather, it only requires the best notice practicable under the circumstances. *Silber v.*  
5 *Mabon*, 18 F.3d 1449, 1454 (9th Cir. 1994); *see also* Fed. R. Civ. P. 23(c)(2)  
6 Advisory Committee’s Note to 2018 Amendment (emphasis added) (“Instead of  
7 preferring any one means of notice, therefore [Rule 23] relies on courts and counsel  
8 to focus on the means *or combination of means* most likely to be effective in the case  
9 before the court.”). When direct notice to all class members is not possible, other  
10 methods of notice can supplement individualized notice. *See* William B. Rubenstein,  
11 *3 Newberg on Class Actions* § 8:29 (5th ed.); *see also* *Briseno v. ConAgra Foods,*  
12 *Inc.*, 844 F.3d 1121, 1129 (9th Cir. 2017) (citing *Mullins v. Direct Digital, LLC*, 795  
13 F.3d 654, 665 (7th Cir. 2015)) (internal quotation marks omitted) (explaining that  
14 “when individual notice by mail is not possible, courts may use alternative means  
15 such as notice through third parties, paid advertising, and/or posting in places  
16 frequented by class members”).

17 Courts within the circuit routinely allow other notice methods, including via  
18 publication, that are tailored to the relevant circumstances and designed to reach class  
19 members. *See, e.g., A.B. v. Regents of Univ. of Cal.*, 2021 WL 5195639, at \*2 (C.D.  
20 Cal. Oct. 3, 2021) (approving notice via physical mail, email, digital and social  
21 media, and press releases as “the best notice practicable”); *Spann v. J.C. Penney*  
22 *Corp.*, 314 F.R.D. 312, 330-31 (C.D. Cal. 2016) (approving notice via physical mail,  
23 email, social and digital media, and press releases as “the best notice practicable”).

24 First, as described in the supporting Declaration of Melissa Snow, NCMEC is  
25 amenable to working with Class Counsel to disseminate class notice to survivors  
26 through NCMEC’s well-established networks providing resources, services, and  
27 information to survivors of child sex trafficking and their families. Melissa Snow  
28 Decl. ¶¶ 6-7. Those networks include NCMEC’s direct service providers network,

1 law enforcement victim advocates, and NCMEC’s survivor network. *Id.* ¶ 6. This  
2 proposal to disseminate notice through the national clearinghouse on information and  
3 programs related to child sex trafficking issues, *id.* ¶ 5, is highly tailored to the  
4 circumstances of this case and designed to reach Class Members who are among the  
5 survivors with connections to NCMEC’s extensive networks.

6 Second, as described in the supporting Declaration of Gina Intrepido-Bowden,  
7 JND has researched the Class and determined the most appropriate manner of notice.  
8 Gina Intrepido-Bowden Decl., ¶ 6. JND has found that direct notice may not  
9 effectively reach all Class Members because of the lack of available contact  
10 information. *Id.* ¶ 26. Given this lack of contact information, direct notice alone is  
11 not feasible. Rather, a robust six-week media effort supplemented with additional  
12 efforts is necessary to reach the majority of Class Members.

13 The proposed publication notice program includes digital ads published on  
14 websites, social media platforms, a search engine, and popular newsworthy  
15 platforms, supplemental digital outreach to parents of teens, notice posting on  
16 Defendants’ websites, third party outreach to individuals who reported potential  
17 CSAM to MindGeek, a press release to various international news media outlets, and  
18 a case-specific website, toll-free telephone number, post office box, and email  
19 address. *Id.* ¶¶ 23-42.

20 Within fourteen (14) days of the order approving the form and manner of  
21 notice, JND will publish digital ads through the search engine Google Display  
22 Network (“GDN”), social media platforms including Facebook and Instagram,  
23 leading audio streaming service provider, Spotify, and popular newsworthy digital  
24 platforms such as the New York Times, Reddit, and X. *Id.* ¶ 26, Exhibits C-D.  
25 Utilizing the known demographics of the Class, these digital ads will specifically  
26 target likely Class Members and are projected to deliver a minimum of 148 million  
27 impressions to United States adults aged 18-34 and 42 million impressions to United  
28 States teens aged 13-17. *Id.* ¶¶ 27-28. The supplemental digital effort is further

1 projected to deliver an additional 3 million impressions. *Id.* ¶ 35. JND will  
2 additionally publish digital ads on GDN targeting parents of children 6-17 years of  
3 age with an affinity for block software, internet safety products; and/or in-market for  
4 mobile phone monitoring for parents, text messaging spy apps, cell phone  
5 surveillance, and on Facebook targeting parents of children 9-17 years of age. *Id.* ¶  
6 34. These efforts will deliver a minimum of 63 million impressions to parents via  
7 GDN and Facebook. *Id.* JND will also post notice on Defendant’s various websites,  
8 including PornHub, YouPorn, RedTube, and others. *Id.* ¶ 36. Given the billions of  
9 annual views to just Pornhub and the relative low cost of placing ads, JND predicts  
10 this would extend notice exposure significantly. *Id.*

11 JND will further send Third Party Email Notice to non-Class Members who  
12 submitted a child pornography “content removal” request or otherwise notified  
13 Defendants about child pornography on their websites, including local, state, and  
14 federal law enforcement, and whose contact information is obtained from  
15 Defendants’ files. *Id.* ¶ 33.

16 JND will also disseminate a news release via PR Newswire’s Premier Global  
17 distribution, which includes media outlets throughout the United States, Canada,  
18 Latin America, Pan Europe, Pan Asia, Arabic Middle East, Israel, and Africa. The  
19 press release will further be translated into English, Arabic, Chinese, Czech, French,  
20 German, Hebrew, Indonesian, Japanese, Korean, Malay, Polish, Portuguese,  
21 Russian, Slovak, Spanish, Thai, and Vietnamese. *Id.* ¶ 37.

22 The Long Form Notice will be available on a case-specific website. *Id.* ¶ 38.  
23 The website will include answers to frequently asked questions, contact information  
24 for the Notice Administrator, notice deadlines, and links to important case  
25 documents. *Id.* The website will also include information on how Class Members can  
26 opt-out of the Class, if they choose to do so. *Id.* Potential class members will have  
27 seventy-two (72) days after the commencement of direct notice and thirty (30) days  
28 after the completion of publication notice to opt out. *Id.* See *Gunderson v. Alta*

1 *Devices, Inc.*, 2021 WL 1998608, at \*7 (N.D. Cal. May 19, 2021) (approving 35-day  
2 opt-out period after direct mailing); *Makaeff v. Trump Univ., LLC*, 2015 WL  
3 5638192, at \*6-7 (S.D. Cal. Sept. 21, 2015) (setting opt-out deadline 45 days after  
4 notice mailing and 35 days after first publication notice); *Bruno v. Quten Rsch. Inst.*,  
5 2012 WL 12886843, at \*6 (C.D. Cal. July 16, 2012) (approving 30-day opt-out period  
6 after direct mailing and publication notice). The address for the website will be  
7 prominently displayed in printed notice documents and accessible through a hyperlink  
8 embedded in digital notices. Gina Intrepido-Bowden Decl., ¶ 38. This will be  
9 supplemented by a toll-free telephone line, a dedicated email address, and a post  
10 office box to ensure that Class Members can learn additional information about this  
11 case. *Id.* ¶¶ 40-42.

12 JND estimates that its publication notice efforts will deliver an estimated reach  
13 of over 70% to the target audience (which will supplement Plaintiff’s direct notice  
14 campaign). *Id.* ¶ 43. Even if there were no direct notice, this is consistent with the  
15 reach and frequency recommended by the Federal Judicial Center’s Judges’ Class  
16 Action Notice and Claims Process Checklist and Plain Language Guide, which  
17 considers a 70-95% reach among class members to be reasonable. JND also opines  
18 that these means of providing notice are the best practicable under the circumstances  
19 and that the proposed Notice Plan satisfies the requirements of Rule 23 and  
20 constitutional Due Process. *Id.* ¶ 44.

21 **D. The Court should reject MindGeek’s objection to notice posting on**  
22 **its affiliated websites.**

23 Class Counsel anticipates that MindGeek will object to the placement of online  
24 banner notices regarding this case on their various websites. The Court should reject  
25 this argument.

26 Courts, including those within the Ninth Circuit, have repeatedly authorized  
27 notice plans that include online banner notices on defendant’s websites, even over a  
28 defendant’s objection. *See, e.g., Hilsley v. Ocean Spray Cranberries, Inc.*, 2019 WL



1 718807, at \*2-4 (S.D. Cal. Feb. 5, 2019); *Stuart v. State Farm Fire & Cas. Co.*, 332  
2 F.R.D. 293, 297-300 (W.D. Ark. 2019); *In re Nat'l Collegiate Athletic Ass'n Student-*  
3 *Athlete Concussion Injury Litig.*, 314 F.R.D. 580, 602-03 (N.D. Ill. 2016); *Jermyn v.*  
4 *Best Buy Stores, L.P.*, 2010 WL 5187746, at \*8 (S.D.N.Y. Dec. 6, 2010); *Stoffels ex*  
5 *rel. SBC Tel. Concession Plan v. SBC Commc'ns, Inc.*, 254 F.R.D. 294, 299-300  
6 (W.D. Tex. 2008); *Martin v. Weiner*, 2007 WL 4232791, at \*3 (W.D.N.Y. Nov. 28,  
7 2007). Courts have approved of such measures, in part, because class notice  
8 disseminated via the Internet, including on a defendant's website, is like publishing  
9 in a national newspaper and therefore, comports with Rule 23. *See Jermyn*, 2010 WL  
10 5187746, at \*8 (“Disseminating notice using Best Buy’s website, which can be  
11 accessed nationwide, is similar to publishing notice in a nationwide newspaper[.]”);  
12 *see also Mirfasihi v. Fleet Mortg. Corp.*, 356 F.3d 781, 786 (7th Cir. 2004) (“The  
13 World Wide Web is an increasingly important method of communication, and, of  
14 particular pertinence here, an increasingly important substitute for newspapers.”).

15 Given the facts of this case, posting online banner notices on MindGeek’s  
16 website represents a key piece of affecting the best notice practicable under Rule 23.  
17 As demonstrated through Plaintiff’s experience, CSAM survivors will likely  
18 continue to look on MindGeek’s various websites to ensure their CSAM is no longer  
19 posted. Accordingly, posting online banner notices on MindGeek’s website makes it  
20 more likely that Class Members will be properly informed of this case. *See Briseno*,  
21 844 F.3d at 1129 (approving class notice in places frequented by class members as  
22 the best notice practicable under the circumstances); *Hilsley*, 2019 WL 718807, at \*3  
23 (allowing online banner notices on defendant’s website because some class members  
24 likely “researched the ingredients contained in [defendant] Ocean Spray products on  
25 its website”); *Jermyn*, 2010 WL 5187746, at \*8 (allowing online banner notices on  
26 defendant’s website because class members likely used defendant’s website for its  
27 price match guarantee). The Court should thus approve of this component of  
28 Plaintiff’s Notice Plan and further find that Plaintiff’s Notice Plan satisfies Rule 23

1 and constitutional Due Process as it represents the best notice practicable under the  
2 circumstances.

3 **E. The Court should amend its August 16, 2023 Order to allow**  
4 **Plaintiff to use the personal identifying information contained in**  
5 **MindGeek’s records for class notice purposes.**

6 In its August 16, 2023 order, the Court entered a stipulation limiting the use of  
7 personal identifying information (“PII”) in this case. ECF No. 121 at 1-2.  
8 Specifically, the Court stated that “Plaintiff will not use (i) the produced PII or (ii)  
9 information derived from the produced PII to contact any individuals, except in the  
10 event Plaintiff’s motion for class certification under Federal Rule of Civil Procedure  
11 23 is granted and then only with an Order from the Court permitting and prescribing  
12 the contact allowed.” *Id.* Given that the Court has granted Plaintiff’s motion for class  
13 certification, Plaintiff requests that the Court formally approve Plaintiff’s request to  
14 use the PII to identify potential Class Members and disseminate class notice.

### 14 III. CONCLUSION

15 With the Class now certified under Rule 23(b)(2) and 23(b)(3), the Court must  
16 direct notice to the certified Class pursuant to Rule 23(c)(2)(B). For all the foregoing

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1 reasons, Plaintiffs respectfully request that the Court approve the proposed form of  
2 Notice and the proposed manner of dissemination to the Class.

3 Dated: December 22, 2023

Respectfully submitted,

4 DAVIDA BROOK  
5 KRYSTA KAUBLE PACHMAN  
6 TAMAR E. LUSZTIG  
7 ROHIT D. NATH  
8 HALLEY W. JOSEPHS  
9 AMY GREGORY  
10 MADELINE M. YZURDIAGA  
11 SUSMAN GODFREY L.L.P.

12 STEVE COHEN (*Pro Hac Vice*)  
13 SCohen@pollockcohen.com  
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15 60 Broad St., 24th Floor  
16 New York, NY 10004  
17 Phone: (212) 337-5361

18 By: /s/ Krysta Kauble Pachman  
19 Krysta Kauble Pachman  
20 Attorneys for Plaintiff  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

JANE DOE on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

MINDGEEK USA  
INCORPORATED, MINDGEEK  
S.A.R.L., MG FREESITES, LTD  
(D/B/A PORNHUB), MG  
FREESITES II, LTD, MG CONTENT  
RT LIMITED, AND 9219-1568  
QUEBEC, INC. (D/B/A  
MINDGEEK),

Defendants.

Case No. 8:21-cv-00338-CJC-ADS

*Hon. Cormac J. Carney*

**DECLARATION OF MELISSA SNOW**

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**DECLARATION OF MELISSA SNOW**

I, MELISSA SNOW, declare as follows:

1. I am over 18 years old and have personal knowledge of the facts in this declaration.

2. I am currently employed as Executive Director of Child Sex Trafficking Programs at the National Center for Missing & Exploited Children (“NCMEC”) and have been employed by NCMEC from 2013-2016 and 2020-current, for a total of 7 years. As Executive Director of NCMEC’s Child Sex Trafficking Programs, I am responsible for overseeing NCMEC’s programs and operations relating to handling cases of child sex trafficking and supporting the provision of recovery services to children who have been victimized through sex trafficking.

3. In addition to my work with NCMEC, I have worked with the FBI, Victim Services Division and Shared Hope International to create and implement programs to educate on issues relating to child sex trafficking and to develop trauma and survivor-informed recovery programs for child victims.

4. In addition to my decades of professional experience supporting child sex trafficking survivors, I have expertise relating to the societal and familial risk factors that can leave children vulnerable to trafficking; the manipulation and control that coerce many child sex trafficking victims to commit crimes while they are being victimized; and the complexities children victimized by sex trafficking face during their recovery process.

**NCMEC Background**

5. NCMEC is a private, nonprofit corporation established in 1984 and incorporated under the laws of the District of Columbia. NCMEC’s mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. NCMEC serves as the national clearinghouse for families, victims, private industry, law enforcement, and other professionals on information and programs related to missing and sexually exploited children and child sex trafficking

1 issues. NCMEC employs over 450 individuals and works with hundreds of  
2 volunteers to facilitate outreach and prevention messaging and community child  
3 safety events nationwide.

4 **NCMEC Assistance for Child Victims and Families**

5 6. NCMEC provides a wide range of resources, services, and information  
6 to children victimized by sex trafficking and their families. As part of these resources,  
7 services, and information, NCMEC may provide information relating to policy and  
8 legal developments and opportunities for survivors and their families to learn more  
9 about ongoing court cases and prosecutions, including cases in which a survivor may  
10 be eligible to serve as a party or claimant in some capacity. NCMEC may share this  
11 information in several ways, including through communications with the following  
12 networks:

13 a) NCMEC's Direct Service Provider Network: NCMEC has  
14 developed a national network of service providers who offer specialized resources  
15 relating to the children and families we serve, including child-serving professionals  
16 focused on offering survivors of child sex trafficking a variety of services including  
17 but not limited to: shelter, case management, drop-in centers, street outreach  
18 providers, therapists, legal advocacy, and mentors. Due to the range of services they  
19 offer, these direct service providers work with children and adults who were  
20 exploited as children. Direct Service Providers can be a powerful network in helping  
21 to make survivors aware of various legal opportunities and can also provide support  
22 and assistance as they navigate the process.

23 b) Law Enforcement Victim Advocates: NCMEC supports efforts of  
24 local, state, and federal law enforcement on missing and exploited child  
25 cases. Federally, both the FBI and DHS have embedded victim assistance specialists  
26 who provide resources and support to victims of crime. These victim advocates have  
27 unique knowledge and awareness of victims of crime within their jurisdiction. Many  
28

1 state and local law enforcement agencies also work with federal victim assistance  
2 specialists to support victims in their cases.

3 c) NCMEC's Survivor Network: NCMEC has a national network of  
4 survivor leaders and advocates who support our work by providing consultation,  
5 technical assistance, and training on a variety of different programs of work. The  
6 survivors who are part of NCMEC's network have extensive knowledge and  
7 connections among their own networks of individuals with lived experience.

8 7. NCMEC is amenable to working with counsel for the certified class to  
9 provide notice of the class action through these networks designed to reach survivors.

10 I declare under penalty of perjury that the foregoing is true and correct to the  
11 best of my information and belief.

12

13 Executed this 27<sup>th</sup> day of November, 2023 at Alexandria, Virginia

14 *Melissa Snow*

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16 Melissa Snow

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

JANE DOE on behalf of herself and all  
others similarly situated,

Plaintiff,

MINDGEEK USA INCORPORATED,  
MINDGEEK S.A.R.L., MG FREESITES,  
LTD (D/B/A PORNHUB), MG  
FREESITES II, LTD, MG CONTENT RT  
LIMITED, AND 9219-1568 QUEBEC,  
INC. (D/B/A MINDGEEK),

Defendants.

Case No. 8:21-cv-00338

**CLASS ACTION**

**DECLARATION OF GINA  
INTREPIDO-BOWDEN  
REGARDING NOTICE PLAN**

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I, Gina Intrepido-Bowden hereby declare and state as follows:

1. I am a Vice President at JND Legal Administration LLC (“JND”). I am a nationally recognized legal notice expert with more than 20 years of experience designing and implementing class action legal notice programs. I have been involved in many of the largest and most complex class action notice programs, including all aspects of notice dissemination.

2. I previously submitted a *Declaration Regarding Notice Plan*, dated August 21, 2023 (ECF No. 125), which outlined JND’s background and experience with providing adequate notice to members of a certified class, including class members not identified through Defendants’ records, and outlined a proposed notice plan for this action.

3. I submit this Declaration at the request of Class Counsel in the above-referenced action to describe the proposed plan for providing notice to Class Members (the “Notice Plan”) and address why it is consistent with other best practicable court-approved notice programs and the requirements of Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”), the Due Process Clause of the United States Constitution, and the Federal Judicial Center (“FJC”) guidelines for best practicable due process notice.

**NOTICE PLAN OVERVIEW**

4. The objective of the proposed Notice Plan is to provide the best notice practicable, consistent with the methods and tools employed in other court-approved notice programs and to allow Class Members the opportunity to review a plain language notice with the ability to easily take the next step and learn more about the litigation. The FJC’s *Judges’ Class Action Notice and Claims Process Checklist and*

1 *Plain Language Guide* consider a Notice Plan with a high reach (above 70%) to be  
2 effective.<sup>1</sup>

3 5. On November 17, 2023, in its Order granting Class Certification (ECF  
4 209), this Court certified a Class that includes all persons who were under the age of  
5 18 when they appeared in a video or image that has been uploaded or otherwise made  
6 available for viewing on any website owned or operated by MindGeek from February  
7 19, 2011, through the present (the “Class Period”). This Court also certified a  
8 Subclass that includes members of the Class residing in California who were under  
9 the age of 18 when they appeared in a video or image that has been uploaded or  
10 otherwise made available for viewing on any website owned or operated by  
11 MindGeek from February 19, 2011, through the present. The Class and Subclass will  
12 be collectively referred to as the Class or Class Members throughout this Declaration.

13 6. JND’s proposed Notice Plan includes the following components, as  
14 further described in the sections below:

15 A. Direct notice to all Class Members for whom Defendants provide  
16 contact information;

17 B. Media reach plan consisting of digital notice with the leading  
18 digital network (Google Display Network – “GDN”), two popular social  
19 platforms (Facebook and Instagram), and a leading audio streaming service  
20 provider (Spotify);

21 C. Additional efforts including a third-party outreach effort,  
22 supplemental digital effort to parents of teens, supplemental digital placements  
23 with newsworthy platforms, notice posting on Defendants’ websites, the  
24 distribution of a global press release;

25 D. Case website through which the Long Form Notice and other  
26 important court documents will be posted; and

27 \_\_\_\_\_  
28 <sup>1</sup> Reach is the percentage of a specific population group exposed to a media vehicle  
or a combination of media vehicles containing a notice at least once over the course  
of a campaign. Reach factors out duplication, representing total different/net persons.



1 E. Case toll-free number, which will include an interactive voice  
2 response (IVR); post office box; and email address through which Class  
3 Members may obtain more information about the litigation.

4 7. It is important to note that given this action’s sensitive subject matter  
5 (e.g., minors, pornography), the media platforms reserve their right to refuse the  
6 proposed notice placements and/or targeting. Our team will work diligently with the  
7 platforms to make any necessary adjustments to receive platform approval. We will  
8 also seek comparable alternatives for any platform that may refuse to run this  
9 important and sensitive campaign. We will alert the Court immediately of any  
10 potential changes to the proposed Notice Plan.

11 8. Based on my experience in developing and implementing class notice  
12 programs, I believe the proposed Notice Plan will provide the best notice practicable  
13 under the circumstances.

14 9. Each component of the proposed Notice Plan is described in more detail  
15 in the sections below.

16  
17 **DIRECT NOTICE**

18 10. An adequate notice plan needs to satisfy “due process” when reaching  
19 a class. The United States Supreme Court, in *Eisen v. Carlisle & Jacqueline*, 417  
20 U.S. 156 (1974), stated that direct notice (when possible) is the preferred method for  
21 reaching a class. In addition, Rule 23(c)(2) provides that “the court must direct to  
22 class members the best notice that is practicable under the circumstances, including  
23 individual notice to all members who can be identified through reasonable effort. The  
24 notice may be by one or more of the following: United States mail, electronic means,  
25 or other appropriate means.”

26 11. Following standard industry practice, JND proposes sending Email  
27 Notice, attached as **Exhibit A**, to Class Members for whom a valid email address is  
28 obtained from Defendants’ files and mailing a Postcard Notice, attached as **Exhibit**

1 **B**, to Class Members for whom an email address is not available or an email returns  
2 as undeliverable, and a mailing address is obtained from Defendants' files.

3 12. It is my understanding that Defendants' files include report numbers for  
4 content submitted to the National Center for Missing and Exploited Children  
5 (NCMEC), and additional information relating to those NCMEC reports could be  
6 gathered or utilized as another way to identify Class Members beyond contact  
7 information in Defendants' files.

8 13. Given the personal nature of the case claims, JND proposes to keep the  
9 content of any mailed notice confidential by sending such notice in a sealed postcard  
10 or envelope.

11 14. Upon receipt of Class Member contact information, JND will promptly  
12 load the information into a case-specific database for this matter. JND will review the  
13 data provided in order to identify any undeliverable addresses and duplicate records. JND  
14 employs appropriate administrative, technical and physical controls designed to  
15 ensure the confidentiality and protection of Class Member data, as well as to reduce  
16 the risk of loss, misuse, or unauthorized access, disclosure or modification of Class  
17 Member data.

18 15. Prior to emailing notice, JND will evaluate the email for potential spam  
19 language to improve deliverability. This process includes running the email through  
20 spam testing software, DKIM<sup>2</sup> for sender identification and authorization, and  
21 hostname evaluation. Additionally, we will check the send domain against the 25  
22 most common IPv4<sup>3</sup> blacklists.

23 16. JND uses industry-leading email solutions to achieve the most efficient  
24 email notification campaigns. Our Data Team is staffed with email experts and  
25

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26 <sup>2</sup> DomainKeys Identified Mail, or DKIM, is a technical standard that helps protect  
email senders and recipients from spam, spoofing, and phishing.

27 <sup>3</sup> IPv4 address blacklisting is a common practice. To ensure that the addresses being  
28 used are not blacklisted, a verification is performed against well-known IP blacklist  
databases. A blacklisted address affects the reputation of a company and could cause  
an acquired IP addresses to be blocked.

1 software solution teams to conform each notice program to the particulars of the case.  
2 JND provides individualized support during the program and manages our sender  
3 reputation with the Internet Service Providers (“ISPs”). For each of our programs,  
4 we analyze the program’s data and monitor the ongoing effectiveness of the  
5 notification campaign, adjusting the campaign as needed. These actions ensure the  
6 highest possible deliverability of the email campaign so that more potential Class  
7 Members receive notice.

8 17. For each email campaign, including this one, JND will utilize a  
9 verification program to eliminate invalid email and spam traps that would otherwise  
10 negatively impact deliverability. We will then clean the list of email addresses for  
11 formatting and incomplete addresses to further identify all invalid email addresses.

12 18. To ensure readability of the email, our team will review and format the  
13 body content into a structure that is applicable to all email platforms, allowing the  
14 email to pass easily to the recipient. Before launching the email campaign, we will  
15 send a test email to multiple ISPs and open and test the email on multiple devices  
16 (iPhones, Android phones, desktop computers, tablets, etc.) to ensure the email opens  
17 as expected.

18 19. Additionally, JND will include an “unsubscribe” link at the bottom of  
19 the email to allow Class Members to opt out of any additional email notices from  
20 JND. This step is essential to maintain JND’s good reputation among the ISPs and  
21 reduce complaints relating to the email campaign.

22 20. Emails that are returned to JND are generally characterized as either  
23 “Soft Bounces” or “Hard Bounces.” Hard Bounces occur when the ISP rejects the  
24 email due to a permanent reason such as the email account is no longer active. Soft  
25 Bounces occur when the email is rejected for temporary reasons, such as the  
26 recipient’s email address inbox is full.

27 21. When an email is returned due to a soft bounce, JND attempts to re-  
28 email the email notice up to three additional times in an attempt to secure

1 deliverability. The email is considered undeliverable if it is a Hard Bounce or a Soft  
2 Bounce that is returned after a third resend.

3 22. Prior to mailing notices, JND staff will perform advanced address  
4 research using skip trace databases and the United States Postal Service (“USPS”) National Change of Address (“NCOA”) database<sup>4</sup> to update addresses. JND will  
5 track all notices returned undeliverable by the USPS and will promptly re-mail  
6 notices that are returned with a forwarding address. In addition, JND will take  
7 reasonable efforts to research and determine if it is possible to reach a Class Member  
8 for whom a notice is returned without a forwarding address, either by mailing to a  
9 more recent mailing address or using available skip-tracing tools to identify a new  
10 mailing address and/or an email address by which the potential Class Member may  
11 be reached, if an email already has not been sent.  
12

### 13 MEDIA REACH PLAN

14  
15 23. To supplement the direct notice effort, JND designed a six-week media  
16 campaign that alone is estimated to reach 70% of potential Class Members.

#### 17 *Media Resources*

18 24. JND uses the same reputable advertising media research tools used by  
19 top advertising agencies and brand advertisers to ensure that the best media is  
20 selected and that our reach calculations can withstand the most critical review and  
21 challenge. The media research tools we utilized in our analysis and will use to  
22 implement the proposed Notice Plan include:

23 A. **Comscore:** JND used Comscore data to not only analyze where  
24 potential Class Members are on the internet, but more importantly, for  
25 calculating the reach of our proposed digital effort. Comscore’s multi-reach  
26 platform allows us to analyze unduplicated audiences (net reach) across

27  
28 <sup>4</sup> The NCOA database is the official USPS technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

1 multiple platforms (e.g., GDN, Facebook, Instagram, Spotify) and devices  
2 (desktop and mobile). Through the platform we assess the efficiency and  
3 effectiveness of our proposed media plans by reducing waste and improving  
4 campaign performance across all devices.

5 **B. Google Active View:** At the time of implementation, our digital  
6 experts will verify and monitor our digital placements. Google Active View,  
7 which is accredited by the Media Rating Council (MRC), will be used to  
8 measure viewable impressions across the web and in apps. Google Active  
9 View supports the Interactive Advertising Bureau (IAB) and MRC definition  
10 of viewability — a minimum of 50% of the ad is in view for a minimum of  
11 one second for display ads. In addition, over a hundred complex algorithms  
12 will be used to spot bad traffic as it happens to prevent invalid clicks,  
13 impressions, views, or interactions. These efforts prevent impressions from  
14 being served and counted when they have not been loaded onto a person’s  
15 screen.

16 **C. Google Analytics:** JND will place a Google Analytics pixel  
17 across all case website landing pages to monitor and track website traffic.  
18 Through the use of Google Analytics and custom UTM codes, our digital  
19 experts will be able to monitor the number of website visits, average time  
20 spent per visit, and the number of pages visited per session. Data will be  
21 broken down by source, or referring website, in order to make optimizations  
22 based on media placements that are driving the longest time on site.  
23 Demographic data such as age and gender, will be reviewed and optimized  
24 towards those groups who prove to be the most interactive with the case  
25 website.

26 **D. Google Tag Manager:** JND will also place a ‘Container Tag’  
27 across all case website landing pages using Google Tag Manager, a tag  
28 management system (TMS) that allows advertisers to place and update

1 measurement codes and code fragments on a landing page from a single  
2 source. With these codes placed within the container, website data is passed  
3 back to advertising platforms, allowing machine learning to take place,  
4 optimizing towards placements and audiences that are driving site traffic. All  
5 data collected through Google Tag Manager adheres to Google's Privacy  
6 Policies and Principles. No personal identifiable information (PII) is  
7 collected.

### 8 *Target Analysis*

9 25. JND analyzes the demographics of potential Class Members to  
10 determine how best to reach them. According to reliable online sources, the majority  
11 of Class Members are prepubescent (56%) or pubescent (25%); White (77%),  
12 followed by Hispanic/Latino (10%), Asian (10%), Black (2%), and multiple  
13 ethnicities (1%); and female (65%).<sup>5</sup> Given that the start of the class period dates  
14 back to February 19, 2011, a large portion of the Class is likely 18 years of age or  
15 older today.

### 16 *Media Reach Plan*

17 26. JND recommends a media effort consisting of notice placements with  
18 the leading digital network (GDN), two popular social media platforms (Facebook,  
19 Instagram),<sup>6</sup> and a leading audio streaming service provider (Spotify). The proposed  
20 media reach effort alone will reach 70% of likely Class Members.

21 27. Considering the start of the class period and Class Member  
22 demographics, we propose serving **148 million digital impressions** to adults 18-34  
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27 <sup>5</sup> [Child Sexual Abuse Material \(missingkids.org\); TOWARDS-A-GLOBAL-  
28 INDICATOR-ON-UNIDENTIFIED-VICTIMS-IN-CHILD-SEXUAL-  
EXPLOITATION-MATERIAL-Summary-Report.pdf \(ecpat.org\)](https://www.missingkids.org/childsexualabuse/TOWARDS-A-GLOBAL-INDICATOR-ON-UNIDENTIFIED-VICTIMS-IN-CHILD-SEXUAL-EXPLOITATION-MATERIAL-Summary-Report.pdf)

<sup>6</sup> Snapchat and TikTok media platforms do not accept legal notices.

1 years of age (“Adults 18-34”) and **42 million digital impressions** to teens 13-17  
2 years of age (“Teens 13-17”).<sup>7</sup> An emphasis will be placed on women/girls.

3 28. To reach recent graduates, a portion of the GDN impressions will be  
4 allocated to current college students and high school graduates; those with an affinity  
5 for college safety information, internet safety products, fraternities and sororities,  
6 social media enthusiasts; those in market for fraternity/sorority apparel, study abroad  
7 programs; and/or those with life events including college graduation, recently  
8 graduated, graduating soon.

9 29. Multiple targeting strategies will be used, including the following  
10 techniques:

11 A. *Look-a-like Targeting* (LAL) focuses on individuals whose  
12 characteristics match that of known Class Members (based on email  
13 addresses), as well as individuals who have visited the case website.

14 B. *Predictive Targeting* (GDN only) uses multiple data points  
15 (search queries, sites visited, and digital behavior trends) to make inferences  
16 regarding future behavior/performance for a given campaign.

17 C. *Audience Targeting* optimizes efforts based on demographics,  
18 behavior, and interests of potential Class Members.

19 D. *Geotargeting* optimizes efforts based on the location of potential  
20 Class Members. It is our understanding that the majority of Class Members are  
21 located in the U.S.; however, additional impressions may be allocated to other  
22 key countries.

23 30. The digital activity will be served across all devices (desktop, laptop,  
24 tablet and mobile), with a heavy emphasis on mobile devices to reach a younger  
25 audience. The digital ads, attached as **Exhibit C**, will directly link to the case website,  
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27 <sup>7</sup> Impressions or Exposures are the total number of opportunities to be exposed to a  
28 media vehicle or combination of media vehicles containing a notice. Impressions are a  
gross or cumulative number that may include the same person more than once. As a  
result, impressions can and often do exceed the population size.



1 where Class Members may access more information about the case. Also attached as  
2 **Exhibit D**, is the Spotify 30-second audio script.

3 31. As noted previously, the digital platforms reserve their right to refuse  
4 the proposed notice placements and/or targeting. We will work with the platforms to  
5 make any necessary adjustments to receive platform approval and will seek  
6 comparable alternatives for any platform that may refuse to run this important and  
7 sensitive campaign.

### 8 ADDITIONAL EFFORTS

9  
10 32. JND proposes a third-party outreach effort, supplemental digital effort  
11 to parents of teens, supplemental digital placements with newsworthy platforms,  
12 notice posting on Defendants' websites, and the distribution of a global press release  
13 to extend notice exposure further.

#### 14 *Third-Party Notice*

15 33. JND will send a Third Party Email Notice, attached as **Exhibit E**, to non-  
16 Class Members who submitted a child pornography "content removal" request or  
17 otherwise notified Defendants about child pornography on their websites, including  
18 local, state, and federal law enforcement, and whose contact information is obtained  
19 from Defendants' files. The Email Notice will ask recipients' assistance in notifying  
20 potential Class Members about the litigation.

#### 21 *Supplemental Digital to Parents of Teens*

22 34. JND will implement a supplemental digital effort that will serve **63**  
23 **million impressions** to parents via GDN and Facebook. The GDN effort will target  
24 parents of children 6-17 years of age ("Parents of Children 6-17"), with an affinity  
25 for block software, internet safety products; and/or in-market for mobile phone  
26 monitoring for parents, text messaging spy apps, cell phone surveillance. The  
27 Facebook effort will target parents of children 9-17 years of age ("Parents of Children  
28 9-17").



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*Supplemental Digital with Newsworthy Platforms*

35. JND will implement a supplemental digital effort that will serve **3 million impressions** via popular newsworthy digital platforms such as the New York Times, Reddit, and X.

*Notice Posting at Defendants’ Website*

36. JND recommends posting a notice on the Defendants’ websites. It is our understanding that Defendants’ flagship sharing platform, Pornhub, had roughly 42 billion visits in 2019, making it the eighth most visited website in the United States. As a result, any notice posting would extend notice exposure significantly, for relatively no cost.

*Press Release*

37. To further assist in getting “word of mouth” out about this action, JND proposes the distribution of a Press Release, attached as **Exhibit F**, at the start of the campaign through PR Newswire’s Premier Global distribution which includes media outlets throughout the U.S., Canada, Latin America, Pan Europe, Pan Asia, Arabic Middle East, Israel, Africa. The press release will be translated into English, Arabic, Chinese (Simplified and Traditional), Czech, French, German, Hebrew, Indonesian, Japanese, Korean, Malay, Polish, Portuguese, Russian, Slovak, Spanish, Thai, and Vietnamese.

**WEBSITE, TOLL-FREE NUMBER, EMAIL ADDRESS, AND P.O. BOX**

38. JND will develop and maintain an informational case-specific website, which will have an easy-to-navigate design and will be formatted to emphasize important information and deadlines. The website will include a more detailed version of the Postcard Notice as a Long Form Notice, attached as **Exhibit G**. Other available features will include a page with answers to frequently asked questions, contact information for the Notice Administrator, notice deadlines, and links to important case

1 documents. The website will also include information on how potential Class Members  
2 can request exclusion from the Class if they choose to do so. Class Members will have  
3 thirty (30) days from the completion of notice dissemination to do so. The address for  
4 the website will be prominently displayed in printed notice documents and accessible  
5 through a hyperlink embedded in digital notices.

6 39. The website will be ADA-compliant and optimized for mobile visitors  
7 so that information loads quickly on mobile devices and will also be designed to  
8 maximize search engine optimization through Google and other search engines.  
9 Keywords and natural language search terms will be included in the site's metadata  
10 to maximize search engine rankings.

11 40. JND will establish and maintain a toll-free telephone line that Class  
12 Members may call to obtain information about the litigation.

13 41. JND will also establish a dedicated email address to receive and respond  
14 to Class Member inquiries.

15 42. Finally, JND will establish a post office box for this administration to  
16 receive Class Member correspondence, including requests for exclusion.

### 17 18 **REACH**

19 43. The proposed media reach plan (GDN, Facebook, Instagram, Spotify)  
20 alone is designed to reach approximately 70% of Adults 18-34, on average 2.8 times  
21 each, and 70% of Teens 13-17, on average 2.9 times each. The direct notice effort,  
22 third-party outreach, supplemental digital effort to parents of teens, supplemental  
23 digital effort with newsworthy platforms, notice posting at Defendants' websites, and  
24 the distribution of a global press release will extend reach further. The provided reach  
25 is similar to that of other court approved programs and meets the standard set forth  
26 by the FJC.

27  
28



**- EXHIBIT A -**

**From:** MindGeek Class Administrator  
**To:** [Class Member email address]  
**Subject:** Notice of MindGeek Class Action

---

United States District Court for the Central District of California

## **If you were a minor when you appeared in a video or image uploaded or viewable on an adult entertainment website, a class action lawsuit may affect your rights**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

You received this Notice because you may be part of a class action lawsuit pending in the United States District Court for the Central District of California (the “Court”). The lawsuit is known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*, No. SACV 21-00338-CJC (ADSx). The Court decided this lawsuit should be a class action on behalf of a “class,” or group of people, that could include you. This Notice summarizes your rights and options before an upcoming trial in August 2024.

### **What is this lawsuit about?**

Plaintiff claims that Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek (collectively, “Defendants”) systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material (“CSAM”). Defendants deny any wrongdoing. The Court has not decided who is right or wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

### **Am I part of the Class?**

The Court certified a Class and a California Subclass as detailed below.

**Class:** All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**California Subclass:** Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

### **What are my Options?**

You can do nothing or exclude yourself.

**Do Nothing.** By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue Defendants separately about the same legal claims in this lawsuit. You will be bound by the result of this lawsuit.

**Ask to be Excluded.** If you ask to be excluded from this lawsuit and money or benefits are later awarded, you will not share in those benefits. But you keep any rights to sue Defendants separately about the same legal claims in this lawsuit. You will not be bound by the result of this lawsuit. Your “Exclusion Request” must state that you want to be excluded from *Jane Doe v. Mindgeek USA Incorp., et al.*, No. SACV 21-00338-CJC (ADSx). It must also include your name, address, telephone number, email, and signature. Your Exclusion Request must be mailed and postmarked by **[eighty-six (86) days from Court approval of class notice]** to: MindGeek Class Action, c/o JND Legal Administration, Exclusion Requests, P.O. Box 91491, Seattle, WA 98111.

### **The Trial.**

A trial is scheduled for August 2024. The Court appointed the law firm of Susman Godfrey L.L.P. to represent Class Members as Class Counsel. You do not need to attend the trial. Class Counsel will present the case for Plaintiff and the Class, and lawyers for the Defendants will present on their behalf. You or your own lawyer are welcome to come at your own expense.

**Questions?**

This Notice is a summary of the lawsuit and the proceedings. You can get additional information by visiting [www. www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), calling 844-566-0107, emailing [info@MindGeekClassActionLitigation.com](mailto:info@MindGeekClassActionLitigation.com), or writing the Administrator at MindGeek Class Action c/o JND Legal Administration P.O. Box 91491, Seattle, WA 98111. You can also call Class Counsel at 1-310-789-3100.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE**

To unsubscribe from this list, please click on the following link: [Unsubscribe](#)

**- EXHIBIT B -**



**LEGAL NOTICE  
BY ORDER OF THE  
UNITED STATES  
DISTRICT COURT  
FOR THE CENTRAL  
DISTRICT  
OF CALIFORNIA**

*A federal court authorized this Notice.  
This is not a solicitation from a lawyer.*

c/o JND Legal Administration  
P.O. Box 91491  
Seattle, WA 98111

«Barcode» Unique ID: <MAILER ID>  
Postal Service: Please do not mark barcode

«First1» «Last1»

«C/O»

«Addr1»

«Addr2»

«City», «St» «Zip» «Country»

**If you were a minor when you appeared in a video or image uploaded or viewable on an adult entertainment website, a class action lawsuit may affect your rights**

You received this Notice because you may be part of a class action lawsuit pending in the United States District Court for the Central District of California (the “Court”). The lawsuit is known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*, No. SACV 21-00338-CJC (ADSx). The Court decided this lawsuit should be a class action on behalf of a “class,” or group of people, that could include you. This Notice summarizes your rights and options before an upcoming trial in August 2024.

**What is this lawsuit about?** Plaintiff claims that Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek (collectively, “Defendants”) systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material (“CSAM”). Defendants deny any wrongdoing. The Court has not decided who is right or wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

**Am I part of the Class?** The Court certified a Class and a California Subclass as detailed below.

**Class:** All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**California Subclass:** Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**What are my Options?** You can do nothing or ~~exclude yourself~~ #12550

**Do Nothing.** By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue Defendants separately about the same legal claims in this lawsuit. You will be bound by the result of this lawsuit.

**Ask to be Excluded.** If you ask to be excluded from this lawsuit and money or benefits are later awarded, you will not share in those benefits. But you keep any rights to sue Defendants separately about the same legal claims in this lawsuit. You will not be bound by the result of this lawsuit. Your "Exclusion Request" must state that you want to be excluded from *Jane Doe v. Mindgeek USA Incorp., et al.*, No. SACV 21-00338-CJC (ADSx). It must also include your name, address, telephone number, email, and signature. Your Exclusion Request must be mailed and postmarked by **eighty-six (86) days after Court approval of class notice** to: MindGeek Class Action, c/o JND Legal Administration, Exclusion Requests, P.O. Box 91491, Seattle, WA 98111.

**The Trial.** A trial is scheduled for August 2024. The Court appointed the law firm of Susman Godfrey L.L.P. to represent Class Members as Class Counsel. You do not need to attend the trial. Class Counsel will present the case for Plaintiff and the Class, and lawyers for the Defendants will present on their behalf. You or your own lawyer are welcome to come at your own expense.

**Questions?** This Notice is a summary of the lawsuit and the proceedings. You can get additional information by visiting [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), calling 844-566-0107, emailing [info@MindGeekClassActionLitigation.com](mailto:info@MindGeekClassActionLitigation.com), or writing the Administrator at MindGeek Class Action c/o JND Legal Administration P.O. Box 91491, Seattle, WA 98111. You can also call Class Counsel at 1-310-789-3100,

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE**

*Carefully separate this Address Change Form at the perforation*

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Unique ID: <MAILER ID>

**Address Change Form**

To make sure your information remains up-to-date in our records, please confirm your address by filling in the above information and depositing this postcard in the U.S. Mail.

PLACE STAMP HERE
------------------------

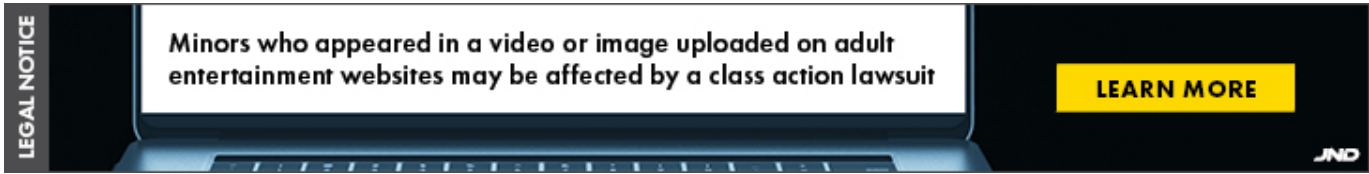
c/o JND Legal Administration  
PO Box 91491  
Seattle WA 98111

**- EXHIBIT C -**

# Banner Ads

1

728 x 90



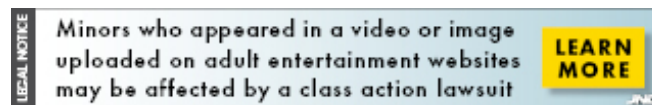
160 x 600



300 x 250



320 x 50



# Facebook Ads

## Facebook News Feed



**Class Action Notice**  
Sponsored · 🌐

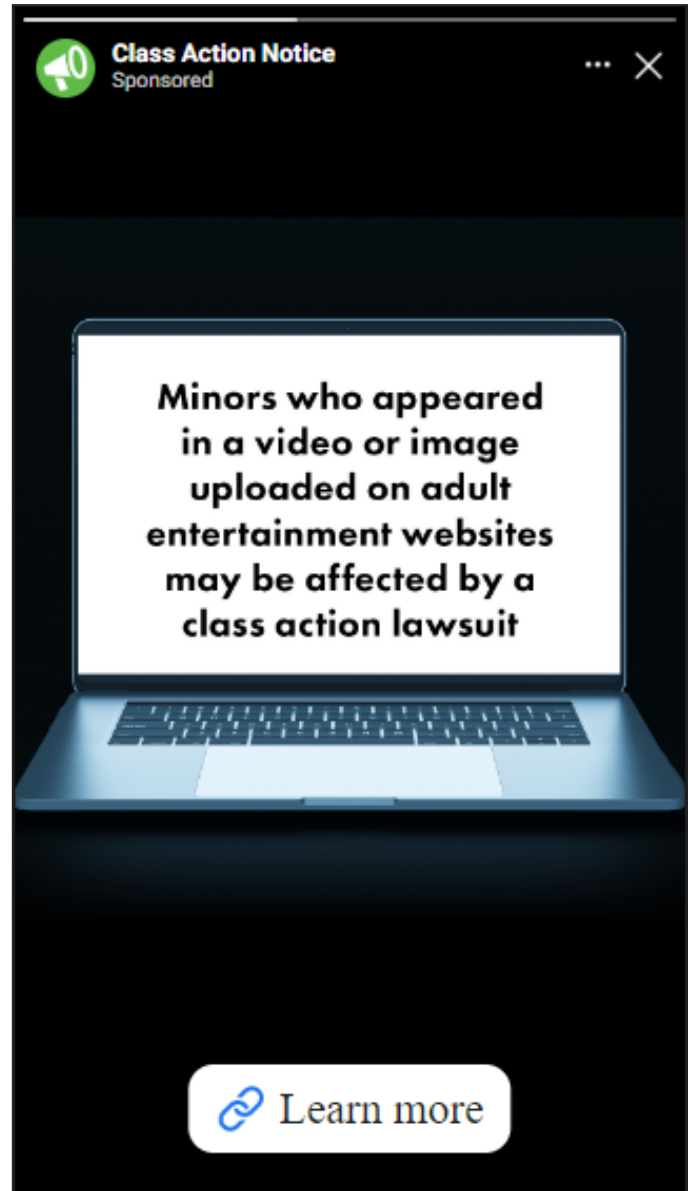
✕ ⋮

**Minors who appeared  
in a video or image  
uploaded on adult  
entertainment websites  
may be affected by a  
class action lawsuit**

www.mindgeekclassactionliti...  
**Mindgeek Class Action** [Learn more](#)

👍 Like    💬 Comment    ➦ Share

## Facebook Stories



**Class Action Notice**  
Sponsored

⋮ ✕

**Minors who appeared  
in a video or image  
uploaded on adult  
entertainment websites  
may be affected by a  
class action lawsuit**

[Learn more](#)

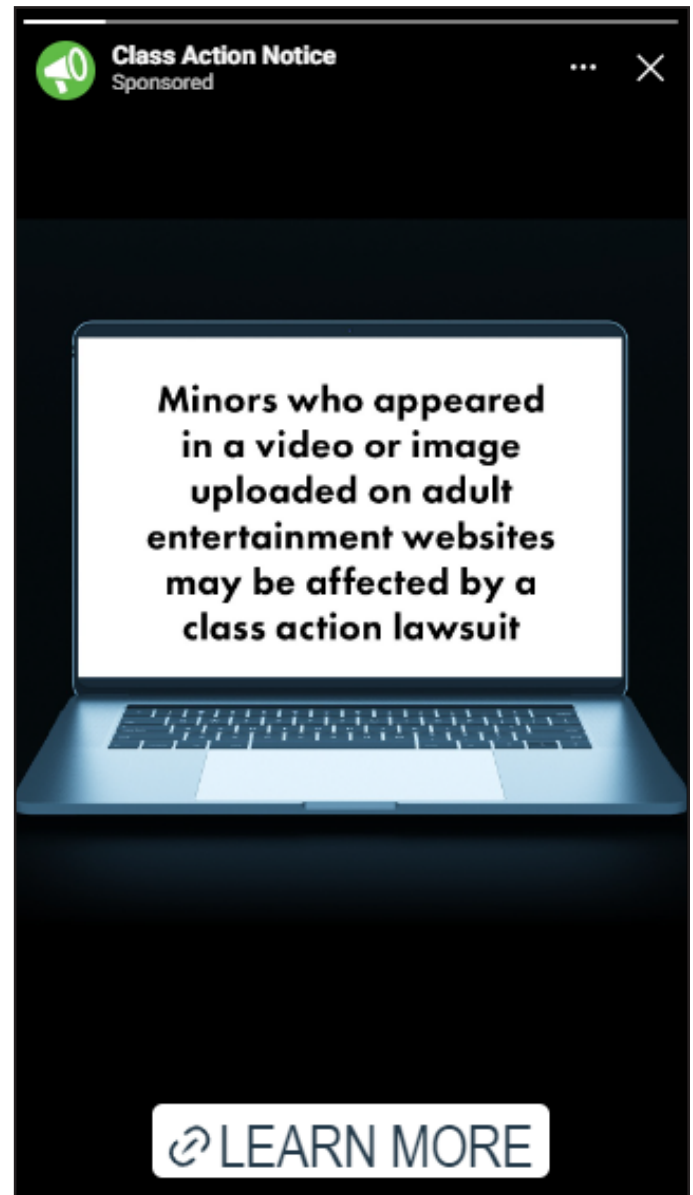
# Instagram Ads

3

## Instagram Feed



## Instagram Stories



**- EXHIBIT D -**





**- EXHIBIT E -**

**From:** MindGeek Class Administrator  
**To:** [Third Party Contact email address]  
**Subject:** Notice of MindGeek Class Action

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United States District Court for the Central District of California

**If you know someone that was a minor when they appeared in a video or image uploaded or viewable on an adult entertainment website, a class action lawsuit may affect their rights**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

You received this Notice because records indicate that you may know someone who may be part of a class action lawsuit pending in the United States District Court for the Central District of California (the "Court"). The lawsuit is known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*, No. SACV 21-00338-CJC (ADSx). The Court decided this lawsuit should be a class action on behalf of a "class," or group of people, that could include someone that you know. This Notice summarizes impacted individuals' rights and options before an upcoming trial in August 2024. We appreciate your assistance in sharing this Notice with individuals who may be affected.

**What is this lawsuit about?**

Plaintiff claims that Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek (collectively, "Defendants") systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material ("CSAM"). Defendants deny any wrongdoing. The Court has not decided who is right or wrong. There is no money available now, and no guarantee there will be. However, impacted persons' legal rights are affected, and they have a choice to make now.

**Who is affected?**

The Court certified a Class and a California Subclass as detailed below.

Class: All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

California Subclass: Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**What are Class Members' Options?**

Class Members can do nothing or exclude themselves.

Do Nothing. By doing nothing, Class Members keep the possibility of getting money or benefits that may come from a trial or a settlement. But they give up any rights to sue Defendants separately about the same legal claims in this lawsuit. They will be bound by the result of this lawsuit.

Ask to be Excluded. If a Class Member asks to be excluded from this lawsuit and money or benefits are later awarded, they will not share in those benefits. But they keep any rights to sue Defendants separately about the same legal claims in this lawsuit. They will not be bound by the result of this lawsuit. "Exclusion Requests" must be submitted by the Class Member and must state that they want to be excluded from *Jane Doe v. Mindgeek USA Incorp., et al.*, No. SACV 21-00338-CJC (ADSx). It must also include their name, address, telephone number, email, and signature. The Exclusion Request must be mailed and postmarked by **eighty-six (86) days from**

**Court approval of class notice**] to: MindGeek Class Action, c/o JND Legal Administration, Exclusion Requests, P.O. Box 91491, Seattle, WA 98111.

**The Trial.**

A trial is scheduled for August 2024. The Court appointed the law firm of Susman Godfrey L.L.P. to represent Class Members as Class Counsel. Class Members do not need to attend the trial. Class Counsel will present the case for Plaintiff and the Class, and lawyers for the Defendants will present on behalf of the Class. Class Members or their own lawyer are welcome to come at the Class Member's own expense.

**Questions?**

This Notice is a summary of the lawsuit and the proceedings. Additional information is available by visiting [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), calling 844-566-0107, emailing [info@MindGeekClassActionLitigation.com](mailto:info@MindGeekClassActionLitigation.com), or writing the Administrator at MindGeek Class Action, c/o JND Legal Administration P.O. Box 91491, Seattle, WA 98111. Class Counsel may also be contacted at 1-310-789-3100.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE**

To unsubscribe from this list, please click on the following link: [Unsubscribe](#)

**- EXHIBIT F -**

## **If you were a minor when you appeared in a video or image uploaded or viewable on an adult entertainment website, a class action lawsuit may affect your rights**

Seattle, **Month x**, 2024/PR Newswire —JND Legal Administration

A class action lawsuit is pending in the United States District Court for the Central District of California (the “Court”). The lawsuit is known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*, No. SACV 21-00338-CJC (ADSx). The Court decided this lawsuit should be a class action on behalf of a “class,” or group of people, that could include you. Read below for a summary of your rights and options before an upcoming trial in August 2024.

### **What is this lawsuit about?**

Plaintiff claims that Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek (collectively, “Defendants”) systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material (“CSAM”). Defendants deny any wrongdoing. The Court has not decided who is right or wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

### **Am I part of the Class?**

The Court certified a Class and a California Subclass as detailed below.

**Class:** All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**California Subclass:** Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

### **What are my Options?**

You can do nothing or exclude yourself.

**Do Nothing.** By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up any rights to sue Defendants separately about the same legal claims in this lawsuit. You will be bound by the result of this lawsuit.

**Ask to be Excluded.** If you ask to be excluded from this lawsuit and money or benefits are later awarded, you will not share in those benefits. But you keep any rights to sue Defendants separately about the same legal claims in this lawsuit. You will not be bound by the result of this lawsuit. Your “Exclusion Request” must state that you want to be excluded from *Jane Doe v. Mindgeek USA Incorp., et al.*, No. SACV 21-00338-CJC (ADSx). It must also include your name, address, telephone number, email, and signature. Your Exclusion Request must be mailed and postmarked by **[eighty-six (86) days from Court approval of class notice]** to: MindGeek Class Action, c/o JND Legal Administration, Exclusion Requests, P.O. Box 91491, Seattle, WA 98111.

### **The Trial.**

A trial is scheduled for August 2024. The Court appointed the law firm of Susman Godfrey L.L.P. to represent Class Members as Class Counsel. You do not need to attend the trial. Class Counsel will present the case for Plaintiff and the Class, and lawyers for the Defendants will present on their behalf. You or your own lawyer are welcome to come at your own expense.

### **Questions?**

This Notice is a summary of the lawsuit and the proceedings. You can get additional information by visiting [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), calling 844-566-0107, emailing [info@MindGeekClassActionLitigation.com](mailto:info@MindGeekClassActionLitigation.com), or writing the Administrator at MindGeek Class Action, c/o JND Legal Administration P.O. Box 91491, Seattle, WA 98111. You can also call Class Counsel at 1-310-789-3100. **Please do not contact the Court.**

**- EXHIBIT G -**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

# If you were a minor when you appeared in a video or image uploaded or viewable on an adult entertainment website, a class action lawsuit may affect your rights

*A United States federal court authorized this Notice. This is not a solicitation from a lawyer.*

- A lawsuit known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*, No. ACV 21-00338-CJC (ADSx) is pending in the United States District Court for the Central District of California (the “Court”).
- Plaintiff claims that Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek (collectively, “Defendants”) systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material (“CSAM”). The allegations against Defendants are set forth in Plaintiffs’ Third Amended Complaint filed with the Court on May 5, 2023.
- The Court has allowed the lawsuit to be a class action on behalf of a Class and a California Subclass as detailed below.

**Class:** All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**California Subclass:** Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

- The Court has not decided who is right or wrong. There is no money available now, and no guarantee there will be. However, if you are a member of the Classes described above, your legal rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
<b>Do Nothing</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b></p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Defendants separately about the same legal claims in this lawsuit. You will be bound by the result of this lawsuit.</p>
<p><b>Ask To Be Excluded by [eighty-six (86) days from Court approval of class notice]</b></p>	<p><b>Get out of this lawsuit. Get no benefits. Keep your rights to sue.</b></p> <p>If you ask to be excluded from this lawsuit and money or benefits are later awarded, you will not share in that money or those benefits. But, you keep any rights to sue Defendants separately, at your own expense, and with your own attorney about the same legal claims in this lawsuit, subject to applicable defenses that Defendants may have to each legal claim.</p>

- Plaintiff must prove their claim against Defendants at a trial, which is scheduled for August 2024. If you do not ask to be excluded from the lawsuit and money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

**Questions? Visit [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com) or call toll-free 844-566-0107**



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**BASIC INFORMATION**

**1. What is this Notice about?**

This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you if you were under the age of 18 when you appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present. You have legal rights and options that you may exercise before the Court holds a trial scheduled for August 2024. The trial will decide whether the claims being made against Defendants, on your behalf, are correct. Judge Cormac J. Carney of the United States District Court for the Central District of California is overseeing this class action. The lawsuit is known as *Jane Doe v. Mindgeek USA Incorporated, Mindgeek S.A.R.L., MG Freesites, LTD, d/b/a Pornhub, MG Freesites II, LTD, MG Content RT Limited, and 9219-1568 Quebec, Inc. d/b/a Mindgeek*. No. SACV 21-00338-CJC (ADSx).

**2. What is this lawsuit about?**

The lawsuit claims that Defendants systematically participated in sex-trafficking ventures involving tens of thousands of children by receiving, distributing, and profiting from droves of child sexual abuse material (“CSAM”). Defendants deny any wrongdoing, and the Court has not found that Defendants have committed wrongdoing.

**3. What is a class action and who is involved?**

In a class action lawsuit, a court appoints one or more people or entities to be the “plaintiff” to sue on behalf of other people who have similar claims. If the court allows the lawsuit to proceed as a class action, the court appoints the plaintiff as the “class representative.” The people together are a “class” or “class members.” The plaintiff—and all the class members like them—are called the plaintiffs. The companies and people they sued are called the defendants. One court resolves the issues for everyone in the class—except for those people who choose to exclude themselves from the class. In this lawsuit, the Court appointed Jane Doe as Plaintiff and class representative.

**4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are numerous Class Members whose interests are affected by this lawsuit;
- There are legal questions and facts that are common to the members of the Class;
- Plaintiff’s claims are typical of the claims of the rest of the Class;
- Plaintiff and the lawyers representing the Class will fairly and adequately represent the Class interests;
- The common legal questions and facts are more important than questions that affect only individuals;
- The Class is ascertainable because they are defined by identifiable objective criteria; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Granting Motion for Class Certification, which is available at [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com).

**THE CLAIMS IN THE LAWSUIT**

**5. What does the lawsuit complain about?**

The lawsuit claims that Defendants facilitate and profit from child sex trafficking involving CSAM; and have known about, and been investigated for, significant amounts of CSAM on their sites. Plaintiff alleges that Defendants,

despite their actual knowledge that their sites were being used to share CSAM, did not take adequate steps to curb its propagation, motivated at least in part by financial considerations.

Defendants are a group of privately held companies that operate many of the most popular pornographic websites, including Pornhub, Redtube, and YouPorn. They also operate a variety of well-known pornographic film companies such as Brazzers, Digital Playground, Men.com, Reality Kings, Sean Cody, and WhyNotBi.com. Their “flagship video sharing platform is Pornhub. Created in 2007, Pornhub is a leading free, ad-supported, adult content hosting and streaming website, offering visitors the ability to view content uploaded by verified users, models, and third-party adult entertainment companies.”

**6. How do Defendants answer?**

Defendants deny that they did anything wrong and will defend themselves at trial. Defendants’ Answers to the Complaint are available at [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com).

**7. Has the Court decided who is right?**

The Court has not decided whether Plaintiff or Defendants are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that Plaintiff will win or lose this case. The parties have a chance to prove or disprove their claims and/or defenses through motion practice. Plaintiff must prove their claims at the trial scheduled for August 2024. (See “The Trial” below on page 6.)

**8. What is Plaintiff asking for?**

Plaintiff is asking for damages sustained as a result of Defendants’ alleged wrongdoing, in the amount to be proven at trial. Plaintiff also seeks injunctive or equitable relief as the Court may deem just and proper, and reasonable cost and expenses incurred, including counsel fees and expert fees.

**9. Is there any money available now?**

No money or benefits are available now as a result of the Class being certified because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

**WHO IS IN THE CLASS**

**10. Am I part of the Class?**

The Court certified a Class and a California Subclass:

1. **Class:** All persons who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.
2. **California Subclass:** Members of the Class residing in California who were under the age of 18 when they appeared in a video or image that has been uploaded or otherwise made available for viewing on any website owned or operated by MindGeek from February 19, 2011, through the present.

**11. I am still not sure if I am included.**

If you are still not sure whether you are included in the Class, you can get free help at [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), or by calling or writing to the lawyers in this case, at the phone number or address listed in Question 15.

## **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Class (and be bound by the results) or ask to be excluded (and keep your right to sue Defendants in your own separate lawsuit).

### **12. What happens if I do nothing at all?**

You do not have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay and Plaintiff obtains money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share. Keep in mind that if you do nothing now, regardless of whether Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### **13. Why would I ask to be excluded?**

If you want to sue Defendants on your own regarding the same claims in this matter, or already have your own lawsuit against Defendants regarding the same claims in this matter and want to continue with it, you need to ask to be excluded from the Class. If you exclude or remove yourself from the Class— sometimes called “opting-out” of the Class— you will not get any money or benefits from this lawsuit even if Plaintiff wins at trial. However, you may then be able to sue or continue to sue Defendants on your own for the same or similar claims in this matter. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit or continue with a preexisting lawsuit against Defendants regarding the same claims in this matter after you exclude yourself, you will have to hire your own lawyer(s) for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to your own lawyer soon, because *your claims may be subject to a statute of limitations or repose*, meaning that you may face a deadline after which you cannot sue.

### **14. How do I ask the Court to exclude me from the Class?**

To ask to be excluded from the Class, you must submit an “Exclusion Request” stating that you want to be excluded from *Jane Doe v. Mindgeek USA Incorp., et al.*, No. SACV 21-00338-CJC (ADSx). Be sure to include your name, address, telephone number, email, and signature. Mail your Exclusion Request **postmarked by [eight-six (86) days from Court approval of class notice]**, to: MindGeek Class Action, c/o JND Legal Administration, Exclusion Requests, P.O. Box 91491, Seattle, WA 98111.

**IF YOU DO NOT EXCLUDE YOURSELF BY [86 DAYS FROM COURT APPROVAL], YOU WILL REMAIN PART OF THE CLASS AND BE BOUND BY THE ORDERS OF THE COURT IN THIS LAWSUIT.**

## **THE LAWYERS REPRESENTING YOU**

### **15. Do I have a lawyer in this case?**

The Court decided that the law firm of Susman Godfrey L.L.P. is qualified to represent you and all Class Members as “Class Counsel.”

Davida P. Brook  
Krysta Kauble Pachman  
Rohit D. Nath  
Halley W. Josephs  
Madeline M. Yzurdiaga  
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**16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you can hire your own lawyer at your own expense. For example, you can ask them to appear in Court for you if you want someone other than Class Counsel to speak for you.

**17. How will the lawyers be paid?**

If Class Counsel get money or benefits for the Class, they may ask the Court for an award of fees and expenses. You will not have to personally pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendants.

**THE TRIAL**

**18. How and when will the Court decide who is right?**

Class Counsel will have to prove Plaintiff's claims at a trial. The trial has been scheduled for August 2024 at the United States District Court for the Central District of California, courtroom of the Honorable Judge Cormac J. Carney, United States District Judge, Courtroom 9B – 9th Floor, 411 West Fourth Street, Santa Ana, CA 92701. During the trial, a Jury and the Judge will hear all of the evidence to help them reach a decision about whether Plaintiff or Defendants are right about the claims in the lawsuit. There is no guarantee that Plaintiff will win, or that they will get any money for the Class.

**19. Do I have to come to the trial?**

No. You do not need to attend the trial. Class Counsel will present the case for Plaintiff and the Class, and lawyers for the Defendants will present on their behalf. You or your own lawyer are welcome to come at your own expense.

**20. Will I get money after the trial?**

If Plaintiff obtains money or benefits as a result of the lawsuit, and you remain in the Class, you will be notified about how to participate. We do not know how long this will take.

**GETTING MORE INFORMATION**

**21. How do I get more information?**

This Notice contains a summary of the lawsuit and the proceedings. You can get additional information by visiting [www.MindGeekClassActionLitigation.com](http://www.MindGeekClassActionLitigation.com), calling 844-566-0107, emailing [info@MindGeekClassActionLitigation.com](mailto:info@MindGeekClassActionLitigation.com), or writing the Administrator at:

MindGeek Class Action  
c/o JND Legal Administration  
P.O. Box 91491  
Seattle, WA 98111

You can also call Class Counsel at 1-310-789-3100, or write them at:

Davida P. Brook  
Krysta Kauble Pachman  
Susman Godfrey LLP  
1900 Avenue of the Stars, Suite 1400  
Los Angeles, CA 90067

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE**

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13 (*See additional counsel on signature page*)  
Attorneys for Plaintiff

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**  
16 **SOUTHERN DIVISION**

18 JANE DOE on behalf of herself and  
all others similarly situated,

19 Plaintiff,

20 v.

21 MINDGEEK USA  
INCORPORATED, MINDGEEK  
22 S.A.R.L., MG FREESITES, LTD  
(D/B/A PORNHUB), MG  
23 FREESITES II, LTD, MG CONTENT  
RT LIMITED, AND 9219-1568  
24 QUEBEC, INC. (D/B/A  
MINDGEEK),  
25 Defendants.

Case No. 8:21-cv-00338-CJC-ADS

*Hon. Cormac J. Carney*

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
MOTION TO APPROVE FORM  
AND MANNER OF CLASS NOTICE**



1 Having considered (1) Plaintiff’s Motion to Approve the Form and Manner  
2 of Class Notice, (2) the proposed forms of class notice, (3) the proposed manner of  
3 providing notice to the class, and (4) good cause appearing therefor,

4 IT IS HEREBY ORDERED as follows:

5 1. JND is hereby appointed to serve as Class Notice Administrator for  
6 purposes of disseminating notice to the Class certified by the Court in its November  
7 17, 2023 Order Granting Plaintiff’s Motion for Class Certification (ECF No. 209)  
8 of the pendency of this action as a class action.

9 2. Within fourteen (14) days of this Order, JND, a Class Notice  
10 Administrator, shall cause the Email Notice or Postcard Notice, Exhibits A and B to  
11 the Gina Intrepido-Bowden Declaration, to be either physically or electronically  
12 mailed respectively to all Class Members readily discernible from MindGeek’s  
13 internal records (the “Notice Date”). JND will additionally send Third Party Email  
14 Notice, Exhibit E to the Gina Intrepido-Bowden Declaration, to all Class Members  
15 identified by third-parties able to identify individuals in CSAM posted on  
16 MindGeek’s websites. Prior to physical mailing, JND will update the addresses using  
17 the National Change of Address database. JND will send all physical mailings in a  
18 sealed postcard, given the personal nature of this case’s claims. JND will re-mail any  
19 Postcard Notices returned by the United State Postal Service with a forwarding  
20 address. For any Class Members for whom a notice is returned without a forwarding  
21 address, JND will either mail to a more recent mailing address or use available skip-  
22 tracing tools to identify a new physical or electronic mailing address. Prior to  
23 electronic mailing, JND will verify email addresses against common blacklists,  
24 eliminate invalid addresses and spam traps, and otherwise ensure that email addresses  
25 are complete to ensure delivery. JND will re-send any Email Notices returned to it  
26 up to three additional times to ensure delivery.

27 3. On or before the Notice Date, the National Center for Missing and  
28 Exploited Children (“NCMEC”) will disseminate Email and Long Form Notice to



1 survivors through NCEMC's well-established networks providing resources,  
2 services, and information to survivors of child sex trafficking and their families,  
3 including NCEMC's direct service providers network, law enforcement victim  
4 advocates, and NCEMC's survivor network.

5 4. On or before the Notice Date, JND will establish a case-specific website.  
6 The website will provide, among other things, a summary of the case, relevant filings  
7 and Court orders, any pertinent updates concerning the litigation, and functionality  
8 for Class Members to submit their contact information to receive future updates by  
9 mail and/or email.

10 5. On or before the Notice Date, JND will cause the long form class notice  
11 (the "Long Form Notice"), substantially in the form as Exhibit G to the Gina  
12 Intrepido-Bowden Declaration, to be available on the case-specific website  
13 maintained by JND. JND will also execute digital ads and publish a digital audio  
14 script describing notice, substantially in the form as Exhibits C and D to the Gina  
15 Intrepido-Bowden Declaration, through the Google Display Network, Facebook,  
16 Instagram, Spotify, X (formerly known as Twitter), Reddit, and the *New York Times*.  
17 JND will also publish notice on MindGeek's various websites, including PornHub,  
18 YouPorn, RedTube, and others.

19 6. On or before the Notice Date, JND shall disseminate a news release,  
20 Exhibit F to the Gina Intrepido-Bowden Declaration, via PR Newswire's Premier  
21 Global distribution. This news release will be distributed to various international  
22 news outlets throughout the United States, Canada, Latin America, Pan Europe, Pan  
23 Asia, Arabic Middle East, Israel, and Africa. The press release will be translated into  
24 English, Arabic, Chinese, Czech, French, German, Hebrew, Indonesian, Japanese,  
25 Korean, Malay, Polish, Portuguese, Russian, Slovak, Spanish, Thai, and Vietnamese.

26 7. JND shall establish a toll-free telephone line with an interactive voice  
27 response (IVR), a dedicated email address, and a post office box to ensure that Class  
28 Members can learn additional information about this case.

1           8.     The Court hereby approves the Postcard Notice, Email Notice, Third  
2 Party Email Notice, and Long Form Notice. The Court finds and concludes the  
3 foregoing manners of giving notice to the Class fully satisfies the requirements of  
4 Rule 23 of the Federal Rules of Civil Procedure and constitutional Due Process,  
5 constitutes the best notice practicable under the circumstances, and shall constitute  
6 due and sufficient notice to all persons entitled thereto.

7           9.     Plaintiff’s Class Counsel shall file, not later than within fourteen (14)  
8 days of the Notice Date, proof of dissemination of notice to potential Class Members  
9 in the manner directed by this Order.

10          10.    Each Class Member shall have the right to be excluded from the Class  
11 by mailing a request for exclusion to JND, postmarked no later than seventy-two (72)  
12 days after the Notice Date (the “Opt-Out Deadline”).

13          11.    Requests for exclusion must be in writing and set forth the name,  
14 mailing address, email address (if available), and telephone number of the person or  
15 entity who wishes to be excluded, must state that the person or entity wishes to be  
16 excluded, and must be signed by the person or entity seeking exclusion. Unless  
17 otherwise ordered by the Court, all persons or entities who submit valid and timely  
18 requests for exclusion shall not share in any recovery that may be obtained as a result  
19 of a judgment or settlement favorable to the Class; shall not be bound by any  
20 judgment favorable to MindGeek; and shall have the right, at their own expense, to  
21 pursue any individual claims they may have against MindGeek.

22          12.    By fourteen (14) days after the Opt-Out Deadline, Plaintiff’s Class  
23 Counsel shall file with the Court a list of all persons and entities who have timely and  
24 validly requested exclusion from the Class. The Court will exclude all persons and  
25 entities who submit timely and valid requests for exclusion.

26          13.    The Court may, for good cause, extend any of the deadlines set forth in  
27 this Order without further notice to Class members. In the event that any such  
28 extension would cause the Opt-Out Deadline to fall after the last date on which

1 summary judgment motions may be heard, then the deadline for summary judgment  
2 hearings, and any then-scheduled hearing on any summary judgment motion, shall  
3 be continued until at least one court day after the new Opt-Out Deadline.

4 14. The Court further orders that Plaintiff may use the personal identifying  
5 information (“PII”) noted in this Court’s prior stipulation limiting the use of such  
6 information in this case to identify potential Class Members and disseminate class  
7 notice. ECF No. 121 at 1-2.

8

9 Dated: \_\_\_\_\_

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Cormac J. Carney  
United States District Judge

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