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Attorneys for Plaintiff

<p>K.C.</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>CHRISTOPHER DOYLE</p> <p style="text-align: right;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION, CIVIL PART OCEAN COUNTY</p> <p>DOCKET NO.</p> <p>CIVIL ACTION VERIFIED COMPLAINT AND JURY DEMAND</p>
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Plaintiff K.C.¹ (hereinafter “Plaintiff”), by her attorneys, Daniel Szalkiewicz & Associates, P.C., as and for her Verified Complaint hereby alleges, upon information and belief, as follows:

PRELIMINARY STATEMENT

1. K.C. is a recent graduate of Wall High School, a public school in Monmouth County, New Jersey. In March of last year, K.C.’s intimate images were shared on Anon-IB, a website devoted to the accumulation of naked images of young women; in addition to her face

¹ Given the extremely graphic nature of the images shared by the Defendant, Plaintiff requests the ability to proceed by her initials.

being clearly visible in some of the images, the post further identified her by her complete first name and last initial.

2. Immediately upon learning that her images were online for the world to see, K.C. retained the services of an attorney to have the images removed and learn who had posted them on the website.

3. Anon-IB provided K.C.'s attorneys with the IP address of the individual. A subpoena response from Optimum for the account information for whom the IP address was assigned unveiled that the individual responsible for posting her images was Christopher Doyle, a math teacher and tennis coach at her former high school.

4. The instant lawsuit ensues.

THE PARTIES

5. Plaintiff is not a public official or public figure.

6. Defendant Christopher Doyle ("Mr. Doyle") is a resident of the State of New Jersey, County of Ocean. Mr. Doyle has been a math teacher at Wall High School since 2004 and has also coached both the boys and girls tennis teams. Upon information and belief, he continues to serve in both capacities.

STATEMENT OF FACTS PERTAINING TO ALL CAUSES OF ACTION

7. In March 2018, K.C. came to learn that on March 21, 2018, fourteen photos of her had been posted online at the URL <http://usa.anon-ib.su/nj/res/124640.html#q125776>.

8. While a couple photos depicted only K.C.'s face, several others showed her exposed breasts, genitals, naked buttocks, or in only her undergarments².

9. The images were uploaded in three posts onto the Anon-IB website by an anonymous user who identified her by her full first name and last initial.

10. K.C. did not consent to her naked images being shared online.

11. On March 29, 2018, K.C.'s attorneys notified Anon-IB that the images were posted without K.C.'s consent and requested their removal along with information concerning the IP address used to post the images online.

12. The images were removed on April 4, 2018, and on April 20, 2018, a representative from Anon-IB provided to K.C.'s attorneys the IP address used to upload K.C.'s images online, 67.86.232.162.

13. K.C.'s attorneys subpoenaed Optimum Cable for identifying information concerning the account holder to whom the aforementioned IP address had been assigned at the time of the posts. In response, Optimum Cable provided K.C.'s attorneys with the following information:

Subscriber:	CHRISTOP DOYLE
Address:	46 DOGWOOD DR JACKSON, NJ 08527
Telephone #(s):	(609)203-4391

² Image 1 depicts K.C. in only her underwear; Image 2 depicts K.C.'s partially covered genitals; Image 3 depicts K.C.'s exposed breast; Image 4 depicts K.C.'s exposed breast; Image 5 depicts K.C.'s partially exposed buttocks; Image 6 depicts K.C.'s exposed buttocks; Image 7 depicts K.C.'s exposed breasts and genitals; Image 8 depicts K.C.'s exposed breast and buttocks; Image 9 depicts K.C.'s exposed buttocks; Image 10 depicts K.C.'s face; Image 11 depicts K.C.'s face while she is wearing a bra; Image 12 depicts a portion of K.C.'s face; Image 13 depicts K.C.'s partially exposed buttocks and face; and Image 14 depicts K.C.'s entire face while dressed in only a towel.

14. Upon learning the name of the individual who had posted her intimate images online for the world to see, K.C. realized that the person responsible was a teacher at her high school.

15. K.C., who never sent Mr. Doyle her images, did not consent to him sharing them online.

16. The written portion of Mr. Doyle's post which states "Have some of [first name and last initial]...these were first but it didn't post for some reason" paired with Mr. Doyle's decision to post the images on a board devoted to images of young women associated with the Town of Wall confirms that he was aware of K.C.'s identity when he posted the images and wanted others to know her true identity as well.

FIRST CAUSE OF ACTION
(Violation of N.J.S.A. 2A:58D-1)

17. Plaintiff repeats and realleges the allegations stated above as if fully set forth herein.

18. New Jersey Statute 2A:58D-1 states:

a. An actor who, in violation of section 1 of P.L.2003, c. 206 (C.2C:14-9), photographs, films, videotapes, records, or otherwise reproduces in any manner, the image of another person who is engaged in an act of sexual penetration or sexual contact, the exposed intimate parts of another person, or the undergarment-clad intimate parts of another person shall be liable to that person, who may bring a civil action in the Superior Court.

b. An actor who, in violation of section 1 of P.L.2003, c. 206 (C.2C:14-9), discloses any photograph, film, videotape, recording or any other reproduction of the image of another person who is engaged in an act of sexual penetration or sexual contact, the exposed intimate parts of another person, or the undergarment-clad intimate parts of another person shall be liable to that person, who may bring a civil action in the Superior Court. For purposes of this section: (1) "disclose" means sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via

the Internet or by any other means, whether for pecuniary gain or not; and
(2) “intimate parts” has the meaning ascribed to it in N.J.S.2C:14-1.

c. The court may award:

- (1) actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation of this act;
- (2) punitive damages upon proof of willful or reckless disregard of the law;
- (3) reasonable attorney's fees and other litigation costs reasonably incurred; and
- (4) such other preliminary and equitable relief as the court determines to be appropriate.

A conviction of a violation of section 1 of P.L.2003, c. 206 (C.2C:14-9) shall not be a prerequisite for a civil action brought pursuant to this section.

19. Eleven of Defendant’s photographs mentioned above depict Plaintiff’s exposed intimate parts or undergarment-clad intimate parts.

20. Defendant distributed the pictures on the internet for the world to see without Plaintiff’s consent.

21. Defendant has violated New Jersey Statute 2A:58D-1.

22. As a result of Defendant’s actions, the Plaintiff demands judgment for any actual damages which exceeds the jurisdictional limits of all lower courts which would have otherwise have jurisdiction of this matter, together with damages for pain and suffering and punitive damages, attorney’s fees, costs of this litigation and such other relief as the Court deems equitable and just.

SECOND CAUSE OF ACTION
(Intentional Infliction of Emotional Distress)

23. Plaintiff repeats and realleges the allegations stated above as if fully set forth herein.

24. Plaintiff experienced significant emotional distress when she learned that her intimate images had been uploaded online for the world to see; this only intensified when she learned that the individual responsible for her distress was a teacher at her high school and who has been and continues to be entrusted with the care of teenagers.

25. Defendant engaged in the intentional, extreme, and outrageous conduct of cyber harassing in an effort to destroy Plaintiff's good name and cause her severe emotional harm. Defendant's conduct was so extreme in degree and so outrageous in character that it goes beyond all possible bounds of decency.

26. Defendant's sole purpose of posting the picture online was to humiliate and harass Plaintiff.

27. Defendant intended to cause severe, emotional distress or recklessly disregarded the likelihood that such conduct would tend to cause severe emotional distress. Such outrageous behavior is beyond the limits of decency and is intolerable in a civilized society.

28. Defendant's actions have caused Plaintiff to experience two bouts of severe emotional distress, the first being when she initially realized that untold numbers of people had seen her naked images and later when Plaintiff learned that the individual responsible for her humiliation was a man who she, her family, and countless others looked to and trusted as a principled teacher and coach for young people.

29. Plaintiff has devoted extensive time and resources to relieving her mental anguish but continues to suffer from anxiety and trust issues caused by Defendant sharing her images without her consent.

30. As a direct and proximate result of Defendant's conduct, Plaintiff suffered severe emotional distress.

31. Defendant acted with the intent to cause severe emotional distress, or alternatively, disregarded the substantial probability that his actions would cause severe emotional distress.

32. Here, the acts of Defendant were so egregious and were done so clearly with malice and/or reckless indifference in the face of a perceived risk that his actions would harm Plaintiff's reputation and mental wellbeing, that, in addition to all the damages inflicted upon Plaintiff and in addition to all the measure of relief to which Plaintiff may properly be entitled herein, Defendant should also be required to pay punitive damages to punish him for his reckless conduct in the further amount greater than the jurisdictional limit of all lower courts to be determined by the trier of fact, in order to deter it and others similarly situated from engaging in such conduct in the future.

33. Plaintiff demands judgment against Defendant in an amount to be determined upon the trial of this action; said amount being sufficient to compensate Plaintiff for her severe injuries as well as an amount sufficient to punish Defendant for his willful, wanton, reckless, and unlawful conduct constituting a complete and reckless disregard for Plaintiff, together with interest, attorneys' fees, costs and disbursements in this action; and said amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

THIRD CAUSE OF ACTION
(Invasion of Privacy Intrusion Upon Seclusion)

34. Plaintiff repeats and realleges the allegations stated above as if fully set forth herein.

35. By publishing the pictures online, the Defendant intruded on Plaintiff's physical solitude and seclusion.

36. The images depicting K.C. in various states of undress constitute a public disclosure of private facts.

37. It is clear that Defendant has publicly disclosed private facts by uploading the pictures on website devoted to the dissemination of scantily-clad and often naked young women, generally organized by hometown or high school.

38. Defendant violated Plaintiff's New Jersey constitutional right of privacy, in particular, Plaintiff's rights against (1) intrusion (e.g., intrusion on plaintiff's physical solitude or seclusion, as by invading his or her home, illegally searching, eavesdropping, or prying into personal affairs); and (2) public disclosure of private facts (e.g., making public private information about plaintiff).

39. Defendant intruded upon and violated the privacy of the Plaintiff knowingly, recklessly, and with malice aforethought particularly when, without her knowledge and consent, when he uploaded the highly intimate images, many of which contained her face, along with her complete first name and last initial.

40. By distributing the pictures, Defendant sought to embarrass and humiliate the Plaintiff and such embarrassment and humiliation was reasonably foreseeable.

41. By distributing the pictures, Defendant also sought to harm the reputation of the Plaintiff and such harm from his actions was reasonably foreseeable.

42. As a proximate and direct cause of Defendant's actions which violated Plaintiff's rights of privacy, the Plaintiff suffered emotional distress, pain and suffering, and a harm to her reputation.

43. As a result of Defendant's actions, Plaintiff demands judgment for any actual damages which exceeds the jurisdictional limits of all lower courts which would have otherwise have jurisdiction of this matter, together with damages for pain and suffering and punitive damages, attorney's fees, costs of this litigation, and such other relief as the Court deems equitable and just.

WHEREFORE, Plaintiff demands judgment against Defendant on all causes of action in the sum of the amount greater than the jurisdictional limit of all lower courts to be determined by the trier of fact, plus punitive damages, the costs of this action, pre-judgment interest and reasonable attorney's fees as permitted under the law, together with such other and further relief as the Court may deem just and proper,

Dated: New York, New York
April 5, 2019

Daniel Szalkiewicz & Associates, P.C.

By: 
Daniel Szalkiewicz, Esq.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that the matter in controversy in the within action is not the subject of any other action pending in any Court or pending arbitration proceeding, nor is any such court action or arbitration proceeding presently contemplated. I further certify that there are no other persons who should be joined in this action at this time.

Daniel Szalkiewicz & Associates, P.C.
Attorney for Plaintiff, K.C.

Dated: April 5, 2019

By: 
Daniel Szalkiewicz, Esq.

DESIGNATION OF TRIAL ATTORNEY

Daniel Szalkiewicz, Esq. is hereby designated as trial counsel for the Plaintiff, in the above matter.

Law Office of
Daniel Szalkiewicz & Associates, P.C.
Attorney for Plaintiff, K.C.

Dated: April 5, 2019

By: 
Daniel Szalkiewicz, Esq.

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-000865-19

Case Caption: C K VS DOYLE CHRISTOPH

Case Type: TORT-OTHER

Case Initiation Date: 04/05/2019

Document Type: Complaint with Jury Demand

Attorney Name: DANIEL S SZALKIEWICZ

Jury Demand: YES - 6 JURORS

Firm Name: DANIEL SZALKIEWICZ & ASSOCIATES PC

Hurricane Sandy related? NO

Address: 325 WEST 38TH ST STE 810

Is this a professional malpractice case? NO

NEW YORK NY 10018

Related cases pending: NO

Phone:

If yes, list docket numbers:

Name of Party: PLAINTIFF : C, K

Do you anticipate adding any parties (arising out of same

Name of Defendant's Primary Insurance Company

transaction or occurrence)? NO

(if known): None

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/05/2019

Dated

/s/ DANIEL S SZALKIEWICZ

Signed

