

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THOMAS DART, SHERIFF OF  
COOK COUNTY

Plaintiff,

v.

CRAIGSLIST, INC.,

Defendant.

RECEIVED

MAR 05 2009

Case No.

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Judge:

Plaintiff Demands Trial By Jury.

09 CV 1385

JUDGE GRADY

MAGISTRATE JUDGE NOLAN

COMPLAINT

NOW COMES THOMAS DART, as Sheriff of Cook County, Illinois ("the Sheriff"), by and through his attorneys, QUERREY & HARROW, LTD., and for his Complaint against Craigslist, Inc., ("Defendant") states as follows:

BACKGROUND

1. Prohibited activity typically transpires in secret. Rare is the instance when such conduct occurs unabashed. Yet as these words are read, Defendant's website craigslist.org ("Craigslist") is facilitating prostitution. To say Craigslist's "erotic services" forum makes prostitution accessible is an understatement. Advocacy groups consider the website to be one of the largest sources for prostitution in the country.

2. Prostitution arrests in Cook County via Craigslist are incessant. Arrests consume the time, money, and resources of law enforcement agencies. This civil action seeks damages, abatement costs, and injunctive relief to remedy Defendant's creation of

and contribution to a public nuisance in Cook County. The Sheriff seeks to close only the erotic services section of Craigslist. This section is a convenient clearinghouse for pimps, prostitutes, and patrons that enables sellers to advertise and buyers to peruse discreetly.

3. Defendant's facilitation of prostitution meets the definition of a public nuisance - a condition that injures the property, health, and safety of many people. Prostitution spawns STDs, inflicts psychological scars, and creates a market for human trafficking. Children are also damaged, whether as prostitutes themselves or babies whose mothers service clients in the next room. These realities belie the bromide that prostitution is simply "two consenting adults."

4. Conduct that violates established laws is quintessential evidence of nuisance. Defendant's conduct contravenes city, state, and federal prohibitions on prostitution. They are as follows: § 8-8-020 of the Chicago Municipal Code, which proscribes directing persons to prostitutes; 720 ILCS § 5/11-15, which criminalizes soliciting for a prostitute; and 18 U.S.C. § 1952, which prohibits facilitating prostitution. Defendant's violations of these restrictions establish its conduct is a public nuisance.

#### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1332, in that the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the action is between citizens of different States.

6. The Court has personal jurisdiction over Defendant because it has continuous and systematic contacts with Illinois and the events giving rise to the action are related to Defendant's contact with the state. Additionally, Defendant has purposefully directed its activities at Illinois residents by maintaining a webpage devoted to the Chicagoland area.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) because the events giving rise to these claims occurred in this district, and Defendant conducts business in this district.

### PARTIES

8. Upon information and belief, Craigslist, Inc., is a Delaware corporation with its principal place of business at 1381 9th Avenue, San Francisco, California. It was created in connection with the website [craigslist.org](http://craigslist.org), which provides online classified advertisements. "Defendant" refers to Craigslist, Inc., while "Craigslist" denotes the website itself.

9. Thomas Dart is the duly elected Sheriff of Cook County, Illinois. Dart is a citizen of the United States who resides in Cook County, Illinois.

### FACTS

#### **A. Craigslist's Background.**

10. The late 1990s were the halcyon days for Internet startups. A number of websites gained an early foothold and later became Internet institutions. Craigslist is one such site. What began as a free classifieds service for the San Francisco Bay area has

mushroomed into a multimillion dollar a year, globe-girdling website.

11. Craigslist is now a forum for locals in 450 cities in 50 countries. The site allows users to post listings for jobs, housing, dating, used items, and community information. It also includes discussion forums on various topics.

12. Defendant maintains a specific webpage for Chicago and its environs, located at [chicago.craigslist.org](http://chicago.craigslist.org).

13. Craigslist bears no banner advertisements. Upon information and belief, its sole source of revenue is paid job ads in select cities - \$75 per ad in San Francisco; \$25 per ad in other cities and paid broker apartment listings in New York (\$10 per ad).

14. Craigslist maintains over thirty million new classified advertisements each month. It is the leading classifieds service in any medium and one of the top job boards in the world.

15. Craigslist is viewed over nine billion times each month, putting it in 47th place among web sites world wide and ninth place among web sites in the United States.

16. Upon information and belief, Defendant's revenues in 2007 were approximately \$55 million. Revenues for 2008 are estimated at \$80 million.

**B. Craigslist's Content.**

17. Craigslist is not limited to innocuous postings selling sofas and advertising apartments. Craigslist has an erotic services section where people openly promise sex for money.

18. Erotic services is located on the website's homepage in the "services" section of the page. (See copy of webpage attached as Exhibit A).

19. Craigslist's erotic services has existed since at least September of 2003. (See copy of webpage from September 19, 2003, obtained from archive.org, attached as Exhibit B).

20. Erotic services is placed among other service forums like automotive, computer, real estate, and legal. These other forums contain posts advertising services in exchange for compensation.

21. Defendant's placement of erotic services alongside other service forums demonstrates erotic services is for individuals willing to provide sexual services for money.

22. Additionally, the title of the forum, "erotic services," speaks for itself. "Erotic" is defined as "satisfying sexual desire." (Random House Webster's Dictionary 239 (3d ed. 1998)). "Services" is defined as "the act of doing something useful for a person or company for a fee." (Black's Law Dictionary 1399 (8th ed. 2004)).

23. When users click on the erotic services link, they find Defendant has further delineated twenty-one categories. Defendant uses abbreviations to reference its twenty-one categories. Thus, "m" stands for men, "w" for women, "4" means "for", and "t" means transvestite.

24. The twenty-one categories Defendant created are: w4m, m4m, m4w, w4w, t4m, m4t, mw4mw, mw4w, mw4m, w4mw, m4mw, w4ww, m4mm, mm4m, ww4w,

ww4m, mm4w, w4mm, t4mw, mw4t. (See copy of erotic services webpage attached as Exhibit C).

25. Users then click on a category. Within each category are posts users can search through.

26. To further aid the search process, Defendant provides a word search function. This allows users to search for a prostitute based on desired search terms relating to location, type of service, physical dimensions, or ethnicity.

27. While Defendant warns that "offers for or solicitation of prostitution" are prohibited, such posts are the *raison d' être* of erotic services.

### C. Craigslist's Erotic Services Posts.

28. Upon entering a category, users will first scan a page that provides the titles of postings. The title of a typical post provides a short description, relevant category, age, and location.

29. Clicking on the post title opens the post. Within the post is information about prices, services, and physical attributes, often accompanied by pornographic images.

30. Most posts in the erotic services forum clearly provide for prostitution. Others use thinly veiled code words. For example, "roses," "diamonds," "kisses," or "thank yous" means dollars. "Greek" refers to anal sex. While the methods differ, the aim is the same: money for sex.

31. Terms such as "young and fresh," "virgin," "new girl," and "new to

Craigslist" are believed by some advocacy groups to be code words for minors. (See KlaasKids Foundation's Human Trafficking Report Newsletter, January 2009, attached as Exhibit D).

32. The following are a microcosm of Craigslist's erotic services:

**A. ASIAN S.E.X KITTIN - w4m - 23 (OHARE AIRPORT)**

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Reply to: [pers-1005312414@craigslist.org](mailto:pers-1005312414@craigslist.org)

Date: 2009-01-23, 9:53PM CST

For a total mind b.l.o.w.i.n.g expeiance, give me a call...

**B. ~•□•~STUNNING~•□•~SEXY~•□•~SOPHISTICATED~•□•~ - w4m  
- 27 (Chicago/sur areas)**

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Reply to: [pers-985562996@craigslist.org](mailto:pers-985562996@craigslist.org)

Date: 2009-01-08, 6:20PM CST

In A hurry??

15 Min \$50 Roses

Wanna Have A Wild Time??

1hour \$150 Roses

Ready To Get Naughty And Also Relax!!

Wanna Relax At your Own Home!!

same Roses 4 Outcall

How About A G-R-E-E-K Lesson I'm A Great Student!!

**C. Spend the night with me - w4m**

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Reply to: [pers-1003753366@craigslist.org](mailto:pers-1003753366@craigslist.org)

Date: 2009-01-22, 6:42PM CST

My classy sex appeal and stunning beauty will initially attract you by spontaneous wild side and erotic nature are sure to captivate your full attention for as long as you can handle With a tight curvy figure silky smooth skin and captivating brown eyes I'm sure your every sense will be pleased by my erotic looks tempting touch and sweet seductive smell call jessica

**D. ---YOUNG-----TIGHT-----&-----JUST----- RIGHT-----4---YOU---  
w4m - 18 (Exit I-94 Old Orchard Rd:SKOKIE, IL)**

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Reply to: [pers-1010719152@craigslist.org](mailto:pers-1010719152@craigslist.org)  
Date: 2009-01-27, 11:14PM CST

Hey Guys, its \*K\*T\*O\*Y\* and I'm AVAILABLE NOW!!!  
I'm truly every man's FANTASY!  
I'm a 18 year old, 5'9", 120 pound, sweetheart with long black hair and adorable hazel eyes. I have a TIGHT LITTLE BODY that'll keep you coming back for more!!!  
TO MAKE YOUR FANTASY COME TRUE, I'M THE GIRL FOR YOU!!!

**E. \*\*\*2 GIRLS\*\*\*BODIES OF SUPERSTARS\*\*\*SKILLS OF PORNSTARS\*\*\* - w4m (SCHAUMBURG INCALLS/OUTCALLS ALL OVER)**

Reply to: [pers-1007165221@craigslist.org](mailto:pers-1007165221@craigslist.org)  
Date: 2009-01-25, 1:37PM CST

My mission and Pleasure is to Provide You with That Complete Erotic Sensual Encounter. Your experience with Me will be Unrushed, Passionate and Personalized for You, with Plenty of Time to Explore. I provide safe, sensual sessions with no rush. Ask about my 2 girl specials!

**F. Femme Son looking for Sugar Daddy - m4m - 19 (Travel Chicago)**

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Reply to: [pers-987529501@craigslist.org](mailto:pers-987529501@craigslist.org)  
Date: 2009-01-10, 11:48AM CST

Just another young white college boy in the city looking for some scholarship from a generous older man. Clean and disease free, shaved. I am mostly sub but I can dom on occasion. Suggested donation for a massage is 75 for in the city, no hidden fees.

**G. HOT~~TRANSEXUAL~~VISITING~~SHORT~~TIME~~IN~TWON~ - t4m - 27 (O'HARE/ROSEMONT~~)**

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Reply to: [pers-1005644116@craigslist.org](mailto:pers-1005644116@craigslist.org)  
Date: 2009-01-24, 9:33AM CST

iam sexy cristal, a natural,beautiful and sexy latina ready to make your dreams come true, let me seduce you with my hot body, i have a very nice,slim body, i stand 5'4 135bs 36d-22-38 very sexy and hot,i love to show my affections in all the right places,i have 7"surprises and iam always ready to play



**H. Handsome Puerto Rican - m4w - 24 (Chicagoland)**

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Reply to: [pers-1000723771@craigslist.org](mailto:pers-1000723771@craigslist.org)

Date: 2009-01-20, 3:32PM CST

Hello to all the great ladies out there. Due to the way the economy is I am willing to do almost anything to get money. I'm 5'11" and very good looking. I will do anything. I will go out with you on a night in town; I will be your boyfriend for the night. Ill go to a wedding with you or clubbing or even strip for a bachelorette party or just for you or a group of girls. I have no age limit from 18-99, I have no look preferences you can be 3'5" or 7' tall be skinny or heavy I don't care I just need money.

**I. HOT EROTIC MASSAGE/ESCORT FROM HOT BOI - m4m - 20 (Chicago)**

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Reply to: [pers-1004104258@craigslist.org](mailto:pers-1004104258@craigslist.org)

Date: 2009-01-23, 4:21AM CST

Sexy outgoing hot boi giving erotic massage /escort service from hot 6ft 150lbs and 8 " and thick all for your erotic needs  
rates are 100 an hour and 350 for 4 or more hours and 1700 for the whole week

**J. Busty Blonde Pregant Beauty ~ Massage~Specials~ All Day~!!!~ - w4m - 28 (Barrington Rd & I-90)**

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Reply to: [pers-1009578861@craigslist.org](mailto:pers-1009578861@craigslist.org)

Date: 2009-01-27, 9:42AM CST

Have You Ever Fantasized About A Fully Nude, Full Body Erotic Massage,  
Given To You By A Busty Blonde Pregant Beauty!  
If You Have The Desire And Time For An Alluring Encounter, You Will Never  
Be Disappointed With The Erotic Experience That Awaits You.

**K. T e e ns for CASH....Young Hot G!rlSS!!! open all night! \$150!!!!!! - w4m**

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Reply to: [pers-1005462616@craigslist.org](mailto:pers-1005462616@craigslist.org)

Date: 2009-01-24, 2:57AM CST

T e e ns for CASH....Young Hot G!rlSS!!! open all night! \$150!!!!!!  
\$100 quickie  
youngest and hottest girls in chicagoland  
actual pic of Jennifer (19 ) all girls here are over 18!!!!

L. **Hott young girls needed for new naughty nanny service - m4ww - 35 (Chicago (South Midway))**

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Reply to: [pers-991610815@craigslist.org](mailto:pers-991610815@craigslist.org)

Date: 2009-01-13, 3:03PM CST

Are looking to make some good money in this tough economy. Minimum pay is \$25 per hour to look pretty and be a nanny to single fathers across the chicagoland area. Ever fantasized about being a hot young sexy nanny for an attractive man and his children, then this job is for you. Looking to hire women ages 18 to 27 for this new enterprise. Must provide 3 pics (At least one sexy photo). Amateurs only. No professional ladies need apply. Anything that happens during your employment with clients is between two consenting adults. Pay is for hours in which you are performing duties specified in Naughty Nannies handbook.

(All errors in original. Some posts have been edited for content. The complete postings, with nude images, are attached as Exhibit E).

33. New advertisements are posted at an inexorable rate. Updated every few minutes, the Sheriff has determined the Chicago erotic services collects over 300 posts per day.

34. For example, over the span of four days, the w4m category alone logged over 1,000 posts. (See collection of posts from January 24-28, 2009 attached as Exhibit F).

35. Craigslist has cultivated an extensive user base through erotic services, as the section is Craigslist's most popular.

36. The popularity of erotic services was confirmed by an April 2007 study released by the website analysis firm Compète.com. The study examined eight American cities for one month and found "erotic services consistently garner the highest number of individual visitors for February – almost always twice as many as

the next ranking category, averaging 260,000 people per city.” (See Report Findings attached as Exhibit G).

37. While Defendant does not profit from erotic services per se, erotic services is the catalyst behind Craigslist being the ninth most popular website in the country. Erotic services enables Defendant to charge fees of up to \$75 per post for job openings due to the significant web traffic garnered by erotic services.

38. Advocacy groups confirm the popularity of Craigslist’s erotic services. The Polaris Project, a group against human sexual trafficking, believes Craigslist is now the single largest source for prostitution, including child exploitation, in the country. Love 146 works for the abolition of child sex slavery and exploitation. It notes Craigslist is commonly used to solicit prostitution and child prostitution. (See Portland Tribune article, “*Craigslist or Crimeslist?*” November 27, 2007, and Love 146 “*Craigslist Facts*” attached as Exhibit H).

#### **D. Craigslist’s Entanglements with Law Enforcement.**

39. The blatancy of erotic services has made Craigslist the *bête noire* of law enforcement. Police departments across the country make arrests through Craigslist routinely.

40. Most arrests result in charges of prostitution and other illegalities. Some involve the pimping of children.

41. Atlanta Mayor Shirley Franklin charged Craigslist as being a significant source of child prostitution in her city. She asked Defendant to do more to prevent

Craigslist from being used "as a means of promoting and enabling child prostitution." (See Atlanta Journal-Constitution article, "*Mayor: Web Site Enables Child Sex*" August 22, 2007, attached as Exhibit I).

42. Atlanta vice officer Kelleita Thurman said that Craigslist and similar sites account for 85% of the sexual liaisons men arrange in Atlanta with boys and girls. (See Exhibit I).

43. Authorities across the country have also found Craigslist's erotic services to be popular with sex traffickers. (See articles and press release attached as Exhibit J). In one such instance, the FBI uncovered a sex ring involving child prostitutes in which the pimps "posted over 2,800 advertisements on craigslist.org." (See Exhibit J).

44. Connecticut Attorney General Richard Blumenthal wrote a letter on March 27, 2008, asking Defendant to purge the graphic solicitations for prostitution. (Letter is attached as Exhibit K). Blumenthal also asked Defendant to better enforce its rules prohibiting illegal activity such as prostitution.

45. Blumenthal noted that erotic services is rife with ads containing explicit language and pornographic images. Blumenthal sent the letter after several months of discussions with Defendant about curtailing prostitution ads.

46. Negotiations culminated in a "joint statement" between Defendant and forty state attorneys general, announced on November 6, 2008. (The joint statement is attached as Exhibit L).

47. The Illinois Attorney General was a signatory to the joint statement.

48. Per the joint statement, erotic service advertisers must provide valid identification and pay a small fee for each ad – \$5 to \$10 with a credit card.

49. Defendant has agreed to donate the money from the erotic services advertisements to charities, including those that combat child exploitation and human trafficking.

50. The joint statement is not binding on Defendant and bestows no authority on the attorneys general to enforce the terms. Its impact on prostitution has been imperceptible as arrests through Craigslist are unabated.

51. Ironically, the joint statement enables Defendant to receive money for the erotic services posts. While Defendant says it will donate this money to charity, the joint statement allows the website to generate goodwill and possible tax benefits through its proliferation of prostitution.

52. Prostitutes have found ways to circumvent the less than onerous restrictions posed by the joint statement as the following post attests:

**I WILL BE YOUR SEX SLAVE CALL ME! - w4m - 22 (Mchenry County)**

Reply to: [pers-954483954@craigslist.org](mailto:pers-954483954@craigslist.org) [?]

Date: 2008-12-11, 6:29PM CST

In-call only

I used to post and haven't in a long time because now you gotta pay 5.00 to post up on this and i don't have a credit card luckily i got a way to post from a friend thanx friend lol so I am ready to be your sex slave so hope you call me :)

When you call I will give you more detail.

53. Proving that the joint statement with the attorneys general has done

nothing to stem the tide of prostitution, erotic services continues to attract more than 300 posts per day.

54. Arrests continue as well. On February 20, 2009, federal and local authorities participated in a nationwide sting, arresting more than 571 individuals on prostitution related charges. They also uncovered 48 teenage prostitutes, some as young as thirteen. (See Associated Press article, *"FBI, Police Rescue Child Prostitutes Around U.S."* February 23, 2009, attached as Exhibit M).

55. In some instances, Craigslist was the conduit through which arrests were made. (See Boston Globe article, *"5 Arrested in U.S. Sting at Marriott"* February 21, 2009, attached as Exhibit N).

56. Chicagoland prostitution was also targeted. Forty-four people were arrested in the Chicago area: five were charged with running prostitution operations, thirty-four were charged with prostitution, and five were charged with soliciting prostitutes. (See Chicago Tribune article, *"Nationwide Prostitution Net"* February 24, 2009, attached as Exhibit O).

#### **E. Craigslist-Spawmed Prostitution in Cook County.**

57. The Sheriff conducts stings through Craigslist regularly. However, the deluge of erotic services postings taxes its resources. The sheer number of daily postings has made it impossible to stymie Craigslist generated prostitution.

58. Since January of 2007, the Sheriff has arrested over 200 people through Craigslist on charges ranging from prostitution, juvenile pimping, and human

trafficking.

59. The Sheriff arrested one woman on December 31, 2006 for pimping a 16-year-old girl on Craigslist. (See Associated Press article, *"Police Say Two Chicago Women Were Pimping Children"* January 12, 2007, attached as Exhibit P).

60. The Sheriff made another arrest a week later for the pimping of a 14-year-old girl on Craigslist. That arrest also netted nine weapons and ninety grams of crack cocaine. (See Exhibit P).

61. In December of 2007, the Sheriff conducted a sting that resulted in the arrests of four men charged with running a prostitution ring through Craigslist. (See Chicago Tribune article, *"10 Charged in Internet Prostitution; Illinois, Indiana Ring Placed Ads on Craigslist"* December 22, 2007, attached as Exhibit Q).

62. The ring involved eleven women, some of whom were high school freshman and sophomores.

63. The Sheriff conducted another sting in the summer of 2008 that resulted in the arrest of 76 people on prostitution-related charges in a crackdown aimed at Craigslist. (See Chicago Tribune article, *"76 Arrested in Craigslist Sting Project"* June 16, 2008, attached as Exhibit R).

64. The Sheriff's stings typically target several fronts. Undercover male Sheriff's officers pose as customers, arranging meetings with women featured in erotic services ads. Once an offer of sex for money is made, the offender is taken into custody.

65. In two such cases, Sheriff's officers arrested women at local hotels and

found that each prostitute had rented a second room where they left their children unattended while they met with patrons. One woman left a 1-year-old and 4-year-old alone in the second room, and another woman left a 2-year-old and a 4-year-old unattended. (See Exhibit R).

66. On another occasion, Sheriff's officers responded to a Craigslist post that featured a nude photograph of a 16-year-old girl. The girl was forced into prostitution by two men who were later charged with involuntary servitude of a minor and prostitution pandering. (See Chicago Tribune article, "*2 Men Prostituted Teen, Police Say*," November 9, 2008, attached as Exhibit S).

67. Sheriff's officers have also posted fake advertisements in erotic services. One advertisement, which clearly indicated a 15-year-old girl was looking for sex and would accept money, received three responses. One response was traced to a registered sex offender who had previously been arrested by the Sheriff. (See Exhibit R).

68. A second advertisement posted by the Sheriff featured a fictitious 14-year-old girl looking for a boyfriend, which Defendant never removed.

69. Prostitution in Cook County is not relegated to the City of Chicago. It is endemic in the suburbs as well, especially those adjacent to O'Hare airport. For example, one Des Plaines police officer explained "at this moment there are 55 people alone selling sex in Des Plaines on Craigslist." (See Chicago Tribune article, "*Prostitutes Use Web as New 'Street Corner'*" September 13, 2006, attached as Exhibit T).

70. Chicagoland suburbs have also been the scene of arrests for juvenile



pimping through Craigslist. (See news articles attached as Exhibit U).

71. The Sheriff has netted offenders on various charges through Craigslist.

72. There have been arrests for human trafficking, juvenile pimping, and child endangerment. (See arrest reports attached as Exhibit V).

73. These arrests are the results of the Sheriff's constant surveillance of Craigslist's erotic services.

#### **F. Costs Incurred Through Craigslist.**

74. The surveillance of Craigslist's erotic services and the concomitant arrests consume the Sheriff's resources.

75. Evidence of the expenditures made in monitoring Craigslist's erotic services is embodied by a Sheriff's Memorandum dated December 3, 2008. (See Sheriff's Memorandum attached as Exhibit W).

76. The memorandum enumerates the actions taken by the Sheriff in apprehending offenders through Craigslist's erotic services.

77. A single arrest necessitates the presence of at least three officers: "(1) officer maintains covert surveillance on the hotel/motel room to ensure officer safety; (1) officer poses as a potential client; (1) officer present to assist with arrest and processing." (See Exhibit W).

78. Between January and November 2008, 156 arrests were made. These arrests totaled 3,120 hours and cost approximately \$105,081.

79. This figure does not include the additional costs relating to the prosecution of these individuals, the healthcare costs incurred through treating STDs and HIV, or the rehabilitation and counseling of prostitutes.

80. These experiences prompted pleas from the Sheriff to Defendant to close Craigslist's erotic services. The Sheriff publicly called erotic services a "free advertising network for prostitutes and pimps." (See Exhibit Q).

81. The Sheriff also sent five separate letters to Defendant seeking erotic services' closure between September 2007 and May 2008. Defendant declined. (See letters attached as Exhibit X).

82. Defendant's refusal to close or regulate erotic services has left the Sheriff with only legal recourse to combat this proliferation of prostitution.

## CAUSES OF ACTION

### Count I - Public Nuisance

83. The Sheriff realleges paragraphs 1 through 82 of this Complaint and incorporates them herein.

#### **A. Defendant's Creation of the Nuisance.**

84. Cook County residents have a common right to be free from conduct that injures the public's health, safety, peace, and welfare. The residents also have the right to be free from conduct that creates a disturbance to person and property.

85. Prostitution epitomizes public nuisance. Facilitating it is no less a nuisance.

86. Defendant knowingly and intentionally facilitates prostitution through Craigslist's erotic services forum, its twenty-one categories, and the word search function.

87. Defendant invites and solicits the illegal conduct through its own communications, namely, its creation of the erotic services forum, the twenty-one categories, and the word search function.

88. Defendant knows the erotic services advertisements are used by individuals seeking prostitutes.

89. Defendant knows the erotic services advertisements leads to prostitution.

90. The link between Craigslist and prostitution arrests in Cook County is clear. Defendant's conduct in creating erotic services, developing twenty-one categories, and providing a word search function for Cook County residents enables prostitution.

91. Defendant's proliferation of prostitution results in crime, disease, drug abuse, and child endangerment, leading to a higher level of discomfort and danger to Cook County residents. It further necessitates the expenditures of tax dollars to combat these ills.

92. Defendant's conduct in creating erotic services, developing twenty-one categories, and providing a word search function causes a significant interference with the public's health, safety, peace, and welfare. It further undermines the community's ability to be free from dangers to person and property. Thus, there is a substantial and unreasonable interference with rights common to the general public.

93. Additionally, facilitating prostitution is proscribed by federal, state, and local law. Violating such provisions is evidence Defendant's conduct is a nuisance.

**B. 720 ILCS 5/11-15 - Soliciting for a Prostitute.**

94. Under 720 ILCS 5/11-15, one who "arranges or offers to arrange a meeting of persons for the purpose of prostitution, or directs another to a place knowing such direction is for the purpose of prostitution" is soliciting for a prostitute. Soliciting for a prostitute is a Class A misdemeanor

95. Craigslist's erotic services offers to arrange and does arrange meetings of persons for the purpose of prostitution.

96. Craigslist invites posts for erotic services and then enables users to search based on their preferences.

97. Craigslist directs users of erotic services to places of prostitution knowing such direction is for prostitution.

98. The erotic services forum, its twenty-one categories, and the search function represent affirmative acts taken by Defendant that facilitate meetings of persons for prostitution.

99. Defendant cannot claim ignorance as the Sheriff has asked Defendant to close erotic services and has provided Defendant with evidence of the rampant prostitution and juvenile pimping arrests via Craigslist.

100. Craigslist facilitates the liaisons between prostitute and patron. Erotic services is the *sine qua non* of the arrangement.

101. Defendant's participation is sufficient under 720 ILCS 5/11-15 because the law was designed "to deter passive co-operation by persons who have, perhaps only an indirect connection with the trade." (720 ILCS 5/11-15, Committee Comments, at 342).

102. Defendant has violated and continues to violate 720 ILCS 5/11-15.

103. Defendant's violation of 720 ILCS 5/11-15 is evidence its conduct is a nuisance.

**C. Chicago Municipal Code 8-8-020 - Directing Persons to Houses of Ill-Fame.**

104. Additional evidence Defendant's conduct is a nuisance is its violation of Section 8-8-020 of the Chicago Municipal Code.

105. Section 8-8-020 of the Chicago Municipal Code provides, in part, that "no person knowingly shall direct, take, transport, or offer to direct, take, or transport, any person for immoral purposes to any other person, or assist any person by any means to seek or to find any prostitute."

106. Craigslist's erotic services directs users to prostitutes and brothels by providing the location of prostitutes and brothels.

107. Craigslist's erotic services assists users in finding prostitutes and brothels by providing the contact information of prostitutes and brothels.

108. Craigslist's erotic services also assists users in finding prostitutes by streamlining the search process. It allows users to search the section based on sexual proclivity, physical dimensions, price range, and location.

109. Craigslist's erotic services provides a forum for prostitutes to advertise their attributes and the sexual acts they will perform.

110. Craigslist's erotic services provides a forum for prostitutes and brothels to provide their location and contact information.

111. Craigslist prompts the illegal activity by creating a forum for the specific purpose of prostitution. Craigslist invites pimps, prostitutes, and sex-oriented businesses to post their services in an accessible and convenient place.

112. Defendant has been rebuked in the national media for facilitating prostitution. The national attention devoted to Defendant's facilitation of prostitution is evidence that Defendant knows erotic services directs users to prostitutes.

113. Defendant's conduct has violated and continues to violate Section 8-8-020 of the Chicago Municipal Code.

114. Section 8-8-020 mandates that violators "shall be fined not less than \$100.00 nor more than \$400.00 for each offense."

115. Defendant's violation of Section 8-8-020 of the Chicago Municipal Code is evidence its conduct is a nuisance.

**D. 18 U.S.C.S. § 1952 (a) (3) - Transportation in Aid of Racketeering Enterprises.**

116. A final example that Defendant's conduct is a nuisance is that it runs afoul of 18 U.S.C.S. § 1952.

117. Section 1952 prohibits the use of the mail or any facility in interstate commerce, with intent to "promote, manage, establish, carry on, or facilitate the

promotion, management, establishment, or carrying on, of any unlawful activity.”

118. “Unlawful activity” under Section 1952 includes “prostitution offenses in violation of the laws of the State in which they are committed.”

119. Defendant uses the mail and Internet in interstate commerce in connection with Craigslist and erotic services.

120. Craigslist’s erotic services facilitates, enables, and permits the dissemination of materials that aid individuals in procuring prostitution services.

121. Craigslist’s erotic services advertisements propose illegal commercial activity under local and state law and can thus be regulated and suppressed.

122. Defendant is responsible in part for the creation of the offending content. Its website induces users to post prostitution related advertisements in erotic services.

123. Defendant’s creation of erotic services, the twenty-one categories, and the search function makes it more than a passive transmitter of information provided by others.

124. Thus, Defendant promotes unlawful activity, to wit, prostitution. In so doing, Defendant violates state and local laws relating to prostitution, Chicago Municipal Code Section 8-8-020 and 720 ILCS 5/11-15, and public nuisance.

125. Defendant facilitates the carrying on of unlawful activity, to wit, prostitution. In so doing, Defendant violates state and local laws relating to prostitution, Chicago Municipal Code Section 8-8-020 and 720 ILCS 5/11-15, and public nuisance.

126. Defendant's violation of 18 U.S.C.S. § 1952 is evidence that its conduct is a nuisance.

127. Thus, as evinced by Chicago Municipal Code Section 8-8-020, 720 ILCS 5/11-15, and 18 U.S.C.S. § 1952, Defendant's conduct contravenes prohibitions on prostitution.

128. Violating such provisions constitutes an unreasonable interference with a public right.

**E. Defendant Knowingly Facilitates Prostitution.**

129. Defendant's conduct creates an ongoing nuisance as posts for prostitution are continuously made in erotic services and arrests invariably follow.

130. Defendant knows its conduct has an ongoing detrimental effect upon the public's health, safety, and welfare, and the community's right to be free from disturbance.

131. There is a reasonable certainty Defendant's acts injured and continue to injure the public's health, safety, and welfare.

132. Craigslist's erotic services spawns the numerous stings and concomitant arrests in Cook County.

133. The Sheriff attributes the surge in prostitution arrests to the popularity and accessibility of Craigslist's erotic services.



134. Craigslist's erotic services is a substantial factor in bringing about injuries to the public because it streamlines the prostitution process. Erotic services is considered convenient, discreet, and legitimate by patrons and prostitutes alike.

135. It was foreseeable to Defendant that prostitution would be a likely result where it created a section named "erotic services" and designated twenty-one categories based on sexual preference. A reasonable person would understand that creating the erotic services section would lead to sexual favors for money.

136. Defendant's conduct is the direct and proximate cause of injuries to Cook County residents: it interferes with their public safety, health, and the quality of life.

137. Defendant's facilitation of prostitution will continue to threaten the health, safety, and welfare of the County's residents. The Sheriff has a clearly ascertainable right to abate conduct that perpetuates such harm.

138. This public nuisance constitutes an injury in fact to the Sheriff and Cook County residents that is concrete and particularized, actual and imminent, and caused by Defendant.

139. Defendant's facilitation of prostitution proximately results in significant costs to the Sheriff and Cook County in enforcing prostitution laws and treating the social, health, and psychological damage wrought by prostitution, trafficking, and child endangerment.

140. The Sheriff and Cook County must also prosecute those who have been charged with prostitution through Craigslist, fund the criminal justice system in which such prosecutions take place, and detain those culprits.

141. The costs expended in monitoring Craigslist's erotic services and making 156 arrests were approximately \$105,081. (See Exhibit W). This figure does not encompass the myriad costs of prostitution relating to rehabilitation, health care, and the criminal justice system, which far exceed the \$105,081.

142. Defendant could reasonably eliminate its creation of this nuisance by simply removing erotic services. The costs of this step is negligible compared to the costs of harm that would be avoided.

WHEREFORE, the Sheriff of Cook County requests the Court declare Defendant, Craigslist, Inc.'s conduct a nuisance, award the Sheriff costs incurred in abating this nuisance, and award compensatory and punitive damages.

#### **Count II-Declaratory and Injunctive Relief**

143. The Sheriff realleges paragraphs 1 through 142 of this Complaint and incorporates them herein.

144. Pursuant to 28 U.S.C. § 2201, the Court "may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought."

145. As set forth above, Defendant's conduct constitutes a public nuisance and will continue to be in the future.

146. Enjoining Defendant from committing this conduct in the future is appropriate. The Sheriff has no adequate remedy at law and will suffer irreparable harm in the absence of the Court's declaratory and injunctive relief.


147. Monetary damages will not adequately compensate the Sheriff for the harm he will continue to suffer if Defendant's conduct continues. Moreover, the harm to the safety, health, and welfare of Cook County residents in the absence of an injunction is irreparable. Thus, a permanent injunction is necessary.

WHEREFORE, the Sheriff of Cook County requests trial by jury and that the Court grant judgment for the Sheriff of Cook County and against Defendant, Craigslist, Inc., as follows:

- A. Find Craigslist, Inc. liable for creating a public nuisance;
- B. Issue a permanent injunction enjoining Craigslist, Inc. from engaging in the conduct complained of herein;
- C. Order Craigslist, Inc. to comply with federal, state, and municipal laws related to facilitating prostitution;
- D. Award compensatory and punitive damages in an amount to be determined at trial;
- E. Retain jurisdiction of this case until such time as it is assured that Craigslist, Inc. has remedied the unlawful conduct complained of herein and is determined to be in full compliance with the law;
- F. Award costs incurred in abating the nuisance, and
- G. Award such other relief as the Court may deem just or equitable.

Respectfully submitted,

The Sheriff of Cook County.

By:   
One of the Sheriff's attorneys

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