

# Navigating Uncharted Territory: Defense Against Sex Trafficking Litigation Across the Country

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# Introduction to Defense of Sex Trafficking Litigation

In a little over a year, plaintiffs across the country have, in what appears to be a coordinated effort, filed litigation against hotels, truck stops and social media websites, such as Facebook, alleging violations of the Trafficking Victims Protection Reauthorization Act (TVPRA), as well as numerous state law premise liability laws. While you may not yet have received one of these lawsuits, they are notoriously on the rise and are only expected to increase in the coming years.

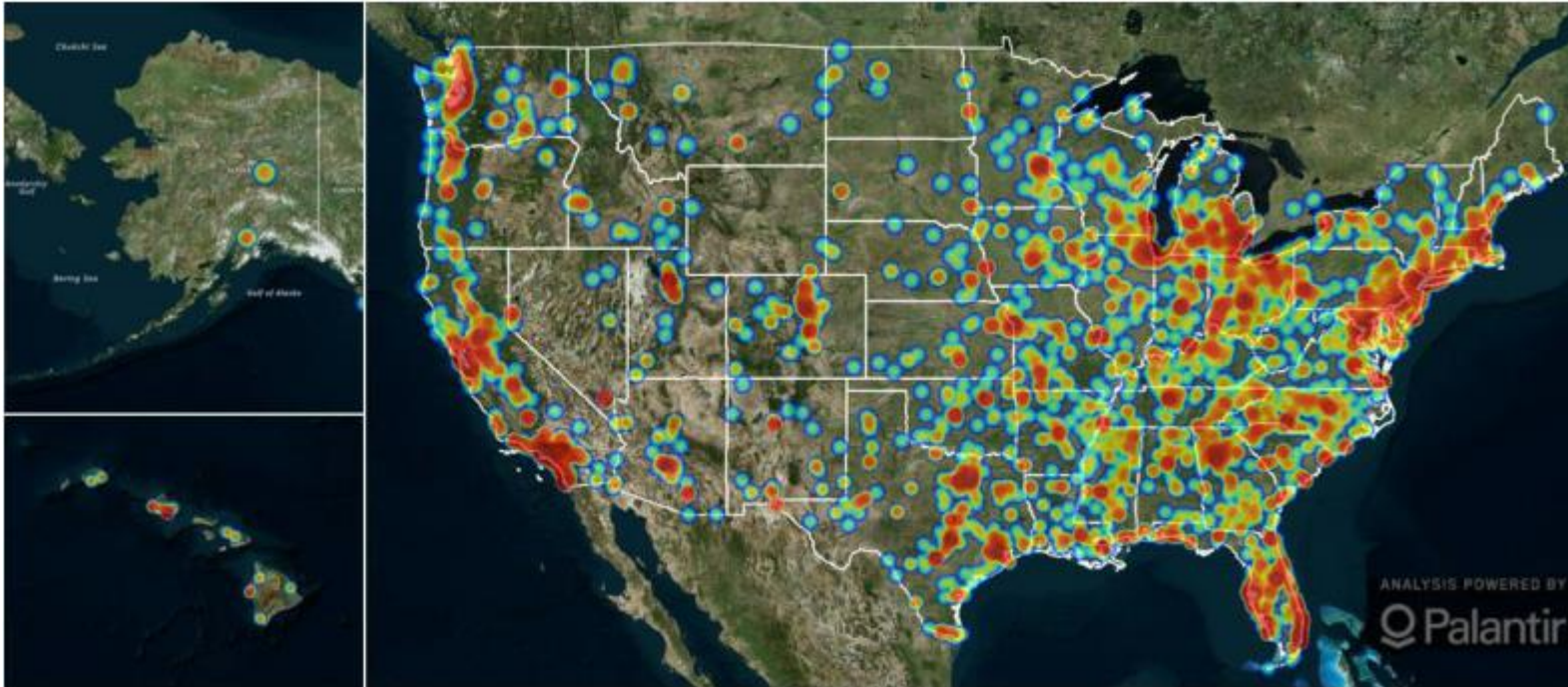
# What is Sex Trafficking?

- “Trafficking in persons,” “human trafficking” and “modern slavery” have been used as umbrella terms for the act of recruiting, harboring, transporting, providing or obtaining a person for compelled labor or commercial sex acts through force, fraud or coercion
- According to the United States Department of State, “sex trafficking” is defined as an adult engaging in a commercial sex act, such as prostitution, as the result of force, fraud or coercion, or any combination of such means

# Who Do Human Traffickers Target?

- Perpetrators often target people who are poor, vulnerable, living in an unsafe situation or searching for a better life
- Victims are largely women and girls; however, men and boys have also been impacted
- Victims are typically controlled through threats or acts of violence, false promises, a sense of protection, isolation or debt

# Geography of Trafficking



## Top States:

- Texas
- Florida
- New York
- California
- Ohio
- Michigan
- Georgia
- Illinois
- Nevada
- North Carolina

# Where Can Sex Trafficking Occur

- Hotels
- Massage parlors
- Exotic dance clubs
- Modeling agencies
- Truck stops
- Brothels
- Pornography websites
- Social media websites

# The Internet Age

- Traffickers utilize social media, dating websites and online advertisements to market women and minors
- The use of these websites has increased supply and demand
- For instance, when U.S. Craigslist Adult Services Section was available, there were between 10,000 and 16,000 adult services postings per day



# TVPRA

- In 2000, Congress passed the TVPRA, the first comprehensive law penalizing the full range of human trafficking offenses
- In October 2003, Congress reauthorized the TVPRA, adding a civil cause of action allowing victims to sue their traffickers for money damages in federal court
  - This reauthorization was limited
- The TVPRA's second reauthorization in 2008 expanded the private right of action to encompass the entire list of anti-trafficking offenses and expanded who could be sued

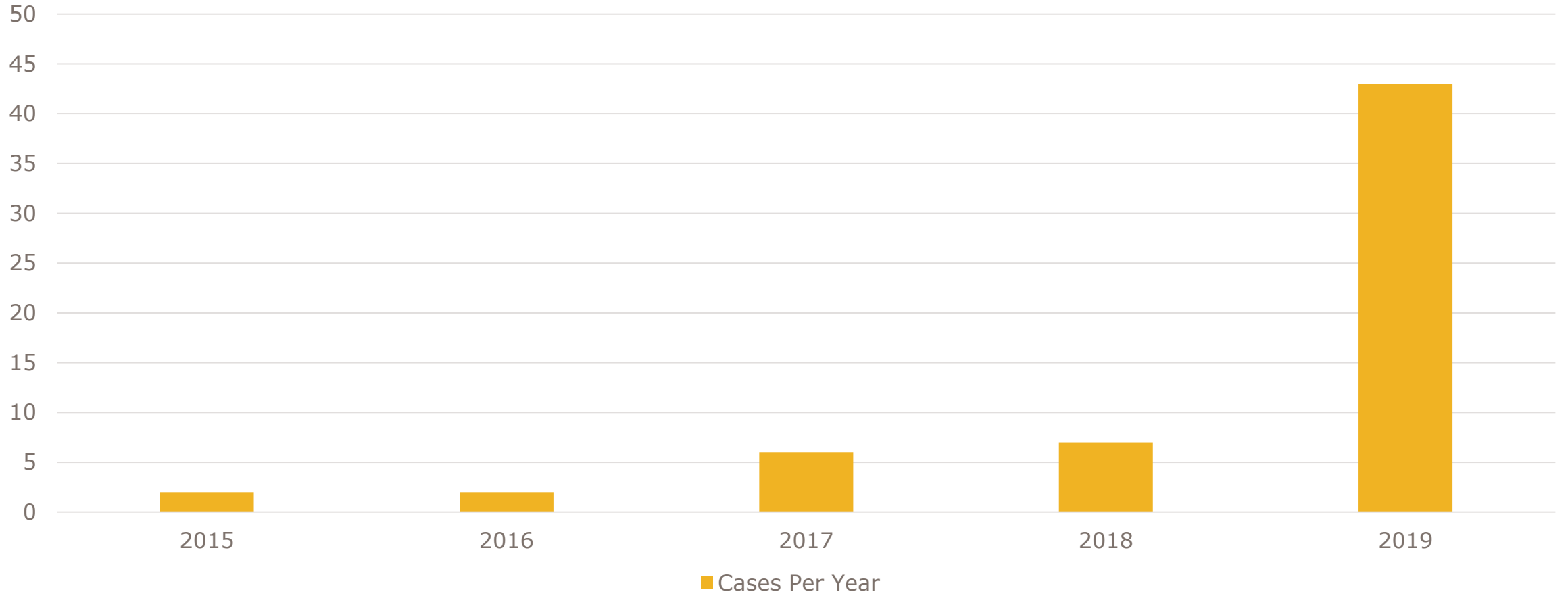


# 18 U.S.C. § 1595

**(a)** An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys' fees.

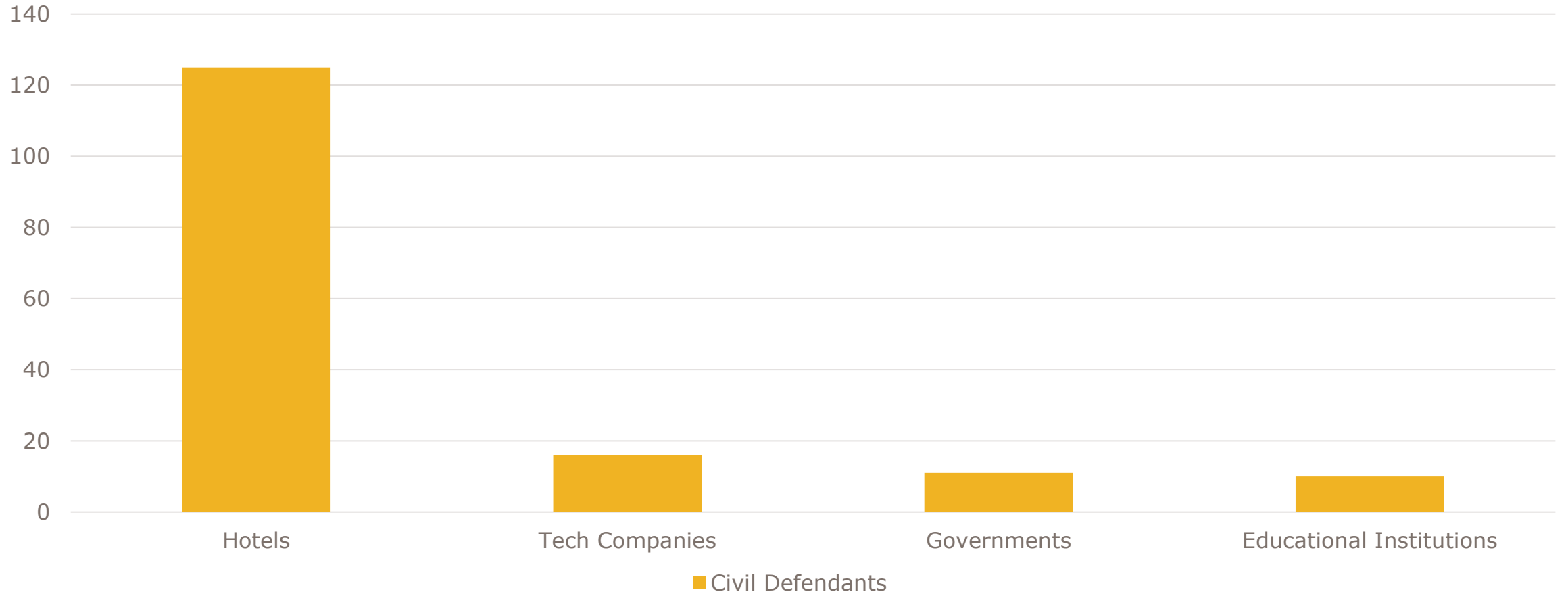
# Rapid Increase in Sex Trafficking Cases

Civil Cases Per Year



# Who Is Being Sued?

## Civil Defendants



# Financial Beneficiary

*"Knowingly benefit from their participation in a venture" that they should have known violated Section 1591(a).*

# Potential State Law Claims

- State trafficking claims
  - Texas (2009)
  - Colorado (2012)
  - Pennsylvania (2014)
- Negligence claims
- Rico claims



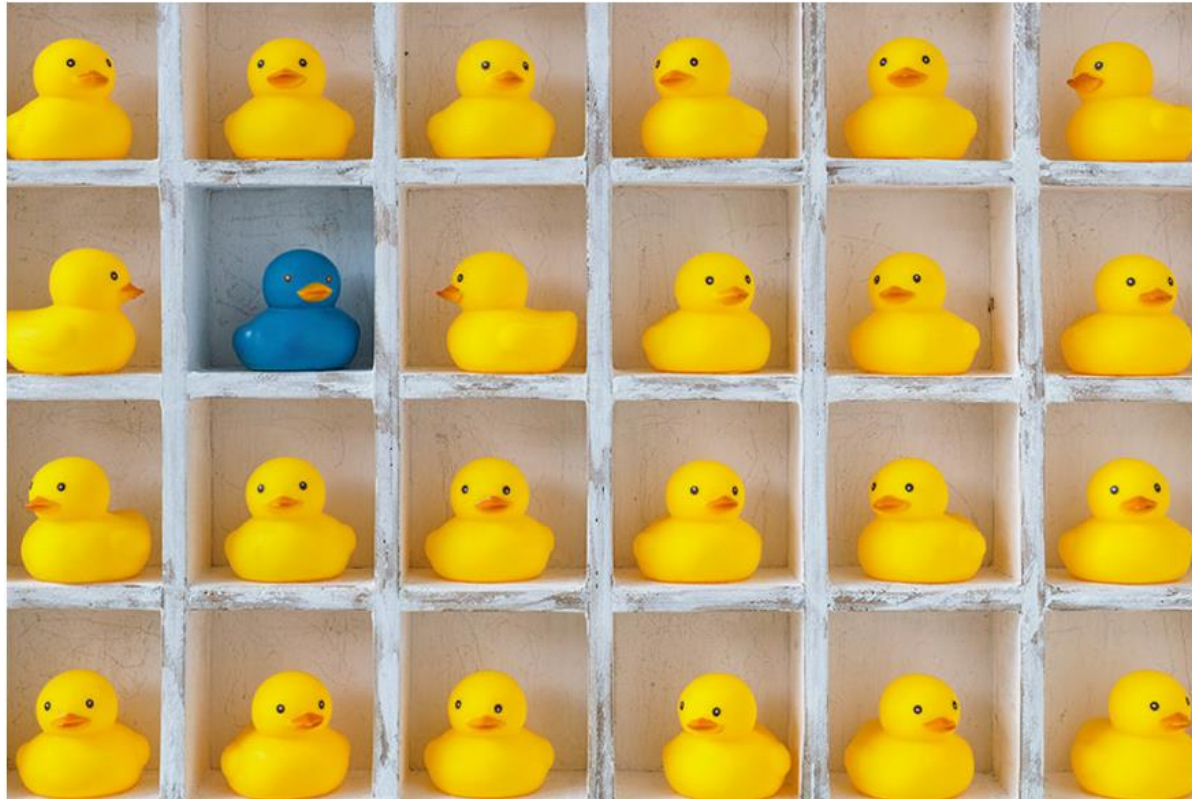
# Jury Verdicts



# Jury Awards, Court Awards and Settlements

- *Ditullio v. Boehm* (2012) – Settlement totaling \$400,000
- *David v. Signal International, Inc.* (2015) - \$14.1 million
- *Doe v. Dabbagh* (2016) – Default judgment totaling \$578,840
- *Roe v. Howard* (2017) - \$3 million
- *Ross v. Jenkins* (2018) - \$8 million

# Unique Factors



- Missing defendants?
- Foregoing bulldog tactics
- Consensual sex work v. Non-consensual



# Questions?

# THANK YOU!



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