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8 DUCHESS OF SUSSEX

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES – WEST DISTRICT**

11  
12 PRINCE HARRY, THE DUKE OF SUSSEX,  
AND MEGHAN, THE DUCHESS OF  
13 SUSSEX, individuals,

14 Plaintiffs,

15 vs.

16 JOHN DOE 1, an individual whose name is  
unknown, JOHN DOE 2, an individual or  
17 entity whose name is unknown, and  
JOHN DOES 3 through 100, inclusive,

18 Defendants.  
19

Case No. **20SMCV00975**

**COMPLAINT FOR INVASION OF  
PRIVACY**

Date Filed: July 23, 2020

Trial Date: None Set

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## INTRODUCTION AND BACKGROUND

1  
2 1. Every individual and family member in California is guaranteed by law the right to  
3 privacy in and around their private residence. This action arises out of the relentless and quite  
4 frankly shocking efforts of the tabloid media to profit from serial intrusions on the privacy of a 14-  
5 month-old child in his own home, and the desire and responsibility of any parent to do what is  
6 necessary to protect their children from this manufactured feeding frenzy. The Plaintiffs simply  
7 want to continue the public impact work that is so important to them, while also having the private  
8 life to which any young family or individual has the right.

9 2. At the beginning of this year, Prince Harry, the Duke of Sussex, and Meghan,  
10 The Duchess of Sussex ("the Plaintiffs"), announced their intention to reside, at least part-time, in  
11 North America, in an attempt to escape the incessant UK tabloid fabrications. For the first six  
12 weeks, the Plaintiffs lived unmolested in the quiet, isolated town of North Saanich, Canada, with  
13 no disturbance to the surrounding community. But then the *Daily Mail*, a British tabloid, decided  
14 to publicize their exact location, which as usual resulted in up to 40 paparazzi and media  
15 organizations descending on this peaceful community from hundreds of miles away. The resulting  
16 harassment and intimidation created disruption and discomfort for both the family and the local  
17 community.

18 3. The Plaintiffs thus quickly moved to the greater Los Angeles area, to a safer gated  
19 community at the generosity of a friend. For the first six weeks at their very private residence  
20 (the "residence"), the family again lived peacefully—until, once again, the *Daily Mail* published  
21 their exact location. Within hours, paparazzi set up hundreds of yards away on the ridgetop  
22 overlooking the residence, hoping to capture photographs of the family. The Plaintiffs were  
23 subsequently forced to erect a large mesh fence to guard against these telephoto lenses.  
24 Unfortunately, their best efforts have not been entirely successful, owing to the ingenuity of the  
25 tabloid media and its insatiable appetite for harassing and intruding upon the privacy of the family.  
26 Some paparazzi and media outlets have flown drones a mere 20 feet above the house, as often as  
27 three times a day, to obtain photographs of the couple and their young son in their private  
28 residence (some of which have been sold and published). Others have flown helicopters above the

1 backyard of the residence, as early as 5:30 a.m. and as late as 7:00 p.m., waking neighbors and  
2 their son, day after day. And still others have even cut holes in the security fence itself to peer  
3 through it.

4         4.       The family has tried to ignore these physical and constructive trespasses as best  
5 they can and go about their daily routine in these unique times. But the Plaintiffs recently learned  
6 that certain paparazzi and their enablers have crossed a red line for any parent. In particular, the  
7 couple recently learned that someone is shopping photographs of their 14-month-old son, Archie,  
8 falsely claiming to have taken them on a “recent” public outing “in Malibu.” But Archie has not  
9 been in public, let alone in Malibu, since the family arrived here. It is clear from a description of  
10 the photographs being shopped that they were taken of activities in the backyard of the residence,  
11 unbeknownst to the Plaintiffs.

12         5.       The unscrupulous people shopping these photographs have not innocently  
13 mislabeled the photographs as having been taken in a public place. They have done so  
14 intentionally, because they know that unsolicited photographs of a young child in the privacy of  
15 his own home are very much unlawful. For example, section 1708.8 of the California Civil Code  
16 confirms that it is illegal to take photographs of individuals in their private homes and other  
17 private places using devices such as drones and telephoto lenses.

18         6.       The Plaintiffs will not allow the tabloids to break the law, especially when it  
19 involves intimidation, harassment and the addition of a very real security threat on top of what  
20 already exists. It is one thing for parents to share photos of their children, on occasion,  
21 *with* supporters—particularly when doing so has the salutary effect of reducing the bounty *on* their  
22 children’s heads. It is something else entirely to cede all control to photographers driven by  
23 commercial incentive alone. Simply put, it is the Plaintiffs’ choice when and how to share photos  
24 of their son.

25         7.       The Plaintiffs seek no special treatment whatsoever. Rather, they seek only that to  
26 which all persons ought to have a right—i.e., the right to be left alone in the privacy of their  
27 home—a right that is guaranteed by the Constitution and laws of the State of California.  
28

1 A private home is one of those places where everyone agrees a family has a reasonable and  
2 justified expectation of privacy.

3 8. The Plaintiffs do not presently know who broke the law to take these photographs  
4 of their son, or who is now trying to sell them to media outlets. That is why the Plaintiffs have  
5 sued unnamed parties, so-called "John Does," as defendants. By this action, the Plaintiffs seek the  
6 right to take discovery to uncover the identity of those who took the photographs and those who  
7 are seeking to profit by selling them. They also seek to put any prospective purchasers of the  
8 photos on notice that they were taken illegally and are not what they purport to be. Once that  
9 information is uncovered, the Plaintiffs will seek court orders (1) requiring the offending parties to  
10 turn over all photographs unlawfully taken of their son, and (2) enjoining those persons who took  
11 the photographs, and those who are shopping them, from further unlawful conduct and harassment  
12 of the Plaintiffs and their son, along with any and all other appropriate relief.

13 9. The Plaintiffs have done everything in their power to stay out of the limelight  
14 except in connection with their work, which they freely admit is newsworthy. But the photos at  
15 issue are not news. They are not in the public interest. They are harassment. The *sole* point to  
16 taking and/or selling such invasive photos is to profit from a child. Such sales, in turn, stoke the  
17 paparazzi market and lead to ever more harassment. The fact that the images at issue remain in the  
18 possession of an unknown adult, having already been shown and shared to hundreds if not  
19 thousands of potential buyers, is disgusting and wrong.

#### 20 **JURISDICTION AND VENUE**

21 10. Jurisdiction is proper in the Superior Court of the State of California for the County  
22 of Los Angeles pursuant to Section 410.10 of the Code of Civil Procedure.

23 11. Venue is proper in Los Angeles County pursuant to sections 392 *et seq.* of the Code  
24 of Civil Procedure because the acts complained of herein occurred in the County of Los Angeles.

#### 25 **PARTIES**

26 12. Prince Harry, The Duke of Sussex, is an individual, who resides in the County of  
27 Los Angeles. Following his formal education, the Duke was commissioned and served in the  
28 British Army. Since his retirement from the armed forces, the Duke has devoted himself to a

1 number of philanthropic endeavors, including the Invictus Games (of whose foundation he  
2 remains patron), the HALO Trust, the London Marathon Charitable Trust, and Walking With The  
3 Wounded. The Duke is the husband of Plaintiff Meghan, The Duchess of Sussex, and the father of  
4 Archie Harrison Mountbatten-Windsor (“Archie”), who is 14 months old.

5 13. Meghan, The Duchess of Sussex, is an individual, who resides in the County of Los  
6 Angeles. She is an accomplished actor, entrepreneur, and women’s rights activist. The Duchess  
7 also devotes her time to philanthropic and advocacy work with The United Nations and World  
8 Vision, of which she was global ambassador. The Duchess is the wife of the Duke and the mother  
9 of Archie.

10 14. Defendant John Doe 1 (“DOE 1”) is a paparazzi photographer whose name is not  
11 currently known. Doe 1 took the photographs at issue in this action along with potentially other  
12 photographers, i.e., one or more of JOHN DOES 3 through 100 set out below. Upon learning  
13 DOE 1’s identity, the Plaintiffs will name him or her by amendment or other procedurally proper  
14 device.

15 15. Defendant John Doe 2 (“DOE 2”) is either an individual or business entity whose  
16 name is not currently known. Doe 2 is shopping the photographs taken by Doe 1 (and potentially  
17 one or more of the JOHN DOES 3 through 100 set out below) to various online and print tabloids,  
18 in the United Kingdom, the United States, Europe and/or elsewhere. Upon learning DOE 2’s  
19 identity, the Plaintiffs will name him, her, or it by amendment or other procedurally proper device.

20 16. Defendants JOHN DOES 3 through 100 (“DOES 3 through 100”) are sued herein  
21 by fictitious names for the reason that their true names are unknown to the Plaintiffs. DOES 3  
22 through 100 are any or all of the following persons: (a) individuals who also took photographs at  
23 issue in this action along with DOE 1; (b) individuals and business entities who assisted in taking  
24 the photographs, employed the person(s) who took the photographs, induced the person(s) to take  
25 the photographs, or are otherwise legally responsible for the taking photographs and the other  
26 wrongs set out in this pleading; and (c) individuals and business entities who are shopping the  
27 photographs, or assisting in the shopping of such photographs, to various online and print tabloids,  
28 in the United Kingdom, the United States, Europe and/or elsewhere. The Plaintiffs will amend

1 their complaint to allege the true names and capacities of these defendants when the same have  
2 been ascertained. The Plaintiffs are informed and believe and based thereon allege that these  
3 fictitiously named defendants are responsible in some manner for the actions and damages alleged  
4 herein.

5 17. The Plaintiffs are further informed and believe and based thereon allege that at least  
6 one of the Defendants at all times herein alleged was the agent, employee, servant, joint venturer  
7 and/or co-conspirator of one or more other Defendants, and that in doing the things herein alleged  
8 were acting in the course and scope of such agency, employment, joint venture and/or conspiracy.  
9 DOE 1, DOE 2, and DOES 3 through 100 are referred to collectively as "Defendants."

10 **FIRST CAUSE OF ACTION**

11 **Invasion of Privacy - Violation of Civil Code § 1708.8**

12 18. All previous allegations are realleged and incorporated herein by reference.

13 19. On information and belief, DOE 1, and one or more of DOES 3 through 100, did  
14 one or more of the following: (a) invaded the Plaintiffs' privacy by entering into the airspace  
15 above their residence (e.g., with a drone) to obtain a visual image or other physical impression of  
16 Archie and others in the residence; (b) constructively invaded their privacy by using a device (e.g.,  
17 a telephoto lens) to obtain a visual image or other physical impression of Archie and others in the  
18 residence; and (c) physically trespassed upon their property to take photographs of Archie and  
19 others in the residence. Indeed, because of the fencing erected by the Plaintiffs and the orientation  
20 of the backyard relative to the surrounding streets, any visual images and/or other physical  
21 impressions that DOE 1, and one or more of DOES 3 through 100, captured of any individuals in  
22 the Plaintiffs' private backyard could not have been obtained without a physical trespass *unless* a  
23 visual enhancing device was used.

24 20. On information and belief, DOE 1, and one or more of DOES 3 through 100, took  
25 these actions with the intent to and did capture visual images and/or other physical impressions of  
26 Archie and others present on the residence. This conduct of DOE 1 and one or more of DOES 3  
27 through 100 is and would be highly offensive to a reasonable person.  
28

21. Archie, the Plaintiffs and/or other individuals in the residence were engaged in private, personal, and familial activities in their yard and garden. Specifically, Archie, the Plaintiffs and/or other individuals in the yard and garden, and elsewhere in the residence, have a reasonable expectation of privacy when they play and socialize in their home and private, fenced-in garden and yard. This residence, garden and yard are closed to the public, and no one can overhear individuals' conversations or see individuals there without the aid of a visual or audio enhancing devices or by physical trespass onto the property.

22. Because DOE 2, and one or more of DOES 3 through 100 directed, solicited, instigated, induced, or otherwise caused DOE 1, and one or more of DOES 3 through 100, to violate Civil Code § 1708.8, those Defendants are liable to the same extent as DOE 1.

23. The Plaintiffs pray for injunctive relief requiring Defendants: (1) to turn over all photographs and images, along with copies thereof, taken in violation of the reasonable expectation of privacy of the Plaintiffs, their son, and any other individuals in their home; and (2) to cease and desist from any further unlawful conduct and harassment of the Plaintiffs and their son.

24. In addition, as a proximate result of the foregoing, the Plaintiffs have suffered damages in an amount to be proven. In particular, the Plaintiffs never consented or authorized Defendants to photograph them and have taken immense pains to avoid being photographed. And the Plaintiffs certainly never consented or authorized Defendants to attempt to profit from and exploit the photographs.

25. As a result of Defendants' violation of Civil Code section 1708.8, the Plaintiffs are entitled their reasonable attorneys' fees and to three times the amount of the damages that were proximately caused by Defendants' violations. And as a result of Defendants' unlawful, malicious and despicable conduct, the Plaintiffs are also entitled to punitive and exemplary damages in an amount appropriate to punish Defendants and set an example of Defendants in the community.

26. Because the invasion of privacy was committed for a commercial purpose (i.e., to sell the photos of the Plaintiffs and their son to a tabloid or other online outlet), to the extent they have already sold the photos at issue, Defendants have been unjustly enriched. Thus, in addition to

1 the actual damages suffered, the Plaintiffs seek disgorgement of profits from the unauthorized use,  
2 and/or imposition of a constructive trust on this money or any other consideration obtained as a  
3 result of the invasion.

## 4 SECOND CAUSE OF ACTION

### 5 **Invasion of Privacy – Intrusion Upon Seclusion**

6 27. All previous allegations are realleged and incorporated herein by reference.

7 28. On information and belief, DOE 1, and one or more of DOES 3 through 100, did  
8 one or more of the following: (a) invaded the Plaintiffs' privacy by entering into the airspace  
9 above their residence (e.g., with a drone) to obtain a visual image or other physical impression of  
10 Archie and others in the residence; (b) constructively invaded their privacy by using a device  
11 (e.g., a telephoto lens) to obtain a visual image or other physical impression of Archie and others  
12 in the residence; and (c) physically trespassed upon their property to take photographs of Archie  
13 and others in the residence. Indeed, because of the fencing erected by the Plaintiffs and the  
14 orientation of the backyard relative to the surrounding streets, any visual images and/or other  
15 physical impressions that DOE 1, and one or more of DOES 3 through 100, captured of any  
16 individuals in the Plaintiffs' private backyard could not have been obtained without a physical  
17 trespass *unless* a visual enhancing device was used. In other words, the Plaintiffs were not in full  
18 or even partial public view.

19 29. On information and belief, DOE 1, and one or more of DOES 3 through 100, took  
20 these actions with the intent to and did capture visual images and/or other physical impressions of  
21 Archie and others present on the residence. This conduct of DOE 1 and one or more of DOES 3  
22 through 100 is and would be highly offensive to a reasonable person.

23 30. Archie, the Plaintiffs and/or other individuals in the residence were engaged in  
24 private, personal, and familial activities in their yard and garden. Specifically, Archie, the  
25 Plaintiffs and/or other individuals in the yard and garden, and elsewhere in the residence, have a  
26 reasonable expectation of privacy when they play and socialize in their home and private, fenced-  
27 in garden and yard. This residence, garden and yard are closed to the public, and no one can  
28



1 overhear individuals' conversations or see individuals there without the aid of a visual or audio  
2 enhancing devices or by physical trespass onto the property.

3 31. Because DOE 2, and one or more of DOES 3 through 100 directed, solicited,  
4 instigated, induced, or otherwise caused DOE 1, and one or more of DOES 3 through 100, to  
5 invade the Plaintiffs' right of privacy, those Defendants are liable to the same extent as DOE 1.

6 32. The Plaintiffs pray for injunctive relief requiring Defendants: (1) to turn over all  
7 photographs and images, along with copies thereof, taken in violation of the reasonable  
8 expectation of privacy of the Plaintiffs, their son, and any other individuals in their home; and  
9 (2) to cease and desist from any further unlawful conduct and harassment of the Plaintiffs and  
10 their son.

11 33. In addition, as a proximate result of the foregoing, the Plaintiffs have suffered  
12 damages in an amount to be proven. In particular, the Plaintiffs never consented or authorized  
13 Defendants to photograph them and have taken immense pains to avoid being photographed.  
14 And the Plaintiffs certainly never consented or authorized Defendants to attempt to profit from and  
15 exploit the photographs.

16 34. As a result of Defendants' unlawful, malicious and despicable conduct, the  
17 Plaintiffs are also entitled to punitive and exemplary damages in an amount appropriate to punish  
18 Defendants and set an example of Defendants in the community.

19 35. To the extent they have already sold the photos at issue, Defendants have been  
20 unjustly enriched. Thus, in addition to the actual damages suffered, the Plaintiffs seek  
21 disgorgement of profits from the unauthorized use, and/or imposition of a constructive trust on this  
22 money or any other consideration obtained as a result of the invasion.

23 **PRAYER FOR RELIEF**

24 Wherefore, the Plaintiffs pray for the following relief:

25 A. For all appropriate and lawful temporary, preliminary, and permanent injunctive  
26 and equitable relief including, without limitation, orders requiring Defendants to turn over all  
27 photographs and images, along with copies thereof, taken in violation of the reasonable  
28 expectation of privacy of the Plaintiffs, their son, and any other individuals in their home and

orders enjoining Defendants from any further harassment of the Plaintiffs and their son and from committing any further harassment and violations of the Plaintiffs' and their son's respective rights to privacy under statute and common law;

B. For compensatory damages in an amount according to proof;

C. For punitive and exemplary damages, in the maximum amount permitted by law in order to punish Defendants for their misconduct, to deter Defendants from engaging in further, similar misconduct in the future, and to make an example of Defendants in this community so that others are deterred from engaging in similar misconduct;

D. For reasonable attorneys' fees and costs of suit in this action;

E. For pre-judgment and post-judgment interest in the maximum amount provided under applicable law; and

F. For such other further relief as the Court may deem just and proper in the wise exercise of its lawful discretion.

DATED: July 23, 2020

Respectfully Submitted:

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