

Houston Jury Awards \$1.2B In 'Revenge Porn' Suit

By **Tom Lotshaw**

Law360 (August 11, 2023, 10:54 PM EDT) -- A Harris County, Texas, jury awarded \$1.2 billion in damages to a Houston woman whose ex-boyfriend was accused of breaching her computer accounts, impersonating her and maliciously spreading intimate images and videos of her online after a breakup.

Marques Jamal Jackson was not represented by counsel and did not file any responses to the woman's suit, court records show, and did not show up for a one-day damages trial held Wednesday after a judge entered a no-answer default judgment on liability against him in February. The 12-member jury reached its unanimous verdict the same day, according to court records.

"His non-appearance at trial was by choice," lead trial attorney Bradford J. Gilde of Gilde Law Firm PLLC, who represented the woman, identified as D.L., said in a phone interview Friday.

The woman sued Jackson in April 2022, claiming she was a victim of "revenge porn."

According to court filings, Jackson had materials the woman had consented to him having during their relationship, but explicitly made known that she did not consent to him sharing materials or continuing to possess them after the relationship ended.

Jackson allegedly shared materials online and with the woman's family members, coworkers and employers, posting things to various platforms and social media where he "tagged" her and her place of employment and also intentionally identified her, including through an impersonation page on a heavily trafficked free pornography website.

The woman claimed Jackson also impersonated her and harassed her through fake email accounts and spoofed phone numbers, accessed her work computer, and accessed her bank accounts to pay for his rent and services in Chicago, where he lived.

The woman claimed Jackson "weaponized" the material and wanted the abuse to inflict long-lasting pain, telling her she would spend the rest of her life trying and failing to wipe it off the internet, with everyone she ever meets hearing about the story and going to look for it.

The suit alleged negligence per se, harmful access by computer, unlawful disclosure or promotion of intimate visual material, intentional infliction of emotion distress, invasion of privacy by intrusion and publication of private facts, and gross negligence.

Gilde said it's a record-setting verdict for image-based sexual abuse, but unlikely to be recovered.

The jury awarded the woman \$200 million for past and future mental anguish and \$1 billion in exemplary damages. Gilde said that was \$100 million more than he had asked for in closing arguments.

"They wanted to send a message that this conduct is wrong to deter others from doing the same thing and set an example," Gilde said of the jury.

According to Gilde, the woman has taken her complaints to multiple law enforcement agencies to try to press criminal charges against Jackson, so far unsuccessfully, and struggled to have content taken off the internet.

Many such cases are not prosecuted, Gilde said, or taken on by attorneys since there is no insurance involved and poor chances for recovery.

"In this case, the wrong was so wrong that we couldn't just let it slide. We had to take action," Gilde said.

While the damages may not be recovered, Gilde said the judgment against Jackson is not something he can discharge through bankruptcy.

"We hope this serves as a precedent to deter future would-be Marques Jamal Jacksons, and says if you decide to publish visual intimate material online you will face similar consequences and it will ruin you financially for the rest of your life," Gilde said.

In a motion for final judgment filed Friday, the woman also asked a judge to grant various forms of injunctive relief, including barring Jackson from impersonating, depicting or publishing any material of the woman and ordering him to destroy any materials he retains and identify locations where any materials have been shared.

Jackson did not immediately respond to a request for comment.

D.L. is represented by Bradford J. Gilde and Bradley G. Ertl of Gilde Law Firm PLLC and Jacob Schiffer.

Jackson did not have counsel, according to court records.

The case is Jane Doe (D.L) v. Marques Jamal Jackson, case number 2022-20061, in the 113th Judicial District of Harris County, Texas.

--Editing by Michael Watanabe.