



STATE OF
LITIGATION :

HUMAN TRAFFICKING

SCOPE OF THE PROBLEM

According to the [National Center for State Courts](#), “tens of thousands of U.S. citizens and non-U.S. citizens located across the nation are trafficked for a vast range of commercial sex purposes, such as pimp controlled prostitution, escort services, residential and underground brothels, pornography production and cyberpornography, and cantina, karaoke and other types of bars or clubs. Similarly, many tens of thousands more people in the United States are forced or coerced into involuntary servitude, peonage, debt bondage or other forms of trafficking for labor purposes in numerous parts of the

economy, but especially in domestic servitude, peddling rings, and the construction, agriculture, fishing, forestry, restaurant and hospitality industries.” Reports of human trafficking in the United States — for sex or forced labor — are on the rise.



According to the U.S. Department of Homeland Security, human trafficking is a \$32 billion-per-year enterprise, second only to drug trafficking as the most profitable form of worldwide crime.

HUMAN TRAFFICKING IS ON THE RISE — AND SO ARE CIVIL LAWSUITS

Most cases of human trafficking are prosecuted — as crimes in state or federal court. However, even when prosecutors succeed in obtaining convictions, courts rarely order criminal restitution (compensation) to trafficking victims. In federal court, the [Human Trafficking Legal Center](#) found that just 27% of trafficking cases end with restitution orders, despite the fact that all victims in cases that end in criminal conviction are legally entitled to restitution.

Increasingly, while this litigation is developing, both state and federal civil courts, as well as private lawsuits, are being used as a legal means to provide compensation to the victims of human trafficking. Human trafficking survivors can seek compensation not only from their traffickers but also from third parties who knowingly benefited (or should have known they would benefit) from that trafficking.

Statistics for litigation in each of the fifty state court systems are unavailable. In state and federal courts, defendants are businesses and corporations that are complicit in facilitating traffickers or human trafficking activities. They include:

- Hotels and motels
- Restaurants, bars and nightclubs
- Private criminal detention facilities
- Labor recruiters
- Former foreign diplomats
- Religious cults
- Agricultural labor contractors
- Computer software and online vendors

“ *In the federal courts alone, survivors have received settlements and damage awards of more than \$108 million.* ”



Recent Litigation of Note:

FEBRUARY 2019: A woman who says she's a victim of sex trafficking has filed a [\\$4 million lawsuit](#) against a Portland motel, alleging it failed to prevent pimps from forcing her to have sex with countless men there.

MARCH 2019: Two plaintiffs filed [lawsuits against three Philadelphia hotels](#), alleging they were forced into prostitution for several months by two different traffickers and drugged so they would have sex with paying customers at the hotels. The hotels, according to the suit, failed to take steps to prevent the trafficking "and instead permitted heinous and unspeakable acts to occur."

The suits come two years after the same [law firm filed a similar action](#) — the first of its kind in Pennsylvania — against the Roosevelt Inn under the state's 2014 human trafficking law that allows victims of sex traffickers to sue hotels and motels where abuse occurs.

WHO'S TO BLAME, AND WHO'S LIABLE?

More and more, human trafficking victims are pursuing compensation from third parties who facilitated or turned a blind eye to trafficking behaviors. Typically, businesses and corporations that facilitate human trafficking fail to take even the most basic steps to protect potential victims.

Civil defendants can be cited for:

Failing to establish or enforce policies and procedures concerning the protection of individuals on company premises

Failing to establish or enforce policies and procedures concerning removing individuals who may pose a security threat

Failing to adequately control access to the premises

Failing to train employees to recognize and prevent prostitution and sex trafficking

Failure to assign experienced security personnel

Failure to establish and enforce policies and procedures concerning proper monitoring, surveillance and patrolling of the premises

Failure to maintain surveillance equipment in proper working order and respond to suspicious activity detected on video surveillance

Recent Litigation of Note:

MARCH 2019: [Fifty women are suing Salesforce](#), alleging the company profited by helping backpage engage in sex trafficking. The women, referred to only as anonymous Jane Does, identify themselves as survivors of sex trafficking, rape and abuse — facilitated through Backpage. The lawsuit claims that "with Salesforce's guidance, Backpage was able to use Salesforce's tools to market to new 'users' — that is, pimps, johns, and traffickers — on three continents."

JUNE 2019: In a [lawsuit filed by former Scientologist Valerie Haney](#), the plaintiff is seeking compensatory damages and unpaid wages from the church and its leader David Miscavige.

OCTOBER 2018: [Facebook and Instagram have been accused in a Harris County courtroom](#) of not protecting victims of sex trafficking. In the case of Facebook, the plaintiff claims the company's "morally bankrupt corporate culture" left her prey to a predatory pimp who drew her into sex trafficking as a child. The Instagram case involves a 14-year-old girl from Spring who said she was recruited, groomed and sold in 2018 by a man she met on the social media app.

This case is the first to be heard in any state district court and the first in the country to be heard after Congress passed the Stop Enabling Traffickers Act in April 2018.



THE LANIER LAW FIRM IS ON THE FOREFRONT OF USING CIVIL COURTS TO PROTECT HUMAN TRAFFICKING SURVIVORS

Currently, the Lanier Law Firm is working with criminal prosecutors to identify businesses and corporations that are facilitating human trafficking. Working hand-in-hand with law enforcement authorities, we can work to ensure that survivors' rights are preserved, including their access to restitution and compensation.

In addition, we are investigating potential claims against major corporations reported to us by victims. It's anticipated that, over the next few years, our representation of human trafficking victims against businesses and corporations will grow significantly and evolve into one of the firm's major initiatives.



«
The Lanier Law Firm's human trafficking practice area is led by [Monica Cooper](#), a former prosecutor who previously worked in the Montgomery County, TX, District Attorney's Office

We want to work with you.

Visit lanierlawfirm.com/referrals to tell us about your case.

The Lanier Law Firm is one of a handful of national law firms that has distinguished itself by earning substantial compensation for its clients in a variety of areas. Recognized as an Elite Trial Firm by the publishers of the National Law Journal, the firm's \$4.69 billion verdict against Johnson & Johnson is recognized as the largest verdict achieved in 2018. The Lanier Law Firm has offices in Houston, New York, Los Angeles and Oklahoma City. For close to 30 years, the firm has worked tirelessly to find unique solutions to its clients' unique needs. The firm is composed of more than 60 skilled attorneys, practicing in a broad array of areas, including business fraud, asbestos exposure, personal injury and commercial litigation. Visit www.lanierlawfirm.com.

