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7 **STATE OF WASHINGTON**
8 **KING COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 TAYLOR C. KURTH;
13 FINDMYSEATS, LLC; AND BOX
14 OFFICE PROS, LLC,

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF

15 **I. INTRODUCTION**

16 1.1. The State of Washington, by and through its attorneys Robert W. Ferguson,
17 Attorney General, and Andrea M. Alegrett, Assistant Attorney General, brings this action against
18 Defendants Taylor C. Kurth, Findmyseats, LLC, and Box Office Pros, LLC (collectively
19 Defendants). The claims for relief alleged herein arise from Defendants' utilization of software
20 to circumvent, thwart, interfere with, or evade a security measure, access control system, or other
21 control or measure on a ticket seller's internet website in violation of the Ticket Sellers Act,
22 RCW 19.345.020, a *per se* violation of the Consumer Protection Act, RCW 19.86.
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II. JURISDICTION AND VENUE

2.1 The Attorney General is authorized to bring an action to prohibit unfair or deceptive acts or practices in the conduct of trade or commerce under the Consumer Protection Act, RCW 19.86.080, and for violations of the Ticket Sellers Act, RCW 19.345.

2.2 This Court has personal jurisdiction over Defendants pursuant to RCW 4.28.180, RCW 4.28.185, and RCW 19.86.160 because the acts alleged herein have been committed in this State.

2.3 Venue is proper in King County pursuant to RCW 4.12.020 because Defendants engaged in the conduct set forth in this Complaint in King County and elsewhere in the state of Washington.

III. PARTIES

3.1 Plaintiff is the State of Washington.

3.2 Defendant Taylor C. Kurth operates a sole proprietorship under his own name where he buys and sells tickets for events in Washington. The principal place of business of Taylor Kurth's sole proprietorship is in Concord, Massachusetts. Taylor Kurth directs, controls, participates in, and knowingly approves of the policies, activities, and practices alleged in the Complaint herein.

3.3 Defendant Findmyseats, LLC is a Massachusetts limited liability company that buys and sells tickets for events in Washington. Defendant Taylor Kurth is the sole owner of Findmyseats, LLC.

3.4 Defendant Box Office Pros, LLC is a Massachusetts limited liability company that buys and sells tickets for events in Washington. Defendant Taylor Kurth is the sole owner of Box Office Pros, LLC.

3.5 Acts done by one Defendant were done in furtherance of the business practices of the other. Defendants directed, created, executed, participated in, controlled, had the authority

1 to control or participate in, and had knowledge of the acts and practices set forth in this
2 Complaint. Upon information and belief, all Defendants received significant proceeds from the
3 business practices identified in this Complaint.

4 **IV. FACTS**

5 4.1 Taylor Kurth operates a sole proprietorship under his own name and created
6 Findmyseats, LLC and Box Office Pros, LLC as a continuation of his sole proprietorship
7 (collectively referred to as Defendants). Through these entities, Defendants buy tickets for events
8 in Washington, including concerts, theatrical performances, sporting events, exhibitions, and
9 other shows. Defendants then sell these tickets to Washington consumers, often at a significantly
10 higher price than the face value of these tickets.

11 4.2 Taylor Kurth employs a team of ticket purchasing agents to buy tickets for
12 popular events in Washington. These employees purchase tickets from online ticket sellers, such
13 as Ticketmaster Entertainment, Inc. (www.ticketmaster.com) and Tickets.com, Inc.
14 (www.tickets.com), utilizing both internet browsers and iPhone and Android applications.
15 Through these employees, Defendants purchased thousands of tickets for popular events at major
16 venues in King County, such as the Paramount Theater, CenturyLink Field, Safeco Field, and
17 Key Arena.

18 4.3 In early 2015, Defendants started utilizing ticket-purchasing software (“ticket bot
19 software”) to buy tickets from ticketmaster.com. Taylor Kurth purchased ticket bot software
20 from online sellers who, upon information and belief, reside outside of the United States.
21 Defendants utilized this ticket bot software to circumvent, thwart, interfere with, or evade a
22 security measure, access control system, or other control or measure on a ticket seller’s internet
23 website.

24 4.4 Defendants employed the ticket bot software to complete hundreds of
25 unauthorized transactions on www.ticketmaster.com for high demand events. Such events
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1 include Beyoncé's The Formation World Tour, Justin Bieber's Purpose World Tour, Adele at
2 Key Arena, and Seattle Mariners games. Defendants then resold these tickets to consumers on
3 third-party websites such as Stubhub.com. Defendants resold several of these tickets for \$30 to
4 \$200 more than the face value of the ticket.

5 **V. CAUSE OF ACTION**
6 **(Violations of the Ticket Sellers Act, RCW 19.345.020)**

7 5.1 The State realleges and incorporates paragraphs 1.1 through 4.4 herein as if set forth
8 in their entirety.

9 5.2 Defendants violated section RCW 19.345.020 of the Ticket Sellers Act by utilizing
10 software to circumvent, thwart, interfere with, or evade a security measure, access control system,
11 or other control or measure on a ticket seller's internet web site.

12 5.3 Defendants utilized such software to obtain tickets to events, including concerts
13 theatrical performances, sporting events, exhibitions, shows, or other similar activities held in
14 Washington. *See* RCW 19.345.010(3).

15 5.4 A violation of the Ticket Sellers Act is deemed to affect the public interest and
16 constitutes a *per se* violation of the Consumer Protection Act, RCW 19.86. RCW 19.345.020(3).

17 **VI. PRAYER FOR RELIEF**

18 Wherefore, the State prays for the following relief:

19 6.1 That the Court adjudge and decree that Defendants have engaged in the conduct
20 complained of herein.

21 6.2 That the Court adjudge and decree that the conduct complained of in Paragraphs 4.1
22 through 4.4 constitutes violations of the Ticket Seller Act, RCW 19.345.020, and are unfair and
23 deceptive acts and practices in trade or commerce and unfair methods of competition in violation
24 of the Consumer Protection Act, RCW 19.86.

1 6.3 That the Court issue a permanent injunction enjoining and restraining Defendants
2 and its representatives, successors, assigns, officers, agents, servants, employees, and all other
3 persons acting or claiming to act for, on behalf of, or in active concert or participation with
4 Defendants, from continuing or engaging in the unlawful conduct complained of herein.

5 6.4 That the Court assess penalties, pursuant to RCW 19.86.140, of two-thousand
6 dollars (\$2,000.00) per civil violation against Defendants for each and every violation of
7 RCW 19.86.020 caused by the conduct complained of herein.

8 6.5 That the Court make such orders pursuant to RCW 19.86.080 as it deems
9 appropriate to restore to consumers any money or property paid by them as a result of the unlawful
10 conduct complained of herein.

11 6.6 That the Court make such orders pursuant to RCW 19.86.080 to provide that
12 Plaintiff, State of Washington, have and recover from Defendants the costs of this action, including
13 reasonable attorneys' fees.

14 6.7 Any other award the Court determines is just and equitable.

15 Dated this 2nd day of February 2018.

16 ROBERT W. FERGUSON
17 Attorney General

18 /s/ Andrea M. Alegrett
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