

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

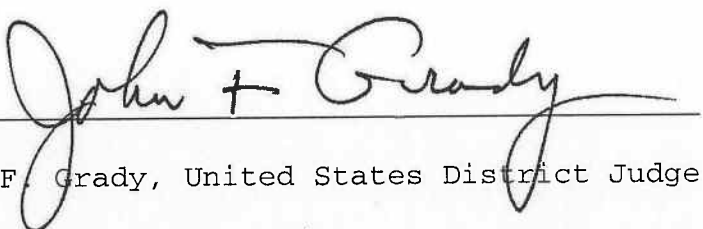
THOMAS DART, SHERIFF OF COOK COUNTY)	
)	
Plaintiff,)	
)	
v.)	No. 09 C 1385
)	
CRAIGSLIST, INC.,)	
)	
Defendant.)	

JUDGMENT ORDER

For the reasons explained in this court's memorandum opinion of this date, final judgment is hereby entered in favor of defendant CRAIGSLIST, INC. and against plaintiff THOMAS DART, SHERIFF OF COOK COUNTY.

DATE: October 20, 2009

ENTER:



John F. Grady, United States District Judge

09-1385.091-RSK

October 20, 2009

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FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS DART, SHERIFF OF COOK)	
COUNTY)	
)	
Plaintiff,)	
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v.)	No. 09 C 1385
)	
CRAIGSLIST, INC.)	
)	
Defendant.)	

MEMORANDUM OPINION

Before the court is defendant Craigslist, Inc.'s motion for judgment on the pleadings. We grant the motion for the reasons explained below.

BACKGROUND & PROCEDURAL HISTORY

In this diversity action Plaintiff Thomas Dart, the Sheriff of Cook County, Illinois, alleges that the "erotic" (now "adult") services section of Craigslist's popular Internet classifieds service facilitates prostitution and constitutes a public nuisance. (Compl. ¶ 1; id. at ¶ 5 (alleging that the parties are diverse and that the amount in controversy exceeds \$75,000).) Craigslist's users create and post "over thirty million new classified advertisements each month" for, among other things, "jobs, housing, dating, used items, and community information." (Id. at ¶¶ 11, 14.) Craigslist's website, which displays the ads, is viewed over

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nine billion times each month. (Id. at ¶ 15.) The webpage located at "chicago.craigslist.org," one of many region-specific webpages on Craigslist's website, displays Chicago-related listings arranged by categories (e.g., "for sale" and "services") and subcategories (e.g., "antiques" and "computer"). (Id. at ¶¶ 11, 25; see also id. at Ex. A (screenshot of the webpage at "chicago.craigslist.org").) Craigslist created the categories, but its users create the content of the ads and select which categories their ads will appear in. (Id. at ¶ 11, Exs. A & B; see also Def.'s Mem. at 2.) Users posting ads on the website agree to abide by Craigslist's "Terms of Use," which prohibit posting unlawful content. (Compl. at Ex. A (screenshot of "chicago.craigslist.org" with a link to Craigslist's Terms of Use); Answer ¶ 18.)¹ Users browsing the "erotic" subcategory – which is (or was) the website's most popular destination – receive an additional "warning & disclaimer" stating that users entering that section agree to "flag 'prohibited'" any content that violates Craigslist's Terms of Use including "offers

^{1/} "By using the Service in any way, you are agreeing to comply with the [Terms of Use]. . . . You agree not to post, email, or otherwise make available Content: a) that is unlawful, harmful, threatening, abusive, harassing, defamatory, libelous, invasive of another's privacy, or is harmful to minors in any way." (Terms of Use, attached as Ex. 1 to Def.'s Answer, at ¶¶ 1 & 7(a).) "Content" includes "all postings, messages, text, files, images, photos, video, sounds, or other materials." (Id. at ¶ 3.)

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for or the solicitation of prostitution." (Id. at ¶ 35, Ex. C.) Below the warning is a general "erotic services" link, and links to further subcategories (e.g., "w4m" (women for men)). (Id. at Ex. C.) Craigslist also gives users the option to search through ads using a word-search function. (Id. at ¶ 26.)

Sheriff Dart alleges that, notwithstanding Craigslist's warnings, users routinely post advertisements in the erotic-services category "openly promis[ing] sex for money." (Id. at ¶ 17.) Based on the samples that he cites in his complaint most of the ads are veiled (sometimes very thinly) using code words. He alleges, for example, that "roses" mean dollars and "greek" refers to anal sex. (Id. at ¶ 30.) One advertisement states: "15 Min \$50 Roses . . . 1hour \$150 Roses" - so much for the code - and "How About A G-R-E-E-K Lesson I'm A Great Student!!" (Id. at ¶ 32.)² Other sample advertisements are more ambiguous. (Pl.'s Resp. at Ex. 2 ("HELLO GENTELMEN NOW YOU MEET JADE AND TIPHANY WE DO TWO GIRL SHOWS AND INDIVISUAL CALLS!! WE GARAUNTEE THE TIME OF YOUR LIFE!!!") (spelling errors in the original).) Many of the ads

^{2/} Spelling variations, like the hyphens in "G-R-E-E-K," are apparently used to avoid detection by automated screening programs. This subterfuge, and the use of sexual code words generally, is specifically prohibited by Craigslist's "Erotic Services Posting Guidelines." (See Answer at Ex. 5.)

