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CASE NO: A-21-839614-C
Department 15

10 Attorneys for Plaintiff Shadia Alex Hilo
11 on behalf of her minor children

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **SHADIA ALEX HILO**, an individual on
15 behalf of her minor children **S.A., K.A.,**
16 and **I.A.**,
17
18 Plaintiff,
19
20 vs.
21 **DASHA KELLY**, an individual;
22 **GOFUNDME, INC.**, a Delaware corporation;
23 and **ADYEN, INC.**, a California corporation,
24
25 Defendants.

Case No. _____
Dept. No. _____

26 **COMPLAINT AND APPLICATION**
27 **FOR INJUNCTIVE RELIEF**

[JURY TRIAL DEMANDED]
ARBITRATION
EXEMPTION REQUESTED:
DEMAND IN EXCESS OF \$50,000

Plaintiff Shadia Hilo, on behalf of her minor children, brings this Complaint against Defendants Dasha Kelly (“Kelly”) and GoFundMe, Inc., and hereby alleges as follows:

INTRODUCTION

This case is about fraud, unjust enrichment, and the exploitation of another woman’s children for the Defendant’s own personal gain. Defendant Kelly defrauded thousands of people on national television by claiming to be the mother of three young children who would be evicted from their home, in the absence of donations, when in fact, she is not their mother, they do not live with her, and they are not dependent upon Kelly for housing. Kelly perpetrated a sham and used children to do so. She should not benefit financially from exploiting these children.

THE PARTIES

1
2 1. Plaintiff Shadia Hilo and her three minor children, S.A., K.A., and I.A., are
3 individuals who reside in Clark County, Nevada.

4 2. Defendant Dasha Kelly is an individual residing in Clark County, Nevada, and upon
5 information and belief, started the GoFundMe fundraiser located at <[https://www.gofundme.com/
6 f/help-my-girls-i-avoid-eviction](https://www.gofundme.com/f/help-my-girls-i-avoid-eviction)>.

7 3. Defendant GoFundMe, Inc. is a Delaware corporation with its principal place of
8 business in Sacramento, California. GoFundMe is named as a defendant solely for the purpose of
9 being subject to this court’s issuance of injunctive relief. At this time, no monetary damages are
10 sought against GoFundMe.

11 4. Defendant Adyen, Inc. is a California corporation with its principal place of
12 business in San Francisco, California. Adyen is named as a defendant solely for the purpose of
13 being subject to this court’s issuance of injunctive relief. At this time, no monetary damages are
14 sought against Adyen.

JURISDICTION AND VENUE

15
16 5. This Court has jurisdiction over this matter because Plaintiff, her children, and
17 Defendant Kelly reside in this jurisdiction. Moreover, the events giving rise to the causes of action
18 occurred within Clark County, Nevada.

19 6. Defendant GoFundMe is subject to general and specific jurisdiction as it regularly
20 does business in this jurisdiction with forum residents, including Kelly.

21 7. Defendant Adyen is subject to general and specific jurisdiction as it regularly does
22 business in this jurisdiction with forum residents and is the payment processor for Kelly’s
23 fundraiser.

24 8. The amount in controversy, represented by actual and consequential damages to
25 Plaintiff, exceeds \$15,000. Thus, this Court has jurisdiction over this matter.

26 9. Venue is proper in the Eight Judicial District Court in Clark County, Nevada
27 pursuant to NRS 13.040 which states that, “the action shall be tried in the county in which the

1 defendants, or any one of them, may reside at the commencement of the action.” Here, Plaintiff
 2 and Defendant Kelly reside in Clark County, Nevada.

3 **FACTS RELEVANT TO ALL CLAIMS**

4 10. Shadia Hilo is the mother to three children, S.A., K.A., and I.A, and maintains full
 5 custody of all the children. No other individual has claimed legal paternity of the children, not on
 6 their birth certificates, nor through filing an affidavit of paternity. No individual has ever paid
 7 child support to Ms. Hilo for the benefit of her three children.

8 11. On July 14, 2021, Defendant Kelly created a fundraiser on GoFundMe, seeking to
 9 raise money for herself. The URL to the fundraiser is <[https://www.gofundme.com/f/help-my-
 10 girls-i-avoid-eviction](https://www.gofundme.com/f/help-my-girls-i-avoid-eviction)>.

11 12. In the original GoFundMe fundraiser post, Defendant Kelly described herself as
 12 having three daughters aged 5, 6, and 8. Throughout the posting, Defendant Kelly refers to the
 13 collective group as “we.” There is no mention of Shadia Hilo.

14 13. Shadia Hilo’s minor children are aged 5, 6, and 8.

15 14. Hilo is the children’s only legal parent and was never consulted as to whether the
 16 likenesses and names of her children could be used in this way.

17 15. On August 2, 2021, CNN aired a story showcasing a teary-eyed Defendant Kelly,
 18 her three “daughters,” and the GoFundMe page. The interview was in Defendant Kelly’s
 19 apartment and showed three children that she claimed were her own. In fact, they were Hilo’s
 20 children. They are not Kelly’s children. They do not live with Kelly. Kelly is not responsible for
 21 their well-being at all.

22 16. In the interview, Kelly claimed to be an out of work casino card dealer with three
 23 children, and further stated that she had to sell the children’s furniture to afford rent and food for
 24 them, and the children had to all share the couch. Meanwhile, she never had furniture for the
 25 children, as they never lived with her.

26 17. CNN reporter Nick Watt stated that Defendant Kelly “lost her job due to the
 27 COVID-19 pandemic, now has no car, and no money for childcare.” When giving Watt a tour of

1 the apartment, Defendant Kelly stated that she will sacrifice her couch for the time being so the
 2 girls “don’t have to live on the floor since they’re so tiny.” This is a false statement because the
 3 children do not live with Defendant Kelly, they live with their real mother, Hilo, and it is further
 4 false because the three children are cared for by their mother,¹ and they sleep soundly in their very
 5 own beds at home. The headline at the bottom of the screen read, “MOM BRACES FOR
 6 EVICTION: ‘HOW DO YOU EXPLAIN THAT TO YOUR KIDS?’” The story was part of
 7 CNN’s coverage of the expiration of the federal eviction moratorium. As the segment progressed
 8 and Watt reported on the moratorium expiration, the “Developing Story” headline at the bottom
 9 of the screen changed to, “SINGLE MOM OF 3 ON BRINK OF BEING EVICTED AFTER
 10 LOSING CASINO JOB SHE LOVED AND PAWNING MUCH OF WHAT SHE OWNED.”

11 18. Everything Kelly said in the segment fraudulently indicated that she was the mother
 12 of the three children. Throughout the interview Kelly referred to the children as “*hers*.” Kelly had
 13 multiple opportunities to correct the story but she did not. In fact, she doubled down at every
 14 opportunity to falsely portray the children as suffering and being on the brink of homelessness.

15 19. The very next day, CNN reporter Erin Burnett aired another segment showcasing
 16 Defendant Kelly sitting on the couch with three children whom she again falsely identified as her
 17 “daughters.” Kelly continued the grift on the second segment.

18 20. At the beginning of the segment, Burnett tells Kelly that Congresswoman Bush
 19 “saw you last night, on the show... uh in the piece about you and *your* girls and she said about you
 20 and *your* children and I quote you Congresswoman, ‘we’re working hard for you and I know what
 21 it’s like to be their mommy.’” Congresswomen Bush proceeds to tell Kelly that she is working
 22 hard to “help make sure that your life and the lives of *your* children are better.” Burnett then states,
 23 “Kelly I just am watching *your*... uh... daughter who was reaching out... um... to pet you I think
 24 when you were a little emotional there... *your* wonderful children...”

25 ¹ It is presumed that Kelly is out of work by choice, as there is a labor shortage in Las Vegas.
 26 Kelly claims to be a laid off card dealer. Plaintiff’s counsel contacted the Nevada Gaming Control
 27 Board which would neither confirm nor deny that anyone by that name has a gaming license in
 Nevada.

1 21. Burnett closes out the segment by stating, “I am happy for this news for you and
 2 *your* children.” Once again, Kelly had multiple opportunities to correct the story, but she refrained
 3 from doing so, lest her scam unravel.

4 22. By the time the second story finished airing, the donations on the GoFundMe page
 5 had swelled to nearly \$100,000. Kelly’s fundraiser did not have any donations until the first CNN
 6 segment was aired, and in that segment, Kelly doubled down on her misrepresentations, with the
 7 specific intent of profiting from them.

8 23. On August 4, 2021 Kelly posted an update on the GoFundMe page. In it, she stated,
 9 “I literally tried almost everything to earn income while taking care of *my* family...” The update
 10 continues, “I’m gonna open an account for each girl of 5k so that it can build until they are 18.”
 11 At this point in time, the donations were well above \$170,000 from over 2,700 donors.

12 24. Kelly has opened no such account, but given that the donations were all garnered
 13 because of the children and the misrepresentations that they were Kelly’s children, this
 14 “generosity” is bogus – and, perhaps the children could be asked to provide Kelly with a token
 15 amount of \$5,000, but they would be under no obligation to grant such a request.

16 25. Defendant Kelly did not obtain permission from Hilo, the legal guardian of the
 17 children, to place them on national television, or to use their likenesses in pursuit of her scam.

18 26. Kelly got caught lying when an independent journalist, Aidan Kearney, writing for
 19 the news website, TurtleBoy Daily News, uncovered the fraud and reported on it.

20 27. Once Kelly was caught in her duplicitous scheme, and once CNN’s sloppy
 21 reporting began to unravel, Kelly posted another update on the GoFundMe page. The update
 22 states, “The girls recognize me as a mother figure in their lives, but I am not their biological
 23 mother. My partner is the children’s father whom I do not live with, and I take care of these girls
 24 in my home for periods of time, and have for the last couple years.” By the time this update had
 25 been posted, donations had reached over \$200,000 from over 3,000 donors. This is not entirely
 26 true either, as she is never entrusted with the children by their own legal parent, Ms. Hilo.

1 28. By the time Kelly issued her belated (and still dishonest) “update,” the damage had
 2 been done. The three minor children were no longer private figures, and they had been used as
 3 props to raise a large amount of money, all of which by rights should belong to them.

4 29. GoFundMe has indicated that on or before August 23, 2021, it will disburse the
 5 funds, which are nearly \$200,000 to Defendant Kelly.

FIRST CLAIM FOR RELIEF
(Constructive Trust against all Defendants)

8 30. Plaintiff hereby incorporates the allegations of each of the preceding paragraphs as
 9 if fully set forth herein.

10 31. The three children are entitled to a constructive trust on the funds that Defendant
 11 Kelly has amassed from fraudulently exploiting the children on national television.

12 32. Defendant Kelly is the organizer of the fundraiser, and the funds will be disbursed
 13 to her by GoFundMe on or about August 23, 2021.

14 33. A confidential relationship existed between Defendant Kelly and Hilo’s children.

15 34. The relationship between the parties was one of trust and confidence. As someone
 16 who dates the children’s apparent birth father, the children were in a position to be exploited by
 17 Kelly.

18 35. The children were not legally competent to understand their rights, and Ms. Hilo,
 19 who was responsible for protecting their rights, was never consulted nor given an opportunity to
 20 object.

21 36. Defendant Kelly falsely claimed that the children were hers and that she took care
 22 of them as a single mother. But for this claim, she would have garnered no donations or de minimis
 23 donations.

24 37. The children, as minors under the temporary supervision of Ms. Kelly, were unable
 25 to speak for themselves about the fraud or about their desire to remain private figures.

26 38. Since the children’s legal guardian was not consulted, the children had no
 27 opportunity to insist on a fair percentage of the funds raised on their likeness.

1 39. Without Kelly’s fraudulent exploitation of the children to her own benefit, the
2 donations would not have amassed, and CNN would not have been interested in the story.

3 40. The children do not live with Defendant Kelly and she does not contribute to the
4 cost of raising them in their everyday lives.

5 41. The existence of a trust on the funds from the fundraiser is absolutely essential to
6 the effectuation of justice to the children and to avoid a grave injustice of enriching their exploiter

7 42. As a direct result from Defendant Kelly’s actions, Plaintiff’s children have been
8 damaged in excess of \$200,000.

9 43. All funds raised should be placed in a trust for the benefit of the three children, with
10 none to the benefit of the party who exploited them, dishonestly, for her own pecuniary gain.

11 **SECOND CLAIM FOR RELIEF**

12 **(Quantum Meruit against Defendant Kelly)**

13 44. Plaintiff hereby incorporates the allegations of each of the preceding paragraphs as
14 if fully set forth herein.

15 45. By utilizing Plaintiff’s daughters on national television and in her GoFundMe
16 campaign, Defendant Kelly has received approximately \$200,000 due to the unauthorized
17 exploitation of the minor children, and due to the material lies that she told on the GoFundMe page
18 and on national television.

19 46. The children provided a service to Defendant Kelly by portraying the roles of her
20 children.

21 47. Defendant Kelly has been unjustly enriched by the use of the minor children.

22 48. Defendant Kelly should be forced to disgorge the value of the benefit that she
23 received by utilizing the children for her own pecuniary gain.

24 **THIRD CLAIM FOR RELIEF**

25 **(Intrusion Upon Seclusion against Defendant Kelly)**

26 49. Plaintiff hereby incorporates the allegations of each of the preceding paragraphs as
27 if fully set forth herein.

1 50. The children have a right to be secure from unreasonable intrusion upon their
2 physical solitude or seclusion.

3 51. Defendant Kelly intentionally intruded on the privacy of the children by placing
4 them on national television.

5 52. Defendant Kelly did not have consent of the children’s sole legal guardian, Hilo, to
6 place them on television.

7 53. Kelly’s nonconsensual portrayal of the children on national television, especially
8 in the context of a fabricated lie, is highly offensive. The children maintain all the comforts of a
9 stable home with their real mother and reasonably expect privacy.

10 54. As a direct and proximate result of Defendant Kelly’s actions, the children’s
11 privacy was violated because images of children were widely disseminated on television and on
12 the internet.

13 55. As a direct result of Defendant Kelly’s actions, the children suffered emotional
14 distress and believed that they were experience housing insecurity.

15 56. Further, the children’s status as private figures has been forever changed.

16 57. The children have been damaged by Kelly’s actions in an amount to be determined
17 at trial.

18 **FOURTH CLAIM FOR RELIEF**

19 **(Right of Publicity against Defendant Kelly)**

20 58. Plaintiff hereby incorporates the allegations of each of the preceding paragraphs as
21 if fully set forth herein.

22 59. Under NRS §597.790, the children have a right of publicity in their images.

23 60. Defendant Kelly commercially used the children’s images by going on national
24 television with the intent to commercially solicit donations from the public.

25 61. Kelly did not obtain written consent from the children’s only legal guardian, Hilo.

26 62. Kelly has commercially profited from her exploitation of Hilo’s children.
27

63. As a direct result of Defendant Kelly’s actions, the children have been damaged in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Shadia Hilo, on behalf of her three minor children, hereby prays for relief as follows:

- A. A temporary restraining order and preliminary injunction preventing Defendants GoFundMe and Adyen from releasing the remaining funds to Defendant Kelly;
- B. A permanent injunction preventing Defendant Kelly or anyone acting in concert with her from using the children’s images again without Hilo’s express, written, consent;
- C. The imposition of a constructive trust against GoFundMe, Adyen, Kelly, and the funds raised from Defendant Kelly’s fundraiser for the benefit of the children;
- D. A disbursement of all funds raised by Kelly while exploiting the children.
- E. Damages in an amount to be proven at trial, but in excess of \$15,000 per child.
- F. Reimbursement of all costs and attorneys’ fees incurred by the Plaintiff; and
- G. Such other relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues to which the right to jury attaches.

ARBITRATION EXEMPTION REQUESTED

The total of Plaintiff’s claims herein, exclusive of interests and costs, which the judge and/or jury is likely to award, exceeds \$50,000. Accordingly, it is exempt from arbitration and Plaintiff requests that exemption. Nev. Arb. R. 3(a).

Dated: August 17, 2021.

Respectfully Submitted,

/s/ Marc J. Randazza
 Marc J. Randazza (NV Bar No. 12265)
 Ronald D. Green (NV Bar No. 7360)
 Alex J. Shepard (NV Bar No. 13582)
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 on behalf of her minor children