

Amazon: Actress lawsuit over age revelation bogus

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(AP) -- Frivolous and selfish is how lawyers for Amazon.com Inc. describe a lawsuit brought by an actress upset that her advanced age - 40 - was revealed on an Internet database.

The company, along with its Internet Movie Database, asked a [federal judge](#) last week to dismiss the million-dollar complaint brought by the woman, who identified herself only as Jane Doe, a Texas resident of Asian descent.

The woman claimed that soon after she signed up for a [subscription service](#) called IMDb Pro, her birthdate appeared on her profile on the database - and her offers for roles dropped sharply. She alleged that Amazon and IMDb had used her [credit card information](#) to glean her birthdate, which she had always tried to keep a secret because she looks so much younger than she is.

The case prompted discussions about [ageism](#) in Hollywood - as well as rampant online speculation about who the [actress](#) might be. But in its two motions to dismiss the case, Amazon and IMDb argued that it's about something else: "the perpetration of fraud."

"Plaintiff's attempt to manipulate the federal court system so she can censor IMDb.com's display of her birthdate and pretend to the world that she is not 40 years old is selfish, contrary to the [public interest](#) and a frivolous abuse of this court's resources," they wrote.

Her failure to identify herself in the complaint without first seeking the court's permission violated court rules, they said, and although they believe they know who she is, they're not entirely sure. Furthermore, they argued, when customers subscribe to IMDb Pro, they agree to a privacy policy which makes clear that the database can keep and use certain personal information.

"Even if IMDb.com used plaintiff's name, address or zip code from her credit card subscription to locate her birthdate, such use is consistent with the subscriber agreement and privacy policy," they wrote.

The actress claimed that she had always been careful about keeping her given name and birthdate confidential. As an unknown, she used an Americanized stage name in 2003 when she first listed herself on imdb.com, a listing which she said brought her several jobs, and her real name was not publicly known, she said.

"If one is perceived to be `over-the-hill,' i.e., approaching 40, it is nearly impossible for an up-and-coming actress, such as the plaintiff, to get work as she is thought to have less of an `upside,'" her claim said.

She argued that she never consented to having the personal information she provided used for anything but the commercial transaction. IMDb refused to remove the reference to the woman's age from her profile when asked, the lawsuit said.

IMDb agreed that it had refused to remove her birthdate - and noted in asking the judge to dismiss the case that the actress had also requested that the company falsify her age on the website.

The actress is seeking \$1 million or more in punitive damages as well as \$75,000 or more in compensatory damages. She accuses Amazon and IMDb of breach of contract, [fraud](#) and violation of privacy and

consumer protection laws.

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