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Beach woman wins lawsuit against "Girls Gone Wild"

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VIRGINIA BEACH - BY Jon Frank THE VIRGINIAN-PILOT

VIRGINIA BEACH - A jury on Wednesday ordered the company that produces the "**Girls Gone Wild**" videos to pay \$60,150 for filming and using the image of a Virginia Beach woman without her written consent.

The jury ordered Mantra Films Inc. to pay \$150 in compensatory damages and \$60,000 in punitive damages.

The jury returned its verdict after deliberating for about two hours. The trial began Tuesday. The California company travels the country to videotape young women exposing their breasts at events and venues such as Mardi Gras and spring break beach resorts.

"They needed a smack-down, and they got one," said Kevin E. Martingayle, attorney for Debbie Aficial, 26. "Maybe they should stay in California from now on. "

Aficial and a female friend attended a promotional event at Bar Norfolk in Waterside on Feb. 19, 2003. At the bar, members of Mantra Films asked Aficial and Aimee Davalle to go to a nearby



location to participate in making a video.

In testimony this week, Aficial acknowledged giving her verbal permission to have her image used in the video. She did not expose herself but encouraged Davalle to participate and kissed Davalle on camera, according to testimony.

The video eventually was released under the title of "**Girls Gone Wild: The Seized Video.**"

Davalle, who also is suing the company, exposed her breasts. Her image was used on the cover of the video.

Aficial said she was embarrassed and humiliated because of her appearance in the video. She said she did not know the video would receive worldwide distribution when, after drinking alcohol, she agreed to be a part of the production.

"I would never take my clothes off in front of people I didn't know," she said.

According to testimony, the company sold more than \$1.3 million worth of the video. The company markets its videos on a Web site and in late-night cable television ads.

In February, Circuit Judge Frederick B. Lowe ordered the company to stop production of the video. He let the company continue selling inventory copies.

Under Virginia law, a person must give written consent to use his or her image in a commercial enterprise. Only a few states have this requirement, which is why Mantra Films can operate so freely, Martingayle said.

"These guys go around preying on people," Martingayle said.

Martingayle said the company makes "tons of money" on videos and pays the women who appear in them with "beads and T-shirts."

Ronald E. Guttman, chief operating officer for Mantra, testified that at the time of the Norfolk event, he did not know about the Virginia law requiring written consent.

Once Mantra Films learned that it had broken the law, Guttman said, the company followed Lowe's order and stopped producing the video. "We were never in contempt of court," he testified.

An attorney for Mantra Films, Shepherd D. Wainger, declined to comment on the verdict.

The owner of Mantra, Joseph R. Francis, did not attend the trial. He was in Europe for a wedding, according to Guttman.

* Reach Jon Frank at (757) 222-5122 or jon.frank@pilotonline.com.

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