

IN THE CIRCUIT COURT OF SAINT LOUIS COUNTY
STATE OF MISSOURI

STATE OF MISSOURI ex rel.)
Attorney General Eric S. Schmitt,)
)
Petitioner,)
) Cause No.
v.)
) Div.
Royal Day Spa, LLC)
SERVE AT:)
Missouri Secretary of State's Office)
600 W Main Street)
Jefferson City, MO 65101;)
)
Xu Hong Yin)
SERVE AT:)
3235 S. Wells)
Chicago, IL 60616;)

PETITION FOR INJUNCTIVE RELIEF OF A PUBLIC NUISANCE

Petitioner State of Missouri, at the relation of Attorney General Eric S. Schmitt, brings this Petition for Preliminary Injunction of a Public Nuisance, and upon information and belief, states as follows:

1. Illicit Massage Businesses (IMB) provide illegal sexual services to customers under the guise that they are a legitimate business providing only legal and licensed massage therapy.

2. IMBs often serve as a front for human trafficking, illegal sex work, and forced labor.¹

3. The Polaris Project estimates that there are approximately 9,000 IMBs operating in the United States. Missouri is no exception. *See Exhibit 1.*

4. There are several indicators that a massage parlor is engaging in commercial sex and potential human trafficking. These include: prices significantly below market; customer reports of female masseuses who request large tips and who express disappointment if they do not receive a tip; windows covered in a way that prevents passersby from seeing inside the business; open late hours (i.e., until 9 p.m. or later); and advertising, business listings, or customer reviews on commercial sex websites like RubMaps.ch, BackPage.com, and other illicit websites. *Id.* at 9.

5. Advertisements for IMBs may include a description of the masseuses' appearance or age, emphasizing their physical characteristics and young age. The advertisements typically include sexually-suggestive photos of females of varying ethnicities, often Asian, that emphasize the women's appearance while underemphasizing or not mentioning their massage therapy skills. *See id.*

¹ *See* Nicholas Kulish, et al., "Behind Illicit Massage Parlors Lie Vast Crime Network and Modern Indentured Servitude," *NEW YORK TIMES*, March 3, 2019, available at: <https://www.nytimes.com/2019/03/02/us/massage-parlors-human-trafficking.html>.

6. In order to facilitate these illicit services, IMBs utilize websites that are solely used for the purposes of soliciting illicit behavior to advertise. *See Order, State of Missouri v. Golden Massage, et al.*, Case No. 1731-CC00950 (Greene County, Missouri, Aug. 20, 2020) (“The only purpose for which a massage business would advertise on BackPage.com CitXGuide.com, or Rubmaps.com is to attempt to promote prostitution service[s.]”).

7. Indeed, BackPage.com was seized by federal law enforcement in 2018 because it was the largest online marketplace for illegal sex trafficking. *See Exhibits 2, 3.*²

8. Backpage.com featured advertisements and customer reviews of illicit massage businesses.

9. CityXGuide.com was created one day after the FBI’s seizure of BackPage.com in order to fill the space created by the shutdown.³

10. In 2020, CityXGuide.com was also seized by federal law enforcement because it was “a leading source of online advertisements for

² *See also* Sarah N. Lynch, Lisa Lambert, *Sex ads website Backpage shut down by U.S. authorities*, REUTERS, April 6, 2018, available at: <https://www.reuters.com/article/us-usa-backpage-justice/sex-ads-website-backpage-shut-down-by-u-s-authorities-idUSKCN1HD2QP>.

³ *See* “U.S. Attorney’s Office Shuts Down Website [CityXGuide.com] Promoting Prostitution and Sex Trafficking, Indicts Owner,” U.S. Department of Justice, June 19, 2020, available at: <https://www.justice.gov/usao-ndtx/pr/us-attorney-s-office-shuts-down-website-promoting-prostitution-and-sex-trafficking#:~:text=June%2019%2C%202020-,U.S.%20Attorney's%20Office%20Shuts%20Down%20Website,and%20Sex%20Trafficking%2C%20Indicts%20Owner&text=Shortly%20after%20the%20defendant's%20arrest,Security%20pursuant%20to%20a%20warrant.>

prostitution and sex trafficking that users described as ‘taking over from where Backpage left off.’”⁴

11. After the shutdown of BackPage.com and CityXGuide.com, similar websites where sexual activity is advertised, promoted, or reviewed, were created or proliferated, included RubMaps.ch and USASexGuide.nl. Websites of this nature often serve as platforms for IMBs to advertise their illicit services and for customers to post their experiences, which in turn attracts more illicit or illegal business.⁵

12. For example, Rubmaps.ch allows users to post reviews of massage parlors, which often describe sexual contact that has taken place at a massage parlor. The website describes itself as a place “where fantasy meets reality,” and it requires an age of majority verification check before visitors can enter the full website.

13. USASexGuide.nl describes itself as the “internet’s largest sex travel website,” which features forums where users discuss experiences and post reviews of escorts, strip clubs, and massage parlors. As of January 28, 2021, in the St. Louis, Missouri section of this website’s forums, the thread

⁴ *Id.*

⁵ See Dan Whitcomb “Exclusive: Report gives glimpse into murky world of U.S. prostitution in post-Backpage era,” REUTERS, available at: <https://www.reuters.com/article/us-usa-prostitution-internet-exclusive-idUSKCN1RN13E>.

“massage parlor reports” included over 16,000 posts—more than any other category in the St. Louis, Missouri forum.

14. The Attorney General is seeking injunctive relief preventing Royal Day Spa and Xu Hong Yin from engaging in conduct prohibited by § 567.080.

Parties

15. Eric S. Schmitt is the duly elected Attorney General of the State of Missouri and brings this action in his official capacity pursuant to Mo. Rev. Stat. Chapter 567 and Section 27.060.

16. Defendant Royal Day Spa is registered to do business in the State of Missouri, and holds itself out as an LLC with its principal place of business located at 8928 Watson Rd., Crestwood, MO 63119 in Saint Louis County, MO.

17. Defendant Xu Hong Yin is the registered organizer and agent of Royal Day Spa, and upon information and belief Yin resides at 3235 S. Wells, Chicago, IL 60616.

18. Upon information and belief, Royal Day Spa operates pursuant to a lease agreement between Wohlfahrt Holdings, LLC, and Royal Day Spa. Wohlfahrt Holdings, LLC, owns the property located at 8928 Watson Rd., out of which Royal Day Spa operates.

19. Upon information and belief, the lease agreement was signed by Xu Hong Yin.

20. Upon information and belief, Royal Day Spa is also known as “Ning Day Spa,” which is owned by Xu Hong Yin.

21. Royal Day Spa is registered with the Missouri Secretary of State, with its owner listed as Xu Hong Yin. Exhibit 4.

22. Wohlfahrt Holdings is registered to do business within the State of Missouri with its principal place of business at 1270 North Price Rd., Olivette, MO 63132 in Saint Louis County, MO.

Jurisdiction and Venue

23. This Court has subject matter and personal jurisdiction over this action under Art. V, § 14 Mo. Const. and Mo. Rev. Stat. § 506.500.

24. Venue is proper in this Court pursuant to Mo. Rev. Stat. § 508.010.2, in that venue lies in any county in which a defendant resides or can be found.

25. Venue is proper because the Premises, which is the subject matter of this lawsuit, is located within Saint Louis County.

Statutory Authority

26. Under Missouri law, unlawful prostitution activity occurs when a person “engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.” § 567.020.1.

27. Mo. Rev. Stat. § 567.080.1 declares the regular use of a room, building, or structure for prostitution activity to be a public nuisance, and allows the Attorney General to prosecute a suit to enjoin the nuisance.

28. The Attorney General may include owners, lessees, officers, agents, or employees in an action to prevent those parties from aiding or facilitating the public nuisance. § 567.080.3.

Allegations of Fact

29. For years, many massage parlors located throughout the State of Missouri have been conducting public nuisances by accommodating sexual contact for pay and/or unlawful prostitution activity on business premises.

30. Royal Day Spa is one such parlor. Royal Day Spa is an IMB.

31. In December 16, 2020, after traffic stops made by Crestwood Police Department, three male individuals made reports to law enforcement officers about their experiences at Royal Day Spa:

- a. Individual R.P. described sexual activity that occurred between him and a female masseuse on prior occasions at Royal Day Spa in exchange for a \$60 massage fee and \$30 tip (*See Exhibit 12*);
- b. Individual F.H. described sexual activity that occurred between him and a female masseuse that day and on prior

occasions at Royal Day Spa in exchange for a \$60 massage fee and a \$40 tip (*See Exhibit 13*); and

- c. Individual A.T. described sexual activity that occurred between him and a female masseuse that day and on prior occasions at Royal Day Spa in exchange for a \$60 massage fee and a \$20 tip (*See Exhibit 14*).

32. Each statement made to the Crestwood Police Department referenced above described contact between a masseuse's hands and the male customers' genitals for the purpose of sexual gratification that resulted in the customers' ejaculation.

33. Upon information and belief, the activities described by the individuals in the police reports referenced above did take place at Royal Day Spa.

34. The activity described in the police reports referenced above qualifies as prostitution activity under Missouri law.

35. In addition to the statements made to the Crestwood Police Department, Royal Day Spa is listed as an establishment on at least two illicit or commercial sex websites.

36. These websites contain information about Royal Day Spa's hours, location, and contact information. And there are over a dozen posts on other

websites featuring reviews of Royal Day Spa that detail sexually explicit or prostitution services performed at the business.

37. Upon information and belief, neither Royal Day Spa nor Xu Hong Yin have attempted to remove the business's listing or reviews on these websites as detailed in this Petition.

38. Upon information and belief, Royal Day Spa and/or Xu Hong Yin are aware that the business has been listed and/or reviewed on these websites as detailed in this Petition.

39. As a result of Royal Day Spa's listings and reviews on these websites, the parlor has attracted customers seeking prostitution services.

40. Since January 2017, individuals posted reviews on USASexGuide.nl of their experiences at Royal Day Spa. These reviews often feature sexually explicit activity that qualifies as unlawful prostitution activity under Missouri law. For example:

- a. On January 27, 2017, an individual with the username "Big Titluvr" posted the following review of Royal Day Spa:
"About 3:00 p.m. the girl in the shorts and pantyhose comes in to start the massage, her name is Cici. She gives a good massage some light teasing face down, on the flip she does a good facial and worked on the arms and hands and and chest and stomach and moved to the legs. When she finished the

legs she move back to crotch and starts massaging the twins and takes my hand and places it on my crotch and asked if I want oil. I had her oil me up and she inserted a finger while I DIY. She cleaned me up really well.” Exhibit 5.

- b. On December 19, 2018, an individual with the username “Dave1984” posted the following review: “To my surprise (its been a while since I have been there), it was Susan in a short Red dress. Started face down with some light teasing, then flipped over for more light teasing. Finally Susan put oil on my member and brought by hand in to DIY. She would feel on my butt but never showed interest in helping out. Did allow hands to roam but not able to get through tight panties. Finished DIY and after short massage on front left. Was OK on massage and good for relief. 5 for massage and 25 for tip. . . Finally good to hear that Susan is back as she as one of my regulars. I love the dress. I think she wears spanks under the dress. Nice for roaming but can’t get under them.” Exhibit 6.

41. Between 2017 and 2020, individuals posted over 20 reviews on Rubmaps.ch of their experiences at Royal Day Spa. These reviews feature

descriptions of sexually explicit activity that qualifies as prostitution activity under Missouri law. For example:

- a. On October 4, 2019, an individual with the username “Wehmeh” posted the following review: “[w]hile she stood at the head of the table I reached for her thighs and ass and received no objection. So on the flip the rules of engagement were pretty much clear as day, Sophia flipped off the draping and started the HJ.” The review described the masseuse, “Sophia,” as age 36-40, height 5’0” to 5’5”, with Asian ethnicity, as well as details about her breast size, build, and buttocks. The review indicated that an “extra tip” was paid of \$40. Exhibit 7.
- b. On March 31, 2018, an individual with the username “Holtflngering” posted the following review: “The session with Sophie is definitely worth it. [] I was flipped and she started teasing. She rubbed my inner thighs and then offered me the HJ. I paid her fee and she jerked me off til climax. I also got to play with her ass during the session.” The review described the masseuse, “Sophie,” as age 31-35, height 5’0” to 5’5”, with Asian ethnicity, as well as details about her

breast size, build, and buttocks. The review indicated that an “extra tip” was paid of \$40. Exhibit 8.

- c. On February 4, 2018, an individual with the username “kokoman49” posted a review of an experience that described explicit sexual contact between the user and the masseuse, named “Sophie.” The review described “Sophie” as age 31-35, height 5’0” to 5’5”, with Asian ethnicity, as well as details about her breast size, build, and buttocks. The review indicated that an “extra tip” was paid of \$50. Exhibit 9.
- d. On May 27, 2019, “tjpokomo” posted a review of an experience with a masseuse named “Sophia,” that described explicit sexual contact occurring. The review indicated that an “extra trip” was paid of \$40. Exhibit 10.

42. Upon information and belief, the conduct described in the internet posts quoted or referenced in Paragraphs 40 and 41 occurred at Royal Day Spa. Furthermore, such posted content facilitated in attracting consumers seeking unlawful prostitution services to Royal Day Spa.

43. The conduct described in Paragraphs 40 and 41 qualifies as unlawful prostitution activity under Missouri law.

44. Upon information and belief, the conduct described in the internet posts quoted and referenced in Paragraphs 40 and 41 are representative of

similar sexual contact or prostitution activities that have occurred at Royal Day Spa.

45. One female customer posted a review of Royal Day Spa on Google.com giving her experience a one-star review, complaining that “I’m pretty sure this is a front for a happy ending.” Royal Day Spa or a representative from the business posted a response to the review and expressed “we are sorry hear your bad experience [sic].” However, the response did not deny the “happy ending” allegation in the customer’s review. Exhibit 11.

46. Defendant Royal Day Spa’s windows in the front of its business are typically covered by curtains, blinds, and/or signs. Therefore, passersby cannot see in to the business from the outside.

47. Defendant Royal Day Spa advertises it is open daily until 9:00 p.m. or later. For example, Royal Day Spa’s website and a sign on its door advertises the business is open until 9:00 p.m. daily; its listing on Rubmaps.ch advertises it is open until 9:00 p.m.; its Facebook page advertises it is open until 9:45 p.m.; its listing on Yelp.com advertises it is open until 9:45 p.m.; and its listing on Google.com advertises it is open until 10:00 p.m.

48. Upon information and belief, Royal Day Spa customarily charges \$50 or \$60 for a 60-minute massage, excluding any tips or extra fees.

49. However, if a customer receives sexual contact or participates in prostitution activities with a Royal Day Spa employee, the customer will pay the employee more money.

50. Upon information and belief, \$50 to \$60 for a 60-minute massage is below average market rate for massage parlors in an approximately three-mile radius of Royal Day Spa. For example, upon information and belief:

- a. A Massage Envy location at 3880 Lindberg Blvd charges \$115 for a 60-minute massage for non-members;
- b. Touch of Class at 325 N Kirkwood Road charges \$80 for a 60-minute massage;
- c. Sound Stone Massage Spa at 197 Watson Plaza charges \$75 for a 60-minute massage; and
- d. Now and Zen at 10000 Watson Road charges \$65 for a 60-minute massage.

51. Defendants Royal Day Spa and Xu Hong Yin have been conducting business from the Premises located at 8928 Watson Rd., Crestwood, MO 63119 in Saint Louis County, MO.

52. Upon information and belief, Xu Hong Yin is aware of the prostitution activities taking place at Royal Day Spa. On information and belief, Xu Hong Yin and Royal Day Spa's employees knowingly profit from the prostitution activities.

53. Upon information and belief, since approximately 2017 the Premises occupied by Royal Day Spa has been regularly used for prostitution activities and public nuisance activities.

Count I – Operating a Public Nuisance
(Against All Defendants)

54. Petitioner incorporates all of the allegations contained in Paragraphs 1 through 53 above.

55. Royal Day Spa utilizes the Premises located at 8928 Watson Rd., Crestwood, MO 63119 in Saint Louis County, MO, as a massage parlor in which employees of Royal Day Spa carries out sexual conduct on customers of the business in exchange for money or other items of value.

56. As such, the Premises, which are occupied by Royal Day Spa, is regularly used for prostitution activity prohibited under § 567.080, RSMo.

57. As such, the Premises occupied by Royal Day Spa constitutes a public nuisance under § 567.080.

58. Defendant Xuhong Yin aided and/or facilitated the prostitution activities and/or public nuisance.

WHEREFORE, Petitioner State of Missouri ex rel. Attorney General Eric S. Schmitt respectfully requests that the Court enter judgment in favor of Petitioner enjoining the public nuisance, and such further relief as this Court deems just and proper.

Count II – Operating a Public Nuisance under § 567.080.3
(Against Xu Hong Yin)

59. Petitioner incorporates all of the allegations contained in Paragraphs 1 through 58 above.

60. The Premises, which are occupied by Royal Day Spa, is a public nuisance because it is used and/or has been used for prostitution activity prohibited by § 567.080, RSMo.

61. Xu Hong Yin is the owner and organizer and agent of Royal Day Spa.

62. Xu Hong Yin as an owner, officer, agent, or employee of Royal Day Spa, aided and facilitated the public nuisance on the Premises.

63. Xu Hong Yin aided and/or facilitated the public nuisance occurring on the Premises by profiting from prostitution activities, by failing to stop the prostitution activities from occurring, by failing to take steps to take down Royal Day Spa's listing RubMaps.ch, and by failing to publicly counter or dismiss the reports of prostitution activities occurring at the Premises.

WHEREFORE, Petitioner State of Missouri ex rel. Attorney General Eric S. Schmitt respectfully requests that the Court enter judgment in favor of Petitioner enjoining Xu Hong Yin from engaging in, offering, aiding in, profiting from, or promoting any prostitution activity anywhere within this

Court's jurisdiction, and such further relief as this Court deems just and proper.

Respectfully submitted,
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