

Websites used woman's image to illustrate online stories about workplace harassment. Now she's suing them

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With cameras everywhere these days, you never know where your image might turn up.

Jovanna Bastien learned this the hard way in April when a photo of her appeared on Yahoo's news website to illustrate a story about a group of McDonald's employees suing the fast food giant over alleged sexual harassment.

The problem was that Bastien isn't one of the McDonald's employees suing the company. And the former employee of a McDonalds in Palm Beach Gardens, Fla., says she wasn't sexually harassed or abused there.

Now the woman is suing parent companies of two websites that posted her photo next to stories about sexual harassment complaints, saying her future job prospects were damaged because would-be employers might associate her with lawsuits or protest movements.

In a federal lawsuit filed last week in West Palm Beach, Bastien said her boyfriend clicked on a Yahoo news story in April headlined "Workers Accuse McDonald's of Sexual Harassment" and discovered it was illustrated by a photo of Bastien in uniform behind at the cash register of the McDonald's where she worked in 2014 and 2015.

Bastien's boyfriend, Jason Rivera, asked her if she was suing

McDonald's. Bastien, the suit states, "has never been the victim of sexual harassment at McDonalds or anywhere else and is not part of the class of sexual abuse victims that are suing McDonald's."

Bastien then used Google's image search function to see if the photo was posted on other websites. "To her utter shock," she discovered the "exact same picture" was prominently displayed 18 months earlier in another story about sex abuse allegations, this time on CNBC's website, headlined "McDonald's employees stage first #MeToo strike."

Bastien's suit names Yahoo's parent Verizon and CNBC's parent NBCUniversal as co-defendants, along with the reporter who wrote the story for CNBC, Sarah Whitten. The suit claims that Bastien never gave either company permission to use her photo in any article discussing sex abuse and [sexual harassment](#) of McDonald's employees.

The companies chose a close-up of Bastien because she was "female, young and pretty" and "fit the perfect profile of one likely to be sexually harassed," the suit claims.

The lawsuit does not specify how Yahoo and CNBC obtained the photos but states they were taken by a photographer, Jeffrey Goldberg, without Bastien's knowledge. Goldberg, it said, did not give "permission for anyone he sold these photos (to) to use them in such a derogatory manner."

Attorneys for Bastien and NBCUniversal did not immediately respond to requests for comment and further information about the suit. A Verizon official said by email that the company does not discuss ongoing litigation.

Bastien is represented by North Palm Beach-based attorney Marshall Rosenbach and Orlando-based Stephen A. Black.

Although both stories have been removed from the websites, the suit claims that potential employers "may have seen" or "will see" them by an "internet background search" and decide not to hire Bastien, now 28 and working as teacher's aide, if they believe she was involved in litigation, protests or labor strikes against her employer.

She is seeking more than \$30,000 in damages, plus "interest, costs and attorney's fees."

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