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13 **UNITED STATES DISTRICT COURT FOR THE**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15

16 JUSTIN SANCHEZ and ERIC ALEJO; CASE NO: 2:20-cv-05044

**COMPLAINT**

17 *Plaintiffs,*

18 v.

19  
20 LOS ANGELES DEPARTMENT OF  
TRANSPORTATION and CITY OF  
21 LOS ANGELES,

22 *Defendants.*  
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**INTRODUCTION**

1  
2 1. Beginning in late 2017, communities across California witnessed a  
3 near-overnight invasion of motorized electric scooters on city sidewalks. Equipped  
4 with tiny motors, batteries, and the sleek insignia of their proprietor technology  
5 companies, they introduced a new dockless mode of transit for smartphone-  
6 equipped consumers as an alternative to cars, bicycles, and public transit. Similar  
7 to a car ride-share service, riders reserve and pay for scooter rentals through a  
8 smartphone app. At the end of a trip, the user leaves the scooter on the street,  
9 where it can be rented again.

10 2. Soon after scooters appeared, complaints targeting the scooter  
11 companies followed. Although dockless scooters represented a novel and  
12 potentially useful form of transit, they also cluttered city sidewalks, lacked safety  
13 features, and interfered with disabled access to city streets. The scooter companies  
14 themselves often did jurisdictions no favors, aggressively pushing back against  
15 attempts to regulate the vehicles.

16 3. As in other cities across the country, this was the story of scooters in  
17 Los Angeles. In an attempt to avoid the unpopular profusion of scooters filling the  
18 sidewalks, Defendants Los Angeles Department of Transportation and the City of  
19 Los Angeles (collectively “LADOT” or “Defendants”) developed a far-reaching  
20 software tool that (they claim) is necessary to managing the right of way. Dubbed  
21 the Mobility Data Specification (“MDS”), this software interface, crafted in  
22 partnership with a private consultancy, forces operators of dockless vehicles to  
23 provide real-time and historical data about each vehicle and trip taken in Los  
24 Angeles, all as a condition of operating. Most importantly, the tool requires that  
25 scooter companies produce detailed trip data about every single scooter trip taken  
26 within city limits, including where each trip starts, the route it takes, and where it  
27 ends.

28 4. Although MDS does not record the identity of the rider directly, the

1 precision with which it captures riders' location information—often to within a few  
2 feet—likely allows riders to be identified. Knowing that a particular trip began at  
3 an office building and ended in front of a home, for example, makes the difficulty  
4 of identifying the individual rider as simple as knowing their home and work  
5 addresses. Given the large amount of public or otherwise accessible data about  
6 people's lives that exists, simply cross-referencing MDS data about a particular  
7 trip with any other dataset (including mere observation of a routinely-taken scooter  
8 trip) can reveal who took the trip.

9         5. Beyond identifying an individual rider, the locations where an  
10 individual's trip starts and ends can also reveal *why* that rider made the trip.  
11 Regular trips that start near a residence and end at an office reveal that a person  
12 living at the residence works at the office and takes a particular route to work.  
13 Periodic trips that begin at a high school and end in a family-planning clinic could  
14 reveal that a student is seeking reproductive health care. Even a single trip to a  
15 protest against police violence may result in a rider's name being revealed and her  
16 presence at the protest exposed against her wishes.

17         6. LADOT has never articulated an adequate or reasonable justification  
18 for the collection of such sensitive location information *en masse*. When mandated  
19 by the Los Angeles City Council to identify, by February 25, 2020, its reasons for  
20 collecting precise location data, LADOT failed to do so. Now, over three months  
21 after this deadline, LADOT has still not articulated an operationally specific need  
22 for this data. To date, it has offered only the most generic justifications for  
23 collecting precise location information, stating at one point that its goal is to  
24 “experiment” with riders' protected information when setting agency policy.

25         7. The Constitution prohibits LADOT from experimenting with the  
26 rights of its constituents. The Fourth Amendment strictly limits the warrantless  
27 collection of vehicular location information. As a Supreme Court majority  
28 recognized in *United States v. Jones*, “GPS monitoring generates a precise,

1 comprehensive record of a person’s public movements that reflects a wealth of  
2 detail about her familial, political, professional, religious, and sexual associations.”  
3 565 U.S. 400, 415 (2012) (J., Sotomayor, concurring); *id.* at 430 (J., Alito,  
4 concurring) (long-term capture of vehicle location information violates reasonable  
5 expectation of privacy). This is particularly true here, where the scale and breadth  
6 of that data collection has no conceivable relation to a targeted investigation of a  
7 particular individual. MDS collects precise location data associated with *every*  
8 *single rider* of scooters within the City, *every single time* they ride such a vehicle.  
9 And once MDS software is deployed, it gathers location data without any human  
10 involvement and at the maximum precision generated by the vehicles.

11 8. Plaintiffs ride electric scooters in the City of Los Angeles, using the  
12 vehicles to make trips from their homes to work, friends, businesses, and places of  
13 leisure. LADOT uses MDS to warrantlessly collect sensitive vehicle location data  
14 associated with each of Plaintiffs’ trips, in violation of their right to be free from  
15 unreasonable searches and seizures in contravention of the United States and  
16 California Constitutions. The compelled production of Plaintiffs’ location  
17 information also violates the California Electronic Communications Privacy Act  
18 (“CalECPA”).

19 9. LADOT violates these rights irrespective of whether it collects data  
20 about Plaintiffs’ movements in real-time or after a period of delay. The gathering  
21 of historical location information about individuals without sufficient justification  
22 violates the Constitution. *United States v. Carpenter*, 138 S. Ct. 2206, 2218 (2018)  
23 (comparing the greater harms of historical location tracking as opposed to manual  
24 real-time observation, and explaining that “[u]nlike with the GPS device in *Jones*,  
25 police need not even know in advance whether they want to follow a particular  
26 individual, or when.”). When that location data is highly precise (as the MDS data  
27 is), the risks with collecting historical location information are too great without a  
28 warrant.

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