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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO DIVISION**

10 **BRANDI CRAWFORD on**
11 **behalf of herself and all**
12 **others similarly situated**

13 *Plaintiff,*

14 **-against-**

15 **SONY INTERACTIVE**
16 **ENTERTAINMENT, LLC.**

17 *Defendants.*

CASE NO:

CLASS ACTION COMPLAINT FOR DAMAGES
JURY TRIAL DEMANDED

1 Plaintiff Brandi Crawford, individually and on behalf of the Class described below, by and
2 through her attorneys, make the following allegations pursuant to the investigation of counsel and
3 based upon information and belief, except as to allegations specifically pertaining to Plaintiff and
4 counsel, which are based on personal knowledge.

5 I. OVERVIEW OF THE ACTION

6 1. In addition to its distinction as a market leader in the manufacture, marketing and
7 sale of gaming consoles, Defendant Sony Interactive Entertainment America, LLC (“SIE” or
8 “Defendant”) is also the leading seller of “Apps,” *i.e.*, software applications that users download
9 on their mobile computing devices, such as SIE’s PlayStation devices. Among the many thousands
10 of Apps that SIE offers for sale are gaming Apps targeted at children. Although numerous gaming
11 Apps are offered for free and may be downloaded at no cost, many such games are designed to
12 induce purchases of what SIE refers to as “In-App Purchases” or “In- App Content,” *i.e.*, virtual
13 supplies, ammunition, fruits and vegetables, cash and other fake “currency” within the game in
14 order to play the game as it was designed to be played (“Game Currency”). These games are highly
15 addictive, designed deliberately so, and tend to compel children playing them to purchase large
16 quantities of Game Currency, amounting to as much as \$100 per purchase or more. As such, the
17 sale of Game Currency to children is highly lucrative.

18 2. Plaintiff BRANDI CRAWFORD bring this class action on behalf of herself and
19 other parents and guardians who (a) downloaded or permitted their minor children to download a
20 supposed free App from SIE, and (b) then incurred charges for game-related voidable purchases
21 that the minor children were induced by SIE to make, without the parents’ and guardians’
22 knowledge or permission.

23 3. Minors also have the ability to create accounts on the SIE network, claiming that
24 they are their parents, using their parents’ credit cards, without their parents’ permission or
25

1 authorization. SIE does not effectively prohibit such practices despite their obvious knowledge that
2 minors may engage in such activities due to their lack of maturity.

3 4. Plaintiff brings this action for declaratory, equitable and monetary relief under the
4 Declaratory Judgment Act, California’s contract laws, Consumers Legal Remedies Act, Business
5 and Professions Code Sections 17200 *et seq.*, and/or for Unjust Enrichment.

6 **II. PARTIES**

7 6. Plaintiff Brandi Crawford is a citizen of and domiciled in Mississippi. Crawford is
8 the guardian of C.R.B.,, a minor.

9 7. C.R.B. started to play the video game Fortnite on his PlayStation 4 system in mid
10 2019 which required him to have an account with the PlayStation Network, an online service used
11 by the PlayStation 4 that allows users to buy and download games and other digital content.

12 8. C.R.B. made an account with the PlayStation Network system that allowed him to
13 play the Fortnite video game and purchase the virtual goods known as V-bucks in the game.

14 9. V-Bucks are a type of in-game virtual currency or tokens that once bought from the
15 PlayStation Store can be used to buy “skins” in the game Fortnite.

16 10. C.R.B. used his mother’s debit card to make purchases exceeding \$1,000 in the game
17 without her authorization.

18 11. Upon information and belief, there are millions of PlayStation 4 users and there are
19 thousands of putative class members with unauthorized charges made by their minor children.

20 12. Upon information and belief, Defendant Sony Interactive Entertainment America
21 LLC (SIE), is a limited liability corporation formed under the laws of Delaware.¹

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¹ <https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx>

1 13. SIE is a wholly owned subsidiary of Sony Corporation of America, a corporation
2 formed under the laws of the State of New York with headquarters in New York, NY, according to
3 its website.²

4 14. On information and belief, because SIE is a wholly owned subsidiary of Sony
5 Corporation of America, Sony Corporation is the sole member of SIE.

6 15. According to its website, SIE's principal place of business is in San Mateo,
7 California.³

8 16. According to its website SIE's "is responsible for the PlayStation brand and family
9 of products and services [that] includes [the] PlayStation 4 [and] PlayStation Store."⁴

11 III. JURISDICTION AND VENUE

12 17. For purposes of corporate citizenship, Defendant is a citizen of New York as that is
13 the principal place of business of its sole member.

14 18. Defendant has its principal place of business in San Mateo, California, transacts
15 business in this District, has subjected itself to this Court's jurisdiction through such activity, and a
16 substantial part of the events and omissions giving rise to this claim occurred in this District.
17 Accordingly, venue is proper in this District under 28 U.S.C. § 1391.

18 19. This Court has personal jurisdiction over Defendant SIE, because at all times
19 relevant to this action, SIE has engaged in substantial business activities and has its headquarters
20 located in the State of California which can be regarded as the home corporate forum.⁵ Therefore,
21 SIE has sufficient minimum contacts with this state and at all times relevant to this action SIE has
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25 ² https://www.sony.com/en_us/SCA/who-we-are/overview.html

26 ³ <https://www.playstation.com/en-us/corporate/about/>

27 ⁴ *Id.*

28 ⁵ *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924 (U.S. 2011)

1 engaged, either directly or indirectly, in the business of marketing, promoting, distributing, and
2 selling of its products as well as contracting with D.W. and administering the user accounts in
3 California, to render the exercise of jurisdiction by this Court permissible under traditional notions
4 of fair play and substantial justice.

5 20. This Court has jurisdiction pursuant to 28 U.S.C. § 1332(d). This is a class action
6 involving more than 100 Class Members. Plaintiff and Defendant are citizens of different states and
7 the amount in controversy, in the aggregate, exceeds the sum of \$5 million exclusive of interest and
8 costs.
9

10 **IV. FACTUAL ALLEGATIONS**

11 21. SIE oversees the development and marketing of video games, consoles, and products
12 in the United States and Canada.

13 22. SIE's video game products include, among others: games, wireless controllers,
14 wireless stereo headsets, and PlayStation 4 video game consoles.

15 23. SIE has its principle place of business in California, therefore granting this court with
16 personal jurisdiction.
17

18 24. Upon information and belief, SIE sells, advertises, contracts, and administers the
19 PlayStation Network and online Store in the State of California and throughout the United States.

20 25. SIE offers an online and network service called the PlayStation Network (PSN),
21 which includes the PlayStation Store, an online store that allows users and consumers buy and
22 download video games and digital game features.
23

24 26. According to the PlayStation website, by creating an account in the PSN users can
25 play games online as well as buy content and services such as levels for games, movies, and
26 television shows.
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