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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 BRAYDEN STARK, JUDD OOSTYEN,
15 KEVIN BLACK, and MARYANN OWENS,
16 individually and on behalf of all others similarly
17 situated,

18 Plaintiffs,

19 v.

20 PATREON, INC.,

21 Defendant.

Case No.

JURY DEMAND

CLASS ACTION COMPLAINT FOR VIOLATIONS OF:

1. Video Privacy Protection Act, 18 U.S.C. § 2710;
2. Unfair Competition Law, Cal. Bus. and Prof. Code § 17200, *et seq.*;
3. Consumers Legal Remedies Act, Cal. Civ. Code § 1750, *et seq.*;
4. Unjust Enrichment.

1 Plaintiffs, on behalf of themselves and all others similarly situated allege as follows based on
2 personal knowledge and on information and belief based on investigations of counsel.

3 **INTRODUCTION**

4 1. This is a consumer privacy class action against Patreon, Inc. (“Patreon”) for violating the
5 Video Privacy Protection Act (“VPPA” or “the Act”) and state law by disclosing its digital subscribers’
6 identities and video-viewing preferences to Facebook without proper consent.

7 2. The VPPA prohibits “video tape service providers,” such as Patreon, from knowingly
8 disclosing consumers’ personally identifiable information (“PII”), including “information which
9 identifies a person as having requested or obtained specific video materials or services from a video tape
10 provider,” without the person having expressly given consent in a standalone consent form.

11 3. Patreon collects and shares users’ personal information with Facebook using a “Facebook
12 Pixel” or “Pixel”—a snippet of programming code that, once installed on a webpage, sends information
13 to Facebook. In this case, the information shared with Facebook includes the user’s Facebook ID
14 (“FID”) and a title of a video that the user watched. A user’s FID is linked to their Facebook profile,
15 which generally contains a wide range of demographic and other information about the user, including
16 pictures, personal interests, work history, relationship status, and other details.

17 4. Importantly, Patreon discloses the user’s FID and viewing content to Facebook together
18 in a single transmission. Because the user’s FID uniquely identifies an individual’s Facebook account,
19 Facebook—or any other person—can use the FID to quickly and easily locate, access, and view the
20 user’s corresponding Facebook profile. In simplest terms, the Pixel allows Facebook to know what video
21 content one of its users viewed on Patreon’s website.

22 5. At no point are Patreon users informed about Patreon’s dissemination of their viewing
23 content to a third party. Nor do Patreon users consent to such sharing, through a standalone consent form
24 or otherwise. As a result, Patreon violates the VPPA by disclosing this information to Facebook.

25 6. On behalf of a Class of similarly situated Patreon users, Plaintiffs seek appropriate relief
26 through this action. Plaintiffs also assert causes of action arising out of the same practice under
27 California law. Based on the facts set forth in this Complaint, Patreon violates the Unfair Competition
28 Law (“UCL”) and the Consumers Legal Remedies Act (“CLRA”), and is liable for unjust enrichment.

PARTIES

7. Each Plaintiff used his or her Internet-connected device and Web-browsing software (“browser”) installed on that device to visit and watch video content on Defendant’s website, <http://www.Patreon.com>, during the Class Period as defined herein.

8. Plaintiff Brayden Stark is a citizen and resident of Van Nuys, California.

9. Plaintiff Judd Oostyen is a citizen and resident of San Diego, California.

10. Plaintiff Kevin Black is a citizen and resident of Cambridge, Massachusetts.

11. Plaintiff Maryann Owens is a citizen and resident of Los Angeles, California.

12. Defendant Patreon, Inc. (“Patreon”) is a Delaware corporation headquartered at 600 Townsend Street, Suite 500, San Francisco, California 94103.

DIVISIONAL ASSIGNMENT

13. Pursuant to Civil L.R. 3-5(b), assignment to the San Francisco Division is appropriate under Civil L.R. 3-2(c) because Patreon is headquartered in San Francisco and a substantial part of the conduct at issue in this case occurred in San Francisco County.

JURISDICTION AND VENUE

14. This Court has original jurisdiction under 28 U.S.C. § 1331 based on Plaintiffs’ claims under the Video Privacy Protection Act, 18 U.S.C. § 2710. The Court has supplemental jurisdiction over Plaintiffs’ state law claims under 28 U.S.C. § 1367.

15. This Court also has jurisdiction over this lawsuit under the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2), because this is a proposed class action in which: (1) there are at least 100 Class members; (2) the combined claims of Class members exceed \$5,000,000, exclusive of interest, attorneys’ fees, and costs; and (3) Defendant and at least one Class member are domiciled in different states.

16. This Court has personal jurisdiction over Patreon because its principal place of business is within this District and it has sufficient minimum contacts in California to render the exercise of jurisdiction by this Court proper and necessary.

17. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this District.

1 **PLAINTIFF-SPECIFIC ALLEGATIONS**

2 **Brayden Stark**

3 18. Plaintiff Stark is a Patreon member and a Facebook user. He has been a Patreon member
4 since 2019.

5 19. Mr. Stark has consistently paid Patreon approximately \$15.00 per month in subscription
6 fees.

7 20. When he initially subscribed to Patreon, Mr. Stark watched video content on patreon.com
8 daily. He continues to watch video content on the Patreon website, but not as frequently.

9 **Judd Oostyen**

10 21. Plaintiff Oostyen is a Patreon member and a Facebook user. He has been a Patreon
11 member since 2021.

12 22. Mr. Oostyen has consistently paid Patreon approximately \$5.00 per month in subscription
13 fees.

14 23. When he initially subscribed to Patreon, Mr. Oostyen watched video content on
15 patreon.com daily. He continues to watch video content on the Patreon website, but not as frequently.

16 **Kevin Black**

17 24. Plaintiff Black is a Patreon member and a Facebook user. He has been a Patreon member
18 since 2019.

19 25. Mr. Black has consistently paid Patreon approximately \$10.00 per month in subscription
20 fees.

21 26. Mr. Black consistently views videos on the Patreon website.

22 **Maryann Owens**

23 27. Plaintiff Owens was a Patreon member and is a Facebook user. She subscribed to Patreon
24 for approximately two months beginning around August 2021.

25 28. Ms. Owens paid Patreon approximately \$35.00 per month in subscription fees.

26 29. When she was a subscriber, Ms. Owens consistently viewed videos on the Patreon
27 website.

28

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