	Case 3:22-cv-03131-JCS	Document 1	Filed 05/27/22	Page 1 of 16	
1 2 3 4 5 6 7 8 9	Adam E. Polk (SBN 273000) Simon Grille (SBN 294914) Kimberly Macey (SBN 342019) <b>GIRARD SHARP LLP</b> 601 California Street, Suite 1400 San Francisco, CA 94108 Telephone: (415) 981-4800 apolk@girardsharp.com sgrille@girardsharp.com kmacey@girardsharp.com <i>Attorneys for Plaintiffs</i>	) STATES DI	STRICT COUR	Г	
10	NORTHERN DISTRICT OF CALIFORNIA				
11	NORTHER	KN DISTRICT	I OF CALIFOR	NIA	
12			Case No.		
13	BRAYDEN STARK, JUDD OOSTYEN	Ι,			
14	KEVIN BLACK, and MARYANN OWENS, individually and on behalf of all others similarl situated,	similarly	JURY DEMAND CLASS ACTION COMPLAINT FOR VIOLATIONS OF:		
15					
16	Plaintiffs,	1	•	Protection Act, 18 U.S.C.	
17	v.	2	§ 2710; Unfair Compet	ition Law, Cal. Bus. and	
18	PATREON, INC.,		Prof. Code § 1'		
19 20	Defendant.	3	. Consumers Leg Civ. Code § 17	gal Remedies Act, Cal. 50, <i>et seq.</i> ;	
20 21		4	. Unjust Enrichn	nent.	
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Plaintiffs, on behalf of themselves and all others similarly situated allege as follows based on personal knowledge and on information and belief based on investigations of counsel.

#### **INTRODUCTION**

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

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

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

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

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

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

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#### Case 3:22-cv-03131-JCS Document 1 Filed 05/27/22 Page 3 of 16

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### 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.

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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	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	5 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						

1 30. Although Ms. Owens would like to watch videos on Patreon in the future, she will not do 2 so unless Patreon takes sufficient steps to protect the privacy of her personal information and ensure the 3 accuracy of its privacy commitments and representations. 4 31. Plaintiffs value their privacy while web-browsing. 5 32. Plaintiffs' viewing preferences involve personal information of a private and confidential 6 7 nature. 33. Plaintiffs believe information regarding their online viewing preferences is an asset to 8 9 which no third party has a presumptive right of access. 10 **COMMON ALLEGATIONS** A. Patreon Disclosed Plaintiffs' and Class Members' Private Viewing Information to 11 Facebook. 12 13 Patreon's members ("Users") can access a variety of content on Patreon's website, 34. 14 including music, podcasts, and video content posted by content creators. 15 35. While Plaintiffs and Class members were viewing video content on Patreon's website, 16 Patreon transmitted their viewing choices to Facebook, the social networking website and app. 17 36. Patreon also transmitted Users' personal information to other third parties. 18 37. Patreon's transmission of viewing information to Facebook included the specific names 19 of video content viewed by Users, as well as the User's Facebook ID ("FID"), a string of numbers 20 unique to each Facebook profile that personally identified the User. 38. 21 Anyone who possesses an FID may use this number to quickly and easily locate, access, 22 and view the corresponding Facebook profile, which may contain a vast amount of personal information. 23 39. Facebook profiles may contain a Facebook user's name, gender, birthday, place of 24 residence, career, educational history, a multitude of photos, and the content of a Facebook user's posts. 25 This information may reveal even more sensitive personal information—for instance, posted photos may 26 disclose the identity of family members, and written posts may disclose religious preferences, political 27 affiliations, personal interests and more. 28

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