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25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 LAUREN PRICE, individually and on behalf  
28 of all other similarly situated,

Plaintiff,

v.

TWITTER, INC., a corporation,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**CLASS ACTION FOR**

- (1) BREACH OF CONTRACT;**
- (2) BREACH OF IMPLIED CONTRACT;**
- (3) VIOLATION OF UCL, CAL BUS. &**  
**PROF. CODE §§ 17200, ET. SEQ., and**
- (4) UNJUST ENRICHMENT**

**DEMAND FOR JURY TRIAL**

**CLASS ACTION COMPLAINT**

1  
2 Plaintiff Lauren Price, individually and on behalf of all others similarly situated, files this  
3 Class Action Complaint against defendant Twitter, Inc. (“Twitter” or “Defendant”), and in support  
4 states the following.

**INTRODUCTION**

5  
6 1. Twitter operates an online communication service through its website,  
7 www.twitter.com, and through text messaging and mobile applications. The service allows  
8 registered users to communicate with one another by posting “tweets,” or short messages currently  
9 limited to 280 characters or less, with which other users may interact through a “like,” reply, or  
10 “retweet.”

11 2. In order to follow other accounts, or post, like, and retweet tweets, users must register  
12 for a Twitter account.

13 3. This lawsuit concerns Twitter’s surreptitious and undisclosed use of Plaintiff’s and  
14 Class Members’ telephone numbers and email addresses (hereinafter “Personal Information”) for  
15 advertising and marketing purposes, and, ultimately, its own unjust enrichment.

16 4. Twitter solicited and collected Plaintiff’s and Class Members’ telephone numbers  
17 and email addresses under the guise that they were to be used for various account security related  
18 functions, including two-factor authentication, account recovery, and account re-authentication, as  
19 further described below.

20 5. In reality, Twitter was also using this Personal Information of Plaintiff and Class  
21 Members to line its own pockets—specifically, it utilized the provided telephone numbers and email  
22 addresses in its “Tailored Audiences” and “Partner Audiences” marketing products, thereby  
23 permitting advertisers to target specific groups of Twitter users by matching the telephone numbers  
24 and email addresses that Twitter collected to the advertisers’ existing (or purchased) lists of  
25 telephone numbers and email addresses.

26 6. On May 25, 2022, the Attorney General by the Federal Trade Commission (“FTC”  
27 or “Commission”) filed a complaint concerning this conduct and likewise announced that Twitter  
28 will pay a \$150 million fine to settle the allegations. *See United States of America v. Twitter, Inc.*,

1 Case No. 3:22-cv-3070. ECF. No. 1 (N.D. Cal.) (“2022 FTC Complaint”); Federal Trade Comm.  
2 *Twitter to pay \$150 million penalty for allegedly breaking its privacy promises – again* (May 25,  
3 2022), available at [https://www.ftc.gov/business-guidance/blog/2022/05/twitter-pay-150-million-  
4 penalty-allegedly-breaking-its-privacy-promises-again](https://www.ftc.gov/business-guidance/blog/2022/05/twitter-pay-150-million-penalty-allegedly-breaking-its-privacy-promises-again).

5 7. This case seeks vindication and recompense on behalf of the individual consumers  
6 whose personal information was connivingly collected and deployed.

### 7 **THE PARTIES**

8 8. Plaintiff Lauren Price is an adult domiciled in Maryland and has an active Twitter  
9 account and had an active account during the entire Class Period.

10 9. Plaintiff Lauren Price is a Twitter user who between May 2013 and September 2019  
11 provided her telephone numbers and/or email addresses (hereinafter “Personal Information”) to  
12 Twitter regarding two-factor authentication, account recovery, and/or account re-authentication. She  
13 brings claims on behalf of other similarly-situated Twitter users in the United States (the “Class”  
14 defined in Paragraph 73, hereinafter the members of the Class are referred to as “Class Members”)  
15 arising from Twitter’s knowing, unauthorized, and undisclosed use of their Personal Information for  
16 advertising and/or marketing purposes.

17 12. Twitter is a Delaware corporation with its principal place of business at 1355 Market  
18 Street, Suite 900, San Francisco, California, 94103. Twitter transacts or has transacted business in  
19 this District and throughout the United States. At all times material to this Complaint, Twitter has  
20 operated its online communication service through its website, [www.twitter.com](http://www.twitter.com), and through its  
21 mobile applications.

### 22 **JURISDICTION AND VENUE**

23 13. This Court has personal jurisdiction over Defendant because Twitter’s principal  
24 place of business is in California. Additionally, Defendant is subject to specific personal  
25 jurisdiction in this State because a substantial part of the events and conduct giving rise to Plaintiff’s  
26 and Class members’ claims occurred in this State, including Google servers in California receiving  
27 the intercepted communications and data at issue, and because of how employees of Google in  
28 California reuse the communications and data collected.

1           14. This Court has subject matter jurisdiction over this entire action pursuant to the Class  
2 Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d), because this is a class action in which the  
3 amount in controversy exceeds \$5,000,000, and at least one Class member is a citizen of a state  
4 other than California or Delaware.

5           15. Venue is proper in this District because a substantial portion of the events and actions  
6 giving rise to the claims in this matter took place in this judicial District. Furthermore, Twitter is  
7 headquartered in this District and subject to personal jurisdiction in this District.

### 8                           **FACTUAL ALLEGATIONS CONCERNING TWITTER**

#### 9           **I. Twitter’s History of Privacy Violations & Its Agreement with the FTC**

10           16. Twitter’s violation of consumers’ privacy rights is not new – it has been persistent  
11 and pervasive for at least a decade.

12           17. In 2011, the FTC charged Twitter with engaging in deceptive acts or practices in  
13 violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), for its failures to provide reasonable  
14 security measures to prevent unauthorized access to nonpublic user information and to honor the  
15 privacy choices exercised by Twitter users. *See, In re Twitter, Inc.*, C-4316, 151 F.T.C. 162 (Mar.  
16 11, 2011) (Administrative Complaint) at ¶¶ 13-17.<sup>1</sup>

17           18. Specifically, the Administrative Complaint asserted that Twitter had engaged in  
18 deceptive acts or practices by misrepresenting that users could control who had access to their tweets  
19 through a “protected account” or could send private “direct messages” that could only be viewed  
20 by the recipient when, in fact, Twitter lacked reasonable safeguards to ensure those choices were  
21 honored, such as restricting employee access to nonpublic user information based on a person’s job  
22 requirements. *See* Administrative Complaint at ¶¶ 6, 11-12.

23           19. The Administrative Complaint also alleged that Twitter had misrepresented the  
24 controls it implemented to keep user accounts secure, when, in fact, Twitter lacked reasonable  
25 safeguards to limit or prevent unauthorized access to nonpublic user information, such as secure  
26

27 <sup>1</sup> The 2011 Administrative Complaint is also available at:  
28 <https://www.ftc.gov/sites/default/files/documents/cases/2011/03/110311twittercmpt.pdf> (last  
visited May 27, 2022).

1 password requirements and other administrative, technical, or physical safeguards. *See*  
2 Administrative Complaint at ¶¶ 10-12.

3 20. Twitter entered a consent settlement to resolve the Commission's Administrative  
4 Complaint for alleged violations of Section 5(a) of the FTC Act which was memorialized in a 2011  
5 order issued by the FTC. *See In re Twitter, Inc.*, C-4316, 151 F.T.C. 162 (Mar. 11, 2011) (Decision  
6 and Order) ("Commission Order" or "2011 Order").<sup>2</sup> The Commission Order became final in March  
7 2011 and remains in effect. *See* Commission Order, Provision VIII.

8 21. Provision I of the Commission Order, in relevant part, states:

9 **IT IS ORDERED that respondent**, directly or through any  
10 corporation, subsidiary, division, website, or other device, in  
11 connection with the offering of any product or service, in or affecting  
12 commerce, **shall not misrepresent in any manner, expressly or by**  
13 **implication, the extent to which respondent maintains and**  
14 **protects the security, privacy, confidentiality, or integrity of any**  
15 **nonpublic consumer information**, including, but not limited to,  
16 misrepresentations related to its security measures to: (a) prevent  
17 unauthorized access to nonpublic consumer information; or (b) honor  
18 the privacy choices exercised by users.

19 *See* Commission Order, Provision I (emphasis added). The Commission Order required Twitter to  
20 refrain from such misrepresentations for a period of 20 years from the date of the Order (at least  
21 March 2, 2031). *See* Commission Order, Provision VIII.

22 22. Importantly, the Commission Order defines "nonpublic consumer information" as,  
23 in relevant part, "an individual consumer's: (a) email address... [and] (c) mobile telephone  
24 number[.]" *See* Commission Order, Definition 3.

## 25 **II. Twitter Misrepresented the Purposes for Which it Collected Plaintiff's and Class** 26 **Members' Telephone Numbers and Email Addresses**

27 23. Twitter's platform is widely used. As of September 2019, Twitter had more than 330  
28 million monthly active users worldwide, which included journalists, celebrities, commercial brands,  
and government officials.

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<sup>2</sup> The 2011 Commission Order is also available at:  
<https://www.ftc.gov/sites/default/files/documents/cases/2011/03/110311twitterdo.pdf> (last  
visited May 27, 2022).

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