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13 *Attorneys for Plaintiffs individually and*
 14 *on behalf of all others similarly situated*

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

18 LAUREN HUGHES and JANE DOE,
 19 *individually and on behalf of all others*
 20 *similarly situated,*

21 Plaintiffs,

22 v.

23 APPLE, INC.

24 Defendant.
 25
 26
 27
 28

) Case No.:

) **CLASS ACTION COMPLAINT**

) **JURY TRIAL DEMANDED**

-) 1. Negligence
-) 2. Strict Liability- Design Defect
(Consumer Expectation Test)
-) 3. Strict Liability-Design Defect (Risk-
Benefit Test)
-) 4. Unjust Enrichment
-) 5. Intrusion Upon Seclusion
-) 6. Violations of California’s Constitutional
Right to Privacy
-) 7. Violations of CIPA, Cal. Pen. C. §§630,
et seq.
-) 8. Negligence *Per Se*

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-) Cal. Bus. & Prof. C. §§17200, *et seq.*
-) 10. Violations of UCL's Unfair Prong, Cal. Bus. & Prof. C. §§17200, *et seq.*
-) 11. Violations of UCL's Fraudulent Prong, Cal. Bus. & Prof. C. §§17200, *et seq.*
-) 12. Violations of N.Y. Bus. Law §349

INTRODUCTION

1
2 1. Each year, an estimated 13.5 million people are victims of stalking in the United
3 States, with nearly one in three women and one in six men experiencing stalking at some point in
4 their lifetime.¹

5 2. Stalking can manifest in a host of ways, most often through unwanted and
6 repeated behaviors such as phone calls, texts, visits, gifts, internet posts, or any other series of
7 acts that would cause fear in a reasonable person. Regardless of the acts the stalker employs, the
8 common theme of stalking behavior is the fear elicited in the victim.

9 3. This fear undermines and erodes a victim’s autonomy and drastically disrupts
10 their day-to-day life. One in eight employed stalking victims miss time from work because of
11 their victimization and more than half lose more than five days of work.² One in seven stalking
12 victims move as a result of their victimization.³ Unsurprisingly, stalking victims suffer much
13 higher rates of depression, anxiety, insomnia, and social dysfunction than people in the general
14 population.⁴

15 4. Technology has increased the tools available to a stalker, with burner phones or
16 call blocking software providing anonymity, and free email services and social media platforms
17 providing a limitless vector for harassing electronic messages and posts.

18 5. One of the most dangerous and frightening technologies employed by stalkers is
19 the use of real-time location information to track victims. These technologies allow stalkers to
20 follow their victims’ movements in real time and to undo any attempt on the part of the victim to
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22 _____
23 ¹ Stalking Prevention Awareness and Resource Center (SPARC), Stalking Fact Sheet (available
24 at [https://www.stalkingawareness.org/wp-
content/uploads/2019/01/SPARC_StalkngFactSheet_2018_FINAL.pdf](https://www.stalkingawareness.org/wp-content/uploads/2019/01/SPARC_StalkngFactSheet_2018_FINAL.pdf))

25 ² Baum, K., Catalano, S., & Rand, M. (2009). Stalking Victimization in the United States.
26 Washington, DC: Bureau of Justice Statistics

27 ³ *Id.*

28 ⁴ Blaauw, E., Arensman, E., Winkel, F.W., Freeve, A., & Sheridan, L. (2002). The Toll of Stalking. *Journal of Interpersonal Violence* 17(1): 50-63

1 evade or hide from the stalker. If one's location is constantly being transmitted to an abuser,
2 there is no place to run.

3 6. One of the products that has revolutionized the scope, breadth, and ease of
4 location-based stalking is the Apple AirTag. Introduced in April 2021, this device is roughly the
5 size of a quarter, and its sole purpose is to transmit its location to its owner.

6 7. What separates the AirTag from any competitor product is its unparalleled
7 accuracy, ease of use (it fits seamlessly into Apple's existing suite of products), and
8 affordability. With a price point of just \$29, it has become the weapon of choice of stalkers and
9 abusers.

10 8. The AirTag works by emitting signals that are detected by Bluetooth sensors on
11 the hundreds of millions of Apple products across the United States. These sensors comprise
12 Apple's "FindMy" network. When a device on the network detects a signal from the missing
13 device, it reports that missing device's location back to Apple, which in turn reports it to the
14 owner.

15 9. The ubiquity of Apple products, and their constituency in the FindMy network,
16 means that an AirTag can more reliably transmit location data than any competitor. Indeed, in
17 all metropolitan areas, and even many rural areas, one is never more than 100 yards away from
18 an Apple device. Thus, one is never more than 100 yards away from having location data
19 transmitted back to Apple.

20 10. None of this came as a surprise to Apple. Prior to and upon the AirTag's release,
21 advocates and technologists urged the company to rethink the product and to consider its
22 inevitable use in stalking. In response, Apple heedlessly forged ahead, dismissing concerns and
23 pointing to mitigation features that it claimed rendered the devices "stalker proof."

24 11. The concerns were well founded. Immediately after the AirTag's release, and
25 consistently since, reports have proliferated of people finding AirTags placed in their purses, in
26 or on their cars, and even sewn into the lining of their clothes, by stalkers in order to track their
27 whereabouts. The consequences have been as severe as possible: at least two reported murders
28 have occurred in which the murderer used an AirTag to track the victim.

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