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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 KEITH CARROLL, individually and on
behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 LA-Z-BOY INCORPORATED, a
15 Michigan corporation; and DOES 1
through 25, inclusive,

16 Defendants.
17

Case No. 3:22-cv-8961

CLASS ACTION COMPLAINT

1 **I. INTRODUCTION**

2 Whenever someone watches a video on www.la-z-boy.com (the “Website”),
3 Defendants secretly report all the details to Facebook: the visitor’s identity, the titles
4 watched, and more. Why? So Facebook can bombard the person with *more* ads urging
5 the person to buy La-Z-Boy products.

6 As shown below, Defendants’ actions violate the Video Privacy Protection Act
7 (“VPPA”). As such, Defendants are liable to each class member for \$2,500 and related
8 relief.

9 **II. JURISDICTION AND VENUE**

10 1. This Court has subject matter jurisdiction over this action pursuant to 28
11 U.S.C. § 1331 because it arises under the Video Privacy Protection Act (“VPPA”), a
12 federal law.

13 2. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of
14 the acts and events giving rise to the claims occurred in this District.

15 3. Defendants are subject to personal jurisdiction because they have sufficient
16 minimum contacts with California and do business with California residents.

17 **III. PARTIES**

18 4. Plaintiff is an individual consumer advocate.

19 5. Defendant is a Michigan corporation that owns, operates, and/or controls the
20 Website.

21 6. The above-named Defendants, along with their affiliates and agents, are
22 collectively referred to as “Defendants.” The true names and capacities of the Defendants
23 sued herein as DOE DEFENDANTS 1 through 25, inclusive, are currently unknown to
24 Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants
25 designated herein as a DOE is legally responsible for the unlawful acts alleged herein.
26 Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and
27 capacities of the DOE Defendants when such identities become known.

28

1 11. The Facebook Tracking Pixel is a device included programming code that
 2 advertisers can integrate into their website. Once activated, the Facebook Tracking Pixel
 3 “tracks the people and type of actions they take.”⁷ When the Facebook Tracking Pixel
 4 captures an action, it sends a record to Facebook, which Facebook then assimilates into
 5 the Custom Audiences dataset.

6 12. Advertisers control what actions—or, as Facebook calls it, “events”— the
 7 Facebook Tracking Pixel will collect, including the website’s metadata, along with what
 8 pages a visitor views.⁸

9 13. Advertisers control how the Facebook Tracking Pixel identifies visitors. The
 10 Facebook Tracking Pixel is configured to automatically collect “HTTP Headers” and
 11 “Pixel-specific Data.”⁹ HTTP Headers collect “IP addresses, information about the web
 12 browser, page location, document, referrer and persons using the website.”¹⁰ Pixel-
 13 specific Data includes “the Pixel ID and cookie.”¹¹

14 **B. LA-Z-BOY.COM AND THE FACEBOOK PIXEL**

15 14. Defendants’ business plan involves persuading potential customers to try
 16 La-Z-Boy products via the use of persuasive “testimonial” videos. As such, Defendants
 17 are “video tape service providers” under the VPPA because, as part of their business,
 18 they deliver “prerecorded video” content or other “similar audio visual materials.”

19 15. La-z-boy.com hosts and delivers content including videos.
 20
 21
 22

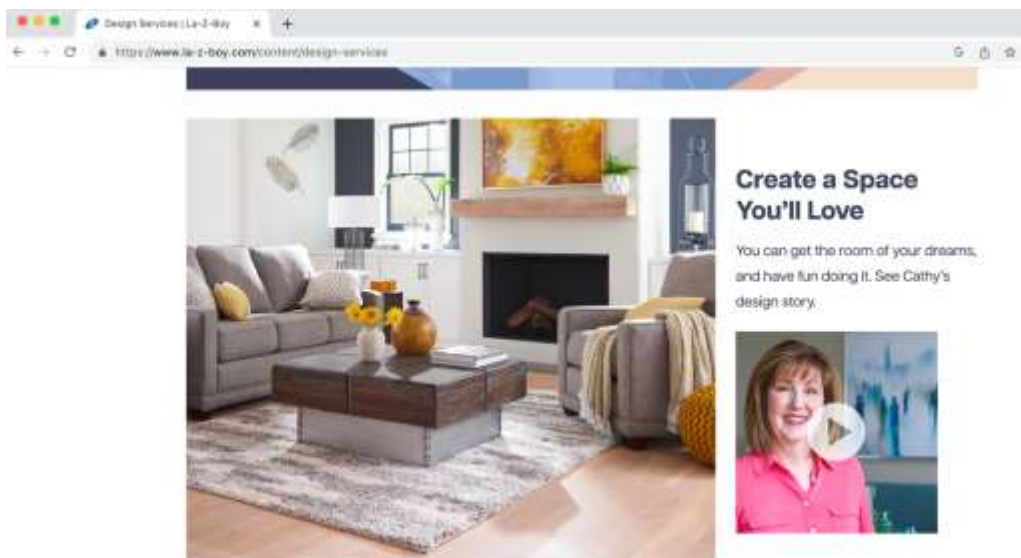
23 AUDIENCE,
 24 <https://www.facebook.com/business/help/1474662202748341?id=2469097953376494>
 (last visited December 15, 2022).

25 ⁷ FACEBOOK, RETARGETING, [https://www.facebook.com/business/oals/reta getting](https://www.facebook.com/business/oals/reta%20getting).
 26 ⁸ See FACEBOOK, FACEBOOK PIXEL, ACCURATE EVENT TRACKING,
 27 ADVANCED, <https://developers.facebook.com/docs/facebook-pixel/advanced/>; see also
 28 FACEBOOK, BEST PRACTICES FOR FACEBOOK PIXEL SETUP,
<https://www.facebook.com/business/help/218844828315224?id=1205376682832142>
 (last visited December 15, 2022).

⁹ FACEBOOK, FACEBOOK PIXEL, [https://developers.facebook.com/docs/facebook-](https://developers.facebook.com/docs/facebook-pixel/)
 pixel/ (last visited December 15, 2022).

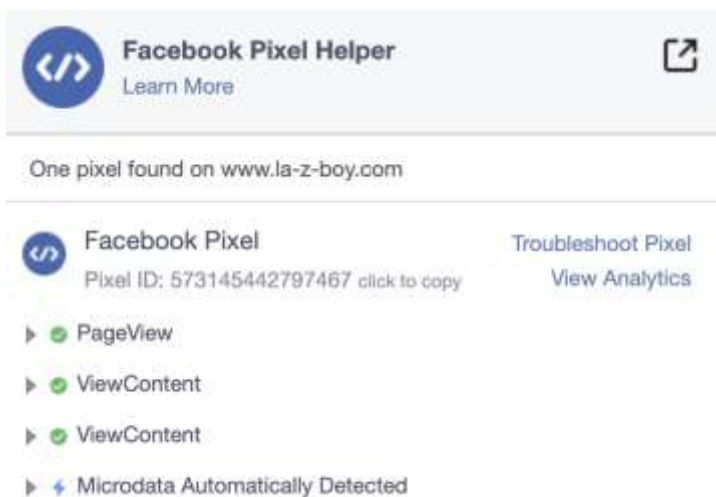
¹⁰ *Id.*

1 **Figure 1**



11
12 16. La-z-boy.com hosts the Facebook tracking Pixel and transmits numerous
13 distinct events to Facebook.¹²

14 **Figure 2**



24
25 17. Defendants have configured the PageView event to transmit the URL and
26 the category of content selected.

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