

1 DAVID J. GALLO (*California Bar No. 127722*)  
2 **LAW OFFICES OF DAVID J. GALLO**  
3 12702 VIA CORTINA, SUITE 500  
4 DEL MAR, CALIFORNIA 92014  
5 Telephone: (858) 509-3652

6 Attorneys for Plaintiffs,  
7 S. WESTRON, and J. MILNE

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

10 S. WESTRON, and  
11 J. MILNE,

12 Plaintiffs,

13 v.

14 ZOOM VIDEO  
15 COMMUNICATIONS, INC., a  
16 Delaware corporation,

17 Defendants.

Case Number:

**COMPLAINT ON BEHALF OF THE  
NON-AMERICAN PEOPLES OF THE  
FIVE EYES COUNTRIES;  
DEMAND FOR JURY TRIAL**

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**CLASS ACTION**

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**COMPLAINT ON BEHALF OF THE NON-AMERICAN PEOPLES OF THE**

1 **JURISDICTION**

2 1. This Court has subject-matter jurisdiction over the claims for relief  
3 asserted herein pursuant to Title 28, U.S.C., Section 1332(d)(2)(B).

4 **VENUE**

5 2. Venue of this civil action is properly fixed in the Northern District of  
6 California, pursuant to Title 28, U.S.C., Section 1391(b)(2); at least a substantial part,  
7 and likely all, of the wrongful conduct which is the subject of this civil action were  
8 planned, directed, and perpetrated within the Northern District of California.  
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10 **DIVISIONAL ASSIGNMENT**

11 3. Plaintiffs are informed and believe, and on such basis aver, that all, or at  
12 least a substantial part, of the events and/or omissions giving rise to the claims  
13 asserted herein occurred within the County of Santa Clara, California. (*Cf.*: Civil L.R.  
14 3-2(c).)

15 **PARTIES**

16 4. Plaintiff, S. Westron (**hereinafter “Westron”**), is an individual citizen  
17 of the United Kingdom of Great Britain and Northern Ireland (**hereinafter the “UK”**).

18 5. Plaintiff, J. Milne (**hereinafter “Milne”**), is an individual citizen of New  
19 Zealand who, during at least some of the times relevant hereto, has been domiciled in  
20 Australia.

21 6. Plaintiffs are informed and believe, and thereupon aver, that Defendant,  
22 Zoom Video Communications, Inc. (**hereinafter “Zoom”**), is a corporation organized  
23 and existing pursuant to the laws of the State of Delaware, whose principal place of  
24 business is within the Northern District of California.

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**CLASS ALLEGATIONS**

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2           7.     On or about 21 April 2022, this Court granted final approval of a class-  
3 action settlement in the civil action (**hereinafter the “Prior Litigation”**) styled, “In  
4 re: Zoom Video Communications, Inc. Privacy Litigation”, Case No. 3:20-cv-02155-  
5 LHK in the above-captioned court. (*See*, Prior Litigation Document 249.)

6           8.     Judgment was entered the same day. (*See*, Prior Litigation Document  
7 250.)

8           9.     The Settlement Class in the Prior Litigation was limited by its express  
9 terms to, “... Persons in the United States ...” (*See*, Prior Litigation Document 191-1,  
10 Page 9, at § 1.40.)

11          10.    The limitation of the Settlement Class in the Prior Litigation to, “...  
12 Persons in the United States ...”, did not result from inadvertence.

13          11.    The limitation of the Settlement Class in the Prior Litigation to, “...  
14 Persons in the United States ...”, excluded the people of Australia, Canada, New  
15 Zealand, and the United Kingdom.

16          12.    The people of Australia, Canada, New Zealand, and the United Kingdom,  
17 share our values, our common language (*see*, Cal. Const., art. III, § 6), and even  
18 the common law (*see*, Civ. Code, § 22.2).

19          13.    Australia, Canada, New Zealand, and the United Kingdom, are so closely  
20 aligned with the United States that they are the five parties to the Five Eyes agreement,  
21 a long-standing secret intelligence agreement that allocates electronic surveillance  
22 collection among the five states and anticipates a high level of coordination and  
23 intelligence sharing. *See, ex rel., Intelligent Waves, LLC v. United States*, 135 Fed.Cl.  
24 299, 302 n.1 (2017).

25          14.    The members of the proposed Plaintiff Class described, *infra*, are so  
26 numerous that joinder of all members is impractical. Zoom’s SEC Form 10-K, filed  
27 18 March 2021, states that Zoom’s, “... platform addresses the communications needs  
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1 of users worldwide, and [Zoom] see[s] international expansion as a major  
2 opportunity.” The same document recites that thirty-one percent (31%) of Zoom’s  
3 total revenue in the year commencing 1 February 2020, and concluding 31 January  
4 2021, was derived from marketing areas to which Zoom refers as Asia-Pacific  
5 (“APAC”), and Europe, Middle East, and Africa (“EMEA”). On the basis of the  
6 foregoing, Plaintiffs are informed and believe, and upon such information and belief  
7 aver, that there are hundreds of thousands of members of the proposed Plaintiff Class  
8 described, *infra*.

9 15. There are numerous questions of both law and fact common to the  
10 members of the proposed Plaintiff Class described, *infra*. Common issues will be  
11 enumerated within Plaintiffs’ forthcoming motion for class certification.

12 16. Plaintiffs’ claims asserted herein are typical of the claims of the members  
13 of the proposed Plaintiff Class described, *infra*. Each class member’s claim arises  
14 from the same course of events; Plaintiffs’ claims are, at a minimum, reasonably  
15 co-extensive with those of the absent class members.

16 17. Plaintiffs will fairly and adequately protect the interests of the proposed  
17 Plaintiff Class described, *infra*; neither any Plaintiff, nor their undersigned counsel,  
18 has any conflict of interest with other class members; and (2) Plaintiffs and their  
19 undersigned counsel will prosecute this action vigorously on behalf of the proposed  
20 Plaintiff Class described, *infra*.

21 18. With regard to each claim for injunctive relief asserted herein, Zoom has  
22 acted or refused to act on grounds that apply generally to each Class and Subclass  
23 described, *infra*, so that final injunctive relief or corresponding declaratory relief is  
24 appropriate respecting the proposed Plaintiff Class described, *infra*, as a whole.

25 19. With regard to each claim for monetary relief asserted herein, questions  
26 of law and/or fact common to the class members will predominate over any questions  
27 affecting only individual members; class-action treatment will be superior to other  
28

1 available methods for fairly and efficiently adjudicating the controversy.

2 **PROPOSED CLASS DEFINITION**

3 20. The Plaintiff Class which Plaintiffs propose to represent is proposed to  
4 be defined as follows:

5 All Persons in Australia, Canada, New Zealand, and/or the United  
6 Kingdom of Great Britain and Northern Ireland, who, at any time  
7 subsequent to 31 May 2018, registered, used, opened, or downloaded the  
8 Zoom Meetings Application (“App”), except for (i) all Persons who have  
9 only registered, used, opened, or downloaded the Zoom Meetings App  
10 through an Enterprise-Level Account or a Zoom for Government  
11 Account, (ii) Zoom and its officers and directors; (iii) any judicial officer  
12 of the United States who exercises any authority over the above-  
13 captioned civil action; and (iv) any employee of any court which  
14 exercises any authority over the above-captioned civil action.

15 ... including any and all sub-classes the Court may deem  
16 appropriate, and/or such other class defined in such manner as the Court  
17 may deem conducive to the use of the class-action procedural device to  
18 adjudicate the claims asserted herein.

19 **FACTS**

20 21. Over the past few decades a new industry has arisen which generates  
21 hundreds of billions of dollars of annual revenue by targeting consumers with  
22 espionage through their phones and computers. The perpetrators of this massive  
23 espionage campaign would state that their objective is to gather sufficient information  
24 (hereinafter “**Personal Data**”) about an individual to provide them with “relevant”  
25 and “personalized” advertisements. This is not, however, limited to innocent matter  
26 such as advertising diapers to a person who has just welcomed a new baby into their  
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