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Objector in *pro per*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: ZOOM VIDEO
COMMUNICATIONS, INC. PRIVACY
LITIGATION

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Case No. 5:20-CV-02155-LHK

MELODY RODGERS'
OBJECTION TO
SETTLEMENT AGREEMENT

JUDGE: Hon. Lucy H. Koh
CTRM: 8-4th Floor

RECEIVED

FEB 07 2022

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

NOW COMES Melody Rodgers, and files her Objection to the Settlement Agreement entered by and among Caitlin Brice, Heddi N. Cundle, Angela Doyle, Isabelle Gmerek, Kristen Hartmann, Peter Hirshberg M.F., Therese Jimenez, Lisa T. Johnston, Oak Life Church, Saint Paulus Lutheran Church, and Stacey Simins (hereinafter referred to as "Plaintiffs"), individually and on behalf of the Putative Settlement Class, and Zoom Video Communications Inc. (hereinafter referred to as "Zoom"), and for cause would show this Honorable Court as follows:

A. INTRODUCTION

1. In May 2021, Plaintiffs filed a lawsuit against Zoom before this Honorable Court for data sharing; behavior tracking; user profiling; data mining through third party applications; collection of personal data; unauthorized interception and use of video sessions, chats, and

transcripts; misrepresentations regarding end-to-end encryption; invasion of privacy in violation of California Common Law and the California Constitution, Art. 1, § 1; breach of implied contract; breach of implied covenant of good faith and fair dealing; unjust enrichment/quasi-contract, violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*; and violation of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750.

2. In July 2021, Zoom released a Class Action Settlement Agreement and Release that was executed by interim counsel for Plaintiffs and Counsel for Zoom (hereinafter referred to as the “Settlement Agreement”). **Exhibit 1.**

3. Subsequently, the Settlement Administrator issued a Legal Notice of Class Action Settlement (hereinafter referred to as the “Notice”). **Exhibit 2.** The Notice provided that any party that wishes to object to the Settlement should write to this Court and inform it of why they don’t think the settlement should be approved by March 5, 2022. Melody Rodgers has filed her Objection in a timely fashion in accordance with the Notice. This Objection applies to Melody Rodgers alone.

4. Melody Rodgers, pursuant to Fed. R. Civ. P. 23(e)(5), objects to proposed settlement in the above-captioned class action. The basis for the objection is that the proposed settlement is not fair, reasonable, or adequate. In particular, the settlement is not fair, reasonable or adequate to Melody Rodgers or the members of the class because the fund established by the settlement is so small that it diminishes the award to other class members to a large extent.

B. MELODY RODGERS’ STANDING TO FILE THIS OBJECTION

5. Melody Rodgers (hereinafter referred to as “Melody”) is a law-abiding female adult citizen of sound mind and a resident of 438 RIVER RIDGE DR. WALLACE, NC 28466.

6. Section 1.40 of the Settlement Agreement defines the Settlement Class as all Persons in the United States who, between March 30, 2016 and the Settlement Date, registered, used, opened, or downloaded the Zoom Meetings Application (“App”) except for (i) all Persons who have only registered, used, opened, or downloaded the Zoom Meetings App through an Enterprise-Level Account or a Zoom for Government Account, (ii) Zoom and its officers and directors; and (iii) the Judge or Magistrate Judge to whom the action is assigned and any member of those Judges' staffs or immediate family members.” **Exhibit 1.**

7. The Settlement Agreement is dated 07/30/2021. Between March 30, 2016 and July 30, 2021, Melody registered, used, opened and downloaded the Zoom Meetings Application on her personal computer. She did not use the app through an Enterprise-Level Account, a Zoom Government Account, and is neither an officer or director of Zoom. Melody is neither a judge to whom this action is assigned nor a member of the learned judge’s staff or immediate family member. Melody falls within the definition of a Settlement Class, and is therefore a Settlement Class Member.

C. GROUNDS FOR OBJECTION

8. Section 2.2(c)(1) of the Settlement Agreement provides: “All Settlement Class Members not eligible to submit a Paid Subscription Claim are entitled to submit a User Claim for \$15 (such claims are referred to herein as “User Claim(s)).” **Exhibit 1.**

9. Melody is entitled to submit a User Claim. However, the settlement of \$15 is too low in regard to the damage suffered after Zoom failed to prevent unauthorized interception of Zoom sessions.

10. Between the dates of December 2020 and December 2021, each and every Monday afternoon, Melody and 20 others held Zoom meetings to discuss a sensitive matters in regard to their children. During their meeting, a man who was not known to any of the people in the meeting and who was not supposed to join their meeting, joined the meeting and began masturbating as Melody and the other people were conducting their meeting.

11. Zoom has represented that their end-to-end encryption ensures that communication between all meeting participants using Zoom clients in a given meeting is encrypted using cryptographic keys known only to the devices of those participants.¹

12. Melody avers that during the Zoom meeting that was held among her and 14 others, Zoom did not encrypt it using cryptographic keys as represented by Zoom. If indeed Zoom had encrypted the meeting using cryptographic keys, the unknown man who infiltrated the meeting and began masturbating would not have had access to the meeting.

13. As a result of Zoom's failure to encrypt the meeting, the unknown man was able to obtain personal details of Melody as well as the other participants. In its Privacy Statement², Zoom states: "Hosts and other participants in a meeting may be able to see your email, display name, and profile picture. Meeting hosts and participants can also see and (depending on the account owner's settings) record or save meeting content, audio transcripts, messages sent to Everyone or to them directly, and files, whiteboards, or other information shared during a meeting. Hosts may also be able to see responses to Q&A and polls generated during the meeting."

14. When the unknown man infiltrated the meeting, he became a participant. No one knows how he was able to join the meeting. For the duration that he was in the meeting, he had

¹

<https://explore.zoom.us/en/trust/privacy/#:~:text=Zoom%20takes%20your%20privacy%20extremely%20seriously.&text=End%2Dto%2Dend%20encryption%20for.the%20devices%20of%20those%20participants.>

² <https://explore.zoom.us/en/privacy/>

access to Melody's email, display name, profile picture, as well as meeting content, audio transcripts, messages sent to Everyone, and other information that she had shared during the meeting. The issue that was being discussed during the meeting involved the participants' children, among them Melody's. The intentions of the unknown man cannot be established.

15. When joining the meeting, Melody was aware that the participants who had authorized access to the meeting would see her personal information. She consented to that when she agreed to the terms of use and privacy policy of Zoom, and proceeded to join and participate in the meeting. However, Melody did not consent to unauthorized people viewing her personal information. That amounts to a violation of Melody's right to privacy.

16. No action has been taken by Zoom in regard to the obscenity that appeared during the meeting.

17. Zoom shared Melody's personal information with Facebook. Melody and other participants are members of an organization called "Save Our Children Truth Commission." They discussed confidential matters pertaining to the welfare of their children. Melody did not consent to the manner in which Zoom shared her personal information with Facebook. She is not a user of Facebook, yet Zoom shared her personal information with Facebook.

18. As a result of Zoom sharing her personal information with Facebook, Melody became a target of abusers of her children. Facebook shares personal information with third party applications. Melody experienced gang-stalking as a result of Zoom divulging her personal information and location without her consent.

19. Melody and other members of Save Our Children Truth Commission preferred to edit videos before posting them online. They edited videos to cut out footage containing confidential information that they did not want released to the public. As a result of Zoom sharing

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