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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

14 STACEY SIMINS, on behalf of herself and  
15 all others similarly situated,

16 Plaintiff,

17 v.

18 ZOOM VIDEO COMMUNICATIONS,  
19 INC.,

20 Defendant.

Case No. 5:20-cv-2893

**CLASS ACTION COMPLAINT AND  
DEMAND FOR JURY TRIAL**

1 Plaintiff, on behalf of herself and all others similarly situated, alleges the following:

2 **SUMMARY OF THE CASE**

3 1. Zoom provides a video-conferencing service called Zoom Meetings. The video meetings  
4 ostensibly allow users to engage in video and audio conversations with only those specified people with  
5 whom they have chosen to communicate. Users reasonably expect these conversations to be private and  
6 secure, and these expectations are heightened by the very nature of Zoom Meetings, where users can  
7 not only be heard, but also seen.

8 2. Zoom has long cultivated the expectation that its service is both secure and private, and  
9 Zoom has grown its business and revenues based on that expectation. Among other things, Zoom has  
10 long marketed the service as being protected with end-to-end, 256-bit encryption, and has emphasized  
11 that it takes concrete steps to ensure privacy and security for its users.

12 3. But in reality, Zoom has failed to deliver private and secure video conferencing. The  
13 level of encryption Zoom provides is far less robust than what it promised. And a wide variety of  
14 security failings have jeopardized Zoom-users' privacy. These failings have enabled bad actors to join  
15 meetings without permission, to access web cameras surreptitiously, and to access many thousands of  
16 recorded Zoom meetings stored online. All the while, Zoom has actively shared information about its  
17 users with Facebook, despite failing to disclose that practice in its privacy policy.

18 4. Zoom's conduct violates various state laws and has led to Zoom profiting unfairly at the  
19 expense of its customers. Plaintiff, as a paying customer, has brought suit on behalf of herself and all  
20 others similarly impacted, to force Zoom to deliver appropriate injunctive relief and remuneration.

21 **PARTIES**

22 5. Plaintiff Stacey Simins is a citizen and resident of Texas.

23 6. Defendant Zoom Video Communications, Inc., is a Delaware corporation with its  
24 principal place of business in San Jose, California.

25 **JURISDICTION AND VENUE**

26 7. This Court has jurisdiction over this action under the Class Action Fairness Act, 28  
27 U.S.C. § 1332(d). There are at least 100 members in the proposed class, the aggregated claims of the  
28 individual class members exceed the sum or value of \$5,000,000, exclusive of interest and costs, and at

1 least one class member is a citizen of a different state than Defendant Zoom. This Court has jurisdiction  
2 over supplemental state law claims pursuant to 28 U.S.C. § 1367.

3 8. This Court may exercise jurisdiction over Defendant because they are registered to  
4 conduct business in California; have sufficient minimum contacts in California; and intentionally avail  
5 themselves of the markets within California through the promotion, sale, marketing, and distribution of  
6 their products, thus rendering the exercise of jurisdiction by this Court just and proper.

7 9. Venue is proper in this District under 28 U.S.C. § 1391 because Defendant is  
8 headquartered in this district, Defendant conducts substantial business in this district, and a substantial  
9 part of the events giving rise to Plaintiff's claims occurred in this District.

### 10 **INTRADISTRICT ASSIGNMENT**

11 10. Assignment to the San Jose Division would be proper because Zoom is headquartered in  
12 San Jose, California, and a substantial part of the events or omissions which give rise to the claims  
13 alleged herein occurred there.

### 14 **FACTUAL ALLEGATIONS**

#### 15 **Background**

16 11. Zoom was launched in 2011. The company provides video-conferencing capabilities to  
17 businesses and individuals.

18 12. The cornerstone of Zoom's product line-up is Zoom Meetings.<sup>1</sup> Zoom Meetings provide  
19 video, voice, chat, and content sharing across mobile devices, desktops, laptops, telephones, and  
20 conference room systems. The Zoom Meetings are effectively calls made online, most commonly with  
21 video as well as audio. The meetings can have two participants or far more.<sup>2</sup>

22 13. Zoom Meetings integrates with numerous other widely used software tools, including  
23 Dropbox, Google, LinkedIn, Microsoft, Salesforce, and Slack. Zoom advertises unparalleled usability,  
24 making it "easy to start, join, and collaborate across any device" with "streamlined enterprise-grade  
25 video conferencing."<sup>3</sup>

26  
27  
28 <sup>1</sup> <https://investors.zoom.us/static-files/09a01665-5f33-4007-8e90-de02219886aa>

<sup>2</sup> <https://investors.zoom.us/static-files/09a01665-5f33-4007-8e90-de02219886aa>

<sup>3</sup> <https://web.archive.org/web/20200208202315/https://zoom.us/meetings>

1 14. Zoom customers include global Fortune 50 companies and span industry sectors,  
2 including education, entertainment/media, enterprise infrastructure, finance, government, health care,  
3 manufacturing, non-profit/not for profit and social impact, retail/consumer products, and  
4 software/internet.<sup>4</sup> As of January 31, 2020, approximately 81,900 Zoom customers had more than 10  
5 employees.

6 15. As of December 2019, Zoom had about 10 million peak daily Zoom Meeting  
7 participants. Following the rapid adoption of Zoom due to COVID-19 related closures, in March 2020  
8 Zoom reported daily meeting participants topped 200 million.<sup>5</sup>

9 16. Zoom users can access Zoom Meetings by creating an account. Zoom offers a basic  
10 account level for free, and it charges between \$14.99 and \$19.99 per month, per host, for accounts that  
11 come with additional features, including the ability to host more participants and to conduct meetings  
12 lasting longer than 40 minutes. Zoom users can pay for additional add-on features, including additional  
13 cloud storage and support for conference rooms. In addition, Zoom offers education and healthcare  
14 plans with their own pricing.

#### 15 **Users Reasonably Expect Security and Privacy When Using Zoom**

16 17. Because of the very nature of Zoom Meetings, users expect and understand that the  
17 service comes with privacy and security features. Like talking on the phone, communicating by video  
18 conference is generally understood to be a private matter. Users reasonably expect that their  
19 communications will only be heard and seen by those that the users know they are communicating with  
20 in the meeting.

21 18. Zoom understands that user privacy and security are important for its customers. As  
22 Zoom put it in a June 2019 security guide, “Zoom places security as the highest priority in the  
23 operations of its suite of products and services.”<sup>6</sup> At least as far back as November 2019, Zoom’s  
24 security webpage acknowledged that “millions of people and organizations trust us with their  
25 communications.”<sup>7</sup>

26  
27 <sup>4</sup> <https://investors.zoom.us/static-files/09a01665-5f33-4007-8e90-de02219886aa>

<sup>5</sup> <https://blog.zoom.us/wordpress/2020/04/01/a-message-to-our-users/>

28 <sup>6</sup> <https://web.archive.org/web/20200331082306/https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf>

<sup>7</sup> <https://web.archive.org/web/20191104094251/https://zoom.us/security>

1 19. Not only does Zoom know its users expect privacy and security, Zoom actively  
2 cultivates that expectation. Zoom’s June 2019 security guide tells users it “strives to continually  
3 provide a robust set of security features and practices to meet the requirements of businesses for safe  
4 and secure collaboration.<sup>8</sup> Since November 2019, its security webpage told users that Zoom is “proud  
5 to exceed industry standards when it comes to your organizations communications.”<sup>9</sup> And since at least  
6 October 2018, the product webpage for Zoom Meetings promised that it was “built for modern teams”  
7 and allowed users to “meet securely” with end-to-end encryption and other security features and  
8 settings.<sup>10</sup>

9 20. Zoom’s blog includes numerous entries regarding Zoom’s security features, stating, for  
10 example, “ensuring the privacy and security of our users and their data is our top priority”<sup>11</sup> and “Zoom  
11 is able to give hosts and attendees the security they need to communicate confidently and securely over  
12 any device.”<sup>12</sup>

13 21. In addition to these statements acknowledging the importance of privacy and security,  
14 Zoom tells users “how Zoom secures your data and protects your privacy.”<sup>13</sup> Of particular emphasis,  
15 Zoom tells potential and current users that Zoom uses “encryption for all meetings.”<sup>14</sup> And in  
16 particular, beginning at least in July 2017, Zoom claimed to provide “industry-standard end-to-end  
17 Advanced Encryption Standard (AES) encryption using 256-bit keys to protect meetings.”<sup>15</sup>

18 22. Zoom has emphasized the end-to-end and 256-bit AES encryption both generally and in  
19 the context of meetings involving entities in the fields of education, finance, government, and  
20 healthcare—all of which require privacy and security. On July 12, 2019, in a blog post titled “The Rise  
21 of Cloud Video Conferencing in Financial Services,” Zoom identified compliance and security,  
22 including encryption and security certifications, as one of the capabilities that financial services looked  
23 for in evaluating video conferencing services.<sup>16</sup> So, on its finance webpage, Zoom advertises “multi-

24  
25 <sup>8</sup> <https://web.archive.org/web/20200331082306/https://zoom.us/docs/doc/Zoom-Security-White-Paper.pdf>

26 <sup>9</sup> <https://web.archive.org/web/20191104094251/https://zoom.us/security>

27 <sup>10</sup> <https://web.archive.org/web/20181028201834/https://www.zoom.us/meetings>

28 <sup>11</sup> <https://blog.zoom.us/wordpress/2020/03/29/zoom-privacy-policy/>

<sup>12</sup> <https://blog.zoom.us/wordpress/2019/12/04/hosts-admins-secure-zoom-meeting-experience/>

<sup>13</sup> <https://zoom.us/docs/en-us/privacy-and-security.html>

<sup>14</sup> <https://zoom.us/meetings>

<sup>15</sup> <https://web.archive.org/web/20200406001952/https://zoom.us/meetings>

<sup>16</sup> <https://blog.zoom.us/wordpress/2019/07/12/rise-of-cloud-video-conferencing-in-financial-services/>

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