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10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JOSE MEDINA CAMACHO and
14 RHONDA COTTA, on behalf of
15 themselves and all others similarly
16 situated,

17 Plaintiffs,

18 vs.

19 PEOPLECONNECT, INC., a Delaware
20 corporation; INTELIUS LLC, a Delaware
21 limited liability company; and THE
22 CONTROL GROUP MEDIA
23 COMPANY, LLC,

24 Defendants.

Case No. '22CV209 BAS JLB

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

1 Plaintiffs Jose Medina Camacho and Rhonda Cotta (“Plaintiffs”) bring this
2 Class Action Complaint against Defendants PeopleConnect, Inc. (“PeopleConnect”),
3 Intelius LLC (“Intelius”), and The Control Group Media Company, LLC (“TCG”) to
4 put an end to Defendants’ unlawful practice of using the names and identities of
5 Alabama and California residents without their consent in order to promote
6 Defendants’ services. Plaintiffs, on behalf of themselves and all others similarly
7 situated, allege as follows upon personal knowledge as to their own acts and
8 experiences, and, as to all other matters, upon information and belief, including
9 investigation conducted by their own attorneys.

10 NATURE OF THE ACTION

11 1. Defendants operate or operated two websites—Intelius.com and
12 USSearch.com—that purport to sell access to databases containing proprietary
13 “detailed reports” about people to anybody willing to pay for a monthly subscription.

14 2. To market their services, Defendants encourage consumers to perform a
15 free “people search” on their websites. When consumers perform a free search for an
16 individual—by typing the individual’s first and last name into the search bar—
17 Defendants display webpages featuring the searched individual’s full name alongside
18 certain uniquely identifying information, including age, location, and names of
19 relatives. The purpose of these pages is twofold: first, they show potential customers
20 that Defendants’ database contains detailed reports for the *specific* individual they
21 searched for and represent that the detailed report contains much more information
22 about the individual than the “free” report; and second, they offer to sell them a paid
23 subscription to their services, where they can access detailed reports about *anybody*
24 in their database. In other words, Defendants do not offer to sell detailed reports
25 about the individuals searched on their websites, but rather, use their identities to sell
26 subscriptions to Defendants’ paid services.

1 3. Unsurprisingly, the people appearing in these advertisements never
2 provided Defendants with their consent (written or otherwise) to use their identities
3 for any reason, let alone for Defendants' own marketing and commercial purposes.

4 4. Defendants knowingly search for and obtain identifying information on
5 Alabama and California residents. Indeed, this lawsuit revolves around Defendants'
6 business practice of acquiring identifying information about Alabama and California
7 residents with the specific intent of selling access to that information to its
8 customers.

9 5. Defendants compile and generate the content they advertise and sell on
10 their websites.

11 6. By knowingly using Plaintiffs' identities in their advertisements without
12 consent and for their own commercial gain, Defendants violated the right of publicity
13 laws in Alabama and California. Ala. Code § 6-5-770, *et seq.*; Cal. Civ. Code § 3344.

14 PARTIES

15 7. Plaintiff Jose Medina Camacho is a natural person and a resident of the
16 State of Alabama.

17 8. Plaintiff Rhonda Cotta is a natural person and a resident of the State of
18 California.

19 9. Defendant PeopleConnect, Inc. is a corporation existing under the laws
20 of the State of Delaware with its principal place of business located at 1501 4th
21 Avenue, Suite 400, Seattle, Washington 98101.

22 10. Defendant Intelius LLC is a limited liability company existing under the
23 laws of the State of Delaware with its principal place of business located at One
24 Sansome Street, 37th Floor, San Francisco, CA 94104.

25 11. Defendant The Control Group Media Company LLC ("TCG") is a
26 limited liability company existing under the laws of the State of Delaware with its
27
28

1 principal place of business located at 600 B Street, Suite 900, San Diego, California
2 92101. TCG operates under a fictitious business name of “PeopleConnect.”

3 **JURISDICTION AND VENUE**

4 12. This Court has original jurisdiction over this action under the Class
5 Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d)(2). The amount in controversy
6 exceeds \$5,000,000, exclusive of interest and costs, and there are more than 100
7 members of the Class, defined below, many of which are citizens of a different state
8 than Defendants. Defendants Intelius and TCG are citizens of California, where they
9 maintain their principal place of business.

10 13. This Court has personal jurisdiction over Defendants because Intelius
11 and TCG maintain their principal place of business in California, and all Defendants
12 conduct substantial business in this State related to the claims described herein.

13 14. Venue is proper in this Court under 28 U.S.C. § 1391 because TCG is
14 headquartered and resides in this District, its senior officers are located in this
15 District, and a substantial part of the events giving rise to Plaintiffs’ claims arose in
16 this District.

17 **COMMON FACTUAL ALLEGATIONS**

18 ***The Alabama Right of Publicity Act***

19 15. In 2015, the Alabama Legislature recognized that every person has the
20 “right of publicity in any indicia of identity,” Ala. Code § 6-5-771(3), and as a result,
21 passed the Alabama Right of Publicity Act (“ARPA”) to protect individual property
22 rights and prevent the exploitation of individuals’ identities for another’s commercial
23 gain.

24 16. The ARPA protects individuals from the unauthorized use of any of
25 their attributes, including but not limited to, their names, signatures, photographs,
26 images, likenesses, voices, or a substantially similar imitation of one or more of
27 those attributes in the sale or advertisement of products, goods, merchandise, and
28 services.

1 17. In fact, the ARPA states that, “any person or entity who uses or causes
2 the use of the indicia of identity of a person . . . for purposes of advertising or selling,
3 or soliciting purchases of, products, goods, merchandise, or services . . . without
4 consent shall be liable under this article to that person, or to a holder of that person’s
5 rights.” Ala. Code § 6-5-772(a).

6 18. Notably, the ARPA provides a right of publicity “in any indicia of
7 identity . . . whether or not famous,” Ala. Code § 6-5-771(3), as well as liability for
8 persons or entities who wrongfully use another person’s indicia of identity “whether
9 the use is for profit or not for profit.” Ala. Code § 6-5-772(b).

10 ***The California Right of Publicity Statute***

11 19. Similarly, the California legislature enacted a right of publicity statute
12 in 1971 to protect individual property rights and prevent the exploitation of
13 individuals’ identities for another’s commercial gain.

14 20. The statute protects individuals from the unauthorized use of any of
15 their attributes, including but not limited to, their names, signatures, photographs,
16 images, likenesses, voices, or a substantially similar limitation of one or more of
17 those attributes in the sale or advertisement of products, goods, merchandise, and
18 services.

19 21. In fact, the statute states that, “[a]ny person who knowingly uses
20 another’s name, voice, signature, photograph, or likeness, in any manner, on or in
21 products, merchandise, or goods, or for purposes of advertising or selling, or
22 soliciting purchases of, products, merchandise, goods or services, without such
23 person’s prior consent . . . shall be liable for any damages sustained by the person or
24 persons injured as a result thereof.” Cal. Civ. Code § 3344(a).

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