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ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**04/11/2022**  
Clerk of the Court  
BY: JACKIE LAPREVOTTE  
Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO**

**CGC-22-599118**

SAMAN MOLLAEI, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

OTONOMO INC., a Delaware corporation,

*Defendant.*

Case No.

**CLASS ACTION COMPLAINT FOR:**

**(1) Violation of Cal. Penal Code § 637.7**

**DEMAND FOR JURY TRIAL**

Plaintiff Saman Mollaei brings this Class Action Complaint and Demand for Jury Trial against Defendant Otonomo, Inc. for unlawfully tracking automobile drivers' locations and movements without their permission or consent. Plaintiff alleges as follows upon personal knowledge as to himself and his own acts and experiences and, as to all other matters, upon information and belief.

**NATURE OF THE ACTION**

1. Defendant Otonomo Inc. is a data broker that secretly collects and sells real-time GPS location information from more than 50 million cars throughout the world, including from tens of thousands in California. This data allows Otonomo—and its paying clients—to easily pinpoint consumers' precise locations at all times of day and gain specific insight about where they live, work, and worship, and who they associate with. Not surprisingly, Otonomo never requests (or receives) consent from drivers before tracking them and selling their highly private

2. Of course, Otonomo cannot simply ask drivers for permission to track their GPS locations and sell them to scores of unknown third parties. Very few (if any) drivers would voluntarily provide a data broker like Otonomo unfettered access to their daily personal lives. As such, Otonomo has partnered with at least sixteen car manufacturers—including BMW, General Motors, Ford, and Toyota—to use electronic devices in their cars to send real-time GPS location data directly to Otonomo through a secret “always on” cellular data connection. In this way, drivers never even realize electronic tracking devices have been attached to their cars or that anybody is tracking their real-time movements, let alone a data broker.

3. All the while, tens of thousands of unsuspecting California drivers are being tracked while they drop their kids off at school, go to work, pick up groceries, visit with friends, and otherwise go about their daily lives. These individuals are not suspects of any investigations, not part of any state or federal watchlists, and not subjects of any legitimate government surveillance programs. Nor do they have any notice that they are under constant surveillance by Otonomo or that Otonomo is turning around and selling their real-time movements to its paying clients.

4. By secretly tracking the locations of consumers in their cars, Otonomo has violated and continues to violate the California Invasion of Privacy Act (“CIPA”), which specifically prohibits the use of an “electronic tracking device to determine the location or movement of a person” without consent. California Penal Code § 637.7(a).

5. Plaintiff Mollaei is one of tens of thousands of individuals in California being tracked and exploited by Otonomo. This putative class action lawsuit seeks to put an end to Otonomo’s illegal and dangerous conduct and to hold the company accountable for their blatant violation of California law.

#### **PARTIES**

6. Plaintiff Saman Mollaei is a natural person and citizen of the State of California.

7. Defendant Otonomo is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at 2443 Fillmore Street, San

## JURISDICTION AND VENUE

8. This Court has jurisdiction over this action pursuant to Article VI, Section 10 of the California Constitution.

9. This Court has personal jurisdiction over Defendant because it conducts business in this State, and the conduct alleged in this Complaint occurred in, and/or emanated from, this State.

10. Venue is proper in this Court because the conduct at issue occurred in, and/or emanated from, this County.

## FACTUAL BACKGROUND

### *The California Invasion of Privacy Act*

11. In 1967, the California Legislature declared that “advances in science and technology have led to the development of new devices and techniques for the purpose of eavesdropping upon private communications and that the invasion of privacy resulting from the continual and increasing use of such devices and techniques has created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and civilized society.” Cal. Penal Code § 630. As a result, the Legislature passed the California Invasion of Privacy Act “to protect the right of privacy of the people of this state.” *Id.*

12. In recognition of the dangers posed by the increasing power, sophistication, and availability of modern computer and communications technologies, CIPA expressly prohibits the use of an “electronic tracking device to determine the location or movement of a person” without consent. Cal. Penal Code § 637.7(a). “Electronic tracking device” is defined as “any device attached to a vehicle or other movable thing that reveals its location or movement by the transmission of electronic signals.” *Id.* § 637.7(d).

### *Otonomo Secretly Tracks Real-Time Locations and Movements In Violation of CIPA*

13. Otonomo is a data broker that collects a multitude of data generated by automobile drivers, including specifically, real-time GPS location data. Though it is not a consumer-facing company and provides no information to drivers about the data it is collecting

and has already tracked 330 *billion* miles of travel. See Figure 1 below, showing a screenshot of the marketing materials Otonomo provides to potential investors and customers.



**(Figure 1.)**

14. Not only does Otonomo collect enormous amounts of data from unsuspecting drivers, it also sells the data to various third parties, including software application developers, insurance companies, and advertisers, among many others.

15. To collect the highly private and valuable location data from automobiles without the drivers knowing, Otonomo partners with automobile manufacturers—such as BMW—to install electronic tracking devices in their cars. These electronic tracking devices typically take the form of telematics control units (“TCUs”) that feature persistent internet connections. These

1 to determine the car's precise physical GPS location. The devices then transmit the data over the  
2 persistent cellular data connection to Otonomo, which, in turn, allows Otonomo—and its paying  
3 clients—to pinpoint the location and movement of every similarly connected car and driver.

4 16. Unfortunately, Otonomo does not obtain—or even try to obtain—consent from  
5 the tens of thousands of California drivers it tracks.

#### 6 **FACTS SPECIFIC TO PLAINTIFF MOLLAEI**

7 17. Plaintiff Mollaei is a California resident that drives a 2020 BMW X3.

8 18. When Plaintiff's vehicle was delivered to him, it contained an attached electronic  
9 tracking device that allowed Otonomo to track its real-time GPS locations and movements, and  
10 to transmit the data wirelessly to Otonomo.

11 19. Otonomo has used the attached electronic tracking device to the collect Mollaei's  
12 real-time GPS locations and movements.

13 20. At no time did Otonomo receive—or even seek—Plaintiff's consent to track his  
14 vehicle's locations or movements using an electronic tracking device.

#### 15 **CLASS ACTION ALLEGATIONS**

16 21. **Class Definition:** Plaintiff Saman Mollaei brings this action on behalf of himself  
17 and a class defined as follows:

18 All California residents who own or lease a vehicle and whose GPS data has been  
19 collected by Otonomo.

20 The following people are excluded from the Class: (1) any Judge or Magistrate presiding  
21 over this action and members of their families; (2) Defendant, Defendant's subsidiaries, parents,  
22 successors, predecessors, and any entity in which the Defendant or its parents have a controlling  
23 interest and their current or former officers and directors; (3) persons who properly execute and  
24 file a timely request for exclusion from the Class; (4) persons whose claims in this matter have  
25 been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and  
26 Defendant's counsel; and (6) the legal representatives, successors, and assigns of any such  
27 excluded persons.

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