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Superior Court of California,
County of San Francisco

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Clerk of the Court
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

CGC-22-599118

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

Case No.

11 *Plaintiff,*

CLASS ACTION COMPLAINT FOR:

12 v.

(1) Violation of Cal. Penal Code § 637.7

13 OTONOMO INC., a Delaware corporation,

DEMAND FOR JURY TRIAL

14 *Defendant.*
15

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

21 **NATURE OF THE ACTION**

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

1 **JURISDICTION AND VENUE**

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

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

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

9 **FACTUAL BACKGROUND**

10 ***The California Invasion of Privacy Act***

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

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

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

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

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



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20 **(Figure 1.)**

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

24 15. To collect the highly private and valuable location data from automobiles without
25 the drivers knowing, Otonomo partners with automobile manufacturers—such as BMW—to
26 install electronic tracking devices in their cars. These electronic tracking devices typically take
27 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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