

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

RANDY DOTY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ADT, LLC d/b/a ADT SECURITY
SERVICES, a Delaware limited liability
company, and TELESFORO AVILES, an
individual,

Defendants.

CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Randy Doty (“Plaintiff”) brings this Class Action Complaint and Demand for Jury Trial against Defendant ADT, LLC d/b/a ADT Security Services (“ADT”), based on its intentional and negligent tortious acts in providing security services to its customers with remote-viewing capabilities, and Defendant Telesforo Aviles (“Aviles”), for using those services to spy on Plaintiff and others who resided in homes with ADT security systems. 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. In April of 2020, Randy Doty’s wife received a terrifying phone call from ADT: the technician who had installed their indoor security camera system, Telesforo Aviles, had granted himself remote access, and had used that access an unknown amount of times to spy on Randy Doty, his wife, and their minor son in their most private and intimate moments.

2. And Mr. Doty was not the only one. He soon found out that hundreds of households had experienced the same staggering invasion of privacy over at least a *seven-year* period. At fault for this breach of trust: ADT’s unsecure and unmonitored “security” services.

3. While ADT boasts that it has been protecting people for over 145 years and holds itself out as the “#1 in smart home security” it failed to even secure its own systems from massive and ongoing intrusions into its customers’ private lives.

4. ADT failed to provide the security services its customers paid for by leaving large vulnerabilities in the ADT Pulse application and, as a result, compromised the safety and security of its customers’ homes and family members.

5. The ADT vulnerability allowed any one of its technicians to grant themselves (or for them to grant anyone else, for that matter) access to a customer’s ADT Pulse application and control every aspect of the customer’s home security system, including surreptitiously opening locks, disarming their system, and viewing and downloading security camera footage.

6. This vulnerability allowed Aviles—as he admitted in a later guilty plea—to watch people in their homes through the cameras for his own sexual gratification. He would watch customers naked and engaging in sexual activity, which he did hundreds and hundreds of times over, for years, without detection. *See Factual Resume, United States v. Aviles*, No. 20-cr-00506, dkt. 6 (N.D. Tex. Oct. 19, 2020), attached hereto as Exhibit A.)

7. Remarkably, just three months before ADT revealed this vulnerability, ADT conducted a survey recognizing the “strong consumer expectations” of security that consumers had in their smart home products: “With many data privacy and security issues in the news, it’s no surprise that 92 percent of respondents feel smart home security companies need to take measures

to protect customers' personal data and information."¹ ADT bragged that it was leading the industry in establishing "best practices" for the protection of consumer privacy, one of which was strict standards for access to data, promising that "[s]ecurity providers will only share audio or video with first responders with their customers' prior consent, or as required by law, and will not otherwise access a customer's audio or video without the customer's knowledge."²

8. In a frantic effort to mitigate and hide the fact that the vulnerability in its supposedly industry-leading smart home security systems permitted an employee to spy on people in their homes, ADT began a campaign to call all affected account holders and secure a release and confidentiality agreement in exchange for a monetary payment representing a fraction of the value of their claims. This effort, directed by lawyers but carried out by customer service representatives, failed to determine whether individuals were represented by counsel, and attempted to mislead them into believing that the release would cover account holders and non-account holders in the household alike.

9. Beyond Aviles, potentially countless other unknown individuals have been accessing customers' ADT Pulse accounts and surreptitiously viewing their camera footage, for years, all around the country.

10. The mental and emotional impact this revelation has had on every person receiving these calls from ADT is immeasurable. Moments once believed to be private and inside the sanctity of the home are now voyeuristic entertainment for a third party. And worse, those moments could

¹ *ADT Survey Reveals Strong Consumer Expectations for Smart Home Privacy Protections*, ADT (Jan. 27, 2020), <https://investor.adt.com/press-releases/press-release-details/2020/ADT-Survey-Reveals-Strong-Consumer-Expectations-for-Smart-Home-Privacy-Protections/default.aspx> (permanent link available at <https://cite.law/RNP5-BT3U>).

² *Id.*

have been captured, shared with others, or even posted to the Internet. ADT's failure to protect its customers irreparably destroyed their sense of security, safety, intimacy, and well-being.

PARTIES

11. Plaintiff Randy Doty is a natural person and a citizen of the State of Texas.

12. Defendant ADT, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business located at 1501 Yamato Road, Boca Raton, Florida 33431.

13. Defendant Telesforo Aviles is a natural person and a citizen of the State of Texas.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(d)(2), because (i) at least one member of the Class is a citizen of a different state than Defendant ADT, (ii) the amount in controversy exceeds \$5,000,000, exclusive of interests and costs, and (iii) none of the exceptions under that subsection apply in this action.

15. This Court has personal jurisdiction over Defendant ADT because Defendant ADT conducts business in Florida and has its headquarters in this District. This Court has personal jurisdiction over Defendant Aviles because Defendant Aviles conducts business in Florida through his employment with Defendant ADT.

16. Venue is proper pursuant to 28 U.S.C. § 1391(b) because Defendant ADT maintains its headquarters and conducts significant business in this District.

COMMON FACTUAL ALLEGATIONS

I. ADT Promises Safety and Security to Consumers.

17. ADT is a home security company that touts its longstanding expertise in security and claims to have been providing security services since the 19th century. According to ADT, it

is “America’s #1 smart home security provider.” ADT provides residential security systems and monitoring plans that purportedly provide “immediate detection” to “help protect you from intrusion”. In short, ADT promises that it is “committed to your security.”³

18. ADT markets and sells a comprehensive security system package that includes the hardware necessary to operate a home security system, the monitoring services that detect home intrusions and alert the police, and the security system installation.

19. ADT offers various tiers of its home security systems at different price points. The basic tier, for example, features security monitoring equipment with 24/7 alarm monitoring while the highest tier home security package includes various convenience and home automation features.

20. One of the highest tier home security packages is ADT Pulse. ADT Pulse allows consumers to “check on your home - even if you’re away” by giving them remote access to control their home security system from a mobile application or a web browser portal. Specifically, consumers can arm and disarm their home security systems, remotely lock and unlock doors, view live camera footage, and control various smart home devices like a thermostat and lights. *See* Figure 1, showing a screenshot of ADT’s marketing materials for ADT Pulse.⁴

³ ADT Services | Free In-Home Consultation, Expert Installation and Repairs, Personal Customer Support, <https://www.adt.com/services> (last visited Apr. 1, 2021).

⁴ ADT Pulse® | Official ADT Smart Home Automation System, <https://www.adt.com/pulse> (last visited Apr. 1, 2021).

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