

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID MUTNICK, for himself and others)	
similarly situated,)	Case No. 20 C 512
)	
Plaintiff,)	Judge Sharon Johnson Coleman
)	
v.)	Magistrate Judge Maria Valdez
)	
CLEARVIEW AI, INC.; HOAN TON-THAT;)	
RICHARD SCHWARTZ; and CDW)	
GOVERNMENT LLC)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

For the reasons set forth in Plaintiff’s Memorandum of Law in Support of Motion for Preliminary Injunction, Plaintiff David Mutnick, on behalf of himself and all others similarly situated, by his attorneys, respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 65, for an order preliminarily enjoining Defendants Clearview AI, Inc. (“Clearview”); Hoan Ton-That; and Richard Schwartz (collectively, “Defendants”) from:

- (a) continuing to possess the biometric identifiers and information (collectively, “Biometric Identifiers”) of Illinois residents without a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying such identifiers and information when the initial purpose of collecting or obtaining them has been satisfied or within 3 years of each Illinois resident’s last interaction with Defendants, whichever occurs first;
- (b) collecting, capturing or otherwise obtaining any Illinois resident’s Biometric Identifiers, without first providing the written notice required by the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS § 14/15(b), and without obtaining the required written release;
- (c) selling, leasing, trading or otherwise profiting from any Illinois resident’s Biometric Identifiers;

- (d) disclosing, redisclosing and otherwise disseminating any Illinois resident's Biometric Identifiers; and
- (e) continuing to possess the Biometric Identifiers of Illinois residents without taking adequate and reasonable measures to ensure the security of the identifiers and information.

WHEREFORE, Plaintiff David Mutnick, on behalf of himself and all others similarly situated, respectfully requests that the Court enter an order preliminarily enjoining Defendants from:

- (a) continuing to possess the Biometric Identifiers of Illinois residents without a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying such identifiers and information when the initial purpose of collecting or obtaining them has been satisfied or within 3 years of each Illinois resident's last interaction with Defendants, whichever occurs first;
- (b) collecting, capturing or otherwise obtaining any Illinois resident's Biometric Identifiers, without first providing the written notice required by the BIPA and without obtaining the required written release;
- (c) selling, leasing, trading or otherwise profiting from any Illinois resident's Biometric Identifiers;
- (d) disclosing, redisclosing and otherwise disseminating any Illinois resident's Biometric Identifiers; and
- (e) continuing to possess the Biometric Identifiers of Illinois residents without taking adequate and reasonable measures to ensure the security of the identifiers and information.

Plaintiff and class members further request that the Court grant them any further relief it deems just and proper.

Dated: April 8, 2020

Respectfully submitted,

/s/ Scott R. Drury
SCOTT R. DRURY

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CERTIFICATE OF SERVICE

I, Scott R. Drury, an attorney, hereby certify that, on April 8, 2020, I filed the foregoing document using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Scott R. Drury
One of David Mutnick's Attorneys