

EXHIBIT 1

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Attorney for Defendant

Clearview AI, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN RENDEROS, VALERIA THAIS,
SUÁREZ ROJAS, REYNA MALDONADO,
LISA KNOX, MIJENTE SUPPORT
COMMITTEE, and NORCAL RESIST FUND,

Plaintiffs,

v.

CLEARVIEW AI, INC., ALAMEDA COUNTY
DISTRICT ATTORNEY, ALAMEDA POLICE
DEPARTMENT, EL SEGUNDO POLICE
DEPARTMENT, ANTIOCH POLICE
DEPARTMENT, and DOES 1-10

Defendants.

Case No.

**CLEARVIEW AI, INC.'S NOTICE OF
REMOVAL**

[County of Alameda Superior Court
Case No. RG21096898]

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
2 DISTRICT OF CALIFORNIA, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that Defendant Clearview AI, Inc. (“Clearview”) hereby effects the
4 removal of this action from the Superior Court of the State of California for the County of Alameda
5 (“County of Alameda Superior Court”) to the United States District Court for the Northern District of
6 California. Removal is proper under 28 U.S.C. § 1332(a) because the properly joined parties have complete
7 diversity of citizenship and the amount in controversy exceeds \$75,000. Venue is proper in this Court
8 because it is the “district and division embracing the place where [the] action is pending.” 28 U.S.C. §
9 1441(a). Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the state court case file is attached to
10 this Notice of Removal and is incorporated by reference herein. The file includes all process, pleadings,
11 motions, and orders filed in this case, including the Summons and Complaint (Ex. 1) and all other
12 documents filed in the state court (Ex. 2).

13 **FACTUAL BACKGROUND AND STATE COURT PROCEEDINGS**

14 1. This action is one of many filed against Clearview in courts across the country—from
15 California to Illinois to New York—based on nearly identical allegations and asserting substantively
16 identical theories of relief. Specifically, nine federal lawsuits filed against Clearview have been transferred
17 for coordinated multidistrict litigation (“MDL”) proceedings before Judge Sharon Johnson Coleman in the
18 United States District Court for the Northern District of Illinois (the “MDL Court”). *See In Re: Clearview*
19 *AI, Inc., Consumer Privacy Litigation*, MDL No. 2967. The consolidated MDL action has a putative
20 California subclass that includes Plaintiffs here and asserts the same claims against Clearview. Plaintiffs
21 are desperately attempting to keep their case in state court and avoid having their case transferred into the
22 MDL action, but there can be no doubt that diversity jurisdiction exists here.

23 2. On April 22, 2021, Plaintiffs filed this Complaint in the County of Alameda Superior Court
24 against Clearview and four California-based government entities (the “Municipal Defendants”). Plaintiffs
25 allege that Clearview downloads the images of millions of individuals from the Internet, extracts biometric
26 information from these images, and then uses artificial intelligence technology to analyze the information
27 and create a so-called “faceprint” of these individuals. This, in turn, allegedly allows Clearview users to
28

1 upload a “probe image” to the Clearview application and learn certain information about the person in the
2 probe photo, which Plaintiffs allege permanently deprives individuals of their anonymity and privacy and
3 disproportionately misidentifies people of color. *See* Ex. 1, ¶¶ 29-40.

4 3. Plaintiffs also allege that the Municipal Defendants are four of the thousands of users of the
5 Clearview application, but Plaintiffs allege almost nothing about these Municipal Defendants except that
6 they used Clearview’s technology. Ex. 1, ¶¶ 6, 73-75. As described below, the inclusion of the Municipal
7 Defendants in the current iteration of the Complaint was designed solely to defeat diversity jurisdiction.

8 4. On March 9, 2021, the same Plaintiffs, represented by the same counsel, filed an earlier
9 complaint in the County of Alameda Superior Court alleging substantively identical facts and claims
10 against Clearview, which was then the only named defendant. *See Renderos, et al. v. Clearview AI, Inc.*
11 *et al.*, Alameda Sup. Ct. Case No. RG21091138. Attached to this Notice of Removal, and incorporated by
12 reference herein, is a copy of that previously-filed complaint (Ex. 3). The thrust of the prior complaint—
13 much like the instant action and other similar actions already pending in the MDL—was that Clearview’s
14 conduct allegedly violated Plaintiffs’ right to privacy and unlawfully misappropriated their likenesses.

15 5. In that proceeding, on April 8, 2021, Clearview timely filed a notice of removal under 28
16 U.S.C. § 1332(a), removing the case to the United States District Court for the Northern District of
17 California. *See Renderos et al. v. Clearview AI, Inc. et al.*, 4:21-CV-02567 (DMR) (N.D. Cal.), Dkt. 1.

18 6. After removal was effectuated, Plaintiffs informed Clearview for the first time that Plaintiffs
19 had faxed an amended complaint to the Clerk of the County of Alameda Superior Court prior to the filing
20 of the notice of removal. Attached to this Notice of Removal, and incorporated by reference herein, is a
21 copy of the amended complaint in *Renderos, et al. v. Clearview AI, Inc. et al.*, Alameda Sup. Ct. Case No.
22 RG21091138 (Ex. 4). Plaintiffs did not serve this amended complaint on Clearview until after Clearview
23 filed its notice of removal.

24 7. In a transparent attempt to defeat diversity jurisdiction, Plaintiffs’ amended complaint
25 named several California-based government entities as defendants—the same Municipal Defendants now
26 named as defendants in the instant proceeding. *See* Ex. 4. However, because Clearview was not served
27 with the amended complaint (or even aware of it) until after Clearview filed its notice of removal,
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1 Clearview properly removed the original and operative complaint. The law is clear on this point. *See, e.g.,*
2 *Goldberg v. Cameron*, No. 5:15-CV-02556-RMW, 2015 WL 5316339, at *3 (N.D. Cal. Sept. 11, 2015)
3 (“Because the amended complaint [was] not served by the time defendants filed the notice of removal, the
4 original complaint was the operative complaint in the case.”), *aff’d* 694 F. App’x 564 (9th Cir. 2017);
5 *Noorazar v. BMW of N. Am., LLC*, No. 18-CV-02472 W (JLB), 2019 WL 442477, at *2 (S.D. Cal. Feb. 5,
6 2019) (“[I]n California an amended complaint supersedes the original for the purpose of removal only
7 when served upon the affected defendant. A contrary rule would vitiate the removal statute and allow for
8 procedural manipulation.”).

9 8. Following removal of the original action to the Northern District of California, Clearview
10 filed a Notice of Potential Tag-Along Action with the Clerk of the JPML on April 13, 2021, identifying
11 the matter for transfer to the MDL Court in the Northern District of Illinois, where numerous similar actions
12 had been consolidated for pre-trial proceedings. *In Re: Clearview AI, Inc., Consumer Privacy Litigation*,
13 MDL No. 2967, Dkt. 53. On April 15, 2021, the Clerk of the JPML entered a conditional transfer order to
14 transfer the case to the MDL Court. *In Re: Clearview AI, Inc., Consumer Priv. Litig.*, MDL No. 2967, Dkt.
15 55. The conditional transfer order observed that the matter involved “questions of fact that are common to
16 the actions previously transferred” and assigned to the MDL Court. *Id.*

17 9. After the MDL transfer was complete, Plaintiffs could have sought leave to amend their
18 complaint to join the Municipal Defendants. But instead, in a transparent effort to avoid the MDL Court,
19 Plaintiffs immediately and voluntarily dismissed their complaint altogether. *See Renderos et al. v.*
20 *Clearview AI, Inc. et al.*, 4:21-CV-02567 (N.D. Cal.), Dkt. 7.

21 10. One week later, on April 22, 2021, the same group of Plaintiffs represented by the same
22 counsel refiled their Complaint in state court, alleging the same facts and claims against Clearview. *See*
23 *Ex. 1*. This Complaint is substantively duplicative of Plaintiffs’ aborted amended complaint in the prior
24 *Renderos* action. *See Ex. 4*. And just like their prior amended complaint, the Complaint names several
25 California-based government entities as defendants in an attempt to defeat diversity jurisdiction and avoid
26 removal and transfer to the MDL Court. *See Ex. 1*, ¶¶ 22-25.

27 11. Also on April 22, 2021, Plaintiffs filed a Notice of Related Case, identifying the instant
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