

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

In re: Clearview AI, Inc. Consumer Privacy  
Litigation

Civil Action File No.: 1:21-cv-00135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

For the reasons set forth in Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Injunction, Plaintiffs David Mutnick, Mario Calderon, Jennifer Rocio, Anthony Hall and Isela Carmean, on behalf of themselves and all others similarly situated, by appointed interim lead class counsel, respectfully move 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, use and store the unlawfully collected biometric identifiers and biometric information (collectively, "Biometric Data") of Illinois residents;
- (b) Collecting, capturing or obtaining Illinois residents' Biometric Data without first providing the notice and obtaining the releases required by Illinois' Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1, *et seq.*;
- (c) Selling, trading leasing or otherwise profiting from Illinois residents' Biometric Data; and
- (d) Distributing, redistributing or disseminating Illinois residents' Biometric Data without obtaining the consent required by BIPA.

Any preliminary injunctive relief should also require Defendants to:

- (a) Store, transmit and protect from disclosure all Biometric Data of Illinois residents:
  - (i) using the reasonable standard of care within Defendant Clearview's industry;
  - and (ii) in a manner that is the same as or more protective than the manner in which

the Clearview Defendants store, transmit and protect other confidential and sensitive information; and

- (b) Develop and publish on Defendant Clearview's website a written policy, made available to the public, that establishes a retention schedule and guidelines for permanently destroying Illinois residents' Biometric Data when the initial purpose for collecting or obtaining such Biometrics has been satisfied or within three years of the Illinois resident's last interaction with the private entity, whichever occurs first.

The injunctive relief requested in this motion is collectively referred to as the "Injunctive Relief." Plaintiffs further request the appointment of a Special Master to assist with the implementation of any Injunctive Relief and to verify Defendants' compliance with any injunction order.

WHEREFORE, Plaintiffs David Mutnick, Mario Calderon, Jennifer Rocio, Anthony Hall and Isela Carmean, on behalf of themselves and all others similarly situated, respectfully request that the Court enter an order granting them the requested Injunctive Relief. Plaintiffs further request the appointment of a Special Master to assist with the implementation of any Injunctive Relief and to verify Defendants' compliance with any injunction order. Plaintiffs also request that the Court grant them any further relief it deems just and proper.

Dated: April 9, 2021

Respectfully submitted,

By: /s/ Scott R. Drury  
SCOTT R. DRURY  
*Interim Lead Class Counsel for Plaintiffs*

Mike Kanovitz  
Scott R. Drury  
**LOEVY & LOEVY**  
311 N. Aberdeen, 3rd Floor  
Chicago, Illinois 60607  
312.243.5900  
drury@loevy.com

Scott A. Bursor  
Joshua D. Arisohn  
**BURSOR & FISHER, P.A.**  
888 Seventh Avenue  
New York, NY 10019  
646.837.7150  
scott@bursor.com  
jarisohn@bursor.com

Frank S. Hedin (to be admitted *pro hac vice*)  
**HEDIN HALL LLP**  
Four Embarcadero Center, Suite 1400  
San Francisco, California 94104  
415.766.3534  
fhedin@hedinhall.com

Michael Drew  
**NEIGHBORHOOD LEGAL LLC**  
20 N. Clark Street #3300  
Chicago, Illinois 60602  
312.967.7220  
mwd@neighborhood-legal.com

Michael Wood  
Celetha Chatman  
**COMMUNITY LAWYERS LLC**  
20 N. Clark Street, Suite 3100  
Chicago, Illinois 60602  
312.757.1880  
mwood@communitylawyersgroup.com  
cchatman@communitylawyersgroup.com

Steven T. Webster  
Aaron S. Book  
**WEBSTER BOOKK LLP**  
300 N. Washington, Ste. 404  
Alexandria, Virginia 22314  
888.987.9991  
swebster@websterbook.com

*Other Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Scott R. Drury, an attorney, hereby certify that, on April 9, 2021, I filed the foregoing document using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Scott R. Drury  
*Interim Lead Class Counsel for Plaintiffs*