

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>JESS KNOLL, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FARM SHOW PUBLISHING, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. _____</p> <p>CLASS ACTION COMPLAINT JURY TRIAL DEMANDED</p>
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Plaintiff Jess Knoll (“Plaintiff”), individually and on behalf of all others similarly situated, by and through his attorneys, makes the following allegations pursuant to the investigation of his counsel and based upon information and belief, except as to allegations specifically pertaining to himself and his counsel, which are based on personal knowledge.

INTRODUCTION

1. Defendant Farm Show Publishing, Inc. (“FSP”) rented, exchanged, and/or otherwise disclosed detailed information about Plaintiff’s *Farm Show* magazine subscription to data aggregators, data appenders, data cooperatives, and list brokers, among others, which in turn disclosed his information to aggressive advertisers, political organizations, and non-profit companies. As a result, Plaintiff has received a barrage of unwanted junk mail. By renting, exchanging, and/or

otherwise disclosing Plaintiff’s Private Reading Information (defined below) during the relevant pre-July 31, 2016 time period¹, FSP violated Michigan’s Preservation of Personal Privacy Act, H.B. 5331, 84th Leg. Reg. Sess., P.A. No. 378, §§ 1-4 (Mich. 1988), *id.* § 5, added by H.B. 4694, 85th Leg. Reg. Sess., P.A. No. 206, § 1 (Mich. 1989) (the “PPPA”).²

2. Documented evidence confirms these facts. For example, a list broker, NextMark, Inc. (“NextMark”), offers to provide renters access to the mailing list titled “Farm Show Magazine Mailing List”, which contains the Private Reading Information of 129,472 of FSP’s active U.S. subscribers at a base price of “\$105.00/M [per thousand],” (i.e., 10.5 cents apiece), as shown in the screenshot below:

¹ The statutory period for this action is six years. *See* M.C.L. § 600.5813.

² In May 2016, the Michigan legislature amended the PPPA. *See* S.B. 490, 98th Leg., Reg. Sess., P.A. No. 92 (Mich. 2016) (codified at M.C.L. § 445.1711, *et seq.*). The May 2016 amendment to the PPPA, which became effective on July 31, 2016, does not apply retroactively to claims that accrued prior to its July 31, 2016 effective date. *See Boelter v. Hearst Commc’ns, Inc.*, 192 F. Supp. 3d 427, 439-41 (S.D.N.Y. 2016) (holding that “the amendment to the [PP]PA does not apply to Plaintiffs’ claims, and the Court will assess the sufficiency of those claims under the law as it was when Plaintiffs’ claims accrued.”) (citing *Landgraf v. USI Film Prods.*, 511 U.S. 224, 286 (1994)). Because the claims alleged herein accrued, and thus vested, prior to the July 31, 2016 effective date of the amended version of the PPPA, the pre-amendment version of the PPPA applies in this case. *See Horton v. GameStop, Corp.*, 380 F. Supp. 3d 679, 683 (W.D. Mich. Sept. 28, 2018).

Farm Show Magazine Mailing List

"For Everyone in Agriculture Interested in Latest New Products and Ideas" Farm Show magazine is a "what's new" magazine for everyone in agriculture interested in new products and "made it myself" inventions born in farm shops. Farm Show is one of the few agricultural publications that is fully paid and accepts no advertising. This publication has something for everyone --small farmers, large farmers, livestock producers, cash grain operators, irrigators, dealers, county agents, Vo-Ag instructors, gardeners, students and others. Each issue is packed with more than 150 cost- saving ideas in addition to popular topics that appear in every issue. Articles include "Best & Worst Buys" farmers have made in the past year; invaluable buying tips and maintenance advice on equipment; new products for the home: Shop tips & maintenance shortcuts and Ag World.

Get Count
Get Pricing
Get More Information

SEGMENTS	COUNTS THROUGH 06/16/2022	POPULARITY: ***** 100
129,472 TOTAL UNIVERSE / BASE RATE	\$105.00/M	MARKET: BUSINESS
129,472 ACTIVE PAID US SUBSCRIBERS	\$105.00/M	CHANNELS: [x]
90,402 L12M ACTIVE PAID SUBSCRIBERS	+ \$10.00/M	SOURCE: DIRECT MAIL SOLD
18,800 ACTIVE PAID NEW TO FILE	+ \$10.00/M	PRIVACY: UNKNOWN
13,750 ACTIVE CANADIAN SUBSCRIBERS	\$115.00/M	DMA?: YES - MEMBER
29,800 L12 MONTH US EXPIRES	\$75.00/M	STATUS: PREFERRED PROVIDER
1,900 L12M EXPIRES CANADIAN SUBSCRIBERS	\$90.00/M	GEO: USA
CATALOG RATE	\$85.00/M	CANADA
CHARITABLE FUNDRAISING	\$75.00/M	GENDER: 95% MALE
NON-PROFIT FUNDRAISING	\$85.00/M	

DESCRIPTION	SELECTIONS
<p>"For Everyone in Agriculture Interested in Latest New Products and Ideas"</p> <p>Farm Show magazine is a "what's new" magazine for everyone in agriculture interested in new products and "made it myself" inventions born in farm shops. Farm Show is one of the few agricultural publications that is fully paid and accepts no advertising. Its subscribers are DIY/do it yourselfers.</p> <p>This publication has something for everyone --small farmers, large farmers, livestock producers, cash grain operators, irrigators, dealers, county agents, Vo-Ag instructors, gardeners, students and others.</p>	<p>NON-RECIPROCAL RENTAL \$20.00/M</p> <p>SCF \$10.00/M</p> <p>STATE \$10.00/M</p> <p>UNDER 5,000 MINIMUM SERVICE CHARGE \$35.00/F</p> <p>ZIP \$10.00/M</p>
	<p>ADDRESSING</p> <p>KEY CODING \$3.50/M</p> <p>EMAIL \$100.00/F</p> <p>RUN CHARGE \$10.00/M</p>
	<p>RELATED LISTS</p> <ul style="list-style-type: none"> <input type="checkbox"/> THE PROGRESSIVE FARMER <input type="checkbox"/> FARMTEK <input type="checkbox"/> FARMING MAGAZINE <input type="checkbox"/> I-BEHAVIOR DATABASE <input type="checkbox"/> ANTIQUE FARM EQUIPMENT <input type="checkbox"/> MASTERFILE <input type="checkbox"/> GRIT <input type="checkbox"/> MARY JANES FARM MAGAZINE <input type="checkbox"/> MOTHER EARTH NEWS <input type="checkbox"/> FARM & RANCH LIVING MAGAZINE & ENHANCED <input type="checkbox"/> FARM INDUSTRY DATABASE



See **Exhibit A** hereto.

3. By renting, exchanging, or otherwise disclosing the Private Reading Information of its Michigan-based subscribers during the relevant pre-July 31, 2016 time period, FSP violated the PPPA. Subsection 2 of the PPPA provides:

[A] person, or an employee or agent of the person, engaged in the business of selling at retail, renting, or lending books or other written materials ... shall not disclose to any person, other than the customer, a record

or information concerning the purchase ... of those materials by a customer that indicates the identity of the customer.

PPPA § 2.

4. Accordingly, Plaintiff brings this Class Action Complaint against FSP for its intentional and unlawful disclosure of its customers' Private Reading Information in violation of the PPPA.

NATURE OF THE CASE

5. To supplement its revenues, FSP rents, exchanges, or otherwise discloses its customers' information—including their full names, titles of publications subscribed to, and home addresses (collectively "Private Reading Information"), as well as myriad other categories of individualized data and demographic information such as gender—to data aggregators, data appenders, data cooperatives, and other third parties without the written consent of its customers.

6. By renting, exchanging, or otherwise disclosing – rather than selling – its customers' Private Reading Information, FSP is able to disclose the information time and time again to countless third parties.

7. FSP's disclosure of Private Reading Information and other individualized information is not only unlawful, but also dangerous because it allows for the targeting of particularly vulnerable members of society.

8. While FSP profits handsomely from the unauthorized rental,

exchange, and/or disclosure of its customers' Private Reading Information and other individualized information, it does so at the expense of its customers' statutory privacy rights (afforded by the PPPA) because FSP does not obtain its customers' written consent prior to disclosing their Private Reading Information.

PARTIES

9. Plaintiff Jess Knoll is a natural person and citizen of the State of Michigan and resides in Saginaw, Michigan. Plaintiff was a subscriber to *Farm Show* magazine, including during the relevant pre-July 31, 2016 time period. *Farm Show* magazine is published by FSP. While residing in, a citizen of, and present in Michigan, Plaintiff purchased his subscription to *Farm Show* magazine directly from FSP. Prior to and at the time Plaintiff subscribed to *Farm Show*, FSP did not notify Plaintiff that it discloses the Private Reading Information of its customers, and Plaintiff has never authorized FSP to do so. Furthermore, Plaintiff was never provided any written notice that FSP rents, exchanges, or otherwise discloses its customers' Private Reading Information, or any means of opting out. Since subscribing to *Farm Show*, and during the relevant pre-July 31, 2016 time period, FSP disclosed, without the requisite consent or prior notice, Plaintiff's Private Reading Information to data aggregators, data appenders, and/or data cooperatives, who then supplement that information with data from their own files. Moreover, during that same period, FSP rented or exchanged mailing lists containing Plaintiff's

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