

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Insider, Inc. Pixel-VPPA Litigation

Case No. 1:22-cv-06529-AT

CONSOLIDATED CLASS ACTION

COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs Darmel Roby, Jennifer Juenke, Jamie Spritzer, Timothy Stokes and Sanchez Johnson (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, bring this class action lawsuit against Insider, Inc. (“Insider” or “Defendant”) for violations of the Video Privacy Protection Act, 18 U.S.C. § 2710 (“VPPA”). Plaintiffs’ claims arise from Defendant’s practice of knowingly disclosing its digital subscribers’ personally identifiable information and viewed video media (collectively, “Personal Viewing Information”) to a third party, Meta Platforms, Inc. (“Meta”). Plaintiffs’ allegations are based on personal knowledge as to themselves and their own acts and upon information and belief, including further investigation by Plaintiffs’ attorneys as to all other matters.

SUMMARY OF ALLEGATIONS

1. This is a consumer digital privacy class action brought on behalf of all persons with Facebook¹ accounts who have digital subscriptions to Insider and have requested or watched videos on www.insider.com,² a multimedia website owned and operated by Defendant.

2. The VPPA prohibits “video tape service providers,” such as Insider, from

¹ Facebook is owned by Meta Platforms Inc. (“Meta”).

²As used in this complaint, insider.com or www.insider.com also refer to affiliated websites that require the same login, such as businessinsider.com or www.businessinsider.com.

knowingly disclosing consumers' personally identifiable information ("PII"), including "information which identifies a person as having requested or obtained specific video materials or services from a video tape provider," without the person having expressly given consent in a standalone consent form.

3. Insider knowingly discloses its subscribers PII—including the title of every video they view—to Meta without first obtaining their express consent in a stand-alone consent form that complies with the VPPA's statutory requirements.

4. Insider uses the Meta Pixel to purposely track, record, and transmit its digital subscribers' interactions with www.insider.com to Meta.³

5. The Meta Pixel is a snippet of programming code that tracks web visitors as they navigate through a website, including searches, button-clicks, and which links have been clicked on or viewed. The Meta Pixel is installed by Insider, and Insider has full control over which information is tracked and recorded. Resultingly, the Meta Pixel transmits a data packet containing PII, such as the website subscribers' IP address, name, email, or phone number.

6. The information that Insider shares with Meta includes, at a minimum, it's subscribers' Facebook ID ("FID") and the titles of the prerecorded video content that the user requested.

7. A user's FID is linked to their Facebook profile, which generally contains a wide range of demographic and other information about the user, including their name, photos, personal interests, work history, relationship status, and other details.

³ Insider also uses other tools for this purpose, such as first-party and third-party cookies, software development kits ("SDK"), and Facebook's Business Tools, including Advanced Matching and Conversion API.

8. Insider discloses the user's FID and viewing content to Meta together in a single, unencrypted transmission, in violation of the VPPA. Because the user's FID uniquely identifies an individual's Facebook account, which in turn identifies them, Meta—or any other ordinary person—can use the Facebook ID to quickly and easily locate, access, and view the user's corresponding Facebook profile. In the simplest terms, Insider's use of the Meta Pixel allows Meta to know what video content its users viewed on its website.

9. Insider users do not consent to such sharing through a standalone consent form, as required by the VPPA. As a result, Insider violates the VPPA by disclosing this information to Meta.

10. On behalf of a Class of similarly situated Insider users, Plaintiffs seek relief through this action. Based on the facts set forth in this Complaint, Insider violated the VPPA and is liable for unjust enrichment.

PARTIES

Plaintiffs

11. Plaintiff **Darmel Roby** is a citizen and resident of Flint, Michigan.
12. Plaintiff **Jennifer Juenke** is a citizen and resident of Summerfield, Florida.
13. Plaintiff **Jamie Spritzer** is a citizen and resident of Roslyn Heights, New York.
14. Plaintiff **Timothy Stokes** is a citizen and resident of Overt, Mississippi.
15. Plaintiff **Sanchez Johnson** is a citizen and resident of Phenix City, Alabama.

Defendant

16. Defendant Insider is a Delaware corporation headquartered at 1 Liberty Plaza, 8th Floor New York, NY 10006.

JURISDICTION AND VENUE

17. This Court has original jurisdiction under 28 U.S.C. § 1331 based on Plaintiffs' claims under the Video Privacy Protection Act, 18 U.S.C. § 2710.

18. This Court also has subject matter jurisdiction over this lawsuit under the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2) because this is a proposed class action in which: (1) there are at least 100 Class members; (2) the combined claims of Class members exceed \$5,000,000, exclusive of interest, attorneys' fees, and costs; and (3) Defendant and at least one Class member are domiciled in different states.

19. This Court has general personal jurisdiction over Insider because it maintains its principal place of business in New York. Additionally, Insider is subject to specific personal jurisdiction in this State because it maintains sufficient minimum contacts with the State of New York and a substantial part of the events and conduct giving rise to Plaintiffs' claims occurred in this state.

20. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

PLAINTIFF-SPECIFIC ALLEGATIONS

Darmel Roby

21. Plaintiff Roby paid for an Insider digital subscription. Plaintiff Roby registered for his account and Defendant's services by providing his PII, including his name and email address.

22. During the class period, Plaintiff Roby accessed www.insider.com from his web browser and used his subscription to view prerecorded video content on multiple occasions.

23. Plaintiff Roby has maintained a Facebook account for approximately 10 years and uses the account daily. Plaintiff Roby's Facebook profile includes personal information about him, including his name and other personal details.

24. Plaintiff Roby requests and watches prerecorded videos on Insider using the same device and browser that he uses to login to Facebook, including while he is logged in to Facebook.

25. Insider sent to Meta Plaintiff Roby's PII, including his FID, as well as the title of each prerecorded video he viewed without obtaining consent through a standalone consent form. Additionally, he has seen targeted advertisements on Facebook after watching related videos on www.insider.com.

Jennifer Juenke

26. Plaintiff Juenke paid for an Insider digital subscription. Plaintiff Juenke registered for her account and Defendant's services by providing her PII, including her name and email address.

27. During the class period, Plaintiff Juenke accessed www.insider.com from her web browser and used her subscription to view prerecorded video content on multiple occasions.

28. Plaintiff Juenke has maintained a Facebook account for approximately 12 years and uses the account daily. Plaintiff Juenke's Facebook profile includes personal information about her, including her name and other personal details.

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