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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

KAELI GARNER, DOLORES SHEEHAN, PAUL SHEEHAN, RICKY BABANI, MICHAEL BATES, DENNIS CROTEAU, and JEANNETTE CROTEAU, Individually and on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation, and A2Z DEVELOPMENT CENTER, INC., a Delaware Corporation,

Defendants.

CASE NO.

**COMPLAINT—CLASS ACTION
AND DEMAND FOR JURY TRIAL**

CLASS ACTION COMPLAINT

I. INTRODUCTION

1. This case is a class action lawsuit arising out of Amazon’s practice of using smart-speaker technology (“Alexa”) to surreptitiously save permanent recordings of millions of Americans’ voices, all without their knowledge or consent. Such an invasion of privacy blatantly violates the laws of California, Florida, Massachusetts, and New Hampshire, all of which prohibit the recording of oral communications without the consent of all parties to the communication. Plaintiffs bring this

1 action, individually, and on behalf of a class of similarly situated person, to redress those violations
2 of law.

3 2. The mechanics of Amazon’s illegal conduct work as follows. Alexa devices are
4 designed to record and respond to communications immediately after an individual says a word
5 known as a “wake” word, which usually consists of an individual saying the words “Alexa” or
6 “Echo.” Once the Alexa device recognizes the “wake” word, the Alexa device then records the
7 ensuing communication—*including anything an individual in the vicinity of the device may say*—
8 and then transmits that recording to Amazon’s servers for interpretation and processing before
9 receiving the relevant data back in response. *Amazon then indefinitely and permanently stores a*
10 *copy of that recording on its own servers for later use and commercial benefit, warehousing billions*
11 *of private conversations in the process.*

12 3. This practice becomes all the more sinister when one recognizes the magnitude of how
13 much Alexa can capture. For one, Amazon does not distinguish between a registered Alexa user or
14 non-registered users; *anyone* in the vicinity of an Alexa device who speaks—whether directly to
15 Alexa or to another person in the room, or even to themselves—will have their voice recorded through
16 this process.¹ Further, Amazon’s use of this smart-speaker technology is not limited to one line of
17 devices, but encompasses a range of Amazon products including Echo Dot, Echo Plus, Echo Sub,
18 Echo Show, Echo Input, Echo Frames eyeglasses, Amazon Fire TV digital media player, and Amazon
19 Fire tablets. Indeed, Amazon allows third-party manufacturers of devices such as residential
20 thermostats, computers, and security cameras to offer Alexa integration, and even allows third-party
21 manufacturers to offer devices with Alexa capability already built-in, such that those third-party
22 devices are functionally equivalent to an Amazon device (collectively, “Alexa Devices” or “Alexa
23 Device”).

24 4. Shockingly, Alexa may also capture a person’s voice and record their conversations
25 even without the intentional use of a wake word. It has been found that words as varied as

26 _____
27 ¹ “Registered” users refer to persons who registered the Alexa Device at issue. “Unregistered” or
28 “Non-registered” users refer to persons who did not register the Alexa Device at issue.

1 “exclamation,” “congresswoman,” “Kevin’s car,” “pickle,” or “a ghost” have caused an Alexa device
2 to activate if the programmed wake words were “Alexa” or “Echo.”² Notably, a user may set their
3 own wake word, which brings with it another wide range of false positives that activate Alexa’s ears
4 – and Amazon’s insidious course of conduct in the process.

5 5. Alexa’s eavesdropping range thus captures a host of private conversations that many
6 individuals would find extremely personal, including conversations about one’s family, medical
7 conditions, religious beliefs, political affiliations, and other personal or private matters. Such
8 conversations are located and stored in a cold server owned by Amazon—and left in Amazon’s hands
9 to use as they see fit.

10 6. Plaintiffs bring this Class Action Complaint against Defendants Amazon.com, Inc.,
11 and a2z Development Center, Inc. d/b/a Amazon Lab126 (collectively “Amazon” or “Defendants”)
12 to obtain redress for all California, Florida, Massachusetts, and New Hampshire residents who have
13 used Alexa on any Alexa Device, or had their communications monitored, recorded, stored, or
14 intercepted by an Alexa Device—irrespective of whether they were registered or unregistered users—
15 and have therefore been recorded by Amazon without consent. Plaintiffs allege as follows as to
16 themselves, upon personal knowledge of their own acts and experiences, and as to all other matters,
17 upon information and belief including investigation conducted by their undersigned attorneys:

18 **II. PARTIES**

19 7. Plaintiff Kaeli Garner is a natural person and citizen of California, and resides in the
20 County of San Diego. Plaintiff Kaeli Garner lived in a household with an Alexa Device registered by
21 someone else.

22 8. Plaintiffs Dolores Sheehan and Paul Sheehan are natural persons and citizens of the
23 Commonwealth of Massachusetts. Plaintiff Dolores Sheehan owns and operates an Amazon Echo
24
25

26 ² Jennifer Jolly, *It’s not you, it’s them: Google, Alexa and Siri may answer even if you haven’t called*,
27 USA TODAY (Feb. 25, 2020), <https://www.usatoday.com/story/tech/conferences/2020/02/25/google-alexa-siri-randomly-answer-even-without-wake-word-study-says/4833560002/>.

1 device. Dolores and Paul Sheehan are husband and wife and reside in the same household. Plaintiff
2 Paul Sheehan lived in a household with an Alexa Device registered by someone else.

3 9. Plaintiff Ricky Babani is a natural person and citizen of Florida. A member of his
4 household owns and operates an Alexa Device. Plaintiff Ricky Babani lived in a household with an
5 Alexa Device registered by someone else.

6 10. Plaintiff Michael Bates is a natural person and citizen of the Commonwealth of
7 Massachusetts. Plaintiff Michael Bates lived in a household with an Alexa Device registered by
8 someone else.

9 11. Plaintiffs Dennis and Jeannette Croteau are natural person and citizens of New
10 Hampshire. Plaintiff Jeannette Croteau owns and operates an Amazon Device. Plaintiff Dennis
11 Croteau lived in a household with an Alexa Device registered by someone else.

12 12. Defendant Amazon.com, Inc. is a Delaware corporation with its headquarters and
13 principal place of business at 410 Terry Avenue North, Seattle, Washington.

14 13. Defendant a2z Development Center, Inc., d/b/a Amazon Lab126, is a Delaware
15 corporation with its headquarters and principal place of business located at 1120 Enterprise Way,
16 Sunnyvale, California. Amazon Lab126 employs thousands of individuals, many of whom work on
17 Alexa-enabled devices and software at its Sunnyvale headquarters, and is a subsidiary of
18 Amazon.com, Inc.

19 **III. JURISDICTION AND VENUE**

20 14. This Court has subject-matter jurisdiction over this dispute under 28 U.S.C. § 1332(d)
21 because the amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and because
22 at least one member of each class is a citizen of a different state than at least one Defendant.

23 15. This Court has personal jurisdiction over Defendants because a substantial part of the
24 harm, events, and conduct giving rise to Plaintiff's claims occurred in Washington, and Defendant
25 Amazon.com, Inc. is headquartered in Washington.

1 16. Venue is proper in this Court under 28 U.S.C. § 1391 because Defendant
2 Amazon.com, Inc. is headquartered in this District, and because a substantial part of the events and
3 conduct giving rise to Plaintiff's claims took place in this District.

4 **IV. FACTUAL BACKGROUND**

5 17. Amazon is one of the largest companies in the world, with net sales of over \$386
6 billion in 2020.³ As an e-commerce company, Amazon's main sources of revenue are retail sales,
7 third-party seller services, subscription services, and Amazon Web Services ("AWS") arrangements
8 that include "global sales of compute, storage, database and other services."⁴ According to some
9 reports, an astounding 42% of the internet is powered by AWS, more than double that of Microsoft,
10 Google, and IBM combined.⁵

11 18. Amazon also develops certain technology products, including Alexa, Amazon's
12 "cloud-based voice service available on hundreds of millions of devices from Amazon and third-party
13 device manufacturers."⁶ Amazon further describes Alexa as its "voice AI," which "lives in the cloud
14 and is happy to help anywhere there's internet access and a device that can connect to Alexa."⁷ Alexa
15 "listens" to verbal communications and responds to those communications in a simulated voice.

16 19. The inception of Alexa began with Amazon Lab126 designing and engineering the
17 Echo "smart speaker" in 2010, which led to Amazon launching the Echo "smart speaker" product in
18 conjunction with the Alexa voice assistant in November 2014.

19 20. Amazon's use of the Alexa smart-speaker technology is not limited to one line of
20 devices, but now encompasses a range of Amazon products including Echo Dot, Echo Plus, Echo
21 Sub, Echo Show, Echo Input, Echo Frames eyeglasses, Amazon Fire TV digital media player, and
22

23 ³ Form 10-K for Fiscal Year Ended December 31, 2020, Amazon Inc.,
<https://ir.aboutamazon.com/sec-filings/default.aspx>

24 ⁴ *Id.*

25 ⁵ Matt Ward, *Amazon: The Company Consuming Consumers*, thinkgrowth.org (Jan. 29, 2018),
<https://thinkgrowth.org/the-big-4-part-one-amazon-the-company-that-consumes-the-world-fb4679f10708>.

26 ⁶ Amazon, *What is Alexa*, <https://developer.amazon.com/en-US/alexa> (last visited June 4, 2021).

27 ⁷ Amazon, *FAQs: What is Alexa?*, <https://www.amazon.com/b?ie=UTF8&node=21576558011> (last
28 visited June 5, 2021).

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