UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN LENEHAN and JODI BRUST, on behalf of themselves and all others similarly situated,	Case No.:
Plaintiffs,	**CLASS ACTION COMPLAINT**
v.	**JURY TRIAL DEMANDED**
AMAZON.COM, INC.,	
Defendant.	

Plaintiffs Susan Lenehan and Jodi Brust ("Plaintiffs") bring this action on behalf of

themselves, and all others similarly situated against Defendant Amazon.com, Inc. ("Amazon" or

"Defendant"). Plaintiffs make the following allegations pursuant to the investigation of their

counsel and based upon information and belief, except as to the allegations specifically

pertaining to herself, which are based on personal knowledge.

NATURE OF THE ACTION

1.   This is a class action lawsuit brought against Defendant for wiretapping the verbal

communications of Plaintiffs and other consumers using Defendant's smart devices and third-

CLASS ACTION COMPLAINT
CASE NO.

party manufactured smart devices (collectively, the "Alexa Devices") and their internal software

technology. The wiretaps, which are embedded in the software technology, are used by

Defendant to secretly observe and record users' verbal communications, including personal

information. By doing so, Defendant has violated the Federal Wiretap Act, 18 U.S.C. 2510, *et*

seq., the Florida Security of Communications Act ("FSCA"), Fla. Stat. Ann. § 943.01, *et seq.*,

and violated California Invasion of Privacy Act ("CIPA"), Cal. Penal Code §§ 631 and 632.

2.   In or about December 2019, Plaintiff Lenehan purchased an Alexa Device.

Likewise, in or about August 2017, July 2020, and November 2020, Plaintiff Brust purchased

Alexa Devices. The Alexa Devices are only supposed to record communications when a trigger

word is used. Nonetheless, the Alexa Devices recorded, stored, and divulged to Defendant the

contents of Plaintiffs' communications with others, even when no trigger word was used to

activate the device and provide consent to be recorded.

3.   Plaintiffs bring this action on behalf of themselves and a Class of all persons

whose verbal communications were intercepted through the use of Defendant's wiretap on the

Alexa Devices when the trigger word was not used.

PARTIES

4.   Plaintiff Susan Lenehan is a resident of St. Augustine, Florida and has an intent to

remain there, and is therefore a domiciliary of Florida. In or about December 2019, prior to the

filing of this lawsuit, Plaintiff Lenehan purchased and Echo Dot (3rd Generation)—one of the

Alexa Devices—and installed the device in her home in her living room/kitchen area. Plaintiff

Lenehan's Alexa Device was installed from December 2019 through June 2021. During the time

in which her Alexa Device was installed, Plaintiff Lenehan has held numerous conversations

CLASS ACTION COMPLAINT
CASE NO.

BURSOR & FISHER, P.A.
1990 NORTH CALIFORNIA BLVD., SUITE 940

with others in the presence of the Alexa Device. These conversations included topics such as telephone calls with doctors about medical issues, telephone calls with financial institutions and lawyers, and telephone calls with friends and family about private or intimate matters. During these conversations, Plaintiff Lenehan did not intend to trigger her Alexa Device, nor she did intentionally say the trigger word. Nonetheless, upon information and belief, the Alexa Device was always listening to and recording Plaintiff Lenehan's private conversations with others, even when Plaintiff Lenehan did not trigger the Alexa Device. Further, Plaintiff Lenehan has experienced a number of instances when her Alexa Device would activate even when Plaintiff Lenehan did not say the trigger word. Plaintiff Lenehan would only realize that her conversation had been recorded by the Alexa Device because the Alexa Device would ping or speak after Plaintiff finished her sentence. The Alexa Device sent Plaintiff Lenehan's communications to Defendant, even when it was unintentionally triggered. Plaintiff Lenehan did not provide affirmative consent to Defendant to record her private conversations when she did not trigger her Alexa Device.

5.   Plaintiff Jodi Brust is a resident of Kelseyville, California and has an intent to remain there, and is therefore a domiciliary of California. In or about August 2017, prior to the filing of this lawsuit, Plaintiff Brust purchased an Echo Dot (2nd Generation)—one of the Alexa Devices. Likewise, in or about July 2020, Plaintiff Brust purchased an Echo Dot (3rd Generation)—one of the Alexa Devices. Finally, in or about November 2020, Plaintiff Brust purchased an Echo Dot (4th Generation) and Echo Show 8—both Alexa Devices. Plaintiff Brust installed these Alexa Devices in her bedroom, living room, kitchen, and dining room. Plaintiff Brust's Alexa Devices were installed from August 2017 through present. During the time in

CLASS ACTION COMPLAINT
CASE NO.

BURSOR & FISHER, P.A.
1990 NORTH CALIFORNIA BLVD., SUITE 940

1   which her Alexa Devices were installed, Plaintiff Brust has held numerous conversations with

2   others in the presence of the Alexa Devices. These conversations included topics such as

3   telephone calls with doctors about medical issues, telephone calls with financial institutions and

4   lawyers, and telephone calls with friends and family about private or intimate matters. During

5   these conversations, Plaintiff Brust did not intend to trigger her Alexa Devices, nor she did

6   intentionally say the trigger word. Nonetheless, upon information and belief, the Alexa Device

7   was always listening to and recording Plaintiff Brust's private conversations with others, even

8   when Plaintiff Brust did not trigger the Alexa Devices. The Alexa Device sent Plaintiff Brust's

9   communications to Defendant, even when it was unintentionally triggered. Plaintiff Brust did

10 not provide affirmative consent to Defendant to record her private conversations when she did

11 not trigger her Alexa Devices.

12   6.   Defendant Amazon is a Delaware corporation with its headquarters and principal

13 place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon

14 manufacturers, develops, and sells the Alexa Devices, and has access to all communications

15 recorded by the Alexa Devices.

16   **JURISDICTION AND VENUE**

17   7.   This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d)(2)(A)

18 because this case is a class action where the aggregate claims of all members of the proposed

19 class are in excess of $5,000,000.00, exclusive of interests and costs, and at least one member of

20 the proposed class is citizen of state different from Defendant.

21   8.   This Court has personal jurisdiction over the Defendant because Defendant

22 maintains its principal place of business in Washington.

CLASS ACTION COMPLAINT   BURSOR & FISHER, P.A.
CASE NO.   1990 NORTH CALIFORNIA BLVD., SUITE 940

9.   Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this action because Defendant resides in this District.

STATEMENT OF FACTS

A.   Overview Of The Alexa Devices

10.   Defendant Amazon develops software technology and smart devices. Defendant's software product, Alexa, is a "cloud-based voice service available on hundreds of millions of devices from Amazon and third-party device manufacturers."[1]

11.   Alexa is a "voice AI" which listens for verbal cues, commands, and questions and uses a simulated voice to respond to the user's communication.[2] The Alexa software enables users to verbally interact with Amazon devices rather than physically.

12.   Defendant draws a distinction between its software and devices as: "Alexa puts the smart in … speakers, screens and wearables. Alexa lives in the cloud, which means [the user] can ask Alexa for help wherever [the user] find[s] Alexa."[3]

13.   Defendant produces a number of Alexa compatible devices, such as Amazon Smart Oven, AmazonBasics Microwave, Echo Dot, Echo Frames, Echo Glow, Echo Input, and Fire TV, to name a few. In addition, Alexa is compatible with third-party manufactured devices,

---

[1] WHAT IS ALEXA?, https://developer.amazon.com/en-US/alexa.

[2] ALEXA FEATURES, https://www.amazon.com/alexa-skills/b/?ie=UTF8&node=13727921011& tag=googhydr-20&hvadid=480592914378&hvpos=&hvexid=&hvnetw=g&hvrand=95567699 38982265414&hvpone=&hvptwo=&hvqmt=e&hvdev=c&hvdvcmdl=&hvlocint=&hvlocphy=90 31951&hvtargid=kwd-326574424274&ref=pd_sl_5ufl908g5h_e.

[3] *Id.*

CLASS ACTION COMPLAINT
CASE NO.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.