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

SUSAN LENEHAN and JODI BRUST, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

AMAZON.COM, INC.,

Defendant.

Case No.:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

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.

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

1 party manufactured smart devices (collectively, the “Alexa Devices”) and their internal software
2 technology. The wiretaps, which are embedded in the software technology, are used by
3 Defendant to secretly observe and record users’ verbal communications, including personal
4 information. By doing so, Defendant has violated the Federal Wiretap Act, 18 U.S.C. 2510, *et*
5 *seq.*, the Florida Security of Communications Act (“FSCA”), Fla. Stat. Ann. § 943.01, *et seq.*,
6 and violated California Invasion of Privacy Act (“CIPA”), Cal. Penal Code §§ 631 and 632.

7
8 2. In or about December 2019, Plaintiff Lenehan purchased an Alexa Device.
9 Likewise, in or about August 2017, July 2020, and November 2020, Plaintiff Brust purchased
10 Alexa Devices. The Alexa Devices are only supposed to record communications when a trigger
11 word is used. Nonetheless, the Alexa Devices recorded, stored, and divulged to Defendant the
12 contents of Plaintiffs’ communications with others, even when no trigger word was used to
13 activate the device and provide consent to be recorded.

14
15 3. Plaintiffs bring this action on behalf of themselves and a Class of all persons
16 whose verbal communications were intercepted through the use of Defendant’s wiretap on the
17 Alexa Devices when the trigger word was not used.

18 PARTIES

19 4. Plaintiff Susan Lenehan is a resident of St. Augustine, Florida and has an intent to
20 remain there, and is therefore a domiciliary of Florida. In or about December 2019, prior to the
21 filing of this lawsuit, Plaintiff Lenehan purchased and Echo Dot (3rd Generation)—one of the
22 Alexa Devices—and installed the device in her home in her living room/kitchen area. Plaintiff
23 Lenehan’s Alexa Device was installed from December 2019 through June 2021. During the time
24 in which her Alexa Device was installed, Plaintiff Lenehan has held numerous conversations
25

1 with others in the presence of the Alexa Device. These conversations included topics such as
2 telephone calls with doctors about medical issues, telephone calls with financial institutions and
3 lawyers, and telephone calls with friends and family about private or intimate matters. During
4 these conversations, Plaintiff Lenehan did not intend to trigger her Alexa Device, nor she did
5 intentionally say the trigger word. Nonetheless, upon information and belief, the Alexa Device
6 was always listening to and recording Plaintiff Lenehan's private conversations with others, even
7 when Plaintiff Lenehan did not trigger the Alexa Device. Further, Plaintiff Lenehan has
8 experienced a number of instances when her Alexa Device would activate even when Plaintiff
9 Lenehan did not say the trigger word. Plaintiff Lenehan would only realize that her conversation
10 had been recorded by the Alexa Device because the Alexa Device would ping or speak after
11 Plaintiff finished her sentence. The Alexa Device sent Plaintiff Lenehan's communications to
12 Defendant, even when it was unintentionally triggered. Plaintiff Lenehan did not provide
13 affirmative consent to Defendant to record her private conversations when she did not trigger her
14 Alexa Device.
15
16

17 5. Plaintiff Jodi Brust is a resident of Kelseyville, California and has an intent to
18 remain there, and is therefore a domiciliary of California. In or about August 2017, prior to the
19 filing of this lawsuit, Plaintiff Brust purchased an Echo Dot (2nd Generation)—one of the Alexa
20 Devices. Likewise, in or about July 2020, Plaintiff Brust purchased an Echo Dot (3rd
21 Generation)—one of the Alexa Devices. Finally, in or about November 2020, Plaintiff Brust
22 purchased an Echo Dot (4th Generation) and Echo Show 8—both Alexa Devices. Plaintiff Brust
23 installed these Alexa Devices in her bedroom, living room, kitchen, and dining room. Plaintiff
24 Brust's Alexa Devices were installed from August 2017 through present. During the time in
25

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

13 6. Defendant Amazon is a Delaware corporation with its headquarters and principal
14 place of business at 410 Terry Avenue North, Seattle, Washington 98109. Amazon
15 manufacturers, develops, and sells the Alexa Devices, and has access to all communications
16 recorded by the Alexa Devices.
17

18 **JURISDICTION AND VENUE**

19 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d)(2)(A)
20 because this case is a class action where the aggregate claims of all members of the proposed
21 class are in excess of \$5,000,000.00, exclusive of interests and costs, and at least one member of
22 the proposed class is citizen of state different from Defendant.
23

24 8. This Court has personal jurisdiction over the Defendant because Defendant
25 maintains its principal place of business in Washington.
26

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