

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AVELARDO RIVERA and YASMINE
ROMERO, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

AMAZON WEB SERVICES, INC.,

Defendant.

No. 2:22-cv-00269-JHC

NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF
AMAZON WEB SERVICES, INC.'S
RULE 12(b)(6) MOTION TO
DISMISS

NOTED ON MOTION CALENDAR:
November 16, 2022

ORAL ARGUMENT REQUESTED

1 Under Local Civil Rule 7(n), defendant Amazon Web Services, Inc. respectfully submits
2 this Notice of Supplemental Authority in support of its pending motion to dismiss. *See* Dkt. 45.

3 Attached as Exhibit A is a true and correct copy of a transcript of an oral decision by the
4 Eighteenth Judicial Circuit of DuPage County, Illinois in *Guszkiewicz v. Beelman Truck Co.*,
5 No. 2021L001248 (Ill. Cir. Ct. Nov. 3, 2022). In that decision, the *Guszkiewicz* court grants
6 defendant Samsara Inc.’s motion to dismiss claims under the Illinois Biometric Information
7 Privacy Act (“BIPA”) on the ground that technology service providers, like Samsara, comply
8 with BIPA when they contractually require their customers to meet the law’s requirements. The
9 plaintiff in *Guszkiewicz* is represented by Edelson P.C., the firm representing Plaintiffs here.

10 The plaintiff in *Guszkiewicz*, a truck driver employed by Beelman Truck Company,
11 alleged that: (1) Beelman installed Samsara’s security cameras and software services in Beelman
12 vehicles; (2) Samsara’s cameras and software were used to collect biometric data about
13 plaintiff’s and other drivers’ faces while they drove Beelman vehicles; and (3) Samsara should
14 therefore be held liable under BIPA because Samsara did not (among other things) provide
15 notice to, and obtain consent from, plaintiff and other employees. The *Guszkiewicz* court
16 dismissed plaintiff’s claims against Samsara with prejudice, *see* Ex. B, holding that Samsara
17 “satisfied [its] obligations under” BIPA by contractually requiring Beelman to comply with the
18 law, *see* Ex. A (Report of Proceedings) at 19:21-24. The *Guszkiewicz* court also observed that it
19 did not “know how else” Samsara could comply with BIPA given that it has no direct
20 relationship with Beelman’s employees. *See id.* at 19:16.

21 Although the *Guskiewicz* decision was issued before AWS filed its reply in support of its
22 motion to dismiss, the *Guskiewicz* court did not issue a written opinion, and the transcript of the
23 oral decision was not accessible via conventional sources, such as Westlaw. Thus, counsel for
24 AWS is filing this notice as soon as reasonably possible after learning of the
25 *Guskiewicz* decision.
26

1 Dated: December 15, 2022

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26 NOTICE OF SUPPLEMENTAL AUTHORITY

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