

1 DAVIS WRIGHT TREMAINE LLP  
2 Scott R. Commerson (SBN 227460)  
3 *scottcommerson@dwt.com*  
4 James H. Moon (SBN 268215)  
5 *jamesmoon@dwt.com*  
6 865 South Figueroa Street, 24th Floor  
7 Los Angeles, California 90017-2566  
8 Telephone: (213) 633-6800  
9 Fax: (213) 633-6899

7 DAVIS WRIGHT TREMAINE LLP  
8 John A. Goldmark (*pro hac vice* forthcoming)  
9 *johngoldmark@dwt.com*  
10 920 Fifth Avenue, Suite 3300  
11 Seattle, WA 98104-1610  
12 Telephone: (206) 622-3150  
13 Facsimile: (206) 757-7700

11 DAVIS WRIGHT TREMAINE LLP  
12 Joseph E. Addiego III (SBN 169522)  
13 *joeaddiego@dwt.com*  
14 505 Montgomery Street, Ste. 800,  
15 San Francisco, California 94111-6533  
16 Telephone: (415) 276-6500  
17 Fax: (415) 276-6599

16 *Attorneys for Defendant Ring LLC*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

20 BRANDON JACK and JEAN ALDA, for  
21 themselves, as private attorneys general, and/or  
22 on behalf of all others similarly situated,

22 Plaintiffs,

23 vs.

24 RING LLC,

25 Defendant.

Case No. 21-544

**DEFENDANT RING LLC'S NOTICE OF  
REMOVAL**

[From the Superior Court of California, County  
of San Francisco, No. CGC-20-588258]

Compl. Filed: November 19, 2020

Action Removed: January 22, 2021

1 **TO THE CLERK AND TO PLAINTIFFS AND THEIR ATTORNEYS:**

2 **PLEASE TAKE NOTICE** that Defendant Ring LLC (“Ring”) hereby removes this action  
3 from the Superior Court of the State of California for the County of San Francisco to the United  
4 States District Court for the Northern District of California. Ring is entitled to remove this action  
5 to federal district court pursuant to 28 U.S.C. §§ 1332, 1441, 1446 based on the following:

6 **State Court Action**

7 1. On November 19, 2020, Plaintiffs Brandon Jack and Jean Alda (“Plaintiffs”),  
8 purportedly acting on their own behalf, as private attorneys general, and/or on behalf of all others  
9 similarly situated, commenced an action in the Superior Court of the State of California in and for  
10 the County of San Francisco, captioned *Jack v. Ring LLC*, Case No. CGC-20-588258 (the “State  
11 Court Action”). A true and correct copy of the complaint in the State Court Action served upon  
12 Ring is attached hereto as **Exhibit A** (the “Complaint”).

13 2. On December 23, 2020, Ring was served with a copy of the Complaint and a  
14 summons from the State Court Action by personal service to its authorized agent. A true and  
15 correct copy of the Proof of Service of Summons as filed by Plaintiffs in the State Court Action is  
16 attached hereto as **Exhibit B**.

17 3. In addition to the Complaint and Proof of Service of Summons, all other pleadings,  
18 processes, and orders served upon or received by Ring in the State Court Action or found on the  
19 docket in the State Court Action are attached hereto.

- 20 a. The Summons is attached hereto as **Exhibit C**;
- 21 b. The Civil Case Cover Sheet is attached hereto as **Exhibit D**; and
- 22 c. The Notice to Plaintiff, Alternative Dispute Resolution Information  
23 Package, and Stipulation to Alternative Dispute Resolution are attached  
24 hereto as **Exhibit E**.

25 4. The State Court Action is removable to this Court because the Court has original  
26 jurisdiction and the Northern District of California encompasses the location in which the State  
27 Court Action is currently pending (*i.e.*, San Francisco, California). *See* 28 U.S.C. § 1441(a)  
28 (“[A]ny civil action brought in a State court of which the district courts of the United States have

1 original jurisdiction, may be removed by the defendant . . . to the district court of the United  
2 States for the district and division embracing the place where such an action is pending.”).

3 **The Action Is Removable Under the Class Action Fairness Act, 28 U.S.C. § 1332(d)**

4 5. This Court has original jurisdiction pursuant to the Class Action Fairness Act of  
5 2005 (“CAFA”). CAFA was enacted based on Congress’s concern that “cases involving large  
6 sums of money, citizens of many different States, and issues of national concern, have been  
7 restricted to State courts even though they have national consequences.” 151 Cong. Rec. S1086-  
8 01, S1103 (Feb. 8, 2005). CAFA’s purpose is to allow “federal court consideration of interstate  
9 cases of national importance under diversity jurisdiction.” 28 U.S.C. § 1711.

10 6. “[N]o antiremoval presumption attends cases invoking CAFA, which Congress  
11 enacted to facilitate adjudication of certain class actions in federal court.” *Dart Cherokee Basin*  
12 *Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014).

13 7. CAFA extends federal jurisdiction over class actions where: (1) any member of  
14 the proposed class is a citizen of a state different from any defendant (*i.e.*, minimal diversity  
15 exists); (2) there are at least 100 members in all proposed plaintiff classes combined; (3) the  
16 amount in controversy exceeds \$5 million; and (4) no exception to jurisdiction applies. *See* 28  
17 U.S.C. §§ 1332(d). As explained below, each of these requirements is satisfied in this case.

18 ***The Minimal Diversity Requirement Is Satisfied***

19 8. A putative class action is removable based on diversity jurisdiction if “any member  
20 of a class of plaintiffs is a citizen of a State different from any defendant.” 28 U.S.C.  
21 § 1332(d)(2)(A).

22 9. Plaintiffs are citizens and residents of California. (Ex. A ¶¶ 13-14.) The putative  
23 classes they seek to represent are composed of California citizens. (*Id.* ¶¶ 84-88.)

24 10. Ring is a Delaware limited liability company. A limited liability company is a  
25 citizen of every state in which any member is a citizen. *See 3123 SMB LLC v. Horn*, 880 F.3d  
26 461, 465 (9th Cir. 2018). Ring’s member is a citizen of Washington and Delaware. No California  
27 citizens are members of Ring. Thus, Ring is a citizen of Washington and Delaware for  
28 determining minimal diversity.

1 11. Therefore, there is sufficient (and complete) diversity of citizenship between the  
2 relevant parties in this case.

3 ***Plaintiffs’ Proposed Class Exceeds 100 Members***

4 12. This action is a proposed “class action” under 28 U.S.C. § 1332(d)(1)(B), defined  
5 as “any civil action filed under Rule 23 of the Federal Rules of Civil Procedure or similar State  
6 statute or rule of judicial procedure authorizing an action to be brought by 1 or more  
7 representative persons as a class action.”

8 13. For a class action to be removable under CAFA, “the number of members of all  
9 proposed plaintiff classes in the aggregate” must be at least 100. 28 U.S.C. § 1332(5)(B).

10 14. Mr. Alda seeks to represent a class composed of “[a]ll California citizens who,  
11 during the applicable limitations period, purchased any Ring video doorbell or security camera  
12 product at a brick and mortar store in California where the outside box did not contain any  
13 language which indicated that the video recording, playback or snapshot features of the camera  
14 could only be accessed if the consumer also purchased an additional Protect Plan subscription for  
15 a monthly or annual fee.” (Ex. A ¶ 85.)

16 15. Mr. Jack seeks to represent a class composed of “[a]ll California citizens who,  
17 during the applicable limitations period, purchased a ‘Ring Video Doorbell 2’ directly from Ring  
18 on Ring’s e-commerce website.” (Ex. A ¶ 88.)

19 16. The members of Plaintiffs’ proposed classes exceed 100. Plaintiffs allege in their  
20 Complaint that the classes “easily comprise thousands of individuals.” (Ex. A ¶ 90.)

21 ***The Amount in Controversy Exceeds \$5 Million***

22 17. Where, as here, “the plaintiff’s complaint does not state the amount in controversy,  
23 the defendant’s notice of removal may do so.” *Dart Cherokee*, 574 U.S. at 84. To establish the  
24 amount in controversy, a notice of removal “need not contain evidentiary submissions.” *Id.*  
25 Rather, “a defendant’s notice of removal need include only a plausible allegation that the amount  
26 in controversy exceeds the jurisdictional threshold.” *Id.* at 554.

27 18. For purposes of removal only, and without conceding that Plaintiffs or the putative  
28 classes are entitled to any damages, remedies, or penalties whatsoever, the aggregated claims of

1 the putative class establish that the amount in controversy exceeds the jurisdictional minimum of  
2 \$5,000,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(d)(2); *Lewis v. Verizon*  
3 *Communs., Inc.*, 627 F.3d 395, 397 (9th Cir. 2010) (noting removing defendant need only show  
4 “that the potential damages could exceed the jurisdictional amount”); *Woods v. CVS Pharm., Inc.*,  
5 No. 14-0259, 2014 U.S. Dist. LEXIS 13339, at \*5 (C.D. Cal. Jan. 30, 2014) (“The ultimate  
6 inquiry is what amount is put ‘in controversy’ by the plaintiff’s complaint, not what a defendant  
7 will actually owe.”).

8 19. The Complaint seeks “disgorgement or restitution” of “all revenues” that  
9 Defendant obtained from Plaintiffs and the members of the classes based on the unlawful conduct  
10 alleged in the Complaint, which includes sales of the Ring Video Doorbell 2 and Ring Floodlight  
11 Cam in California stores and online, over the past four years. (Ex. A at pp. 28-29.) Plaintiffs  
12 allege that the Ring Video Doorbell 2 at issue in their action was sold to both Plaintiffs for \$199.  
13 (*Id.*, Exs. A-B.) Plaintiffs allege that the Ring Floodlight Cam at issue in their action was sold to  
14 Ms. Alda for \$249. (*Id.* ¶ 38, Ex. A.) Over \$5 million of the Ring Video Doorbell 2 and Ring  
15 Floodlight Cam products were sold to members of the putative classes as defined in the Complaint  
16 (e.g., in brick and mortar stores in California (for both products) and on Ring’s e-commerce  
17 website (for the doorbell product)). (*See id.* ¶¶ 85-88.)

18 20. The Complaint further seeks an order granting Plaintiffs and class members the  
19 “ability to use the video recording, playback, and snapshot features off their Ring products at no  
20 charge . . . for the life of those devices.” (Ex. A at p. 29.) The “value” of this injunctive relief for  
21 purposes of the jurisdictional inquiry depends on the value to the plaintiff or the cost to the  
22 defendant if such relief is granted. *See Corral v. Select Portfolio Servicing, Inc.*, 878 F.3d 770,  
23 775 (9th Cir. 2017). As alleged, the putative classes include “thousands” of individuals  
24 (conservatively, at least 2,000). (Ex. A ¶ 90.) Each would be entitled to \$30 per year based on  
25 this form of relief (\$72,000 in total per year). (*Id.* ¶ 73.) The \$5,000,000 threshold would be met  
26 within the “life” of Ring’s products even based on the conservative class size estimate.

27 21. The Complaint also seeks attorneys’ fees. (Ex. A at p. 29.) In class action cases  
28 involving (1) the same California consumer protection statute causes of action, (2) similar

1 allegations of false or misleading statements on product labels, and (3) similar complexity of  
2 issues and labeling claims, attorneys have sought in excess of \$2-3 million in attorneys' fees. *See,*  
3 *e.g., Brown v. Hain Celestial Group, Inc.*, No. 11-3082, 2016 U.S. Dist. LEXIS 20118 (N.D. Cal.  
4 Feb. 18, 2016) (UCL, FAL, and CLRA mislabeling class action; seeking approval in excess of \$3  
5 million in fees); *Hendricks v. Starkist Co.*, No.13-729, 2016 U.S. Dist. LEXIS 134872 (N.D. Cal.  
6 Sep. 29, 2016) (same); *Retta v. Millennium Products, Inc.*, No. 15-1801, 2017 U.S. Dist. LEXIS  
7 220288 (C.D. Cal. Aug. 22, 2017) (same; seeking approval in excess of \$2 million). These  
8 amounts should also be included in the amount in controversy. *See Galt G/S v. JSS Scandinavia,*  
9 142 F.3d 1150, 1155 (9th Cir. 1998).

10 22. In sum, based on Plaintiffs' assertions and theories of recovery, the amount in  
11 controversy exceeds \$5,000,000.

12 ***Exceptions to Jurisdiction Do Not Apply***

13 23. The complete diversity between Plaintiffs and Ring not only satisfies the minimal  
14 diversity requirements under CAFA, but also precludes the "local controversy" and "home state"  
15 exceptions in 28 U.S.C. § 1332(d)(3) & (d)(4) (exemptions for which Plaintiffs would bear the  
16 burden of proof in any event).

17 **This Action Is Also Removable Based on Diversity, 28 U.S.C. § 1332(a)**

18 24. For the same reasons stated above, the Court has original jurisdiction of this action  
19 because Plaintiffs' claims alone exceed the \$75,000 threshold for individual actions. *See* 28  
20 U.S.C. § 1332(a).

21 25. As explained above, Plaintiffs and Ring are citizens of different states.

22 26. Plaintiffs' individual claims also exceed \$75,000 based on their individual requests  
23 for monetary restitution, injunctive relief, attorneys' fees, and other relief. For instance, Plaintiffs  
24 seek "public injunctive relief" "requiring [Ring] to prominently disclose on the outside of the  
25 boxes of its Ring video doorbell and security camera products, and on the Ring website product  
26 pages for the products, that the video recording, playback and snapshot features of the products  
27 will not function unless the purchaser also buys the Protect Plan from Ring . . . ." (Ex. A at p. 28.)  
28

1 The cost to Ring to change the packaging of its existing stock of products throughout the state and  
2 new products to be sold would exceed \$75,000.

3 27. Plaintiffs also seek to recover in excess of \$75,000 in attorneys' fees. (Ex. A at p.  
4 29.) Courts have awarded in excess of \$75,000 in individual cases alleging similar violations of  
5 California consumer protection statutes based on false or misleading statements. *See, e.g.,*  
6 *Krumme v. Mercury Ins. Co.*, 123 Cal. App. 4th 924, 947 (2004).

7 **Ring Satisfies the Requirements of 28 U.S.C. § 1446**

8 28. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil  
9 Procedure. *See* 28 U.S.C. § 1446(a).

10 29. This Notice of Removal has been filed within thirty days of service of the  
11 Complaint and summons on Ring.

12 30. Concurrently with the filing of this Notice, Ring will give written notice to all  
13 adverse parties and will file a copy of this Notice with the clerk of the Superior Court of the State  
14 of California in and for the County of San Francisco. *See* 28 U.S.C. § 1446(d).

15 31. Ring does not waive and expressly preserves all objections, defenses, and  
16 exceptions authorized by law, including but not limited to those permitted pursuant to Rule 12 of  
17 the Federal Rules of Civil Procedure.

18 WHEREFORE, Ring removes the State Court Action to this Court.

19  
20 Dated: January 22, 2021

DAVIS WRIGHT TREMAINE LLP

21 By: /s/ Scott R. Commerson

Scott R. Commerson

22 *Attorneys for Defendant Ring LLC*  
23  
24  
25  
26  
27  
28