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Local Counsel for Plaintiff E.C.

6 **Pro Hac Vice Admission Pending*

7 *Attorneys for Plaintiff E.C.*

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

13 E.C., individually and on behalf of himself and
14 all others similarly situated,

15 Plaintiff,

16 v.

17 GOODRX HOLDINGS, INC.; CRITEO
18 CORP.; META PLATFORMS, INC.; and
19 GOOGLE LLC,

20 Defendants.

Case No. _____

**CLASS ACTION COMPLAINT
FOR:**

- 1. **Violations of State Consumer Protection Statutes (New York Gen. Bus. Law 349); and**
- 2. **Unjust Enrichment**

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

1
2 Plaintiff E.C. (the “Plaintiff”), on behalf of himself and all others similarly situated, alleges
3 the following Class Action Complaint (the “Action”) against the above-captioned Defendants
4 GoodRx Holdings, Inc. (“GoodRx”), Criteo Corp. (“Criteo”), Meta Platforms, Inc. (“Facebook”) and Google LLC (“Google”) (the “Defendants”) upon personal knowledge as to himself and his
5 own actions, and upon information and belief, including the investigation of counsel, as follows:
6

7
8 **I. NATURE OF THE ACTION**

9
10 *“At GoodRx, protecting our users’ privacy is one of our most important priorities. We are thoughtful and disciplined about what information we gather and how and why we use it.”*
11

- 12 - Defendant GoodRx’s Response to \$1.5 million Federal Trade Commission
13 fine for user privacy violations, February 1, 2023
14

15 1. Defendant GoodRx is a publicly-traded prescription-coupon and telehealth
16 company. With respect to its prescription-coupon line of business, GoodRx is a ‘disruptor’ that
17 claims to be “build[ing] better ways for people to find the right care at the best price,” by providing
18 prospective prescription medication buyers with a survey of prices at local pharmacies along with
19 prescription coupons to use at those respective pharmacies to make their medications more
20 affordable. With respect to its telehealth services, branded as “HeyDoctor,” GoodRx provides
21 online consultations with telehealth professionals who can prescribe various medications and
22 recommend various treatments for sicknesses, ailments, and other medical issues.

23 2. In order to use GoodRx’s telehealth services, users provide some combination of
24 highly sensitive personally identifiable information to GoodRx (“PII”) as well as protected health-
25 related information (“PHI”) (collectively, the “Private Information”), including but not limited to
26 their first and last name, email address, phone number, biological demographic information, health
27 information, and current address. Additionally, in order to use GoodRx’s prescription-coupon
28

1 services, users provide geographic and location data as well as the name of the prescription
2 medication that they are seeking. Users of both lines of GoodRx’s business use the internet in
3 order to access GoodRx’s services. Hence, information provided to GoodRx in order to provide
4 services includes unique digital identifiers such as internet protocol address (“IP Address”).

5 3. Unfortunately for the nearly 20 million users that use GoodRx on a monthly basis,
6 GoodRx has been surreptitiously packaging and selling this highly sensitive Private Information
7 of consumers. The conduct at issue in this Action is a tactful and concerted action between three
8 massive advertising platforms, Facebook, Google, and Criteo (collectively, the “Advertising
9 Defendants”) and GoodRx, to abuse GoodRx users’ privacy without consent by weaponizing their
10 Private Information for profit.

11 4. Plaintiff E.C. provided his Private Information, inclusive of health data, to GoodRx
12 with the reasonable expectation that this Private Information would remain confidential and
13 private. Regrettably, this was not the case.

14 5. Plaintiff E.C., on behalf of himself and the putative Class, brings this Action against
15 Defendants for damages, inclusive of actual damages and statutory damages, as well as for a
16 disgorgement of profits by the Defendants, injunctive relief, pre- and post-judgment interest,
17 reasonable attorneys’ fees, and all other relief this Court deems just and proper.

18 **II. JURISDICTION AND VENUE**

19 6. This Court has jurisdiction over the subject matter of this action pursuant to 28
20 U.S.C § 1332(d), because the amount in controversy for the Class exceeds \$5,000,000 exclusive
21 of interest and costs, there are more than 100 putative members of the Classes defined below, and
22 a significant portion of putative Class members are citizens of a state different from one or more
23 of the Defendants.

24 7. This Court has personal jurisdiction over Google, Meta and GoodRx because each
25 of their respective principal place of business is located in this District. Criteo is also subject to
26 specific personal jurisdiction in this State because a substantial part of the events and conduct
27 giving rise to Plaintiff’s claims occurred in this State, including Defendants’ collection and
28

1 interception of Plaintiff's Private Information from GoodRx and the use of that data for
2 commercial purposes.

3 8. Venue is proper in this District pursuant to 28 U.S.C. §1391(b), (c), and (d) because
4 a substantial portion of the conduct described in this Class Action Complaint was carried out in
5 this District. Furthermore, Defendants Google, Meta, and GoodRx are headquartered in this
6 District and subject to personal jurisdiction in this District.

7 **III. INTRADISTRICT ASSIGNMENT**

8 9. Pursuant to Civil Local Rule 3-2(c)-(d), this case should be assigned to the San
9 Francisco or Oakland Divisions because a substantial portion of the events or omissions giving
10 rise to the claim occurred in San Mateo County, California.

11 **IV. PARTIES**

12 ***Plaintiff E.C.***

13 10. Plaintiff E.C. is a resident of the State of New York.

14 11. Plaintiff E.C. used the GoodRx platform beginning in 2018 in order to find
15 prescribing pharmacies for various prescriptions of a highly sensitive nature. At the same time
16 that E.C. used the GoodRx platform, E.C. maintained social media accounts with Defendant
17 Facebook as well as numerous accounts with Defendant Google, including a Gmail account.

18 12. In order to obtain prescription coupons and information regarding
19 pricing/availability of medications at local pharmacies, Plaintiff E.C. was required by GoodRx to
20 provide information related to the prescription(s) for which he sought the aforementioned
21 prescription medication(s).

22 13. Plaintiff E.C. had zero knowledge that his information was being packaged and sold
23 by GoodRx to the Advertising Defendants, inclusive of his Private Information and his IP address.

24 ***Defendant GoodRx Holdings, Inc.***

25 14. Defendant GoodRx Holdings, Inc. is a Delaware corporation with its principal place
26 of business located in California.

1 15. Defendant GoodRx was founded in 2011. Initially, GoodRx was solely a
2 prescription-coupon company, but has since expanded its lines of business to include the
3 aforementioned telehealth services through its “HeyDoctor” brand as well as informative materials
4 regarding various health ailments and their corresponding medications.

5 ***The Advertising Defendants***

6 ***Defendant Criteo Corporation***

7 16. Defendant Criteo Corporation is a Delaware corporation with its principal place of
8 business located in New York.

9 17. Defendant Criteo Corporation is a digital advertising company that offers data
10 collection and advertising technology to other companies in connection with the placing of online
11 advertisements.

12 18. Upon information and belief, nearly all of Criteo’s revenue is earned through its
13 advertising business.

14 ***Defendant Meta Platforms, Inc.***

15 19. Defendant Meta Platforms, Inc. is a Delaware corporation with its principal place
16 of business located in Menlo Park, California.

17 20. Defendant Meta Platforms, Inc. owns and/or controls numerous social media
18 platforms, including Facebook, Instagram, and others. Because of the extensive reach of Meta’s
19 social media presence, Meta is able to serve advertisements to social media users on Meta’s social
20 media platforms. Meta founded it’s advertising business in 2007 and currently generates over 98%
21 of its revenue through advertising (including nearly \$115 billion in advertising revenue in 2021).

22 ***Defendant Google LLC***

23 21. Defendant Google LLC is a Delaware limited liability company with its principal
24 place of business located in Mountain View, California.

25 22. Defendant Google LLC, at its core, is an advertising company. Using Google’s
26 powerful suite of businesses (as well as the data collected by those businesses), including Google
27

1 search, Google email (commonly known as ‘gmail’), and other products, Google is able to serve
2 advertisements to users.

3 **V. FACTUAL ALLEGATIONS**

4 ***Defendant GoodRx’s Collection of Private Information and Privacy Representations***

5 23. As noted, in order to use GoodRx’s telehealth services, users provide some
6 combination of Private Information, including but not limited to their first and last name, email
7 address, phone number, biological demographic information, health information, and current
8 address. Additionally, in order to use GoodRx’s prescription-coupon services, users provide
9 geographic and location data as well as the name of the prescription medication that they are
10 seeking. Users of both lines of GoodRx’s business use the internet in order to access GoodRx’s
11 services. Thus, other information provided to GoodRx in order to provide services includes unique
12 digital identifiers such as IP address.

13 24. On numerous occasions during the proposed Class Period, GoodRx made
14 representations regarding the sanctity and importance of protecting consumer Private Information,
15 including but not limited to:

- 16 a. Defendant GoodRx stated in its Privacy Policy that, between October 2017 and
17 March 2019, that “[w]e never provide advertisers or any other third parties any
18 information that reveals a personal health condition or health information.”
- 19 b. Defendant GoodRx, between October 2017 and March 2019, stated that, in “limited
20 cases” “personal medical data” would be shared with third parties.
- 21 c. Defendant GoodRx, between October 2017 and October 2019, reassured
22 consumers that “third parties are bound to comply with federal standards as to how
23 to treat ‘medical data’”
- 24 d. On December 14, 2019, Defendant GoodRx’s co-CEO Doug Hirsch stated on
25 Twitter: “We don’t sell information and we never have. People can use GoodRx
26 without giving us any information. Any information we do receive is stored under
27
28

1 the same guidelines as any health entity... I think it's important to mention that we
2 started GoodRx to help Americans, not gather data or exploit anyone."

3 25. Given these representations and the types of services GoodRx provides, users like
4 Plaintiff and Class members expected their data, including health information, and other
5 interactions on GoodRx, to remain confidential.

6 ***The Advertising Defendants' Capabilities to Surreptitiously Collect Private***
7 ***Information***

8 26. The Advertising Defendants each have the ability – and did use these capabilities –
9 to collect consumer data from GoodRx's various lines of business without consumer knowledge:

10 27. **Criteo.** Criteo offers data collection and advertising technology to other
11 companies, including third-party websites like GoodRx. Criteo does this through the "Criteo One
12 Tag" which is a line of code inserted onto a third-party website that allows Criteo to intercept all
13 the data points that a potential third-party advertiser might want in order to serve ads to consumers,
14 like Plaintiff E.C. and members of the putative Class.

15 28. GoodRx uses the Criteo One Tag on the GoodRx platform as a means to intercept
16 user's information and data and to package this information and sell it to various third parties who
17 serve ads to consumers over the internet.

18 29. **Facebook.** In 2015, Facebook launched Facebook Pixel, "a new way to report and
19 optimize for conversions, build audiences, and get rich insights about how people use your
20 [respective] website." According to Facebook, an advertiser need only "place a single pixel across
21 [its] entire website to report and optimize for conversions" so that the advertisers could, in turn,
22 "measure the effectiveness of [its] advertising by understanding the action[s] people take on [its]
23 website."

24 30. Facebook Pixel, now known as Meta Pixel, is essentially a piece of code which is
25 inserted onto a third-party website, like GoodRx, which tracks user activity on that respective
26 website. This technology enables Defendant Meta to intercept all of the data associated with a
27 user's visit to a third-party website, including the data that they enter into that respective website
28

1 inclusive of the user’s IP address – which acts as a means to identify that respective user across
2 the internet.

3 31. GoodRx uses the Meta Pixel on the GoodRx platform as a means to intercept user’s
4 information and data and package this information and sell it to advertisers who use Facebook and
5 Meta’s other social media properties as a conduit to serve advertisements.

6 32. **Google.** Google similarly has a pixel product akin to Meta’s Meta Pixel product.
7 Google offers several analytics products, including SDKs and a tracking pixel, which exist solely
8 to help drive ad revenue. For instance, Google’s SDK and pixel integrate with Google’s
9 advertising offerings, such as Google Ads, Search Ads 360, Google Cloud, and Google Ad
10 Manager, to direct more individuals to use Google’s ad network and products, thus increasing
11 Google’s overall ad revenue. Products like Google’s SDK and its tracking pixel also improve the
12 company’s advertising network and capabilities by providing more fulsome profiles and data
13 points regarding individual users.

14 33. GoodRx uses Google’s pixel and SDK on the GoodRx platform as a means to
15 intercept user’s information and data and to package this information and sell it to advertisers who
16 use Google’s various digital properties as a way to serve advertisements.

17 ***The Advertising Defendants Unlawfully Used Data Collected by GoodRx***

18 34. The data GoodRx disclosed and the Advertising Defendants intercepted is
19 extremely valuable. According to Experian, health data is a “gold mine” for healthcare companies
20 and clinicians.

21 35. Consumers’ health data, including what prescriptions they have, are extremely
22 profitable. For instance, Datarade.ai advertises access to U.S. customers names, addresses, email
23 addresses, telephone numbers who bought brand name medicine. The starting price for access to
24 just some of this data was \$10,000. Other companies, like Pfizer, spend \$12 million annually to
25 purchase health data.

1 36. Defendant GoodRx monetized and used the data collected from GoodRx users to
2 serve personalized advertisements. For example, GoodRx used (and paid) Meta to serve
3 advertisements based on users' prescription medication.

4 37. Specifically, using Meta's "Ads Manager" and "Custom Audiences" feature,
5 GoodRx identified users with Facebook and Instagram accounts, and uploaded data directly to
6 Meta, including users' email addresses, phone numbers, and mobile identifiers (*e.g.*, device IDs
7 and advertising IDs) to identify users.

8 38. GoodRx then categorized users based on their health information (*e.g.*, users who
9 had used a certain prescription) that GoodRx had disclosed and allowed Meta to intercept and used
10 this information to create Custom Audiences. It named these Custom Audiences based on the
11 medication these users had been prescribed (*e.g.*, "atorvastatin claims" to mark atorvastatin
12 prescription users). GoodRx then used these Custom Audiences to serve personalized ads,
13 including those related to their medical treatment and prescription information.

14 39. GoodRx ran these targeted advertising campaigns on Instagram and Facebook
15 between 2017 and 2020.

16 ***Harm to Consumers***

17 40. Plaintiff E.C. provided his Private Information to GoodRx in order to obtain
18 information regarding prescriptions that he needed. This information was disclosed to and
19 intercepted by the Advertising Defendants in order to sell this valuable and sensitive data to third
20 parties in order to serve advertisements to E.C.

21 41. Plaintiff E.C. did not consent to the interception or disclosure of his data to the
22 Advertising Defendants, or to anyone else.

23 **VI. CLASS ALLEGATIONS**

24 42. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure 23
25 individually and on behalf of the following Class:

26 **Nationwide Class:** All natural persons in the United States who used GoodRx and
27 whose communications and/or data were shared with third parties, including the
28 Advertising Defendants, during the applicable statutory period.

1 43. Plaintiff reserves the right to amend the Class Period as this litigation progresses
2 based on information that may later come to light either through the discovery process or
3 otherwise.

4 44. Excluded from the Class are: (1) any Judge or Magistrate presiding over this action
5 and any members of their immediate families; (2) the Defendants, Defendants' subsidiaries,
6 affiliates, parents, successors, predecessors, and any entity in which the Defendants or their parents
7 have a controlling interest, and their current or former employees, officers, and directors; and (3)
8 Plaintiff's counsel and Defendants' counsel.

9 45. Numerosity: The exact number of members of the Class is unknown and
10 unavailable to Plaintiff at this time, but individual joinder in this case is impracticable. The Class
11 likely consists of millions of individuals, and the members can be identified through GoodRx's
12 records, as well as the records of the Advertising Defendants.

13 46. Predominant Common Questions: The Class' claims present common questions of
14 law and fact, and those questions predominate over any questions that may affect individual Class
15 members. Common questions for the Class include, but are not limited to, the following:

- 16 a. Whether Defendants violated Plaintiff's and Class members' state consumer
17 protection statutes;
- 18 b. Whether Defendants were unjustly enriched;
- 19 c. Whether Plaintiff and the Class members are entitled to equitable relief, including
20 but not limited to, injunctive relief, restitution, and disgorgement; and
- 21 d. Whether Plaintiff and the Class members are entitled to actual, statutory, punitive
22 or other forms of damages, and other monetary relief.

23 47. Typicality: Plaintiff's claims are typical of the claims of the other members of the
24 Class. The claims of Plaintiff and the members of the Class arise from the same conduct by
25 Defendants and are based on the same legal theories.

26 48. Adequate Representation: Plaintiff has and will continue to fairly and adequately
27 represent and protect the interests of the Class. Plaintiff has retained counsel competent and
28

1 experienced in complex litigation and class actions, including litigations to remedy privacy
2 violations. Plaintiff has no interest that is antagonistic to the interests of the Class, and Defendants
3 have no defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously
4 prosecuting this action on behalf of the members of the Class, and they have the resources to do
5 so. Neither Plaintiff nor his counsel have any interest adverse to the interests of the other members
6 of the Class.

7 49. Substantial Benefits: This class action is appropriate for class treatment (and
8 ultimately certification) because class proceedings are superior to other available methods for the
9 fair and efficient adjudication of this controversy and joinder of all members of the Class is
10 impracticable. This proposed class action presents fewer management difficulties than individual
11 litigation, and provides the benefits of single adjudication, economies of scale, and comprehensive
12 supervision by a single court. Class treatment will create economies of time, effort, and expense
13 and promote uniform decision-making.

14 **VII. CAUSES OF ACTION**

15 **COUNT I**

16 **STATE CONSUMER PROTECTION STATUTES**

17 **(NEW YORK GENERAL BUSINESS LAW 349)**

18 **Against All Defendants**

19
20
21 50. Plaintiff re-alleges and incorporates by reference all of the preceding allegations of
22 this Complaint with the same force and effect as if fully stated herein.

23 51. Defendants are considered ‘businesses’ under New York General Business Law
24 349 (“GBL 349”).

25 52. Defendants’ business acts and practices are unfair and deceptive under GBL 349.
26 New York (as well as other states through their respective unfair and deceptive trade practices
27 statutes) has a strong public policy of protecting consumers’ privacy interests, including protecting
28 consumers’ personal data. Defendants violated GBL 349 by, among other things, disclosing and

1 intercepting Plaintiff’s and Class members’ sensitive data, including Private Information, without
2 consent.

3 53. GoodRx further engaged in unfair business practices because it made material
4 misrepresentations and omissions concerning the information that it assured users it would not
5 share with third parties, which deceived and misled users of the GoodRx platform.

6 54. Defendants’ business acts and practices are also “unfair” in that they are immoral,
7 unethical, oppressive, unscrupulous, and/or substantially injurious to consumers. The gravity of
8 the harm of Defendants secretly disclosing, intercepting, and misusing Plaintiff’s and Class
9 members’ sensitive and highly valuable personal data is significant, and there is no corresponding
10 benefit resulting from such conduct. Finally, because Plaintiff and Class members were
11 completely unaware of Defendants’ conduct, they could not have possibly avoided the harm.

12 55. By unlawfully disclosing and intercepting this data, Defendants have taken money
13 or property from Plaintiff and Class members. Plaintiff and the Class Members seek all available
14 damages under applicable state consumer protection laws, including statutory damages under GBL
15 349.

16 **COUNT II**

17 **UNJUST ENRICHMENT**

18 **Against All Defendants**

19 56. Plaintiff re-alleges and incorporates by reference all of the preceding allegations of
20 this Complaint with the same force and effect as if fully stated herein.

21 57. Defendants received benefits from Plaintiff and Class members and unjustly
22 retained those benefits at their expense.

23 58. Defendants received benefits from Plaintiff and Class members in the form of the
24 Plaintiff’s highly valuable data, including Private Information, that Defendants wrongfully
25 disclosed and intercepted from Plaintiff and Class members without authorization and proper
26 compensation.

1 59. Defendants disclosed, intercepted, stored, and used this data for their own gain,
2 providing Defendants with economic, tangible, intangible, and other benefits, including highly
3 valuable data for analytics, advertising, and improvement of their platforms, algorithms, and
4 advertising services.

5 60. Had Plaintiff known of Defendants' misconduct, he would not have provided any
6 of his data to Defendants or have used or paid to use the GoodRx Platform.

7 61. Defendants unjustly retained these benefits at the expense of Plaintiff and Class
8 members because Defendants' conduct damaged Plaintiff and Class members, all without
9 providing any commensurate compensation to Plaintiff and Class members. The benefits that
10 GoodRx derived from Plaintiff and Class members rightly belong to Plaintiff and Class members.
11 Defendants' conduct is inequitable under unjust enrichment principles in every state.

12 62. Defendants should be compelled to disgorge in a common fund for the benefit of
13 Plaintiff and Class members all unlawful or inequitable proceeds that Defendants received.

14 **VIII. PRAYER FOR RELIEF**

15 **WHEREFORE**, Plaintiff on behalf of himself and the proposed Class respectfully requests
16 that the Court enter an order:

- 17 A. Certifying the Class and appointing Plaintiff as the Class's representative;
18 B. Finding that Defendants' conduct was unlawful, as alleged herein;
19 C. Awarding declaratory relief against Defendants;
20 D. Awarding such injunctive and other equitable relief as the Court deems just and proper;
21 E. Awarding Plaintiff and the Class members statutory and actual damages;
22 F. Directing that Defendants disgorge to Plaintiff and the Class members all profits
23 unlawfully obtained;
24 G. Awarding Plaintiff and the Class members pre-judgment and post-judgment interest;
25 H. Awarding Plaintiff and the Class members reasonable attorneys' fees, costs, and
26 expenses; and
27 I. Granting such other relief as the Court deems just and proper.
28

IX. JURY TRIAL DEMAND

63. Plaintiff hereby demands a trial by jury.

DATED: March 30, 2023

Respectfully submitted,

ISRAEL DAVID LLC

/s/ Israel David*

Israel David*

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Local Counsel for Plaintiff E.C.

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

E.C., individually and on behalf of himself and all others similarly situated

(b) County of Residence of First Listed Plaintiff Kings Co., New York (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Moya Law Firm, 1300 Clay St., Suite 600, Oakland, CA 94612; Tel. 510.926.6521

DEFENDANTS

GOODRX HOLDINGS, INC.; CRITEO CORP.; META PLATFORMS, INC.; and GOOGLE LLC,

County of Residence of First Listed Defendant Los Angeles Co., California (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation-Transfer
8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332(d)

Brief description of cause:

Complaint for violation of consumer protection statutes and unjust enrichment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ > \$5,000,000

CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE Hon. Vincent Chhabria

DOCKET NUMBER 3:23-cv-00501

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE 03/30/2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Rebecca M. Hoberg

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.