

1 Jerusalem F. Beligan (SBN 211258)
2 jbeligan@bbclawyers.net
3 Leah M. Beligan (SBN 250834)
4 lmbeligan@bbclawyers.net
5 **BELIGAN LAW GROUP, LLP**
19800 MacArthur Blvd., Suite 300
Newport Beach, CA 92612
Telephone: (949) 224-3881

6 James L. Simon (*pro hac vice forthcoming*)
7 james@simonsayspay.com
8 **SIMON LAW CO.**
5000 Rockside Road
Liberty Plaza – Suite 520
Independence, OH 44131
Telephone: (216) 816-8696

Michael L. Fradin (*pro hac vice forthcoming*)
mike@fradinlaw.com
FRADIN LAW
8401 Crawford Ave., Ste. 104
Skokie, IL 60076
Telephone: (847) 986-5889

10 *Attorneys for Plaintiffs and the Putative Class*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 Anthony Cajas, individually, and on behalf of all) Case No. _____
15 others similarly situated,)
16 Plaintiff,) **CLASS ACTION**
17 vs.) **COMPLAINT**
18 Coffee Meets Bagel, Inc.; and DOES 1 through)
19 10, inclusive,) **DEMAND FOR JURY TRIAL**
20 Defendants.)
21 _____)

22 **PRELIMINARY STATEMENT**

23 Now comes Plaintiff, Anthony Cajas (“Plaintiff”), on behalf of himself and all others
24 similarly situated, through counsel, and pursuant to 740 ILCS 14/ and Fed. R. Civ. P. 23, against
25 Defendant Coffee Meets Bagel, Inc. (“Coffee Meets Bagel” or “Defendant”), and DOES 1 through
26 10 (collectively, “Defendants”), to redress and curtail Defendants’ unlawful collections,
27 obtainments, use, storage, and disclosure of Plaintiff’s sensitive and proprietary biometric identifiers
28 and/or biometric information (collectively referred to herein as “biometric data” and/or

1 “biometrics”). Plaintiff alleges as follows upon personal knowledge as to himself, his own acts, and
2 experiences and, as to all other matters, upon information and belief including investigation
3 conducted by his attorneys.

4 **NATURE OF THE ACTION**

5 1. Coffee Meets Bagel is an internet-based dating and social networking service and
6 application.

7 2. Plaintiff opened a Coffee Meets Bagel account in 2022.

8 3. Coffee Meets Bagel requests all its users, including Plaintiff, to verify their identities
9 by uploading a real time portrait of their face, i.e., a “selfie.”

10 4. Coffee Meets Bagel then scans the “selfie” photographs, creates a biometric template
11 of the user’s face, and compares the user’s facial biometrics to the photographs which the user is
12 posting in their online dating profile to verify the identity of all Coffee Meets Bagel users.

13 5. Coffee Meets Bagel collects, stores, possesses, otherwise obtains, uses, and
14 disseminates its users' biometric data to, amongst other things, further enhance Coffee Meets Bagel
15 and its online dating platform.

16 6. Facial geometry scans are unique, permanent biometric identifiers associated with
17 each user that cannot be changed or replaced if stolen or compromised. Coffee Meets Bagel’s
18 unlawful collection, obtainment, storage, and use of its users' biometric data exposes them to serious
19 and irreversible privacy risks. For example, if Coffee Meets Bagel, or its third-party affiliates,
20 database containing facial geometry scans or other sensitive, proprietary biometric data is hacked,
21 breached, or otherwise exposed, Coffee Meets Bagel users have no means by which to prevent
22 identity theft, unauthorized tracking or other unlawful or improper use of this highly personal and
23 private information.

24 7. The Illinois legislature enacted BIPA to protect residents' privacy interests in their
25 biometric data. *See Heard v. Becton, Dickinson & Co.*, 440 F. Supp. 3d 960, 963 (N.D. Ill. 2020),
26 citing *Rosenbach v. Six Flags Entm't Corp.*, 2019 IL 123186, 432 Ill. Dec. 654, 129 N.E.3d 1197,
27 1199 (2019).

28 8. Courts analogize an individual's privacy interest in their unique biometric data to

1 their interest in protecting their private domain from invasion, such as from trespass. *See Bryant v.*
2 *Compass Group USA, Inc.*, 958 F.3d 617, 624 (7th Cir. 2020), as amended on denial of reh'g and
3 reh'g *en banc*, (June 30, 2020) and opinion amended on denial of reh'g *en banc*, 2020 U.S. App.
4 LEXIS 20468, 2020 WL 6534581 (7th Cir. 2020).

5 9. In recognition of these concerns over the security of individuals' biometrics, the
6 Illinois Legislature enacted the BIPA, which provides, *inter alia*, that a private entity like Coffee
7 Meets Bagel may not obtain and/or possess an individual's biometrics unless it: (1) informs that
8 person in writing that biometric identifiers or information will be collected or stored; (2) informs
9 that person in writing of the specific purpose and length of term for which such biometric identifiers
10 or biometric information is being collected, stored and used; (3) receives a written release from the
11 person for the collection of his or her biometric identifiers or information; and (4) publishes
12 publicly-available written retention schedules and guidelines for permanently destroying biometric
13 identifiers and biometric information. 740 ILCS 14/15(a)-(b).

14 10. The Illinois Legislature has found that "[b]iometrics are unlike other unique
15 identifiers that are used to access finances or other sensitive information." 740 ILCS 14/5(c). "For
16 example, social security numbers, when compromised, can be changed. Biometrics, however, are
17 biologically unique to the individual; therefore, once compromised, the individual has no recourse,
18 is at heightened risk for identity theft, and is likely to withdraw from biometric-facilitated
19 transactions." *Id.*

20 11. Specifically, upon information and belief, Coffee Meets Bagel has created, collected,
21 disseminated, and stored thousands of "face templates" (highly detailed geometric maps of the face)
22 from countless Illinois residents whose selfies were collected by Coffee Meets Bagel.

23 12. Each face template that Coffee Meets Bagel extracts is unique to a particular
24 individual in the same way that a fingerprint or voiceprint identifies an individual.

25 13. Coffee Meets Bagel is a "private entity" as that term is broadly defined by BIPA and
26 is subject to all requirements of BIPA. *See* 740 ILCS § 14/10.

27 14. Plaintiff is informed and believes, and based thereon alleges, that at all relevant times
28 mentioned herein, Defendants acted as agents, employees, supervisors, partners, conspirators,

1 servants and/or joint venturers of each other, and in doing the acts hereafter alleged, were acting
2 within the course, scope, and authority of such agency, employment, partnership, conspiracy,
3 enterprise and/or joint venture, and with the express and/or implied permission, knowledge, consent,
4 authorization and ratification of their co-defendants.

5 **JURISDICTION AND VENUE**

6 15. This is a Class Action Complaint for violations of the Illinois Biometric Information
7 Privacy Act (740 ILCS 14/1 *et seq.*) brought pursuant to Fed. R. Civ. P. 23 seeking statutory and
8 actual damages.

9 16. Venue is proper in this Court because a substantial amount of the acts and omissions
10 giving rise to this action occurred within this judicial district.

11 17. This Court has jurisdiction over this dispute pursuant to 28 U.S.C. § 1332 because
12 Coffee Meets Bagel has done a substantial amount of business within this judicial district and the
13 amount in controversy exceeds \$75,000.

14 18. This Court has jurisdiction over this dispute pursuant to the Class Action Fairness
15 Act (“CAFA”) because the prospective class includes over 100 people and the amount in
16 controversy exceeds \$5,000,000.

17 19. At all relevant times, Plaintiff and the proposed Class are residents of the state of
18 Illinois and the violations of BIPA as detailed herein occurred while Plaintiff and the proposed Class
19 were in the state of Illinois.

20 20. At all relevant times, Coffee Meets Bagel is incorporated under the laws of the state
21 of Delaware with its principal place of business located at 111 Ellis Street, San Francisco, California.

22 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

23 21. Plaintiff realleges and incorporates by reference all allegations in all preceding
24 paragraphs.

25 22. Plaintiff opened a Coffee Meets Bagel account in 2022.

26 23. As part of signing up, and/or gaining access to his Coffee Meets Bagel account,
27 Plaintiff was required to upload a real time portrait of his face.

28 24. Coffee Meets Bagel then scanned Plaintiff’s verification photographs, creating a

1 biometric template of Plaintiff's face and biometric identifiers, and compared Plaintiff's biometric
2 identifiers to the photographs which Plaintiff posted on his Coffee Meets Bagel profile in order to
3 verify Plaintiff's identity.

4 25. In other words, Coffee Meets Bagel collected and retained biometric information for
5 the purpose of verifying Plaintiff's identity.

6 26. At all relevant times, Coffee Meets Bagel had no written policy, made available to
7 the public, establishing a retention schedule and guidelines for permanently destroying biometric
8 information when the initial purpose for collecting or obtaining such biometric information has been
9 satisfied or within 3 years of the individual's last interaction with Coffee Meets Bagel, whichever
10 occurs first.

11 27. Ostensibly, the purpose of Coffee Meets Bagel's collection of Plaintiff's facial
12 geometry was to verify Plaintiff's identity.

13 28. As such, Plaintiff's facial geometry should have been permanently destroyed by
14 Defendant following the verification of Plaintiff's identity.

15 29. However, Coffee Meets Bagel failed to permanently destroy Plaintiff's facial
16 geometry following the verification of Plaintiff's identity and instead retained Plaintiff's biometric
17 information.

18 30. As such, Coffee Meets Bagel's retention of Plaintiff's biometric information was
19 unlawful and in violation of 740 ILCS § 14/15(a).

20 31. Coffee Meets Bagel did not inform Plaintiff in writing that it was collecting or storing
21 his biometric information.

22 32. Instead, Coffee Meets Bagel simply instructed Plaintiff to upload his "selfie"
23 photograph as part of the overall account verification process.

24 33. In fact, Coffee Meets Bagel made no mention of biometric information, collection of
25 biometric information, or storage of biometric information.

26 34. Moreover, Coffee Meets Bagel did not inform Plaintiff in writing of the specific
27 purpose and length of term for which his biometric information was being collected, stored, and
28 used.

1 35. Coffee Meets Bagel collected, stored, and used Plaintiff's biometric information
2 without ever receiving a written release executed by Plaintiff in which he consented to or authorized
3 Defendant to do the same.

4 36. Additionally, Coffee Meets Bagel disclosed, redisclosed, or otherwise disseminated
5 Plaintiff's biometric information (1) without Plaintiff's consent; (2) without Plaintiff's authorization
6 to complete a financial transaction requested or authorized by Plaintiff; (3) without being required
7 by State or federal law or municipal ordinance; or (4) without being required pursuant to a valid
8 warrant or subpoena issued by a court of competent jurisdiction.

9 37. Upon information and belief, Coffee Meets Bagel disclosed, redisclosed, or
10 otherwise disseminated Plaintiff's biometric information to numerous third-party service providers
11 for Coffee Meets Bagel's business purposes including, but not limited to, third-party providers that
12 provide business services to Coffee Meets Bagel, third-party service providers that provide
13 professional services to Coffee Meets Bagel, and third-party service providers that provide technical
14 support functions to Coffee Meets Bagel.

15 38. Coffee Meets Bagel's collection and retention of biometric information as described
16 herein is not unique to Plaintiff and is instead part of Coffee Meets Bagel's policies and procedures
17 which Coffee Meets Bagel applies to all its users, including the Class Members.

18 **RULE 23 CLASS DEFINITION AND ALLEGATIONS**

19 39. Plaintiff realleges and incorporates by reference all allegations in all preceding
20 paragraphs.

21 40. Plaintiff brings Claims for Relief in violation of BIPA as a class action under Rule
22 23(a), (b)(2) and (b)(3). Plaintiff brings this claim on behalf of himself and all members of the
23 following Rule 23 Class:

24 **All Illinois residents, who had their biometric information collected by Coffee**
25 **Meets Bagel, Inc. at any point in the five (5) years preceding the filing of this**
26 **Complaint (the "Class" or "Class Members").**

27 41. In the alternative, and for the convenience of this Court and the parties, Plaintiff may
28 seek to certify other subclasses at the time the motion for class certification is filed.

1 42. **Numerosity (Rule 23(a)(1)).** The Class Members are so numerous that joinder of all
2 members is impracticable. Plaintiff is informed and believes that there are more than 1,000 people
3 who satisfy the definition of the Class.

4 43. **Existence of Common Questions of Law and Fact (Rule 23(a)(2)).** Common
5 questions of law and fact exist as to Plaintiff and the Class Members including, but not limited to,
6 the following:

7 a. Whether Coffee Meets Bagel possessed Plaintiff's and the Class Members' biometric
8 identifiers or biometric information without first developing a written policy, made available to the
9 public, establishing a retention schedule and guidelines for permanently destroying biometric
10 identifiers and biometric information when the initial purpose for collecting or obtaining such
11 identifiers or information has been satisfied or within 3 years of the individual's last interaction with
12 Coffee Meets Bagel, whichever occurs first.

13 b. Whether Coffee Meets Bagel collected, captured, purchased, received through trade,
14 or otherwise obtained Plaintiff's and the Class Members' biometric identifiers or biometric
15 information, without first: (1) informing Plaintiff and the Class Members in writing that a biometric
16 identifier or biometric information is being collected or stored; (2) informing Plaintiff and the Class
17 Members in writing of the specific purpose and length of term for which their biometric identifiers
18 or biometric information was being collected, stored, and used; and (3) receiving a written release
19 executed by Plaintiff and the Class Members.

20 c. Whether Coffee Meets Bagel disclosed, redisclosed, or otherwise disseminated
21 Plaintiff's and the Class Members' biometric identifiers or biometric information (1) without
22 Plaintiff's and the Class Members' consent; (2) without Plaintiff's and the Class Members'
23 authorization to complete a financial transaction requested or authorized by Plaintiff and the Class
24 Members; (3) without being required by State or federal law or municipal ordinance; or (4) without
25 being required pursuant to a valid warrant or subpoena issued by a court of competent jurisdiction.

26 d. The damages sustained and the proper monetary amounts recoverable by Plaintiff
27 and the Class Members.

28 44. **Typicality (Rule 23(a)(3)).** Plaintiff's claims are typical of the Class Members'

1 claims. Plaintiff, like the Class Members, had his biometric identifiers and biometric information
2 collected, retained or otherwise possessed by Coffee Meets Bagel without Coffee Meets Bagel's
3 adherence to the requirements of BIPA as detailed herein.

4 45. **Adequacy (Rule 23(a)(4)).** Plaintiff will fairly and adequately represent and protect
5 the interests of the Class Members. Plaintiff has retained counsel competent and experienced in
6 complex class actions.

7 46. **Injunctive and Declaratory Relief (Rule 23(b)(2)).** Class certification of the Rule
8 23 claim is appropriate under Rule 23(b)(2) because Coffee Meets Bagel acted or refused to act on
9 grounds generally applicable to the Class Members, making appropriate declaratory relief with
10 respect to the Class Members as a whole.

11 47. **Predominance and Superiority of Class Action (Rule 23(b)(3)).** Class
12 certification of the Rule 23 claims is also appropriate under Rule 23(b)(3) because questions of law
13 and fact common to the Class Members predominate over questions affecting only individual
14 members of the class, and because a class action is superior to other available methods for the fair
15 and efficient adjudication of this litigation. Coffee Meets Bagel's common and uniform policies and
16 practices illegally deprived Plaintiff and the Class Members of the privacy protections which BIPA
17 seeks to ensure; thus, making the question of liability and damages much more manageable and
18 efficient to resolve in a class action, compared to hundreds of individual trials. The damages suffered
19 by individual Class Members are small compared to the expense and burden of individual
20 prosecution. In addition, class certification is superior because it will obviate the need for unduly
21 duplicative litigation that might result in inconsistent judgments about Coffee Meets Bagel's
22 practices.

23 48. Plaintiff intends to send notice to all Class Members to the extent required by Fed.
24 R. Civ. P. 23.

25 **COUNT ONE: VIOLATION OF 740 ILCS § 14/15(a)**

26 **(Brought by Plaintiff on behalf of himself and the Class Members against all Defendants)**

27 49. Plaintiff realleges and incorporates by reference all allegations in all preceding
28 paragraphs.

1 50. A private entity in possession of biometric identifiers or biometric information must
2 develop a written policy, made available to the public, establishing a retention schedule and
3 guidelines for permanently destroying biometric identifiers and biometric information when the
4 initial purpose for collecting or obtaining such identifiers or information has been satisfied or within
5 3 years of the individual's last interaction with the private entity, whichever occurs first. Absent a
6 valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession
7 of biometric identifiers or biometric information must comply with its established retention schedule
8 and destruction guidelines. 740 ILCS § 14/15(a).

9 51. Defendants collected Plaintiff's and the Class Members facial geometry scans and
10 created biometric templates of the Plaintiff's and the Class Members' faces which qualifies as
11 biometric information as defined by BIPA.

12 52. At all relevant times, Defendants had no written policy, made available to the public,
13 establishing a retention schedule and guidelines for permanently destroying biometric information
14 when the initial purpose for collecting or obtaining such biometric information has been satisfied or
15 within 3 years of the individual's last interaction with Defendant, whichever occurs first.

16 53. Ostensibly, the purpose of Defendants' collection of Plaintiff's and the Class
17 Members' facial geometry was to verify Plaintiff's and the Class Members' identities prior to
18 opening a Coffee Meets Bagel account in their names and the purpose of Defendants' collection
19 Plaintiff's and the Class Members' geometric facial scans was to verify Plaintiff's and the Class
20 Members' identities when they logged into the Coffee Meets Bagel mobile app.

21 54. As such, Plaintiff's and the Class Members' facial geometry scans should have been
22 permanently destroyed by Defendants following the verification of their identities.

23 55. However, Defendants failed to permanently destroy Plaintiff's and the Class
24 Members' biometric information following the verification of their identities and instead retained
25 Plaintiff's and the Class Members' biometric information.

26 56. As such, Defendants' retention of Plaintiff's and the Class Members' biometric
27 information was unlawful and in violation of 740 ILCS § 14/15(a).

28 **COUNT TWO: VIOLATION OF 740 ILCS § 14/15(b)**

1 **(Brought by Plaintiff on behalf of himself and the Class Members against all Defendants)**

2 57. Plaintiff realleges and incorporates by reference all allegations in all preceding
3 paragraphs.

4 58. No private entity may collect, capture, purchase, receive through trade, or otherwise
5 obtain a person's or a customer's biometric identifier or biometric information, unless it first:

6 (1) informs the subject or the subject's legally authorized representative in writing
7 that a biometric identifier or biometric information is being collected or stored;

8 (2) informs the subject or the subject's legally authorized representative in writing
9 of the specific purpose and length of term for which a biometric identifier or
10 biometric information is being collected, stored, and used; and

11 (3) receives a written release executed by the subject of the biometric identifier or
12 biometric information or the subject's legally authorized representative. 740 ILCS §
13 14/15(b).

14 59. Defendants did not inform Plaintiff and the Class Members in writing that
15 Defendants were collecting or storing their biometric information.

16 60. Instead, Defendants simply instructed Plaintiff and the Class Members to upload
17 their “selfies” as part of the overall account verification process.

18 61. In fact, Defendants made no mention of biometric information, collection of
19 biometric information, or storage of biometric information.

20 62. Moreover, Defendants did not inform Plaintiff and the Class Members in writing of
21 the specific purpose and length of term for which their biometric information was being collected,
22 stored, and used.

23 63. Defendants collected, stored, and used Plaintiff’s and the Class Members’ biometric
24 information without ever receiving a written release executed by Plaintiff and the Class Members
25 which would consent to or authorize Defendants to do same.

26 64. As such, Defendants’ collection of Plaintiff’s and the Class Members’ biometric
27 information was unlawful and in violation of 740 ILCS § 14/15(c).

28 **COUNT THREE: VIOLATION OF 740 ILCS § 14/15(d)**

1 **(Brought by Plaintiff on behalf of himself and the Class Members against all Defendants)**

2 65. Plaintiff realleges and incorporates by reference all allegations in all preceding
3 paragraphs.

4 66. No private entity in possession of a biometric identifier or biometric information may
5 disclose, redisclose, or otherwise disseminate a person's or a customer's biometric identifier or
6 biometric information unless:

7 (1) the subject of the biometric identifier or biometric information or the subject's
8 legally authorized representative consents to the disclosure or redisclosure;

9 (2) the disclosure or redisclosure completes a financial transaction requested or
10 authorized by the subject of the biometric identifier or the biometric information or
11 the subject's legally authorized representative;

12 (3) the disclosure or redisclosure is required by State or federal law or municipal
13 ordinance; or

14 (4) the disclosure is required pursuant to a valid warrant or subpoena issued by a
15 court of competent jurisdiction. 740 ILCS § 14/15(d).

16 67. While discovery will ascertain all of the ways in which Defendants disclosed,
17 redisclosed, or otherwise disseminated Plaintiff's and the Class Members' biometric information,
18 Defendants disclosed, redisclosed, or otherwise disseminated Plaintiff's and the Class Members'
19 biometric information to numerous third-party service providers for Defendants' business purposes
20 including, but not limited to, third-party providers that provide business services to Defendants,
21 third-party service providers that provide professional services to Defendants, and third-party
22 service providers that provide technical support functions to Defendants.

23 68. Defendants' disclosures, redisclosures, or otherwise disseminating of Plaintiff's and
24 the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(d).

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, individually, and on behalf of the Class Members, Plaintiff prays for: (1)
27 certification of this case as a class action pursuant to Fed. R. Civ. P. 23; (2) appointing Plaintiff as
28 the class representative and his attorneys as class counsel; (3) a declaration that Defendants have

1 violated BIPA, 740 ILCS 14/1 *et seq.*; (4) statutory damages of \$5,000.00 for each intentional and
2 reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of
3 \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the Court finds that Defendants’
4 violations of BIPA were not willful; (5) reasonable attorneys’ fees and costs and other litigation
5 expense pursuant to 740 ILCS 14/20(3); (6) actual damages; and (7) for any other relief the Court
6 deems appropriate.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff and the Class Members hereby demand a jury trial on all causes of action and claims
9 with respect to which they each have a state and/or federal constitutional right to a jury trial.

10 Dated: January 8, 2024

Respectfully submitted,

11 **BELIGAN LAW GROUP, LLP**

12 By: /s/ Leah M. Beligan

13 Leah M. Beligan (SBN 250834)

14 lbeligan@bbclawyers.net

Jerusalem F. Beligan (SBN 211258)

15 jbeligan@bbclawyers.net

16 19800 MacArthur Blvd., Ste. 300

Newport Beach, CA 92612

17 Telephone: (949) 224-3881

18 **FRADIN LAW**

19 By: /s/ Michael L. Fradin

20 Michael L. Fradin (*pro hac vice forthcoming*)

21 mike@fradinlaw.com

22 8 N. Court St. Suite 403

Athens, Ohio 45701

23 Telephone: 847-986-5889

24 **SIMON LAW CO.**

25 By: /s/ James L. Simon

26 James L. Simon (*pro hac vice forthcoming*)

27 james@simonsayspay.com

28 5000 Rockside Road

Liberty Plaza – Suite 520

Independence, OH 44131

Telephone: (216) 816-8696

Attorneys for Plaintiff and the Putative Class

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

Anthony Cajas, individually, and on behalf of all others similarly situated,

(b) County of Residence of First Listed Plaintiff Cook (EXCEPT IN U.S. PLAINTIFF CASES)

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

Leah M. Beligan, Esq., Beligan Law Group, LLP, 19800 MacArthur Blvd., Suite 300, Newport Beach, CA 92612 (949) 224-3881 (SEE ATTACHMENT)

DEFENDANTS

Coffee Meets Bagel, Inc.; and DOES 1 through 10, inclusive,

County of Residence of First Listed Defendant San Francisco (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
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
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): violation of 740 ILCS 14/1 et seq. Brief description of cause: Defendant's unlawful collections, obtainments, use, storage, and disclosure of Plaintiffs' sensitive and proprietary biometric identifiers and/or biometric information

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 5,000,000.00 (at least) CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

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

JUDGE DOCKET NUMBER

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

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

DATE 01/08/2024

SIGNATURE OF ATTORNEY OF RECORD

/s/ Leah M. Beligan

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.