Leah M. Beligan, Esq. (SBN 250834)
lbeligan@beliganlawgroup.com
Jerusalem F. Beligan, Esq. (SBN 211258)
jbeligan@beliganlawgroup.com
BELIGAN LAW GROUP, LLP
19800 MacArthur Blvd., Ste. 300
Newport Beach, CA 92612
Telephone: (949) 224-3881

James L. Simon (*pro hac vice* forthcoming)   Michael L. Fradin (*pro hac vice* forthcoming)
james@simonsayspay.com   mike@fradinlaw.com
SIMON LAW CO.   **FRADIN LAW**
11 ½ N. Franklin St.   8401 Crawford Ave., Ste. 104
Chagrin Falls, OH 44022   Skokie, IL 60076
Telephone: (216) 816-8696   Telephone: (847) 986-5889

Attorneys for Plaintiff and the Putative Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Jonathan Smith, individually and on behalf of all others similarly situated,
 	
        Plaintiff,
 	
  vs.
 	
Jumio, Inc.
 	
        Defendant.
	Case No. _____
	
	CLASS ACTION
	
	COMPLAINT
	
	DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

Now comes Plaintiff Jonathan Smith ("Plaintiff"), on behalf of himself and all other similarly situated, through Counsel, and pursuant to 740 ILCS § 14/1 *et seq.*, and Fed. R. Civ. P. 23, against Defendant Jumio, Inc. ("Jumio" or "Defendant"), to redress and curtail Defendant's

1   unlawful collections, obtainments, use, storage, and disclosure of Plaintiff's sensitive and

2   proprietary biometric identifiers and/or biometric information (collectively referred to herein as

3   "biometric data" and/or "biometrics"). Plaintiff alleges as follows upon personal knowledge as to

4   himself, his own acts and experiences and, as to all other matters, upon information and belief

5   including investigation conducted by his attorneys.

6   **NATURE OF THE ACTION**

7   1.   Defendant Jumio, Inc. is a Delaware corporation which operates as an information

8   "processor" for the crypto-currency app known as KuCoin. A processor is as an entity that processes

9   personal information on behalf of a controller, based upon the controller's instructions.

10   2.   Plaintiff opened a KuCoin account within the five years immediately preceding

11   the filing of this matter and had his biometric information processed by Jumio as part of the process

12   of signing up for his account.

13   3.   As part of signing up, and/or gaining access to his KuCoin account, Plaintiff was

14   required to upload a picture of (1) a valid state-issued identification; and (2) a real time portrait of

15   his face, i.e. a "selfie."

16   4.   KuCoin utilizes the services of Jumio, who then scans the "selfie" photograph,

17   creates a biometric template of the user's face, and compares the user's facial biometrics to the

18   photograph on the identification document to confirm whether they match.

19   5.   KuCoin users, including Plaintiff are instructed to setup biometric authentication for

20   use with KuCoin's mobile app.

21   6.   Jumio, acting as a processor for KuCoin, collects, stores, possesses, otherwise

22   obtains, uses, and disseminates its users' biometric data to, amongst other things, further enhance

23   KuCoin and its online "app-based" platform.

24   7.   Facial geometry scans are unique, permanent biometric identifiers associated with

25   each user that cannot be changed or replaced if stolen or compromised. Jumio's unlawful collection,

26   obtainment, storage, and use of its users' biometric data exposes them to serious and irreversible

27   privacy risks. For example, if Jumio's database containing facial geometry scans or other sensitive,

28

- 2 -

CLASS ACTION COMPLAINT | No.

1 proprietary biometric data is hacked, breached, or otherwise exposed, Jumio users have no means

2 by which to prevent identity theft, unauthorized tracking or other unlawful or improper use of this

3 highly personal and private information.

4   8.   The Illinois legislature enacted BIPA to protect residents' privacy interests in their

5 biometric data. *See Heard v. Becton, Dickinson & Co*., 440 F. Supp. 3d 960, 963 (N.D. Ill. 2020),

6 citing *Rosenbach v. Six Flags Entm't Corp.*, 2019 IL 123186, 432 Ill. Dec. 654, 129 N.E.3d 1197,

7 1199 (2019).

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

9 their interest in protecting their private domain from invasion, such as from trespass. *See Bryant v.*

10 *Compass Group USA, Inc.*, 958 F.3d 617, 624 (7th Cir. 2020), as amended on denial of reh'g and

11 reh'g *en banc*, (June 30, 2020) and opinion amended on denial of reh'g *en banc*, 2020 U.S. App.

12 LEXIS 20468, 2020 WL 6534581 (7th Cir. 2020).

13   10.   In recognition of these concerns over the security of individuals' biometrics –

14 particularly in the City of Chicago, which has been selected by major national corporations as a

15 "pilot testing site[] for new applications of biometric-facilitated financial transactions, including

16 finger-scan technologies at grocery stores, gas stations, and school cafeterias" (740 ILCS 14/5(b))

17 – the Illinois Legislature enacted the BIPA, which provides, *inter alia*, that a private entity like

18 Jumio may not obtain and/or possess an individual's biometrics unless it: (1) informs that person in

19 writing that biometric identifiers or information will be collected or stored; (2) informs that person

20 in writing of the specific purpose and length of term for which such biometric identifiers or biometric

21 information is being collected, stored and used; (3) receives a written release from the person for

22 the collection of his or her biometric identifiers or information; and (4) publishes publicly-available

23 written retention schedules and guidelines for permanently destroying biometric identifiers and

24 biometric information. 740 ILCS 14/15(a)-(b).

25   11.   The Illinois Legislature has found that "[b]iometrics are unlike other unique

26 identifiers that are used to access finances or other sensitive information." 740 ILCS 14/5(c). "For

27 example, social security numbers, when compromised, can be changed. Biometrics, however, are

28

CLASS ACTION COMPLAINT | No.

1   biologically unique to the individual; therefore, once compromised, the individual has no recourse,

2   is at heightened risk for identity theft, and is likely to withdraw from biometric-facilitated

3   transactions." *Id*.

4   12.   Specifically, upon information and belief, Jumio has created, collected, and stored

5   thousands of "face templates" – highly detailed geometric maps of the face from countless Illinois

6   residents whose selfies and state-issued ID's were collected by Jumio. Each face template that Jumio

7   extracts is unique to a particular individual in the same way that a fingerprint or voiceprint uniquely

8   identifies a particular individual.

9   13.   Jumio is a "private entity" as that term is broadly defined by BIPA and Jumio is

10 subject to all requirements of BIPA. *See* 740 ILCS § 14/10.

11 **JURISDICTION AND VENUE**

12   14.   This is a Class Action Complaint for violations of the Illinois Biometric Information

13 Privacy Act (740 ILCS 14/1 et seq.) brought pursuant to Fed. R. Civ. P. 23 seeking statutory and

14 actual damages.

15   15.   Venue is proper in this Court because a substantial amount of the acts and omissions

16 giving rise to this Action occurred within this judicial district.

17   16.   This Court has jurisdiction over this dispute pursuant to 28 U.S.C. § 1332 because

18 Plaintiff and the proposed class members are all residents of Illinois, Jumio is domiciled within this

19 judicial district and the amount in controversy exceeds $75,000.

20   17.   This Court has jurisdiction over this dispute pursuant to the Class Action Fairness

21 Act ("CAFA") because the prospective class includes over 100 people and the amount in

22 controversy exceeds $5,000,000.

23   18.   At all relevant times, Plaintiff and the proposed Class are residents of the state of

24 Illinois and the violations of BIPA as detailed herein occurred while Plaintiff and the proposed Class

25 were located in Illinois.

26   19.   At all relevant times, Jumio is incorporated under the laws and jurisdiction of

27 Delaware, and Jumio's principal place of business is located in Sunnyvale, California.

28

- 4 -

CLASS ACTION COMPLAINT | **No.**

DIVISIONAL ASSIGNMENT

20.   The San Jose Division is the appropriate division for this case, pursuant to Civil L.R. 3-2(c), because a substantial part of the events or omissions giving rise to the claims alleged in this Complaint occurred in the County of Santa Clara and Jumio is headquartered in the City of Sunnyvale, California.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

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

22.   Plaintiff opened a KuCoin account within the five years immediately preceding the filing of this action.

23.   As part of signing up, and/or gaining access to his KuCoin account, Plaintiff was required to upload a picture of (1) a valid state-issued identification; and (2) a real time portrait of his face, i.e. a "selfie."

24.   Jumio then scanned Plaintiff's "selfie" photograph, creating a biometric template of the Plaintiff's faces and biometric identifiers, and compared Plaintiff's biometric identifiers to the photograph on his state issued identification document to confirm whether they match.

25.   KuCoin users, including Plaintiff, are instructed to setup biometric authentication for use with KuCoin's mobile app.

26.   In other words, Jumio collected and retained biometric information for the purpose of verifying Plaintiff's identity prior to KuCoin opening an account in Plaintiff's name.

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

28.   Ostensibly, the purpose of Jumio's collection of Plaintiff's facial geometry was to verify Plaintiff's identity prior to KuCoin opening an account in Plaintiff's name.

29.   As such, Plaintiff's facial geometry should have been permanently destroyed by

- 5 -

CLASS ACTION COMPLAINT | No.

1   Jumio following the opening of Plaintiff's KuCoin account.

2   30.   However, Jumio failed to permanently destroy Plaintiff's facial geometry following

3   the opening of Plaintiff's KuCoin account and instead retained Plaintiff's biometric information.

4   31.   As such, Jumio's retention of Plaintiff's biometric information was unlawful and in

5   violation of 740 ILCS § 14/15(a).

6   32.   Jumio did not inform Plaintiff in writing that it was collecting or storing his biometric

7   information.

8   33.   Instead, Plaintiff was simply instructed to upload his state issued identification forms

9   and "selfie" photographs as part of the overall account opening process.

10   34.   In fact, Jumio made no mention of biometric information, collection of biometric

11   information, or storage of biometric information.

12   35.   Moreover, Jumio did not inform Plaintiff in writing of the specific purpose and length

13   of term for which his biometric information was being collected, stored, and used.

14   36.   Jumio collected, stored, and used Plaintiff's biometric information without ever

15   receiving a written release executed by Plaintiff which would consent to or authorize Jumio to do

16   the same.

17   37.   Additionally, Jumio disclosed, redisclosed, or otherwise disseminated Plaintiff's

18   biometric information (1) without Plaintiff's consent; (2) without Plaintiff's authorization to

19   complete a financial transaction requested or authorized by Plaintiff; (3) without being required by

20   State or federal law or municipal ordinance; or (4) without being required pursuant to a valid warrant

21   or subpoena issued by a court of competent jurisdiction.

22   38.   Upon information and belief, Jumio is part of a network of numerous third parties

23   including, but not limited to, KuCoin, sensorsdata.com, Baidu AI Cloud, and advancie.ai, all of

24   which have had Plaintiff's biometric information disclosed, redisclosed or otherwise disseminated

25   to them via their role as a processor for KuCoin.

26   39.   Jumio's collection and retention of biometric information as described herein is not

27   unique to Plaintiff and is instead part of Jumio's policies and procedures which Jumio applies to all

28

- 6 -

CLASS ACTION COMPLAINT   │ No.

1   of its users, including the Class Members.

2   **RULE 23 CLASS DEFINITIONS AND ALLEGATIONS**

3   40.   Plaintiff realleges and incorporates by reference all allegations in all preceding

4   paragraphs.

5   41.   Plaintiff brings Claims for Relief in violation of BIPA as a class action under Rule

6   23(a), (b)(2) and (b)(3). Plaintiff brings these claims on behalf of himself and all members of the

7   following Rule 23 Class:

8   **All Illinois residents who had their biometric information collected by Jumio**
    while using the platform KuCoin at any point in the five (5) years preceding the
9   **filing of this Complaint.**

10

11   42.   In the alternative, and for the convenience of this Court and the parties, Plaintiff may

12   seek to certify other subclasses at the time the motion for class certification is filed.

13   43.   **Numerosity (Rule 23(a)(1)).** The Class Members are so numerous that joinder of all

14   members is impracticable. Plaintiff is informed and believes that there are more than 1,000 people

15   who satisfy the definition of the Class.

16   44.   **Existence of Common Questions of Law and Fact (Rule 23(a)(2)).** Common

17   questions of law and fact exist as to Plaintiff and the Class Members including, but not limited to,

18   the following:

19   a.   Whether Jumio possessed Plaintiff's and the Class Members' biometric identifiers

20   or biometric information without first developing a written policy, made available to the public,

21   establishing a retention schedule and guidelines for permanently destroying biometric identifiers

22   and biometric information when the initial purpose for collecting or obtaining such identifiers or

23   information has been satisfied or within 3 years of the individual's last interaction with Jumio,

24   whichever occurs first.

25   b.   Whether Jumio collected, captured, purchased, received through trade, or otherwise

26   obtained Plaintiff's and the Class Members' biometric identifiers or biometric information, without

27   first: (1) informing Plaintiff and the Class Members in writing that a biometric identifier or biometric

28

- 7 -

CLASS ACTION COMPLAINT | No.

1   information is being collected or stored; (2) informing Plaintiff and the Class Members in writing

2   of the specific purpose and length of term for which their biometric identifiers or biometric

3   information was being collected, stored, and used; and (3) receiving a written release executed by

4   Plaintiff and the Class Members.

5   c. Whether Jumio disclosed, redisclosed, or otherwise disseminated Plaintiff's and the

6   Class Members' biometric identifiers or biometric information (1) without Plaintiff's and the Class

7   Members' consent; (2) without Plaintiff's and the Class Members' authorization to complete a

8   financial transaction requested or authorized by Plaintiff and the Class Members; (3) without being

9   required by State or federal law or municipal ordinance; or (4) without being required pursuant to a

10 valid warrant or subpoena issued by a court of competent jurisdiction.

11   d. The damages sustained and the proper monetary amounts recoverable by Plaintiff

12 and the Class Members.

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

14 claims. Plaintiff, like the Class Members, had their biometric identifiers and biometric information

15 collected, retained or otherwise possessed by Jumio without Jumio's adherence to the requirements

16 of BIPA as detailed herein.

17   46. **Adequacy (Rule 23(a)(4))**. Plaintiff will fairly and adequately represent and protect

18 the interests of the Class Members. Plaintiff has retained counsel competent and experienced in

19 complex class actions.

20   47. **Injunctive and Declaratory Relief (Rule 23(b)(2))**. Class certification of the Rule

21 23 claims is appropriate under Rule 23(b)(2) because Jumio acted or refused to act on grounds

22 generally applicable to the Class Members, making appropriate declaratory relief with respect to the

23 Class Members as a whole.

24   48. **Predominance and Superiority of Class Action (Rule 23(b)(3))**. Class

25 certification of the Rule 23 claims is also appropriate under Rule 23(b)(3) because questions of law

26 and fact common to the Class Members predominate over questions affecting only individual

27 members of the classes, and because a class action is superior to other available methods for the fair

28

- 8 -

CLASS ACTION COMPLAINT | **No.**

1   and efficient adjudication of this litigation. Jumio's common and uniform policies and practices

2   illegally deprived Plaintiff and the Class Members of the privacy protections which BIPA seeks to

3   ensure; thus, making the question of liability and damages much more manageable and efficient to

4   resolve in a class action, compared to hundreds of individual trials. The damages suffered by

5   individual Class Members are small compared to the expense and burden of individual prosecution.

6   In addition, class certification is superior because it will obviate the need for unduly duplicative

7   litigation that might result in inconsistent judgments about Jumio's practices.

8   49.   Plaintiff intends to send notice to all Class Members to the extent required by Fed.

9   R. Civ. P. 23.

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

11   50.   Plaintiff realleges and incorporates by reference all allegations in all preceding

12 paragraphs.

13   51.   A private entity in possession of biometric identifiers or biometric information must

14 develop a written policy, made available to the public, establishing a retention schedule and

15 guidelines for permanently destroying biometric identifiers and biometric information when the

16 initial purpose for collecting or obtaining such identifiers or information has been satisfied or within

17 3 years of the individual's last interaction with the private entity, whichever occurs first. Absent a

18 valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession

19 of biometric identifiers or biometric information must comply with its established retention schedule

20 and destruction guidelines. 740 ILCS § 14/15(a).

21   52.   Jumio created and collected biometric templates of the Plaintiff's and the Class

22 Members' faces which qualifies as biometric information as defined by BIPA.

23   53.   At all relevant times, Jumio had no written policy, made available to the public,

24 establishing a retention schedule and guidelines for permanently destroying biometric information

25 when the initial purpose for collecting or obtaining such biometric information has been satisfied or

26 within 3 years of the individual's last interaction with Jumio, whichever occurs first.

27   54.   Ostensibly, the purpose of Jumio's collection of Plaintiff's and the Class Members'

28

- 9 -

CLASS ACTION COMPLAINT   │ No.

facial geometry was to verify Plaintiff's and the Class Members' identities prior to KuCoin opening an account in their names.

55. As such, Plaintiff's and the Class Members' facial geometry should have been permanently destroyed by Jumio after KuCoin opened their accounts.

56. However, Jumio failed to permanently destroy Plaintiff's and the Class Members' facial geometries following the opening of their KuCoin accounts and instead retained Plaintiff's and the Class Members' biometric information.

57. Moreover, Plaintiff's and the Class Members' biometric information should have been permanently destroyed by Jumio after Plaintiff and the Class Members logged out or ceased using KuCoin.

58. However, Jumio failed to permanently destroy Plaintiff's and the Class Members' biometric information after they logged out or ceased using KuCoin.

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

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

60. Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

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

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

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

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

62. Jumio did not inform Plaintiff and the Class Members in writing that Jumio was collecting or storing their biometric information.

- 10 -

CLASS ACTION COMPLAINT | No.

63.   Instead, Plaintiff and the Class Members were simply instructed to upload their state issued identification forms and "selfies" as part of KuCoin's overall account opening process and this information was then processed by Jumio by creating biometric facial templates.

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

65.   Jumio collected, stored, and used Plaintiff's and the Class Members' biometric information without ever receiving a written release executed by Plaintiff and the Class Members which would consent to or authorize Jumio to do the same.

66.   As such, Jumio's collection of Plaintiff's and the Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(b).

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

67.   Plaintiff realleges and incorporates by reference all allegations in all preceding paragraphs.

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

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

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

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

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

69.   Upon information and belief, Jumio is part of a network of numerous third parties, including but not limited to, KuCoin, sensorsdata.com, Baidu AI Cloud, and advancie.ai, all of

- 11 -

CLASS ACTION COMPLAINT   │ No.

1   which have had Plaintiff's biometric information disclosed, redisclosed or otherwise disseminated

2   to them via their role as a processors for KuCoin..

3   70.   Jumio's disclosures, redisclosures, or otherwise disseminating of Plaintiff's and the

4   Class Members' biometric information was unlawful and in violation of 740 ILCS § 14/15(d).

5   **WHEREFORE**, individually, and on behalf of the Class Members, Plaintiff prays for: (1)

6   certification of this case as a class action pursuant to Fed. R. Civ. P. 23 and appointing the

7   undersigned counsel as class counsel; (2) a declaration that Defendant has violated BIPA, 740 ILCS

8   14/1 *et seq*.; (3) statutory damages of $5,000.00 for the intentional and reckless violation of BIPA

9   pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of $1,000.00 per violation

10 pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant's violations of BIPA were

11 not willful; (4) reasonable attorneys' fees and costs and other litigation expense pursuant to 740

12 ILCS 14/20(3); (5) actual damages; and (6) for any other relief deemed appropriate in the premises.

13 <div align="center">

DEMAND FOR JURY TRIAL
</div>

14   Plaintiff and the Class Members hereby demand a jury trial on all causes of action and claims

15 with respect to which they each have a state and/or federal constitutional right to a jury trial.

16 Dated: February 22, 2024   **BELIGAN LAW GROUP, LLP**

17   By: */s/ Leah M. Beligan_____*

18   Leah M. Beligan (SBN 250834)
     lbeligan@beliganlawgroup.com

19   Jerusalem F. Beligan (SBN 211258)
     jbeligan@beliganlawgroup.com

20   19800 MacArthur Blvd., Ste. 300
     Newport Beach, CA 92612

21   Telephone: (949) 224-388

22

23   **FRADIN LAW**

24   By*: /s/ Michael L. Fradin*

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

26   8 N. Court St., Suite 403
     Athens, Ohio 45701

27   Telephone: 847-986-5889
     Email: mike@fradinlaw.com

28

<div align="center">- 12 -</div>

CLASS ACTION COMPLAINT | No.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

SIMON LAW CO.

By: /s/ *James L. Simon*
    James L. Simon (*pro hac vice*
    forthcoming)
    11 1/2 N. Franklin Street
    Chagrin Falls, Ohio 44022
    Telephone: (216) 816-8696
    Email: james@simonsayspay.com

Attorneys for Plaintiff and the Putative Class

- 13 -

CLASS ACTION COMPLAINT | **No.**

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

Jonathan Smith, 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)*

Beligan Law Group, LLP 19800 MacArthur Blvd., Suite 300 Newport Beach, CA 92612 (949) 224-3881 (see attachment)

DEFENDANTS

Jumio, Inc.

County of Residence of First Listed Defendant   Santa Clara
(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)*
- [X] 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)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated *or* Principal Place of Business In This State	[ ] 4	[X] 4
Citizen of Another State	[X] 2	[ ] 2	Incorporated *and* Principal Place of Business In Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

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

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment Of Veteran's Benefits
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability
- [ ] 196 Franchise

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [X] 360 Other Personal Injury
- [ ] 362 Personal Injury -Medical Malpractice

CIVIL RIGHTS
- [ ] 440 Other Civil Rights
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 445 Amer. w/Disabilities– Employment
- [ ] 446 Amer. w/Disabilities–Other
- [ ] 448 Education

PERSONAL INJURY
- [ ] 365 Personal Injury – Product Liability
- [ ] 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

PRISONER PETITIONS

HABEAS CORPUS
- [ ] 463 Alien Detainee
- [ ] 510 Motions to Vacate Sentence
- [ ] 530 General
- [ ] 535 Death Penalty

OTHER
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Condition
- [ ] 560 Civil Detainee– Conditions of Confinement

FORFEITURE/PENALTY
- [ ] 625 Drug Related Seizure of Property 21 USC § 881
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Management Relations
- [ ] 740 Railway Labor Act
- [ ] 751 Family and Medical Leave Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Employee Retirement Income Security Act

IMMIGRATION
- [ ] 462 Naturalization Application
- [ ] 465 Other Immigration Actions

BANKRUPTCY
- [ ] 422 Appeal 28 USC § 158
- [ ] 423 Withdrawal 28 USC § 157

PROPERTY RIGHTS
- [ ] 820 Copyrights
- [ ] 830 Patent
- [ ] 835 Patent–Abbreviated New Drug Application
- [ ] 840 Trademark
- [ ] 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- [ ] 861 HIA (1395ff)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS–Third Party 26 USC § 7609

OTHER STATUTES
- [ ] 375 False Claims Act
- [ ] 376 Qui Tam (31 USC § 3729(a))
- [ ] 400 State Reapportionment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced & Corrupt Organizations
- [ ] 480 Consumer Credit
- [ ] 485 Telephone Consumer Protection Act
- [ ] 490 Cable/Sat TV
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 890 Other Statutory Actions
- [ ] 891 Agricultural Acts
- [ ] 893 Environmental Matters
- [ ] 895 Freedom of Information Act
- [ ] 896 Arbitration
- [ ] 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- [ ] 950 Constitutionality of State Statutes

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

- [X] 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)
- [ ] SAN FRANCISCO/OAKLAND
- [X] SAN JOSE
- [ ] EUREKA-MCKINLEYVILLE

DATE 02/22/2024

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.

Attachment

.

FRADIN LAW

Michael L. Fradin, Esq. (pro hac vice forthcoming)
8 N. Court St. Suite 403
Athens, Ohio 45701
Telephone: 847-986-5889
Facsimile: 847-673-1228
Email: mike@fradinlaw.com

SIMON LAW CO.

James L. Simon (pro hac vice forthcoming)
Simon Law Co.
5000 Rockside Road
Liberty Plaza – Suite 520
Independence, OH 44131
Telephone: (216) 816-8696
Email: james@simonsayspay.com

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
Northern District of California

Jonathan Smith	)))))	
Plaintiff(s)	))	
v.	))	Civil Action No.
Jumio, Inc.	)))))	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Jumio, Inc.
100 Mathilda Pl suite 100
Sunnyvale, CA 94086

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Leah M. Beligan (SBN 250834)
lbeligan@beliganlawgroup.com
Jerusalem F. Beligan (SBN 211258)
jbeligan@beliganlawgroup.com
BELIGAN LAW GROUP, LLP
19800 MacArthur Blvd., Ste. 300 Newport Beach, CA 92612

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

_____
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❐ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❐ I returned the summons unexecuted because _____ ; or

❐ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ __0.00__ .

I declare under penalty of perjury that this information is true.

Date: _____   _____
                                                    Server's signature

                                          _____
                                                    Printed name and title

                                          _____
                                                    Server's address

Additional information regarding attempted service, etc: