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8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 JOSE LUIS MARTINEZ and
MALCOLM NEAL, on behalf of
13 themselves and all others similarly
situated,
14

Plaintiffs,
15

vs.
16

SNAPCHAT, INC.
17

Defendant.
18

Case No. 16-cv-05182

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
SECTION 1441**

**(Removed from the Superior Court of
the State of California, City and
County of Los Angeles, Case No.
BC621391)**

Complaint Filed: May 23, 2016

1 **TO THE CLERK OF THE CENTRAL DISTRICT COURT OF**
2 **THE STATE OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1332(d),
4 1441, 1446, and 1453, defendant Snapchat, Inc. (“Snapchat”) removes to this Court
5 the above-entitled action, pending as Case No. BC621391 in the Superior Court of
6 the State of California for the County of Los Angeles (the “Action”). As grounds
7 for removal, Snapchat states as follows:

8 1. On May 23, 2016, Plaintiffs Jose Luis Martinez and Malcolm
9 Neal, individually and on behalf of a putative class, filed the Action in the Superior
10 Court of the State of California for the County of Los Angeles against Defendant
11 Snapchat. Plaintiffs assert claims for purported violations of the Illinois Biometric
12 Information Privacy Act (“BIPA”), 740 ILCS 14/1 *et seq.*

13 2. The Action is a putative class action over which this Court has
14 original jurisdiction pursuant to 28 U.S.C. § 1332(d)(2)(A) (the “Class Action
15 Fairness Act” or “CAFA”), and may be removed to this Court pursuant to the
16 provisions of 28 U.S.C. §§ 1446 and 1453. This is a (i) class action; (ii) in which at
17 least one member of the putative class of plaintiffs is a citizen of a state different
18 from that of the Defendant; (iii) the number of members of the putative class of
19 plaintiffs is not less than 100; and (iv) the amount allegedly in controversy exceeds
20 \$5,000,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(d)(2), (d)(5)(B).

21 **CAFA Elements**

22 3. Covered Class Action. A case satisfies CAFA’s class action
23 requirement if it is “filed under Rule 23 of the Federal Rules of Civil Procedure *or*
24 *similar State statute . . .* authorizing an action to be brought by 1 or more
25 representative persons as a class action.” 28 U.S.C. § 1332(d)(1)(B) (emphasis
26 added). The Action satisfies this definition, as Plaintiffs’ suit is brought “on behalf
27 of themselves” and “all other persons similarly situated,” pursuant to California
28 Code of Civil Procedure § 382, which is California’s equivalent to Rule 23 of the

1 Federal Rules of Civil Procedure. *See Baumann v. Chase Inv. Serv. Co.*, 747 F.3d
2 1117, 1121 (9th Cir. 2014) (referring to Cal. Civ. Code § 382 as “the California
3 class action statute”). Plaintiffs purport to bring the Action on behalf of “[a]ll
4 Snapchat users who, while citizens of the State of Illinois, had their biometric
5 identifiers or biometric information, including ‘face templates’ (or ‘face prints’),
6 collected, captured, purchased, received through trade, or otherwise obtained by
7 Snapchat.” (Compl. ¶ 42).

8 4. Diversity. The diversity requirement of § 1332(d) is satisfied
9 when *any* member of a putative class of plaintiffs is a citizen of a state different
10 from *any* defendant. 28 U.S.C. § 1332(d)(2)(A). Here, Snapchat’s citizenship
11 differs from the citizenship of *all* of the Plaintiffs and the putative class members
12 they seek to represent. Plaintiffs allege that they, and all members of the class, are
13 citizens of Illinois. (Compl. ¶¶ 10, 11, 42). As Plaintiffs further allege, Snapchat is
14 a Delaware corporation with its headquarters and principal place of business in
15 California. (*Id.* ¶ 12); *see also* 28 U.S.C. § 1332(c) (defining citizenship of
16 corporation for purposes of diversity jurisdiction as states where corporation is
17 incorporated and has its principal place of business). Accordingly, the diversity
18 requirement of CAFA is satisfied.

19 5. The Putative Class Exceeds 100 Members. Plaintiffs allege that
20 the number of putative class members “is substantial and is believed to amount to
21 thousands of people.” (Compl. ¶ 43). Accordingly, the putative class exceeds 100
22 members.

23 6. Amount in Controversy. CAFA’s amount in controversy
24 requirement is satisfied if the claims of individual class members, when aggregated,
25 exceed \$5,000,000 exclusive of interests and costs. 28 U.S.C. § 1332(d)(2), (6).
26 That amount in controversy is satisfied here based on the allegations of the
27
28

1 Complaint.¹ Plaintiffs allege that the number of putative class members is “believed
 2 to amount to thousands of people.” (Compl. ¶ 43). Plaintiffs seek “statutory
 3 damages of \$5,000” on behalf of each putative class member. (Compl. ¶ 56).
 4 Accordingly, the amount in controversy exceeds \$5,000,000. *See, e.g., Chabner v.*
 5 *United of Omaha Life Ins. Co.*, 225 F.3d 1042, 1046 n. 3 (9th Cir. 2000) (noting that
 6 courts may consider statutory damages for purposes of calculating amount in
 7 controversy); *Shierkatz Rllp v. Square, Inc.*, 2015 WL 9258082, at *3 (N.D. Cal.
 8 Dec. 17, 2015) (“Because the minimum statutory damage award under the Unruh
 9 Act is \$4,000, Cal. Civ. Code § 52, Shierkatz has pleaded that the amount in
 10 controversy exceeds \$5,000,000, as required by 28 U.S.C. 1332(d)(2).”). In
 11 addition, Plaintiffs seek injunctive relief. (Compl. ¶ 56). The value of the
 12 injunctive relief also may be included within the amount in controversy requirement,
 13 further ensuring that the \$5,000,000 figure is satisfied here. *Cohn v. Petsmart, Inc.*,
 14 281 F.3d 837, 840 (9th Cir. 2002).

15 7. No CAFA Exceptions. This case does not fall within any
 16 exclusion to removal jurisdiction recognized by 28 U.S.C. § 1332(d).

17 **Procedural Matters**

18 8. No Waiver or Admission. This Notice of Removal is presented
 19 for the purpose of establishing jurisdiction only. Snapchat denies the allegations
 20 and damages claimed in the Complaint, and files this Notice without waiving any
 21 defenses, exceptions, or obligations that may exist in its favor in either state or
 22 federal court. Nothing herein shall constitute an admission as to any of the
 23
 24

25 ¹ An evidentiary showing of the amount in controversy is unnecessary to support a
 26 notice of removal. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct.
 27 547, 553-54 (2014). The amount in controversy may be supported by plausible
 28 assertions, supplemented with evidence in the event of a challenge. *Ibarra v.*
Manheim Investments, Inc., 775 F.3d 1193, 1197-98 (9th Cir. 2015).

1 allegations in the Complaint, including whether Plaintiffs are entitled to bring this
2 case as a class action or recover any relief whatsoever as a result of their claims.

3 9. Removal is Timely. Snapchat was served with the Complaint on
4 June 16, 2016. Thus, this notice of removal is timely, as the 30-day period for
5 removal has not expired.

6 10. Removal to Proper Court. This Court is part of the “district and
7 division embracing the place where” the Action was filed – Los Angeles County,
8 California. 28 U.S.C. § 1446(a).

9 11. Pleadings and Process. Pursuant to 28 U.S.C. § 1446(a),
10 attached as Exhibit A is “a copy of all process, pleadings, and orders served upon”
11 or obtained by Defendants.

12 12. Filing and Service. A copy of this Notice of Removal is being
13 filed with the Clerk of the Superior Court of the State of California for the County of
14 Los Angeles, and is being served on all counsel of record, consistent with 28 U.S.C.
15 § 1446(d). The Superior Court of the State of California for the County of Los
16 Angeles is located within this district.

17 **BASED ON THE FOREGOING**, Snapchat hereby removes the
18 Action, now pending in the Superior Court of the State of California for the County
19 of Los Angeles, to the United States District Court for the Central District of
20 California.

1 DATED: July 14, 2016

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5
6 By: /s/ Rosemarie T. Ring

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Superior Court of California
County of Los Angeles

MAY 23 2016

Sherri R. Carter, Executive Officer/Clerk

By Shaunya Bolden, Deputy

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF LOS ANGELES**

BC 6 21 391

13 JOSE LUIS MARTINEZ and
14 MALCOLM NEAL, on behalf of
15 themselves and all others similarly
situated,

16 Plaintiffs,

17 vs.

18 SNAPCHAT, INC.,

19 Defendant.

Case No.

CLASS ACTION COMPLAINT

1. Violation of the Illinois Biometric
Information Privacy Act, 740 ILCS
14/1, *et seq.*

[DEMAND FOR JURY TRIAL]

BY FAX

1 Plaintiffs Jose Luis Martinez and Malcolm Neal, individually and on behalf of all
 2 others similarly situated, bring this Class Action Complaint for violations of the Illinois
 3 Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1 *et seq.*, against Snapchat,
 4 Inc. (“Snapchat” or the “Defendant”), and allege as follows based on personal knowledge
 5 as to themselves, on the investigation of counsel, and on information and belief as to all
 6 other matters, and demand trial by jury:

7 NATURE OF ACTION

8 1. Plaintiffs bring this action for damages and other legal and equitable
 9 remedies resulting from the illegal actions of Snapchat in collecting, storing and using
 10 Plaintiffs’ and other similarly situated Illinois users’ biometric identifiers¹ and biometric
 11 information² (referred to collectively at times as “biometrics”) without informed written
 12 consent in violation of the BIPA.

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

19 3. In recognition of these concerns over the security of individuals’
 20 biometrics – particularly in the City of Chicago, which was recently selected by major
 21 national corporations as a “pilot testing site[] for new applications of biometric-facilitated
 22 financial transactions, including finger-scan technologies at grocery stores, gas stations,
 23 and school cafeterias,” 740 ILCS 14/5(b) – the Illinois Legislature enacted the BIPA.

24 4. As alleged herein, the BIPA is the result of an expressed fundamental
 25 public policy and legislative intent in Illinois to regulate the collection of biometric

26
 27 ¹ A “biometric identifier” is any personal feature that is unique to an individual, including
 fingerprints, iris scans, DNA and “face geometry,” among others.

28 ² “Biometric information” is any information captured, converted, stored or shared based on a
 person’s biometric identifier used to identify an individual.

1 information. BIPA provides, *inter alia*, that a private entity like Snapchat may not
2 collect, capture, purchase, receive through trade, or otherwise obtain an individual's
3 biometrics unless it: (1) informs that person in writing that biometric identifiers or
4 information will be collected or stored, *see id.*; (2) informs that person in writing of the
5 specific purpose and length of term for which such biometric identifiers or biometric
6 information is being collected, stored and used, *see id.*; (3) receives a written release from
7 the person for the collection of his or her biometric identifiers or information, *see id.*; and
8 (4) publishes publically available written retention schedules and guidelines for
9 permanently destroying biometric identifiers and biometric information, *see* 740 ILCS
10 14/15(a) and (b).

11 5. In direct violation of each of the foregoing provisions of § 15(a) and §
12 15(b) of the BIPA, Snapchat is actively collecting, storing, and using the biometrics of its
13 users without providing notice, obtaining informed written consent or publishing data
14 retention policies.

15 6. Specifically, in connection with providing its services, Snapchat has
16 created, collected and stored tens if not hundreds of millions of "face templates" (or "face
17 prints") – highly detailed geometric maps of the face – from millions of individuals, tens
18 of thousands of whom, at least, reside in the State of Illinois. Snapchat creates these
19 templates using sophisticated facial recognition technology that extracts and analyzes
20 data from the points and contours of users' faces when they use Snapchat's "Lenses"
21 feature.

22 7. Lenses allows users to add real-time special effects and sounds to their
23 "snaps," images sent through the app that "vanish" within 1 to 10 seconds of receipt, and
24 "stories," which, unlike snaps, are available for 24 hours and can be viewed repeatedly
25 until the time limit is up.

26 8. Each face template is unique to a particular individual, in the same way
27 that a fingerprint or voiceprint uniquely identifies one and only one person.
28

10. Plaintiff Jose Luis Martinez is, and has been at all relevant times, a resident and citizen of Illinois. Mr. Martinez has been a Snapchat user since at least November 2014 and has been using Snapchat's Lenses feature since it became available in September 2015. Mr. Martinez uses the Lenses feature one to two times per day, and has sent both snaps and stories using Lenses. He never consented, agreed or gave permission – written or otherwise – to Snapchat for the collection or storage of the biometrics identifiers or biometric information associated with his face template. Further, Snapchat never provided him with nor did he ever sign a written release allowing Snapchat to collect or store the biometric identifiers or biometric information associated with his face template.

11. Plaintiff Malcolm Neal is, and has been at all relevant times, a resident and citizen of Illinois. Mr. Neal has been a Snapchat user since on or about April 23, 2013 and sends snaps using the Lenses feature approximately once a week. He never consented, agreed or gave permission – written or otherwise – to Snapchat for the collection or storage of the biometrics identifiers or biometric information associated with his face template. Further, Snapchat never provided him with nor did he ever sign a written release allowing Snapchat to collect or store the biometric identifiers or biometric information associated with his face template.

CLASS ACTION COMPLAINT

JURISDICTION AND VENUE

13. This Court has jurisdiction pursuant to California Code of Civil Procedure § 410.10 because this Court has general subject matter jurisdiction and no applicable statutory exception to jurisdiction exists.

14. This Court has personal jurisdiction over the Defendant named in this action because Defendant is a California corporation and maintains its principal place of business in California. Defendant maintains such minimum contacts with California to make this Court's exercise of jurisdiction proper. Defendant engages in continuous and systematic business operations within this State and maintains offices throughout the State, including within this County.

15. Venue is proper in this Court because Defendant maintains its principal place of business within this County, transacts substantial business within this County, and the events giving rise to this lawsuit occurred in substantial part within this County.

FACTUAL BACKGROUND

I. Biometric Technology Implicates Consumer Privacy Concerns

16. "Biometrics" refers to unique physical characteristics used to identify an individual. One of the most prevalent uses of biometrics is in facial recognition technology, which works by scanning an image for human faces, extracting facial feature data based on specific "biometric identifiers" (*i.e.*, details about the face's geometry as determined by facial points and contours), and comparing the resulting "face template" (or "faceprint") against the face templates stored in a "face template database." If a database match is found, an individual may be identified.

17. The use of facial recognition technology in the commercial context presents numerous consumer privacy concerns. During a 2012 hearing before the United States Senate Subcommittee on Privacy, Technology, and the Law, Senator Al Franken (D-MN) stated that "there is nothing inherently right or wrong with [facial recognition technology, but] if we do not stop and carefully consider the way we use [it], it may also

1 be abused in ways that could threaten basic aspects of our privacy and civil liberties.”³
 2 Senator Franken noted, for example, that facial recognition technology could be “abused
 3 to not only identify protesters at political events and rallies, but to target them for
 4 selective jailing and prosecution.”⁴

5 18. The Federal Trade Commission (“FTC”) has raised similar concerns, and
 6 recently released a “Best Practices” guide for companies using facial recognition
 7 technology.⁵ In the guide, the FTC underscores the importance of companies obtaining
 8 affirmative consent from consumers before extracting and collecting their biometric
 9 identifiers and biometric information.

10 19. As explained below, Snapchat failed to obtain consent from users when it
 11 introduced facial recognition technology in connection with its services. Not only do the
 12 actions of Snapchat contravene the FTC guidelines, they also violate the statutory privacy
 13 rights of Illinois residents.

14 **II. Illinois’s Biometric Information Privacy Act**

15 20. In 2008, Illinois enacted the BIPA due to the “very serious need [for]
 16 protections for the citizens of Illinois when it [comes to their] biometric information.”
 17 Illinois House Transcript, 2008 Reg. Sess. No. 276.

18 21. The BIPA was enacted due to the Legislature’s expressed concerns over the
 19 sensitive nature of biometrics, the potential for misuse and the need for regulation.
 20 Specifically, the Legislative Intent and purpose of BIPA, as expressly found by the
 21 Illinois General Assembly is as follows:
 22
 23

24 ³ *What Facial Recognition Technology Means for Privacy and Civil Liberties: Hearing Before the*
 25 *Subcomm. on Privacy, Tech. & the Law of the S. Comm. on the Judiciary*, 112th Cong. 1 (2012)
 26 (available at https://www.eff.org/files/filenode/jenniferlynch_eff-senate-testimony-face_recognition.pdf).

27 ⁴ *Id.*

28 ⁵ *Facing Facts: Best Practices for Common Uses of Facial Recognition Technologies*, Federal
 Trade Commission (Oct. 2012), available at
<http://www.ftc.gov/sites/default/files/documents/reports/facing-facts-best-practices-common-uses-facial-recognition-technologies/121022facialtechrpt.pdf>.

1 Sec. 5. Legislative findings; intent. The General Assembly finds all of the
2 following:

3 (a) The use of biometrics is growing in the business and security screening
4 sectors and appears to promise streamlined financial transactions and
5 security screenings.

6 (b) Major national corporations have selected the City of Chicago and
7 other locations in this State as pilot testing sites for new applications of
8 biometric-facilitated financial transactions, including finger-scan
9 technologies at grocery stores, gas stations, and school cafeterias.

10 (c) Biometrics are unlike other unique identifiers that are used to access
11 finances or other sensitive information. For example, social security
12 numbers, when compromised, can be changed. Biometrics, however, are
13 biologically unique to the individual; therefore, once compromised, the
14 individual has no recourse, is at heightened risk for identity theft, and is
15 likely to withdraw from biometric-facilitated transactions.

16 (d) An overwhelming majority of members of the public are weary of the
17 use of biometrics when such information is tied to finances and other
18 personal information.

19 (e) Despite limited State law regulating the collection, use, safeguarding,
20 and storage of biometrics, many members of the public are deterred from
21 partaking in biometric identifier-facilitated transactions.

22 (f) The full ramifications of biometric technology are not fully known.

23 (g) The public welfare, security, and safety will be served by regulating the
24 collection, use, safeguarding, handling, storage, retention, and destruction
25 of biometric identifiers and information.

26 740 ILCS 14/5.

27 22. The BIPA makes it unlawful for a company to, *inter alia*, “collect, capture,
28 purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric
29 identifiers⁶ or biometric information, unless it first:

⁶ The BIPA’s definition of “biometric identifier” expressly includes information collected about the geometry of the face (*i.e.*, facial data obtained through facial recognition technology). See 740 ILCS 14/10.

(1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored;
 (2) informs the subject . . . 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).

23. Section 15(a) of the BIPA also provides:

A private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first.

740 ILCS 14/15(a).

24. As alleged below, Snapchat's practices of collecting, storing and/or using users' biometric identifiers and information without informed written consent violate all three prongs of §15(b) of the BIPA. Snapchat's failure to provide a publicly available written policy regarding its schedule and guidelines for the retention and permanent destruction of non-users' biometric information also violates §15(a) of the BIPA.

III. Snapchat Violates The Biometric Information Privacy Act

25. Snapchat provides image messaging and multimedia services to its users via its mobile application ("app") that allows users to share images or video clips with other users. To use Snapchat, users download and install a copy of the Snapchat app on their mobile devices and then are able to use Snapchat's services through the app.

26. In September 2015, Snapchat acquired Lookery, Inc., a San-Francisco-based company and developer of the Lookery application, which uses facial recognition, tracking and modification technologies for transforming a user's face in real time for use in video chats and messages. That same month, Snapchat released Lookery's facial recognition and modification technology under the name "Lenses," which became a feature of Snapchat's services.

27. Lookery⁷ describes this technology as follows:

Our technology tracks your facial shape and expressions, ultimately giving you the ability to incrementally modify and fully transform your look using a smartphone front and rear-facing cameras. All in real-time. A wide range of face filters have been developed that can modify your eye color, nose size, facial shape, and skin. Plus fun real-time effects that transform you into a 3D avatar of a cute animal or even a scary monster if desired. With our technology, the possibilities are extraordinary.

28. When Snapchat launched Lenses in connection with Snapchat's services, Lookery was withdrawn as a stand-alone product.

29. Snapchat tells users that they can make snaps "even more fun by adding real-time special effects and sounds with Lenses!"⁸

30. To use this feature of Snapchat's services, users must:

1. Go to the Camera screen in Snapchat.
2. Press and hold on a face! Lens options will appear below.
3. Swipe left to select the Lens you want to use.
4. Follow any action prompts that appear, like 'Raise Your Eyebrows.'
5. Tap the capture button to take a Snap, or press and hold on the capture button to record a video.

31. Through Lenses, users can add animation and other effects to their snaps and stories:

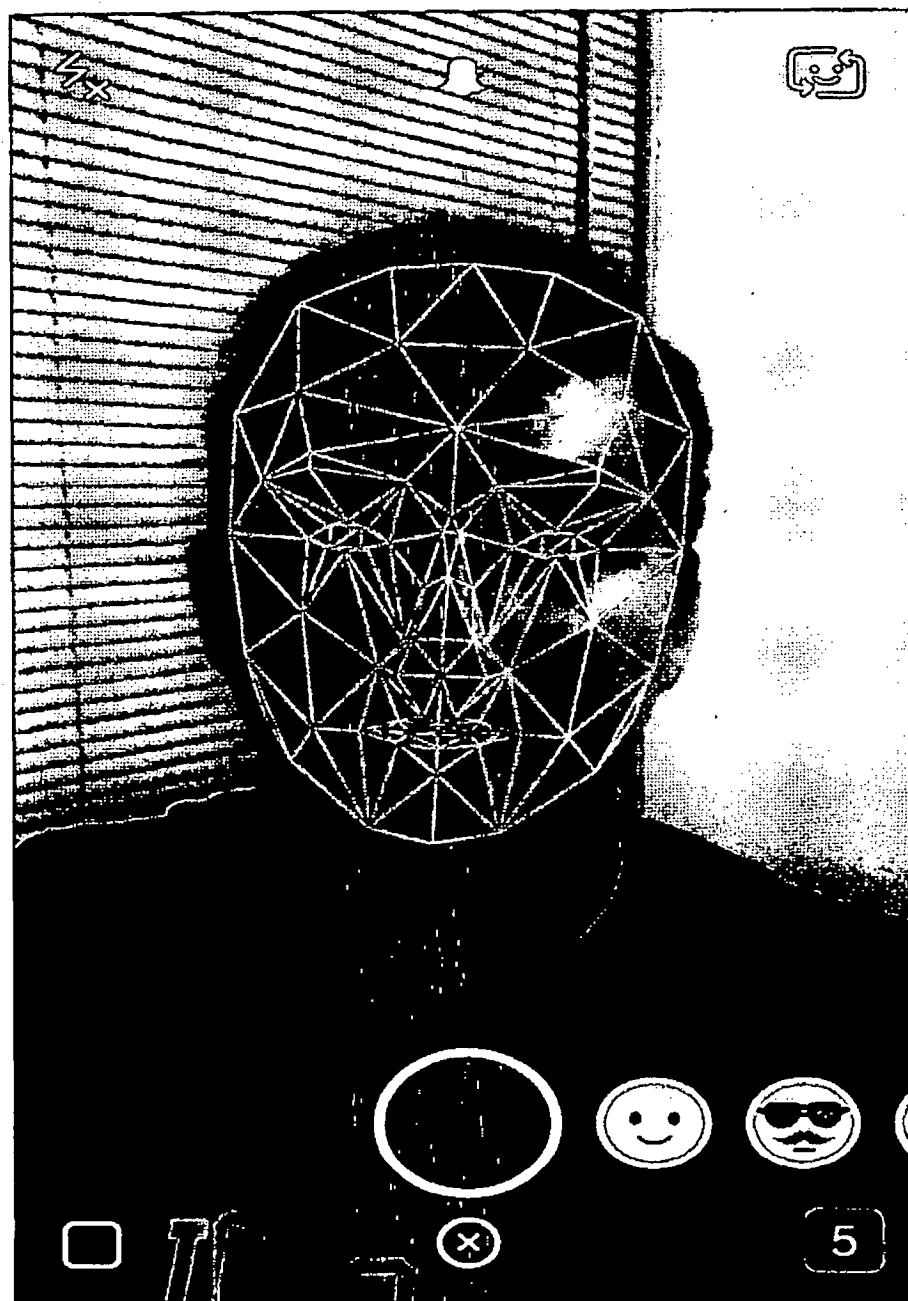
⁷ <http://www.lookery.com/pr/> (last visited May 17, 2016).

⁸ <https://support.snapchat.com/en-US/ca/lenses> (last visited May 13, 2016).



32. In order to create these animations, Snapchat employs its proprietary facial recognition technology to create a face scan or face template of the user:





33. In direct violation of § 15(b)(1) of the BIPA, Snapchat's proprietary facial recognition technology scans a user's face each time he or she uses Lenses to send a snap or story and collects, stores and uses, geometric data relating to the unique points and contours (*i.e.*, biometric identifiers) of each face.

1 34. In direct violation of § 15(b)(2) and 15(b)(3) of the BIPA, Snapchat never
2 informed Illinois users, such as Plaintiffs, of the specific purpose and length of term for
3 which their biometric identifiers or information would be collected, stored and used, nor
4 did Snapchat obtain a written consent or release from any of these users.

5 35. Also in direct violation of § 15(a) of the BIPA, Snapchat does not have
6 written, publicly available policies identifying its retention schedules or guidelines for
7 permanently destroying users' biometric identifiers or information.

8 36. Critically, while snaps are typically accessible to users for anywhere from
9 1 to 10 seconds, and stories are accessible to users for 24 hours, this does *not* mean that
10 images sent through Snapchat, and the information contained therein, "vanish" within that
11 timeframe.

12 37. In fact, Snapchat specifically advises users that:

13 Snapchat lets you capture what it's like to live in the moment.
14 On our end, that means that we automatically delete the content
15 of your Snaps (the photo and video messages that you send your
16 friends) from our servers after we detect that a Snap has been
17 opened or has expired. But remember: There are various ways
18 Snapchatters can save your content and also upload it to
19 Snapchat (like as an attachment in Chat). We go into more detail
20 below about how users can save Snapchat content.

21 Outside of Snaps, the rest of our services may use content for
22 longer periods of time, which means those services may follow
23 different deletion protocols. So, for example, we retain your
24 Story content a bit longer than Snaps so that your friends have
25 more time to view your Story. ***Or, if you submit content to one
26 of our inherently public features, such as Live, Local, or any
27 other crowd-sourced service, we may retain the content
28 indefinitely.*** If you have any questions about how a feature
works you can just pop on over to our Support Site.

Finally—and this is important—you should understand that users who see the content you provide can always save it using any number of techniques: screenshots, in-app functionality, or any other image-capture technology. It's also possible, as with

any digital information, that someone might be able to access messages forensically or find them in a device's temporary storage. *Keep in mind that, while our systems are designed to carry out our deletion practices automatically, we cannot promise that deletion will occur within a specific timeframe. And we may also retain certain information in backup for a limited period of time or as required by law.*⁹

38. Moreover, in May of 2013, the Federal Trade Commission filed a Complaint against Snapchat alleging "deceptive business practices," claiming, *inter alia*, that Snapchat:

- Stored video snaps unencrypted on the recipient's device in a location outside the app's "sandbox," meaning that the videos remained accessible to recipients who simply connected their device to a computer and accessed the video messages through the device's file directory; and
- Deceptively told its users that the sender would be notified if a recipient took a screenshot of a snap when, in fact, any recipient with an Apple device that had an operating system pre-dating iOS 7 could use a simple method to evade the app's screenshot detection, and the app will not notify the sender.¹⁰

39. In its "Law Enforcement Guide" published in October 2015, Snapchat further represents that it may, under certain circumstances, have the ability to provide the "content of sent messages" to U.S. governmental and law enforcement agencies, noting that if a snap remains unopened by the recipient it will be stored on Snapchat's servers for 30 days before it is deleted.¹¹

⁹ <https://www.snapchat.com/privacy> (last visited May 13, 2016) (emphases added).

¹⁰ <https://www.ftc.gov/news-events/press-releases/2014/05/snapchat-settles-ftc-charges-promises-disappearing-messages-were> (last visited May 13, 2016). The FTC and Snapchat ultimately settled the dispute.

¹¹ https://www.snapchat.com/static_files/lawenforcement.pdf (last visited May 17, 2016).

1 (5) Plaintiffs' counsel and Snapchat's counsel; and (6) the legal representatives,
2 successors, and assigns of any such excluded persons.

3 43. **Numerosity:** The number of persons within the Class is substantial and is
4 believed to amount to thousands of people. It is, therefore, impractical to join each
5 member of the Class as a named Plaintiff. Further, the size and relatively modest value of
6 the claims of the individual members of the Class renders joinder impractical.
7 Accordingly, utilization of the class action mechanism is the most economically feasible
8 means of determining and adjudicating the merits of this litigation.

9 44. **Commonality and Predominance:** There are well-defined common
10 questions of fact and law that exist as to all members of the Class and that predominate
11 over any questions affecting only individual members of the Class. These common legal
12 and factual questions, which do not vary from Class member to Class member, and which
13 may be determined without reference to the individual circumstances of any class
14 member include, but are not limited to, the following:

- 15 (a) whether Snapchat collected or otherwise obtained Plaintiffs' and the
16 Class's biometric identifiers or biometric information;
- 17 (b) whether Snapchat properly informed Plaintiffs and the Class that it
18 collected, used, and stored their biometric identifiers or biometric
19 information;
- 20 (c) whether Snapchat obtained a written release (as defined in 740 ILCS
21 1410) to collect, use, and store Plaintiffs' and the Class's biometrics
22 identifiers or biometric information;
- 23 (d) whether Snapchat developed a written policy, made available to the
24 public, establishing a retention schedule and guidelines for permanently
25 destroying biometric identifiers and biometrics information when the initial
26 purpose for collecting or obtaining such identifiers or information has been
27 satisfied or within 3 years of their last interaction, whichever occurs first;
- 28 (e) whether Snapchat's violations of the BIPA were committed
intentionally, recklessly, or negligently.

1 45. **Adequate Representation:** Plaintiffs have retained and are represented by
2 qualified and competent counsel who are highly experienced in complex consumer class
3 action litigation. Plaintiffs and their counsel are committed to vigorously prosecuting this
4 class action. Neither Plaintiffs nor their counsel have any interest adverse to, or in
5 conflict with, the interests of the absent members of the Class. Plaintiffs are able to fairly
6 and adequately represent and protect the interests of such a Class. Plaintiffs have raised
7 viable statutory claims of the type reasonably expected to be raised by members of the
8 Class, and will vigorously pursue those claims. If necessary, Plaintiffs may seek leave of
9 this Court to amend this Class Action Complaint to include additional Class
10 representatives to represent the Class or additional claims as may be appropriate.

11 46. **Superiority:** A class action is superior to other available methods for the
12 fair and efficient adjudication of this controversy because individual litigation of the
13 claims of all Class members is impracticable. Even if every member of the Class could
14 afford to pursue individual litigation, the Court system could not. It would be unduly
15 burdensome to the courts in which individual litigation of numerous cases would proceed.
16 Individualized litigation would also present the potential for varying, inconsistent or
17 contradictory judgments, and would magnify the delay and expense to all parties and to
18 the court system resulting from multiple trials of the same factual issues. By contrast, the
19 maintenance of this action as a class action, with respect to some or all of the issues
20 presented herein, presents few management difficulties, conserves the resources of the
21 parties and of the court system and protects the rights of each member of the Class.
22 Plaintiffs anticipate no difficulty in the management of this action as a class action. Class
23 wide relief is essential to compel compliance with the BIPA.

24 **CAUSE OF ACTION**
25 **Violation of 740 ILCS 14/1, *et seq.***
26 **(On Behalf of Plaintiff and the Class)**

27 47. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.
28

1 48. The BIPA makes it unlawful for any private entity to, among other things,
2 “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a
3 customer’s biometric identifiers or biometric information, unless it first: (1) informs the
4 subject . . . in writing that a biometric identifier or biometric information is being
5 collected or stored; (2) informs the subject . . . in writing of the specific purpose and
6 length of term for which a biometric identifier or biometric information is being collected,
7 stored, and used; and (3) receives a written release executed by the subject of the
8 biometric identifier or biometric information 740 ILCS 14/15(b) (emphasis added).

9 49. Snapchat is a “private entity” under the BIPA. *See* 740 ILCS 14/10.

10 50. Plaintiffs and the Class members are individuals who had their “biometric
11 identifiers” (in the form of their facial geometries) collected, captured, purchased,
12 received through trade, or otherwise obtained by Snapchat in the course of providing
13 facial recognition technology in connection its services. *See* 740 ILCS 14/10.

14 51. Plaintiff and the Class members are individuals who had their “biometric
15 information” collected by Snapchat in the course of providing its services, through
16 Snapchat’s collection of their “biometric identifiers.”

17 52. Snapchat systematically and automatically collected, captured, purchased,
18 received through trade, or otherwise obtained Plaintiffs’ and the Class members’
19 biometric identifiers and/or biometric information without first obtaining the written
20 release required by 740 ILCS 14/15(b)(3).

21 53. Snapchat failed to properly inform Plaintiffs or the class in writing that
22 their biometric identifiers and/or biometric information was being collected, captured,
23 purchased, received through trade, or otherwise obtained. Nor did Snapchat inform
24 Plaintiffs and the Class members in writing of the specific purpose and length of term for
25 which their biometric identifiers and/or biometric information was being collected,
26 captured, purchased, received through trade, or otherwise obtained, as required by 740
27 ILCS 14/15(b)(1)-(2).

1 54. In addition, Snapchat does not publicly provide a retention schedule or
2 guidelines for permanently destroying the biometric identifiers and/or biometric
3 information of Plaintiffs or the Class members, as required by the BIPA. *See* 740 ILCS
4 14/15(a).

5 55. By collecting, capturing, purchasing, receiving through trade, or otherwise
6 obtaining Plaintiffs' and the Class's biometric identifiers and biometric information as
7 described herein, Snapchat violated the right of Plaintiffs and each Class member to keep
8 private these biometric identifiers and biometric information, as set forth in the BIPA,
9 740 ILCS 14/1, *et seq.*

10 56. On behalf of themselves and the proposed Class members, Plaintiffs seek:
11 (1) injunctive and equitable relief as is necessary to protect the interests of Plaintiffs and
12 the Class by requiring Snapchat to comply with the BIPA's requirements for the
13 collection, storage, and use of biometric identifiers and biometric information as
14 described herein; (2) statutory damages of \$5,000 for the intentional and reckless
15 violation of the BIPA pursuant to 740 ILCS 14/20 (2), or alternatively, statutory damages
16 of \$1,000 pursuant to 740 ILCS 14/20(1) if the Court finds that Snapchat's violations
17 were negligent; and (3) reasonable attorneys' fees and costs and other litigation expenses
18 pursuant to 740 ILCS 14/20(3).

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs Jose Luis Martinez and Malcolm Neal, on behalf of
21 themselves and the proposed Class, respectfully request that this Court enter an Order:

22 A. Certifying this case as a class action on behalf of the Class defined above,
23 appointing Plaintiffs as representatives of the Class, and appointing their counsel as Class
24 Counsel;

25 B. Declaring that Snapchat's actions, as set out above, violate the BIPA, 740
26 ILCS 14/1, *et seq.*;

27 C. Awarding statutory damages of \$5,000 for each and every intentional and
28 reckless violation of the BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory

1 damages of \$1,000 pursuant to 740 ILCS 14/20(1) if the Court finds that Snapchat's
2 violations were negligent;

3 D. Awarding injunctive and other equitable relief as is necessary to protect the
4 interests of the Class, including, *inter alia*, an order requiring Snapchat to collect, store,
5 and use biometric identifiers or biometric information in compliance with the BIPA;

6 E. Awarding Plaintiffs and the Class their reasonable litigation expenses and
7 attorneys' fees;

8 F. Awarding Plaintiffs and the Class pre- and post-judgment interest, to the
9 extent allowable; and

10 G. Awarding such other and further relief as equity and justice may require.

11 **JURY TRIAL DEMAND**

12 Plaintiffs demand a trial by jury on all issues so triable.

13
14 Dated: May 23, 2016

AHDOOT & WOLFSON, PC

15
16 /s/ Tina Wolfson

17 Tina Wolfson

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ATTORNEYS FOR PLAINTIFFS

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Tina Wolfson, State Bar No. 174806 AHD00T & WOLFSON, PC, 1016 Palm Avenue, West Hollywood, CA 90069 TELEPHONE NO.: (310) 474-9111 FAX NO.: (310) 474-8585 ATTORNEY FOR (Name): Plaintiffs Jose Luis Martinez and Malcolm Neal		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles MAY 23 2016 Sherri R. Carter, Executive Officer/Clerk By Shaunya Bolden, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		CASE NUMBER: BC 6 21 391 JUDGE: DEPT:
CASE NAME: Martinez, et al. v. Snapchat, Inc.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input checked="" type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input checked="" type="checkbox"/> Large number of witnesses
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): One (1)

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 23, 2016

Tina Wolfson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

BY FAX

SHORT TITLE: MARTINEZ, ET AL. V. SNAPCHAT, INC.

CASE NUMBER: BC 6 21 391

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
2. Permissive filing in central district.
3. Location where cause of action arose.
4. Mandatory personal injury filing in North District.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.
11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury).

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury/Property Damage/Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

BY FAX

SHORT TITLE: MARTINEZ, ET AL. V. SNAPCHAT, INC.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step Above
Non-Personal Injury/Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/ Warranty (06) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	<input type="checkbox"/> A6008 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input checked="" type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 8
Real Property	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: MARTINEZ, ET AL. V. SNAPCHAT, INC.	CASE NUMBER:
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above		
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 8		
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5		
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2		
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2, 8		
	Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8	
Construction Defect (10)		<input type="checkbox"/> A6007 Construction Defect	1, 2, 3		
Claims Involving Mass Tort (40)		<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8		
Securities Litigation (28)		<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8		
Toxic Tort Environmental (30)		<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8		
Insurance Coverage Claims from Complex Case (41)		<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8		
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9		
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8		
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8	
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8	
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 8 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: MARTINEZ, ET AL V. SNAPCHAT, INC.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		ADDRESS: Stanley Mosk Courthouse 111 N. Hill Street Los Angeles, CA 90012	
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: May 23, 2016


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
NOTICE OF CASE ASSIGNMENT – CLASS ACTION CASES**

Case Number _____

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 3.3 (c)).

ASSIGNED JUDGE	DEPT.	ROOM
Judge Elihu M. Berle	323	1707
Judge William F. Highberger	322	1702
Judge John Shepard Wiley, Jr.	311	1408
Judge Kenneth Freeman	319	1412
Judge Ann Jones	308	1415
	307	1402
OTHER		

BC 6 21 3 91

Instructions for handling Class Action Civil Cases

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

APPLICATION

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

COMPLAINTS: All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

CROSS-COMPLAINTS: Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.

Given to the Plaintiff/Cross Complainant/Attorney of Record on MAY 23 2016 SHERRI R. CARTER, Executive Officer/Clerk

BY SHAUNYA BOLDEN Deputy Clerk

VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

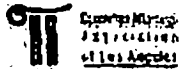


Superior Court of California
County of Los Angeles



Los Angeles County
Bar Association
Litigation Section

Los Angeles County
Bar Association Labor and
Employment Law Section



Consumer Attorneys
Association of Los Angeles



Southern California
Defense Counsel



Association of
Business Trial Lawyers



California Employment
Lawyers Association

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions In Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			CASE NUMBER
STIPULATION – EARLY ORGANIZATIONAL MEETING			

This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.

The parties agree that:

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to *discuss and consider whether there can be agreement on the following*:
 - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
 - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
 - c. Exchange of names and contact information of witnesses;
 - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
 - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
 - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
 - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
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discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents not privileged or protected from disclosure, on which such computation is based;
- i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at www.lasuperiorcourt.org under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68816(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation.
(INSERT DATE) (INSERT DATE)
3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION – DISCOVERY RESOLUTION			CASE NUMBER

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
 - a. The party requesting the Informal Discovery Conference will:
 - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
 - ii. Include a brief summary of the dispute and specify the relief requested; and
 - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
 - b. Any Answer to a Request for Informal Discovery Conference must:
 - i. Also be filed on the approved form (copy attached);
 - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
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- iii. Be filed within two (2) court days of receipt of the Request; and
 - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

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(ATTORNEY FOR PLAINTIFF)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

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(ATTORNEY FOR DEFENDANT)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

>

(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INFORMAL DISCOVERY CONFERENCE (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER

- This document relates to:
 - ☐ Request for Informal Discovery Conference
 - ☐ Answer to Request for Informal Discovery Conference
- Deadline for Court to decide on Request: _____ (insert date 10 calendar days following filing of the Request).
- Deadline for Court to hold Informal Discovery Conference: _____ (insert date 20 calendar days following filing of the Request).
- For a Request for Informal Discovery Conference, briefly describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, briefly describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE			CASE NUMBER:

This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.

The parties agree that:

1. At least ____ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
 - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
 - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
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The following parties stipulate:

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

Date:

(TYPE OR PRINT NAME)

➤ _____
(ATTORNEY FOR PLAINTIFF)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR DEFENDANT)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

➤ _____
(ATTORNEY FOR _____)

THE COURT SO ORDERS.

Date: _____

JUDICIAL OFFICER

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I. (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

Jose Luis Martinez and Malcolm Neal, on behalf of themselves and all others similarly situated

DEFENDANTS (Check box if you are representing yourself ☐)

Snapchat, Inc.

(b) County of Residence of First Listed Plaintiff Unknown

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Los Angeles

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Ahdoot & Wolfson, PC
1016 Palm Ave.
West Hollywood, CA 90069
310-474-9111

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Munger, Tolles & Olson LLP
560 Mission St., 27th Fl.
San Francisco, CA 94105
415-512-4000**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**-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

<input type="checkbox"/> 1. Original Proceeding	<input checked="" type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multidistrict Litigation - Transfer	<input type="checkbox"/> 8. Multidistrict Litigation - Direct File
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☒ Yes ☐ No **MONEY DEMANDED IN COMPLAINT:** \$ >5,000,000**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. 1332, 28 U.S.C. 1441, 28 U.S.C. 1453 - Removal under CAFA of putative class action asserting claims under Illinois law

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	FEDERAL TAX SUITS
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 891 Agricultural Acts	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV-71 (07/16)

CIVIL COVER SHEET

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input checked="" type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2.
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	<input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. ➔	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ⬇
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QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: ➔	WESTERN

QUESTION F: Northern Counties?
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court?☐ NO☒ YES

If yes, list case number(s): 2:16-cv-3444-SVW

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court?☐ NO☒ YES

If yes, list case number(s): 2:16-cv-3444-SVW

Civil cases are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY**(OR SELF-REPRESENTED LITIGANT):** /s/ Rosemarie T. Ring

DATE: 7/14/2016

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))