IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

MICHAEL ALLEN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

QUICKEN LOANS INC. and NAVISTONE, INC.,

Defendants.

Civil Action No.:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Michael Allen ("Plaintiff"), individually and on behalf of himself and all others similarly situated, by and through his attorneys, makes the following allegations pursuant to the investigation of his counsel and based upon information and belief, except as to allegations specifically pertaining to himself and his counsel, which are based on personal knowledge.

NATURE OF THE CASE

1. This is a class action suit brought against Defendants Quicken Loans Inc.

("Quicken") and NaviStone, Inc. ("NaviStone") (collectively, "Defendants") for wiretapping the computers of visitors to Defendant Quicken's website, Quickenloans.com. NaviStone employs these wiretaps to observe visitors' keystrokes, mouseclicks and other electronic communications in real time for the purpose of gathering visitors' Personally Identifiable Information ("PII") to de-anonymize those visitors – that is, to match previously unidentifiable website visitors to postal names and addresses. These wiretaps enable Defendants to immediately, automatically, and secretly observe the keystrokes, mouseclicks and other electronic communications of visitors regardless of whether the visitor ultimately procures financial services from Quicken. By doing

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 2 of 22 PageID: 2

so, Defendants have violated Title I of the Electronic Communications Privacy Act of 1986, 18 U.S.C. §§ 2510-22, also known as the "Wiretap Act," which prohibits the intentional interception of wire, oral, and electronic communications unless specifically authorized by a court order.

2. On several occasions within the past 6 months, Plaintiff Michael Allen visited Quickenloans.com, but has never procured financial services from Quicken as a result of these visits. During each of Plaintiff's visits Quicken wiretapped his electronic communications with the website, disclosed the intercepted data to NaviStone in real time, and used the intercepted data to attempt to learn his identity, postal address, and other PII.

3. Plaintiff brings this action on behalf of himself and a class of all persons whose electronic communications were intercepted through the use of NaviStone's wiretap on Quickenloans.com, pursuant to 18 U.S.C. § 2520, and seeks all civil remedies provided under the Wiretap Act including but not limited to statutory damages of \$10,000 per class member.

PARTIES

4. Plaintiff Michael Allen is a natural person and citizen of the State of New Jersey who resides in Paramus, New Jersey. Several times over the last six months, Mr. Allen browsed Defendant Quicken's website at Quickenloans.com. Although Mr. Allen never procured financial services from Defendants as a result of these visits and never consented to any interception, disclosure or use of his electronic communications, Mr. Allen's keystrokes, mouseclicks and other electronic communications were intercepted in real time and were disclosed to NaviStone through Quicken's use of NaviStone's wiretap. Mr. Allen was unaware at the time that his keystrokes, mouseclicks and other electronic communications were being intercepted and disclosed to a third party.

5. Defendant Quicken Loans Inc. is a Michigan corporation with its principal place of business at 1050 Woodward Ave., Detroit, Michigan. Quicken does business throughout New

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 3 of 22 PageID: 3

Jersey and the entire United States.

6. Defendant NaviStone, Inc. is a Delaware corporation with its principal place of business at 1308 Race Street, Cincinnati, Ohio 45202. NaviStone does business throughout New Jersey and the entire United States. NaviStone is an online marketing company and data broker that deals in U.S. consumer data.

JURISDICTION AND VENUE

7. This action is brought pursuant to the federal Wiretap Act, 18 U.S.C. §§ 2510, *et seq.*

8. The jurisdiction of this Court is predicated on 28 U.S.C. § 1331.

9. Both Defendants transact business in this District. Venue is proper in this District under 28 U.S.C. § 1391 because Plaintiff resides in this District, Defendants do substantial business in this District, and a substantial part of the events giving rise to Plaintiff's claims took place within this District.

10. This Court has personal jurisdiction over Defendants because Defendants conduct substantial business within New Jersey, such that Defendants have significant, continuous, and pervasive contacts with the State of New Jersey. Moreover, a substantial part of the events giving rise to Plaintiff's claims took place within New Jersey. Furthermore, Plaintiff resides in this District and is a citizen of the state of New Jersey.

FACTS COMMON TO ALL CLAIMS

Overview Of NaviStone's Wiretaps

11. Defendant NaviStone is a marketing company and data broker that deals in U.S. consumer data. NaviStone's business model involves entering into voluntary partnerships with various e-commerce websites. Upon partnering with NaviStone, these e-commerce websites will

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 4 of 22 PageID: 4

agree to insert a small parcel of computer code into their websites, which is provided by NaviStone (and is written by NaviStone). This small parcel of computer code serves as a socalled "back door" in computer terminology – its function is to retrieve and execute a much larger portion of JavaScript code that is remotely hosted on NaviStone's servers. As NaviStone explains on http://navistone.com, "[a]dding a simple line of code to each page of your website enables a wealth of new marketing data."

12. This "back door" code permits NaviStone to execute its own computer code on the websites of its e-commerce partners. Stated otherwise, the "simple line of code" that NaviStone requests its partners add "to each page of [their] website[s]" serves to call and execute remote computer code that is: (i) provided by NaviStone, (ii) written by NaviStone, and (iii) hosted on a remote server by NaviStone.

13. As currently deployed, NaviStone's remote code functions as a wiretap. That is, when connecting to a website that runs this remote code from NaviStone, a visitor's IP address and other PII is sent to NaviStone in real-time. NaviStone's code will then continue to spy on the visitor as he or she browses the website, instantaneously reporting the visitor's every keystroke and mouse click to NaviStone. This real-time interception and transmission of visitors' electronic communications begins as soon as the visitor loads Quickenloans.com into their web browser. Every keystroke and mouseclick is instantaneously intercepted and transmitted to NaviStone through the wiretap. This real-time transmission includes, among other things, information typed on forms located on Quickenloans.com, regardless of whether the user completes the form or clicks "Submit." Upon transmission to NaviStone, this information is used to de-anonymize website visitors.

14. NaviStone maintains a back-end database containing data and profiles on

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 5 of 22 PageID: 5

consumers across the U.S., which includes consumers' names and mailing addresses. As users browse the various e-commerce websites that deploy NaviStone code, NaviStone attempts to "match" website visitors with records of real-life people maintained in its back-end database. This matching may occur as simply as running a database query to correlate the IP address of a website visitor, though NaviStone may also attempt to match user profiles through the use of names, addresses, and other PII. Once a match is found, NaviStone de-anonymizes the user and updates its back-end database with the user's current browsing activities and PII.

15. NaviStone has partnered with hundreds e-commerce websites since beginning its operations. By combining and correlating its data, NaviStone can watch consumers as they browse hundreds of participating e-commerce sites, in real-time.

16. Pursuant to an agreement with NaviStone, Quicken intentionally embedded NaviStone's software coded wiretap on Quickenloans.com

17. NaviStone obfuscates the wiretap codes through dummy domains to attempt to conceal its activities. For example, part of NaviStone's remote code running on Quicken's website is located at http://code.murdoog.com/onetag/C196978CF1900B.js (as of the writing of this Complaint).

18. On June 20, 2017, a leading tech news website, gizmodo.com, published an exposé on NaviStone's wiretaps entitled "Before You Hit 'Submit,' This Company Has Already Logged Your Personal Data."¹ The Gizmodo article describes NaviStone as "a company that advertises its ability to unmask anonymous website visitors and figure out their home addresses."² The article revealed that NaviStone is "in the business of identifying 'ready to engage' customers and matching 'previously anonymous website visitors to postal names and

¹ https://gizmodo.com/before-you-hit-submit-this-company-has-already-logge-1795906081 ² *Id.*

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 6 of 22 PageID: 6

addresses.' [NaviStone] says it can send postcards to the homes of anonymous website shoppers within a day or two of their visit, and that it's capable of matching '60-70% of your anonymous site traffic to Postal names and addresses.''³

19. Indeed, on its own website, NaviStone boasts that it "invented progressive website visitor tracking technology," which allows it to "reach [] previously unidentifiable website visitors."⁴ According to NaviStone, "[b]y simply adding one line of code to each website page, you can unlock a new universe of 'ready to engage' customers."⁵

20. NaviStone also explains how to implement this software wiretap on its clients' webpages:

- 1: Insert One Line Of Code On Each Webpage. We'll provide you and your IT team with a short tracking code (and instructions) to insert on *each page* of your website. Data collection begins immediately and is reviewed for quality by our staff.
- 2: Identify Engaged Website Visitors. Data is stored in a secure environment specifically dedicated to your company's information. Website visitors are identified as direct marketing prospects or reactivation targets based on their level of engagement on your site, as identified by unique algorithms developed by our data scientists.
- Identify Verified Names and Addresses.
 When unidentified website visitors show an intent to purchased based on the modeling process described above, NaviStone® will secure postal names and addresses to include in your direct marketing prospecting and reactivation programs. ...
- 4: Use, Expand, Repeat. NaviStone® will continue to track website behavior to identify new, unique prospects and reactivation targets so

³ *Id*.

⁴ https://www.navistone.com/

⁵ Id.

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 7 of 22 PageID: 7

you can expand and optimize this unique process for success time and time again.⁶

21. NaviStone's wiretap intercepts communications in real time. As *Gizmodo* put it, "before you hit 'submit,' this company has already logged your personal data."⁷ *Consumerist* also shared the same concern: "these forms collect your data even if you don't hit 'submit."⁸

22. NaviStone's wiretap is engaged as soon as the visitor arrives at Quickenloans.com. By merely loading the main page on Quickenloans.com, with no other action, the visitor is connected to NaviStone's wiretap, which begins to intercept and monitor their communications.

23. As the visitor interacts with Quickenloans.com, for example, by typing information into a form (*e.g.*, the balance of his or her mortgage, the total value of his or her home, etc.), all of these communications are intercepted and disclosed to NaviStone in real time, through the wiretap. Indeed, as will be demonstrated below, when NaviStone's code is deployed on a webpage that contains an online form – such as a "sign up" page or an "account registration" page – the data is sent to NaviStone as it is typed. Visitors do not need to click "Submit" on the form, or take any other action, for their communications to be intercepted and disclosed to NaviStone.

24. NaviStone's wiretaps are deployed on hundreds of e-commerce websites. Upon information and belief, NaviStone maintains and correlates its back-end database of User Data and PII across these hundreds of websites. For example, assume that Site X and Site Y are both running NaviStone's wiretap. Now, assume that a user provides her name and phone number to

⁶ https://www.navistone.com/how-it-works (last visited Nov. 3, 2017).

⁷ https://gizmodo.com/before-you-hit-submit-this-company-has-already-logge-1795906081 (last visited Nov. 3, 2017).

⁸ https://consumerist.com/2017/06/29/these-forms-collect-your-data-even-if-you-dont-hit-submit/

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 8 of 22 PageID: 8

Site X, but <u>not</u> to Site Y. Through the use of NaviStone's wiretap and back-end database, NaviStone can de-anonymize the user on Site Y and know her name and phone number, even though she never provided that information to Site Y.

NaviStone's Wiretap In Action On Quickenloans.com

25. The operation of NaviStone's wiretap on the Quickenloans.com website can be observed using the Developer Tools Window in the Google Chrome browser. In the images below, the Quickenloans.com website, as it appears normally through the browser is shown in the left-hand side of the window, while the Developer Tools Network View, showing incoming and outgoing transmissions, is shown in the right-hand window.

26. When Quickenloans.com is loaded into a browser, the website automatically retrieves a computer file located on a remote server. At the time this Complaint was written, the computer file was named "C196978CF1900B.js," and it was hosted at http://code.murdoog.com/onetag/

04 Apply for a Mortgage C ×		
← → C Quicken Loans Inc. [US] https://www.quickenloans.com/	mortgage-application/four-steps?mortgage-option=yourgage#1	* 1
Quicken Loans	Real Estate Agent Site Sign up for Email and Texts MyQL Sign Need help? Chat or Call (800) 251-90	🌻 🔕 🗯 🍟 View: 📰 🐾 🗐 Group by frame 🗐 Preserve log 🗐 Disable cache
	Quicken Loans Is Here to Get You an Affordable Mortgage with Award-Winning Client Service revenue Refinance Purchase OK CALL (#00) 231-9000 OK START ONLINE WITH ROCKET MORTGAGE	2000 mil 4000 mil 8000 mil 8000 mil 2000 mil Name Stat. Tjae Initiation Stat. Tjae Nume CHMP19C150008 port antitation Stat. Tjae Nume 2000 mil G6072CF30008 port antitation Stat. Tjae Nume 2000 mil 96072CF300F port antitation Stat. Tjae Nume 2000 mil
aur nortaasi aintee gottaat java about java innava ty teisihon numbergio hee vareadele een if that teisioa (afering an ja erikenka inna alakate) (afering an java erikenka innava innava innava (afering an java erikenka innava innava innava innava innava (afering an java erikenka innava erikenka innava innava innava innava innava innava innava innava innava innava (afering an java erikenka innava erikenka innava erikenka innava innava Innava innava i Innava innava inna	Ny No PNA. Wa Jumbo Products No State Resolutions. Immediate and and inclusion distance ballow the allor exercisity connect to heavy Ducken scares, our <u>Ducks of Connectors</u> and connectors for message or phone to children and the phone dashing systems or an inferior or personaled used to the residential or children exercises or an economic state or exercise of call Registry. You can have sagrees to receive such calls or messages as a condit by communicating with us by phone, you consert to calls being recorded and monitored.	
We Want Your Feedback		🖆 - 🏷 🗔 🐇 9/2/2017

27. The file "C196978CF1900B.js" is roughly 24 KB in size and contains computer

code written in a language called JavaScript. It appears as such:

(බහයුදු) П X 🔃 Quicken Loans | America' 🗙 🎦 https://code.murdoog.co 🗙 → C Secure https://code.murdoog.com/onetag/C196978CF1900B.is : C Scure Integr/code.mutdoog.com/onetag/CH900782F19008; (1) 8 C (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy 1019/2017 1153199 M1 */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy 1019/2017 1153199 M1 */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy 101 */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy 101 */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy 101 */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy */ (1) 40 */ (2) 2015 Metass from, 11c. | metasgroup.com | quickenser.integring | netgenergy */ (1) 40 */ (2) 2015 Metass from, 12c. | 100 */ (2) 2015 Metass from, 12c. | 100 */ (2) 2015 Metass from, 12c. | 100 */ (2) 2015 Metass from, 2015 Metass /*! MGX v2 |(c) 2015 Melasa Group, llc. | melasagroup.com | quickenloans.com | origin onetag 10/19/2017 1:53:39 AM */ /*! 1.05 */

The top line of the code contains a comment indicating that it is to be used on

"Quickenloans.com." However, the remainder of the code lacks comments, explanations, proper

indenting, or intelligible names for variables. Essentially, this code is obfuscated.

The domain "code.murdoog.com," which deploys this code, is owned and 28.

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 10 of 22 PageID: 10

operated by NaviStone.

29. Next, the code in C196978CF1900B.js is executed, with no further actions by the user, or prompting by Quicken or NaviStone. This immediately begins intercepting the visitors' electronic communications and transmitting them to https://apis.murdoog.com/

		Elements Console Sources Network Performance >> A8
Quicken Loans	Real Estate Agent Site Sign up for Email and Texts MyQL Sign In	🗧 🔕 🖿 🗑 View: 📰 🐾 🗟 Group by frame 💿 Preserve log 🗟 Disab
uicken Loans	Need help? Chat or Call (800) 251-9080	murdoog 🛛 🕞 Regex 🔛 Hide data URLs
		XHR JS CSS Img Media Font Doc WS Manifest Other 20000 ms 40000 ms 80000 ms 80000 ms
		·····································
		Name Stat Type Initiator Size Time Waterfall 22
Quicker	n Loans Is Here to Get You	C196978CF1900Bjs 200 script satellite 24 127
an Aff	fordable Mortgage with	96978CF190087v_ 200 script <u>C195978</u> _ 1.0 _ 12 _
	I-Winning Client Service	96978CF190087v 200 script C196978 1.0 11
		https://apis.murdoog.com/mgx_2/C/RawData/96978CF190081v=07d4bdc4-17d6-4d05- b52a44b341738xm=5b205749-d56a-4787-8b3a-65015ec9f0e58as=4b02f024-a151-45e0
		fc8c4d8c5b828d e-gridijoRW5nWdibWVudClahVOdimV2Q0/mRjNC0b42Q21TRMDU JNNDRMzQnlzMLC3bjoINWJMDU3NDkZDU2YS00Nzg3LThM2ENUwMTVYzImMGU 0YjayJayNCLMMTU4L7Q12TAYjg3NLimYzihjNQq42TViODBLCJwijoZDYMJBjzTQYtNU
Ref	finance Purchase	WIZMWMZTZWZEZDAONDZNIWOSIBIImb0HB2DI8v3d34JFIaWNrZWSb2Fucy5jb20 FuczšiubHNvdXIZTLuVXFLZIgvXLI2gigvLI2gifNiwidiAdjoxLCI2MDB0jAdirVwHyBMCwidA
net and a second se	intance Purchase	%3D&callback=cbdddc53b1cd109
	OR CALL (800) 251-9080	
OR STAL		
OR STAI	RT ONLINE WITH <u>BOCKET MORIGAGE</u>	
OR STAI	RT ONLINE WITH <u>ROCKET MORTGAGE</u>	
OR STAI	AT ONLINE WITH BOCKET MORIGAGE	
OR STAT	AT ONLINE WITH BOCKET MORIGAGE	
OR STAL		
Moduct available on Fixed-Rata Conventional Products only. No Firsh, Vik or Ju Communication Convent:	white Products. No State Restrictions.	
Photocct available on Fixed-Rate Convertional Products only. No PHA Vik or Ju Communication Convert: By submitting poor contact referencies you agree to our <u>Terms of Use</u> and our put moticase actives contact you advort unaxy by fact memory and	umbo Products. No State Restrictions. <u>Sacurity and Privace Delays</u> You also expressly consert to having Quicken Laws, our <u>Sacurity of Companies</u> , and potentially including advances technological ap gottem or an a stifulial or preservated volicity of the residential or celular	
*Product available on Fixed-Rate Conventional Products only. No FFAA. Vik. or Jun Communication Consent: By submitting your context information you agree to our <u>Times of Like</u> and our <u>commission</u> context on the April 2019.	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	
*Product available on Flued Rate Conventional Products only. No FMA, Vike or Jon Communication Consent: By Johnman Jones Constant Convention on some on the constant and gas better prove number of the constant on the constant and and the better prove number of the constant on the constant and the constant better prove numbers.	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	
Photics available on Flued-Rate Conventional Products only. No FHA. We or Jo Communication Consent: Dry Joshenista group contents for you begin to not <u>instanctible</u> and pure by Joshenista group contents for you begin contents for the table pro- teighter on any service to make a set of the table pro- teighter on any services for Quadratic and an advect the table of the table of pathogeness procession for Quadration and a table of the table of the table of the pathogeness of the Quadration and the table of table o	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	1/101 mum; 1251 KF/747 KB mediered From 2451 DOM/anter/Easter
*Product svaliable on Flast-Bate Conventional Products only. No PMA. Vik. or Jun Communication Consent: By Jundhitting our contact Information you spee to our <u>Strate all law</u> and by Jundhitting our contact Information you spee to our <u>Strate all law</u> by advertising our contact Information Strate and our later products and the strate of the trategioner number to a to of patting any strates from Quiden Laws of it allibrates by communicating of Charlens Laws 1947 Disatement	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	3/108 requests 263.06/74.7 K8 transferred Finish 2.65 s DOMContentLoaded 3 E. Console, What's New
*hobuct available on Fixed Rate Conventional Products only, too FMA. Vik or Ju Communication Consent: By rubwinting our contact information you space to our " <u>term of Use</u> and our our modules automas contact information our inquiry by term message or pho talephote numbers, or contact you about you inquiry by term message or pho talephote numbers, or contact you about you inquiry by term message or pho talephote numbers, or contact you about you inquiry by term message or of a particular automas to michael such a standard the attemptor numbers of or particular automas to michael and and and and and " <u>O curved users are set</u> of table	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	3/108 requests 1 263 86/74.7 83 transferred 1 Finish 2.63 x 1 DDMContentCoaded: 1 2 Control What's New © top: * Filter: Default levels * 15 forms indow in
*hoourt available on Presi-Rate Conventional Products only, to PHA VII Ar // Communication Consent: By rubiniting overscher Idmension you appres to our <u>form of Use</u> and our our ordinates antitizes contast information you about you in availaby that message or pho talgebios numbers; to mice contast information of the talgebiose numbers of particle talgebiose antibeta to avail the talgebiose numbers of particle talgebiose antibeta to avail the antibiase ally communicating vii <u>Disputers</u> talgebiose to available to avail the antibiase ally communicating vii <u>Disputers</u> talgebiose to available to available <u>Disputers</u> talgebiose to available to available <u>Others of allest supremaines</u> called by the phone <u>Others of allest supremaines</u> called by the phone <u>of Classed silent supremaines</u> called by the phone <u>of the phone</u> called by the phone <u>of t</u>	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	Console What's New Solate The Second Seco
*hoolust available on Presi-Rate Conventional Products only, to PHA VIX or JU Communication Consent: By rubiniting oursects information you appress to our <u>form of Use</u> and our our ordinates antitizes contast you about you in availaby that message or pho talgebios numbers (on the you about you in availaby that message or pho stagebios numbers) where product and that tables and your of particular stagebios numbers for Michael stage or enables of particular stagebios numbers (on Michael stage) or enables () <u>Durates Landow To Sudament</u> () <u>Closed steet supremaises (on Sub-</u>	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	Compole What's New Dog V Fiter Default levels V 15 items holden: 400422000 for more details. 400422000 for more details. 400444444 400444444 400444444 40044444 40044444 4004444 4004444 4004444 4004444 400444 400444 400444 400444 400444 400
 "Product available on Prace Rate Conventional Products only. No PHA. Via or Ju. "Conventional content Information you along to on instally by there measure or photosynamic on the one of the adoption multiple one of the adoption multiple one of the one of the adoption multiple one of the one of t	imbo Products. No State Restrictions. " <u>Foundational Datase Datase</u> Noviele expressive connect to Navieg Oxiden Lowes our <u>Bacits of Consumities</u> and potentially per products active and tablecon bacits gamese or on a minimal or previously of the tablecontait or exiting programs at table on relation by Incl all Regards to a relative on the table specers	Console What's New
Product available on Prace-Rate Conventional Products only. No PHA. Via or Ju Product available on Prace-Rate Conventional Products only. No PHA Via or Ju PraceMonthing your low product queues of the one Terminal Class of our strations our products control on the Advance of the one strations our products control on the Advance of the one of our performance of the Advance of the one of the Advance of the One of the Advance of the Advance of the Advance of the Advance One of the Advance of the Advance of the Advance of the Advance of the One of the Advance of the	imbo Products. No State Restrictions: " <u>Source and Status Edition</u> Novelex expressly consert to Naving Oxiden Lows, our <u>Bacits of Consumities</u> and potentially per products active and tablecone dating spaces or an anticide of personaled view to be analyzed and and constraints, and and tablecone bacits all displays to an antice to agree teachers and an advected or advisor	Console What's New Solution Top V Fiter Default levels ▼ 15 items hidden b 47846/991364 for more details.

- 30. The domain "apis.murdoog.com" is also owned and operated by NaviStone.
- 31. The intercepted communications are encoded in a format called Base64. When

decoded, they appear as such:

{"v":"e609394e-f9d3-4c7e-a85b-d1c3d6c77be8","m":"7c213bd9-2744-45c4-a38ee1184f1b3f11","csi":2602349387,"se":"108f0375-a71a-401c-9039-d747ba53c1bf","p":"0a487a7f-bd29-4b2c-9b3e-365b46b1f5dc","u":"https://www.quickenloans.com/mortgageapplication/four-steps?mortgageoption=yourgage#1","pn":"/mortgage-application/foursteps","t":"Apply for a Mortgage | Quicken Loans","c":"https://www.quickenloans.com/mortgageapplication/four-

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 11 of 22 PageID: 11

steps","pr":"CD4143","eid":"ns_seg_100","s":1,"vs":11,"l":"PageL oad"}

Based on information and belief, other portions of these intercepted data (which are obfuscated such that they are machine-readable but are not readable by humans) include a timestamp, an ID number, the user's IP address, and other PII.

32. NaviStone's wiretap will then continue to monitor the user as he or she browses Quickenloans.com. It will report every page visited by the user. Assume that a visitor is interested in applying for a mortgage.

Apply for a Mortgage C ×		
C Quicken Loans Inc. [US] https://www.quickenloans.com/mortgage-applic	ation/four-steps#2	\$
Quicken Loans	Real Estate Agent Site Sign up for Email and Texts MyQL Sign In Need heip? Chat or Call (800) 251-9080	R D Bements Console Sources Network Performance ≫ ▲8 ; 1 O S ● ♥ Venc III S © Group by frame @ Preserve log © Disable cache mundoog ◎ Reper @ Hide dats UR(s)
Select One	chaning a new home? voi buying your property? Voit	Work Jr. Sci. Sci. Brug, Merkla Ford Dic. VIS. Manifest Die: Winderschlutz Weinig Merkla Ford
90 MCK OR STAR	OR CALL (800) 251-0000 IT ONLINE WITH BOCKET MORTGAGE	
	of our clients would RECOMMEND USI - aud on claid client survey	
	- Based un Linused Gilent Surveys	3 / 121 requests 264 KB / 71.5 KB transferred Finish: 4.05 s DOMContentLoaded: 1.17 s Load
our mortgage partners contact you about your inquiry by text message or phor	Assumptioned Research Relation Assumption and the service Qualities Latence and family of Companies, and potentially in Including automatic telephone dealing system or an antificial or presected wirket to the esciential or cellular motests, tatle, or national Do Har Call Regimenty, Two do not have to again to encer use tat and or metaged as a condition and the service of the second service of the second service of the service of the service of the second service of the service of the service of the second service of the second service of the service of the service of the second service of t	Conset Works New See Sep Sep
) 😭 🔁 豫 🤌 🖷 💽 🗱 🥘 🤇		🖬 - 🎦 🍁 🔂 🌜 625 PM

This activity is immediately communicated to NaviStone as such:

{"v":"e609394e-f9d3-4c7e-a85b-d1c3d6c77be8","m":"7c213bd9-2744-45c4-a38ee1184f1b3f11","csi":2775439104,"se":"108f0375-a71a-401c-9039-d747ba53c1bf","p":"4660d48a-6831-4ce3-9162eeb436f72b04","u":"https://www.quickenloans.com/mortgageapplication/four-steps?mortgageoption=yourgage#2","pn":"/mortgage-application/foursteps","t":"Apply for a Mortgage | Quicken Loans","c":"https://www.quickenloans.com/mortgage-

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 12 of 22 PageID: 12

application/foursteps","pr":"CD4143","eid":"ns_seg_100","s":1,"vs":12,"l":"PageL oad"}

33. When filling out forms, any PII the user provides is immediately, automatically, and secretly transmitted to NaviStone in real-time. Here, by way of example, the user has indicated that he or she has "Signed a Purchase Agreement." A transmission is automatically, immediately, and secretly made to NaviStone:

02 Apply for a Mortgage C ×		* - 6 ×
← → C • Quicken Loans Inc. [US] https://www.quickenloans.com/m	ortgage-application/four-steps#2	\$ i
Quicken Loans	Real Estate Agent Site Sign up for Email and Texts MyQL Sign In Need heip? Chait or Call (800) 251-9080	Image: Second Sources Network Performance ≫ & § ; X Image: Second
• •	ntgaga Goak ned a Purthase Agreement: vy wre you purchasing a new home? tect One	Weil /s CSS Imp Media Fort Coc Wildle Marriest Ma
Sector	what state are you buying your property? Iect One wany: Next	Construit (also measurements), 2012 August 497712112001, 11121 August 49772112001, 11121 August 497721 August 4
	orical (800) 251-000 oristant online with Bocket Moritgage	
	of our clients would RECOMMEND USI -Based on closed client surveys	4/123 requests 1274 K8/751 K8 transferred 1 Finish 1485 s 1 DOMContentGoaled 117 s 1 Low.
A REAL PROPERTY OF THE OWNER WAS ADDRESSED.		E Console What's New X
our mortgage partners contact you about your inquiry by ter telephone number you have provided, even if that telephone	No PHA, Via or Junto Products. No State Restrictions. In of Lise and our <u>locarity and Protoc Philos</u> , No also expensity consent to having Quicken Loans, our <u>family of Companies</u> , and potentially message of phose (including automatic steephone dailing system or as antificial or precoded violat) to the residential or collular members in an occupant, table, manisour Dia Nord (20 lights) my dia materia havins to gave to include such calls or messaget as a condition communicating with us by phone, you consent to calls being recorded and monitored.	top File Detail teat Ideas high Ideas
🐵 🚞 🔁 🖏 🔮 🖬 💌 💵	2 0 0 m	🗰 🔸 🕅 🔂 🔥 627 PM 9/12/2017

Now, the user has indicated that he or she is a "first-time home buyer." Again, a transmission is automatically, immediately, and secretly made to NaviStone:

oly for a Mortgage C X		
C Quicken Loans Inc. [US] https://www.quickenloans.com/mo	vtgage-application/four-steps#2	\$
Quicken Loans	Real Estate Agent Site Sign up for Email and Texts MyQL Sign in Need help? Chat or Call (800) 251-9080	R ① Bements Console Sources Network Performance ≫ ▲8 : O ◎ ■ ♥ View Ⅲ % Group by hame ◎ Preserve log ◎ Dicable cac murdoog ◎ Reger ◎ Hide data URLs
мо	rtgage Goal:	2008 m. 450 CSS Img Media Font Doc. WS Mamfet: Other 2008 m. 4000 m. 4000 m. 4000 m. 10000 m. 100000 m. 10000 m. 100000 m. 100000 m. 100000 m. 100000 m. 100000 m. 100000 m. 10000000000
Sig	ned a Purchase Agreement 🔹	Name Stat Type Initiator Size Time Waterfall 20.00 s
Fan	y ars you purchasing a new home! na finā fina home buyer	C196978CF19008[p. 200 script satellite 24 123] 966978CF19008[v200 script C1882781015] 969718CF19008[v200 script C1892781013] 969778CF19008[v200 script C1892781013]
	you currently renting? act One	96978CF190081v 200 script <u>C196978</u> 1.0 42
	what state are you buying your property? ect One	b244eb34178am=2b2074-#054a=4787-8b3+690554c=400748+431-4564-807 r644eb4582at=-g120mdoteAntizveryMatextoxd
		e11401Veropticki QOUBeHeadBendigh (SBN63)227-rd588FF Jahlroch Weig Gebendige Bahlroch wWB31bm) Bishondreich Gebeidd Jahl Jahlroch Washish, Ford (Sbahlweig) Kabel (Shahli Shahli
	Next	
99	2 MACK OR CALL (800) 251-9080 OR START ONLINE WITH <u>ROCKET MORTGAGE</u>	
	of our clients would	5 / 125 requests 28.4 KB / 74.8 KB transferred Finish: 23.78 s DOMContentLoaded: 1.17 s
	RECOMMEND US!	Console What's New top Filter Default levels 17 items hidden by filters
Product available on Fixed-Rate Conventional Products only.	-Based on closed client surveys	Sp V Time Default tools Y Trans Moderal by Tame 472072284 for more statil. -<
Communication Consent: By submitting your contact information you agree to our Term	s of Use and our Security and Privacy Policy. You also expressly consent to having Quicken Loans, our Family of Companies, and potentially	tatus.com/feature/5718547946799104 for more details.
🗎 🔁 📚 🤌 🖬 🚺	message or phone lincluding automatic telephone dialing system or an artificial or prerecorded voice) to the residential or cellular	• •

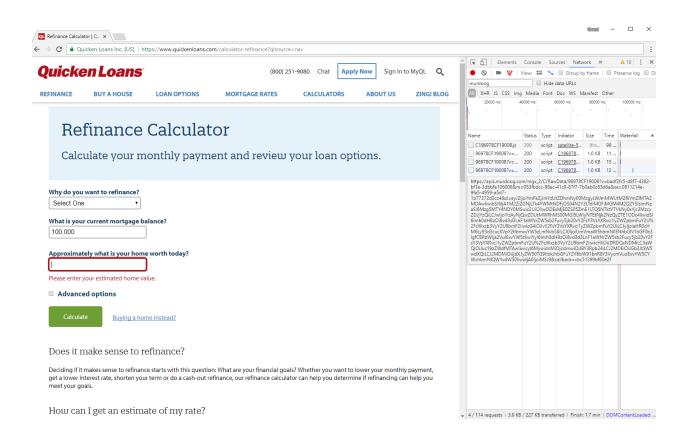
Now, the user has indicated that he or she is currently renting. Again, another transmission is automatically, immediately, and secretly made to NaviStone:

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 14 of 22 PageID: 14

Loans Inc. [US] https://www.quickenloans.com/mortgage-a	nlication/four-stans#2	\$
		TR D Bements Console Sources Network Performance * A8 :
Quicken Leane	Real Estate Agent Site Sign up for Email and Texts MyQL Sign In	View: III % Group by frame Preserve log @ Disable cache
uicken Loans [®]	Need help? Chat or Call (800) 251-9080	murdoog
		XHR JS CSS Img Media Font Doc WS Manifest Other
		50000 ma 100000 ma 150000 ma 200000 ma
Mortgage G		
Signed a Pure	nase Agreement	Name Stat Type Initiator Size Time Waterfall 20.00 s
Why are you	purchasing a new home?	C196978CF1900Bjs 200 script <u>satellite</u> 24 123
I am a first-tim		96978CF190087v_ 200 script <u>C195978</u> _ 1.0 _ 15 _
		96978CF190087v 200 script <u>C196978</u> 1.0 13 96978CF190087v 200 script <u>C196978</u> 1.0 52
Are you curr	ntly renting?	96978CF190087v 200 script <u>C196978</u> 1.0 42
Yes		96978CF190087v_ 200 script C196978_ 1.0 _ 79 _
When does	sur lease expire?	https://apis.murdoog.com/mgx_2/C/RawData/96978CF190087v=07d4bdc4-17d6-4d05-90cb-
		b52a44b341738xm=5b205749-d56a-4787-8b3a-65015ec9f0e58xe=4b02f024-a151-45e0-b876- fc8c4d8e5b828xd=eyi2ljoiMDdkNG/KYzQtMTdkN00ZDA1LTkwY2ltYjUyYTQ0YjM0MTczliwib5l6ljVM
Month	Year Year	ALINEQSLWQ1WmEthDeAvgG4YMnTY1MDE1ZWM5ZjBINSJambaSSbW2OF5PaulJSwieZU00 YjAyZjAyNCIMTUaLTQ1ZTArtyg5W1mY2byNGQ4ZTVGDBLCWbj0ZTRIGGNGGY1Y2BKZ00ZWY0U WISMTR4ZjRvTNwOCMLDDcwbiwdSBbimbGHBED8WaB3LhF1aWNc2W5b2Fucy5jb20vbW3ydG
in what state	are you buying your property?	hZ2UtYXBwbGiYXRpb24vZm91ci1zdGVwcvMyIwicG4iOilvbW9vdGdhZ2UtYXBwbGiYXRpb24vZm91
Select One		citzdGVwcykInQiOUBcHBse58mb3lgYS8Nb3J0Z2FnZ588IFF1aWNrZW4gTG9hbnMg4CBRdWija2vu8 wyW5zliwiYy8Imh0dHBzOi8vd3d3LnF1aWNrZW5sb2Fucy5jb20vbW9ydGdhZ2UtYX8wbGi}YXRpb24
		vZm9LcitzdGVwcytanByljo-QOQDMTQztwcZWNUjobnNtcZVnXzEwMCtahMiOjUshZzJo5LCitajoQW N0aW9uliwidjAdjoiRm9ybUlucHV0liwidjAzijoicHVyY2thcZVbTGVhczluZ118cHVyY2thc2VfTGVhc2lu
County:		ZylsInYwNClőljEifQ%3D%3D8callback=cb8d254685bfe4
	Next	
E GO BACK		
	OR CALL (800) 251-9080	
		6 / 127 requests 29.4 K8 / 76.4 K8 transferred Finish: 33.09 s DOMContentLoaded: 1.17 s Lo
	🤞 🔹 🔁	Console What's New
		Console What's New
	PERCENT	47946799104 for more details.
	of our clients would RECOMMEND US!	A Parser-blocking, cross site (i.e. satelliteLib-c646e83is:18
	- Based on closed client surveys	<pre>different eTLD+1) script, <u>https://assets.adobedtm.com/Be06569m/scripts/sa</u> tellite-573152em.is, is invoked via document.write. The network request</pre>
	Based on Cased Caern Surveys	for this script MAY be blocked by the browser in this or a future page load due to poor network connectivity. If blocked in this page load, it
		will be confirmed in a subsequent console message.See <u>https://www.chromes</u> <u>tatus.com/feature/5718547946799184</u> for more details.
		• >
📚 🚅 🚾 🖬 🦪		🖬 🔺 🖪 🔁 🍓 😽 627 PM

34. Furthermore, after visitors enter their "mortgage balance" on Quickenloans.com, another transmission is automatically, immediately, and secretly made to NaviStone:

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 15 of 22 PageID: 15



Similarly, when visitors enter their total "home worth" on Quickenloans.com, another

transmission is automatically, immediately, and secretely made to NaviStone:

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 16 of 22 PageID: 16

Image: Calculator Q: × \ ← → C ■ Quicken Loans Inc. [US] https://www.guickenloans.com/calculator-refinance?glsource=nav	6aat - 🗆 X
Quicken Loans (800) 251-9080 Chat Apply Now Sign In to MyQL Q REFINANCE BUY A HOUSE LOAN OPTIONS MORTGAGE RATES CALCULATORS ABOUT US ZINGI BLOG	Elements Console Sources Network A 10 : X View: Group by frame Preserve log Di murdoog Hide data URLs XHR JS CSS Img Media Font Doc WS Manifest Other 10000 min 10000 min 10000 min
Refinance Calculator Calculate your monthly payment and review your loan options.	BOOC MR Type Initiator Size Time Waterfall ▲ I 196978CF19008.js 200 script 145872.m 10/m 99 4 0 9978CF19008.js 200 script 125927 10 K8 15 9978CF19008.h 200 script 125927 10 K8 15 1 1 9978CF19008.h 200 script 125927 10 K8 15 1 1 99 1 99 1 </td
Why do you want to refinance? Select One What is your current mortgage balance? 100.000 Approximately what is your home worth today? 300.000	https://apis.mudioog.com/mgr.2/C/RavData/96978CF190081v=badf2c5-0897-4382- br1 = 3db1e1002 https://apis.mudioog.com/mgr.2/C/RavData/96978CF190081v=badf2c5-0897-4382- br1 = 3db1e1002 https://apis.mudioog.com/mgr.2/C/RavData/96978CF190081v=badf2c5-0897-4382- br1 = 3db1e102 https://apis.mudioog.com/mgr.2/C/RavData/96078CF190081v=badf2c5-0897-4382- mudioog.com/mgr.2/C/RavData/96078CF190084cy/U/SimMut/RaVm2011/25194/ 2017/341C-04607420/0002004000000000000000000000000000
Calculate Buying a home instead?	
Does it make sense to refinance?	
Deciding if it makes sense to refinance starts with this question: What are your financial goals? Whether you want to lower your monthly payment, get a lower interest rate, shorten your term or do a cash-out refinance, our refinance calculator can help you determine if refinancing can help you meet your goals.	
How can I get an estimate of my rate?	▼ 5 / 121 requests 4.0 KB / 232 KB transferred Finish: 2.5 min DOMContentLoaded:

35. By intercepting these communications, NaviStone is able to learn the identity of the visitor. As NaviStone boasts, it is capable of matching "60-70% of your anonymous site

traffic to Postal names and addresses."9

Other Allegations Common To All Claims

36. Defendants, as corporations, are "persons" pursuant to 18 U.S.C. § 2510(6).

37. Plaintiff's and Class Members' keystrokes, mouseclicks, and other interactions

with Quickenloans.com are "electronic communications" as defined by 18 U.S.C. § 2510(12).

38. Throughout the entirety of the conduct upon which this suit is based, Defendants' actions have affected interstate commerce.

39. Defendants' actions are and have been intentional as evidenced by, *inter alia*,

their design and implementation of the software wiretap on Quickenloans.com, and their

disclosures and uses of the intercepted communications for profit.

CLASS ACTION ALLEGATIONS

40. Plaintiff seeks to represent a class all persons whose electronic communications were intercepted through the use of NaviStone's wiretap on Quickenloans.com.

41. Members of the Class are so numerous that their individual joinder herein is impracticable. On information and belief, members of the Class number in the millions. The precise number of Class members and their identities are unknown to Plaintiff at this time but may be determined through discovery. Class members may be notified of the pendency of this action by mail and/or publication through the distribution records of Defendants.

42. Common questions of law and fact exist as to all Class members and predominate over questions affecting only individual Class members. Common legal and factual questions include, but are not limited to, whether Defendants intentionally intercepted electronic communications in violation of 18 U.S.C. § 2511(1)(a); whether Defendants intentionally disclosed the intercepted electronic communications in violation of 18 U.S.C. § 2511(1)(a); whether Defendants intentionally used, or endeavored to use the intercepted electronic communications to de-anonymize website visitors in violation of 18 U.S.C. § 2511(1)(d); whether Quicken procured NaviStone to intercept or endeavor to intercept electronic communications in violation of 18 U.S.C. § 2511(1)(a); whether NaviStone procured Quicken to intercept or endeavor to intercept electronic communications in violation of 18 U.S.C. § 2511(1)(a); whether NaviStone is wiretaps, including the software codes described herein, are an "electronic, mechanical, or other device" as defined by 18 U.S.C. § 2510(5); whether NaviStone's wiretaps are primarily useful for the purpose of the surreptitious interception of electronic communications in violation of 18 U.S.C. § 2512; whether NaviStone violated 18

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 18 of 22 PageID: 18

U.S.C. § 2512 by intentionally creating the wiretap codes, by possessing those wiretaps, by advertising them on the NaviStone website, and by distributing them to Quicken for installation on Quicken's website; whether Quicken violated 18 U.S.C. § 2512 by receiving the wiretaps from NaviStone, which were transported through interstate commerce, by possessing those wiretaps, and by further distributing them through the software codes embedded on Quickenloans.com; whether each class member is entitled to the remedies specified under 18 U.S.C. § 2520, including but not limited to statutory damages of \$10,000 per class member.

43. The claims of the named Plaintiff are typical of the claims of the Class because the named Plaintiff, like all other class members, visited Quickenloans.com and had his electronic communications intercepted and disclosed to NaviStone through the use of NaviStone's wiretap.

44. Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class members he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of Class members will be fairly and adequately protected by Plaintiff and his counsel.

45. The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of Class members. Each individual Class member may lack the resources to undergo the burden and expense of individual prosecution of the complex and extensive litigation necessary to establish Defendants' liability. Individualized litigation increases the delay and expense to all parties and multiplies the burden on the judicial system presented by the complex legal and factual issues of this case. Individualized litigation also presents a potential for inconsistent or contradictory judgments. In contrast, the class action

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 19 of 22 PageID: 19

device presents far fewer management difficulties and provides the benefits of single

adjudication, economy of scale, and comprehensive supervision by a single court on the issue of

Defendants' liability. Class treatment of the liability issues will ensure that all claims and

claimants are before this Court for consistent adjudication of the liability issues.

46. Plaintiff brings all claims in this action individually and on behalf of members of the Class against Defendants.

Count I

For Interception Of Electronic Communications In Violation Of The Wiretap Act, 18 U.S.C. § 2511(1)(a)

47. Plaintiff repeats the allegations contained in $\P\P$ 1-46, above, as if fully set forth herein.

48. By implementing NaviStone's wiretaps on Quickenloans.com, each Defendant intentionally intercepted, endeavored to intercept, and procured another person to intercept, the electronic communications of Plaintiff and Class Members, in violation of 18 U.S.C. § 2511(1)(a).

Count II

For Disclosure Of Intercepted Electronic Communications In Violation Of The Wiretap Act, 18 U.S.C. § 2511(1)(c)

49. Plaintiff repeats the allegations contained in $\P\P$ 1-46, above, as if fully set forth herein.

50. By intentionally disclosing the intercepted electronic communications of the Plaintiff and Class Members to each other, and to other third parties, while knowing or having reason to know that the information was obtained through the interception of an electronic communication in violation of 18 U.S.C. § 2511(1)(a), Defendants have violated 18 U.S.C. § 2511(1)(c).

Count III

For Use Of Intercepted Electronic Communications In Violation Of The Wiretap Act, 18 U.S.C. § 2511(1)(d)

51. Plaintiff repeats the allegations contained in $\P\P$ 1-46, above, as if fully set forth herein.

52. By intentionally using, or endeavoring to use, the contents of the Plaintiff's and Class Members' intercepted electronic communications to de-anonymize them, and for other purposes, while knowing or having reason to know that the information was obtained through the interception of an electronic communication in violation of 18 U.S.C. § 2511(1)(a), Defendants have violated 18 U.S.C. § 2511(1)(d).

<u>Count IV</u> For Procuring In Violation Of The Wiretap Act, 18 U.S.C. § 2511(1)(a)

53. Plaintiff repeats the allegations contained in $\P\P$ 1-46, above, as if fully set forth herein.

54. By intentionally procuring NaviStone to intercept or endeavor to intercept electronic communications, Quicken violated 18 U.S.C. § 2511(1)(a).

55. By intentionally procuring Quicken to intercept or endeavor to intercept electronic communications, NaviStone violated 18 U.S.C. § 2511(1)(a).

<u>Count V</u> For Manufacture, Distribution, Possession And Advertising Of Electronic Communication Intercepting Devices In Violation Of The Wiretap Act, 18 U.S.C. § 2512

56. Plaintiff repeats the allegations contained in $\P\P$ 1-46, above, as if fully set forth

herein.

57. NaviStone's wiretaps, including the software codes described herein, are an

"electronic, mechanical, or other device" as defined by 18 U.S.C. § 2510(5), are primarily useful

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 21 of 22 PageID: 21

for the purpose of the surreptitious interception of electronic communications.

58. By intentionally creating the wiretap codes, by possessing those wiretaps, by advertising them on the NaviStone website, and by distributing them to Quicken for installation on Quicken's website, NaviStone violated 18 U.S.C. § 2512.

59. By receiving the wiretaps from NaviStone, which were transported through

interstate commerce, by possessing those wiretaps, and by further distributing them through the

software codes embedded on Quickenloans.com, Quicken violated 18 U.S.C. § 2512.

Relief Sought

60. WHEREFORE, Plaintiff, individually and on behalf of all others similarly

situated, seeks a judgment against Defendants as follows:

- A. For an order certifying the Class under Rule 23 of the Federal Rules of Civil Procedure and naming Plaintiff as representative of the Class and Plaintiff's attorneys as Class Counsel to represent the Class;
- B. For an order declaring that Defendants' conduct as described herein violates the statutes referenced herein;
- C. For an order finding in favor of Plaintiff and the Class on all counts asserted herein;
- D. For all remedies specified in the Wiretap Act, 18 U.S.C. § 2520, including the actual damages suffered by the plaintiff, any profits made by Defendants as a result of the violations, statutory damages of whichever is greater of \$100 a day for each day of violation or \$10,000 for each class member, such preliminary and other equitable or declaratory relief as may be appropriate, punitive damages, and a reasonable attorney's fee and other litigation costs reasonably incurred;
- E. For prejudgment interest on all amounts awarded;
- F. For an order of restitution and all other forms of equitable monetary relief;
- G. For injunctive relief as pleaded or as the Court may deem proper; and
- H. For an order awarding Plaintiff and the Class their reasonable

Case 2:17-cv-12352 Document 1 Filed 12/01/17 Page 22 of 22 PageID: 22

attorneys' fees and expenses and costs of suit.

Jury Demand

61. Plaintiff demands a trial by jury on all causes of action and issues so triable.

Dated: December 1, 2017

Respectfully submitted,

BURSOR & FISHER, P.A.

By: <u>/s/ Frederick J. Klorczyk III</u> Frederick J. Klorczyk III

Frederick J. Klorczyk III 888 Seventh Avenue New York, NY 10019 Telephone: (212) 989-9113 Facsimile: (212) 989-9163 Email: fklorczyk@bursor.com

Attorneys for Plaintiff

JS 44 (Rev. 06/17) Case 2:17-cv-12352 Decument OVER SHEET 7 Page 1 of 1 PageID: 23

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS DEFENDANTS						
MICHAEL ALLEN, individually and on behalf of all others similarly gain situated,				QUICKEN LOANS INC. and NAVISTONE, INC.,		
(b) County of Residence of First Listed Plaintiff Bergen County, NJ				County of Residence of First Listed Defendant Wayne County, MI		
(EXCEPT IN U.S. PLAINTIFF CASES)				<i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.		
(c) Attorneys (Firm Name, Address, and Telephone Number)				Attorneys (If Known)		
Bursor & Fisher, P.A. 888 Seventh Avenue, Ne Tel: (646) 837-7165	· ·))		1 moneys (1) mowny		
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)	III. CI	TIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintiff
□ 1 U.S. Government				(For Diversity Cases Only)	rf def	and One Box for Defendant) PTF DEF
Plaintiff	(U.S. Government Not a Party)		Citize		1 1 Incorporated or Pr of Business In T	incipal Place 🗖 4 🗖 4
□ 2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)		Citize	Citizen of Another State 2 2 2 Incorporated <i>and</i> Principal Place 5 5 5 6 5 of Business In Another State		
	_			en or Subject of a reign Country	3 🗖 3 Foreign Nation	
IV. NATURE OF SUIT		ly) RTS	FC	DRFEITURE/PENALTY	Click here for: Nature of BANKRUPTCY	of Suit Code Descriptions. OTHER STATUTES
 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 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 210 Land Condemnation 220 Forcelosure 230 Rent Lease & Ejectment 245 Tort Product Liability 290 All Other Real Property 	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 970duct Liability 360 Other Personal Injury 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 PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITION Habeas Corpus: 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty Other: 540 Mandamus & Othe 550 Civil Rights 55 Prison Condition	X = 62 = 69 TTY = 71 = 72 = 74 = 75 \$\$\$ = 79 = 79	5 Drug Related Seizure of Property 21 USC 881 0 Other USC 881 0 Other 0 Fair Labor Standards Act 1 Labor/Management Relations 0 Railway Labor Act 1 Family and Medical Leave Act 0 Other Labor Litigation Employee Retirement Income Security Act IMMIGRATION 2 Naturalization Application 5 Other Immigration Actions	□ 422 Appeal 28 USC 158 □ 423 Withdrawal 28 USC 157 ■ PROPERTY RIGHTS □ 820 Copyrights □ 830 Patent □ 835 Patent - Abbreviated New Drug Application □ 840 Trademark SOCIAL SECURITY □ 861 HIA (1395ff) □ 862 Black Lung (923) □ 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	 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 and Corrupt Organizations 480 Consumer Credit 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 999 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes
		560 Civil Detainee - Conditions of Confinement				
V. ORIGIN (Place an "X" in $\boxed{2}$ 1 Original $\boxed{2}$ 2 Rep	-	Remanded from	J 4 Rein	stated or 🛛 5 Transfe	erred from 🛛 6 Multidistr	rict 🛛 8 Multidistrict
		Appellate Court	Reop		er District Litigation	
VI. CAUSE OF ACTIO	18 U S C 2510 e	et seq.	e filing (1	Do not cite jurisdictional stat	tutes unless diversity):	
	Violation of the F	ederal Wiretap Act				
VII. REQUESTED IN COMPLAINT:	CHECK IF THIS UNDER RULE 2	IS A CLASS ACTION 3, F.R.Cv.P.	•	EMAND \$ 5,000,000.01	CHECK YES only JURY DEMAND:	if demanded in complaint:
VIII. RELATED CASE IF ANY	E(S) (See instructions):	JUDGE			DOCKET NUMBER	
DATE		SIGNATURE OF ATT				
12/01/2017 FOR OFFICE USE ONLY		/s/ Frederick J.	KIOPCZ	ук III		
RECEIPT # AN	10UNT	APPLYING IFP		JUDGE	MAG. JUD	DGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: <u>NaviStone Named in Fourth Class Action</u>, This Time with Quicken Loans, Over Online 'Wiretapping'