

Eugene Y. Turin (SB # 342413)
MCGUIRE LAW, P.C.
10089 Willowcreek Road, Suite 200
San Diego, CA 92131
Tel: (312) 893-7002 Ex. 3
Fax: 312-275-7895
eturin@mcgpc.com

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David W. Slayton,
Executive Officer/Clerk of Court,
By J. Nunez, Deputy Clerk

Counsel for Plaintiff and the Putative Class Members

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

NICKI K. APAYDIN, individually and
on behalf of similarly situated
individuals,

Plaintiff,

v.

MOVE, INC. d/b/a REALTOR.COM,
a Delaware corporation,

Defendant.

Case No. **25STCV21660**

CLASS ACTION COMPLAINT

**1. Violation of California Invasion
of Privacy Act, Cal. Pen. Code
§ 630 et seq.**

DEMAND FOR JURY TRIAL

CLASS ACTION COMPLAINT

Plaintiff Nicki K. Apaydin (“Plaintiff”) brings this Class Action Complaint against Defendant Move, Inc. (“Defendant”, or “Realtor.com”), to stop Defendant’s unlawful tracking and disclosure of its website visitors’ statutorily protected information and to seek redress for all those who have been harmed by Defendant’s misconduct. Plaintiff alleges as follows based on her individual personal knowledge, acts, and experiences and as to all other matters, on information and belief, including an investigation by her attorneys.

1 **NATURE OF THE CASE**

2 1. This is a class action suit brought against Defendant for privacy
3 violations pursuant to the California Invasion of Privacy Act (“CIPA”), Cal. Pen.
4 Code. § 630, *et seq.*

5 2. Defendant owns and operates Realtor.com (the “Website”), one of the
6 most popular real estate websites in the United States boasting an average of over 100
7 million unique monthly visitors.¹

8 3. Defendant provides several types of video materials on its platform,
9 including those which provide its visitors with the opportunity to view and preview
10 real estate.

11 4. Unbeknownst to its Website visitors, Defendant has knowingly installed
12 pixels and other tracking technologies developed by third party advertisers, including
13 the Meta Pixel, to intercept, collect, and disclose its Website visitors’ personally
14 identifiable information (“PII”) identifying specific videos that they viewed.

15 5. Defendant knowingly discloses and aides and abets the interception of
16 this information to third-party tracking, analytic, and advertising providers so that
17 they can target specific users with tailored advertisements based on their viewing
18 history and website activity.

19 6. Defendant discloses, and allows other third parties to intercept, its
20 Website visitors’ statutorily protected information and PII without their knowledge or
21 consent. In doing so, Defendant has violated CIPA, and the privacy rights of Plaintiff
22 and the other Class members.

23 7. Accordingly, Plaintiff brings this class action for legal and equitable
24 remedies to redress and put a stop to Defendant’s practices of knowingly disclosing
25 and aiding the interception of its Website visitors’ statutorily protected information to
26 third-parties.

27 _____
28 ¹ <https://www.realtor.com/advertise/>

1 **JURISDICTION AND VENUE**

2 8. This Court has subject-matter jurisdiction over this action pursuant to
3 Cal. Code Civ. Proc. § 410.10 and Article VI, § 10 of the California Constitution.

4 9. This Court has personal jurisdiction over Defendant because a
5 substantial part of the events giving rise to the claims asserted herein occurred in this
6 County, as Plaintiff resides in this County and was subject to Defendant's unlawful
7 conduct in this County.

8 10. Venue is proper within this judicial district as the acts from which this
9 dispute arose occurred within this judicial district.

10 **PARTIES**

11 11. Plaintiff Nicki K. Apaydin is a resident within the State of California.

12 12. Defendant Move, Inc. is a private corporation headquartered in Santa
13 Clara, California.

14 **COMMON FACTUAL ALLEGATIONS**

15 **I. The California Invasion of Privacy Act**

16 13. CIPA was enacted "to protect the right of privacy of the people of
17 [California]." Cal. Penal Code § 630. The California Legislature was concerned about
18 emergent technologies that allowed for "eavesdropping upon private
19 communications," believing such technologies "created a serious threat to the free
20 exercise of personal liberties and cannot be tolerated in a free and civilized society."
21 *Id.*

22 14. As part of CIPA, the California Legislature enacted § 631(a), which
23 prohibits any person or entity from [i] "intentionally tap[ping], or mak[ing] any
24 unauthorized connection ... with any telegraph or telephone wire," [ii] "willfully and
25 without the consent of all parties to the communication ... read[ing], or attempt[ing]
26 to read, or to learn the contents or meaning of any ... communication while the same
27 is in transit or passing over any wire, line, or cable, or is being sent from, or received
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1 at any place within [California],” or [iii] “us[ing], or attempt[ing] to use ... any
2 information so obtained.”

3 15. CIPA § 631(a) also penalizes [iv] those who “aid[], agree[] with,
4 employ[], or conspire[] with any person” who conducts the aforementioned
5 wiretapping, or those who “permit” the wiretapping.

6 16. § 631(a) is not limited to phone lines, but also applies to “new
7 technologies” such as computers, the Internet, and email. *Jee Javier v. Assurance IQ,*
8 *LLC*, 2022 WL 1744107, at *1 (9th Cir. May 31, 2022).

9 17. Individuals may bring an action under CIPA §§ 631 for \$5,000 per
10 violation. Cal. Penal Code § 637.2(a)(1).

11 **II. Defendant Intercepted and Disclosed the Contents of its Website Visitors’** 12 **Electronic Communications to Third Parties.** 13

14 18. Defendant owns and operates realtor.com, an online property listing
15 platform with various types of video content, including videos which allow its
16 Website visitors to take virtual tours of real estate listing posted on Defendant’s
17 website.

18 19. Importantly, Website visitors are not provided notice or specifically
19 asked to consent to Defendant sharing and disclosing, or aiding and abetting in the
20 interception of, their PII and the contents of their electronic communications to third
21 parties, including information which identifies them as having viewed or requested
22 specific video content.

23 20. However, despite not obtaining informed consent from its Website
24 visitors, Defendant discloses, and aids in the interception of, the contents of their
25 electronic communications to various third parties.

26 21. Specifically, a live data-traffic analysis of Defendant’s Website shows
27 that Defendant incorporated and installed third-party tracking technologies into its
28

1 Website so that whenever visitors watch video content, their PII and the contents of
2 their electronic communications are intercepted in real time while in transit by such
3 third parties, including by Facebook via its Meta Pixel.

4 22. The Meta Pixel is a piece of code that online media providers, like
5 Defendant, can integrate into their websites. Once activated, the Meta Pixel tracks
6 user's PII (such as the users' identity and the specific video content they requested)
7 and the type of actions they take on the website and disseminates that information to
8 Facebook.

9 23. A Facebook ID ("FID") is a unique and persistent identifier that
10 Facebook assigns to each user that can be used to identify specific individuals. When
11 a Facebook user interacts with Realtor.com, the Meta Pixel intercepts that Facebook
12 user's interactions and FID causing the user's identity and electronic communications
13 to be transmitted to Facebook.

14 24. Therefore, when one of Defendant's Website visitors requests to watch
15 a video on realtor.com, the Meta Pixel sends that video request, along with the
16 persons' PII and identity, to Facebook.

17 25. For example, if a Website visitor were to request to watch a video to
18 preview a property to rent, Defendant would disclose that information in the form of
19 a URL request (as shown below), along with the identity of the Website visitor to
20 Facebook:


Meta Pixel Helper
[Learn More](#)


One pixel found on www.realtor.com


Meta Pixel
Troubleshoot Pixel
Pixel ID: 754678604575607 [click to copy](#)
Set up events

▼  PageView

ADVANCED MATCHING PARAMETERS SENT

external_id: [Show](#)

EVENT INFO

Setup Method: Manual
URL called: [Hide](#)

[https://www.facebook.com/tr?id=754678604575607&ev=PageView&ud\[external_id\]=a098c006-1a22-435d-be1e-0d5b624addb0>mcb=751165016&dl=https://www.realtor.com/rentals/details/853-W-Blackhawk-St_Chicago_IL_60642_M95882-21680](https://www.facebook.com/tr?id=754678604575607&ev=PageView&ud[external_id]=a098c006-1a22-435d-be1e-0d5b624addb0>mcb=751165016&dl=https://www.realtor.com/rentals/details/853-W-Blackhawk-St_Chicago_IL_60642_M95882-21680)

Load Time: 1434.59 ms
Pixel Code: [Hide](#)

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Pixel Location: [Hide](#)

https://www.realtor.com/rentals/details/853-W-Blackhawk-St_Chicago_IL_60642_M95882-21680

Frame: Window

▼  ViewContent

CUSTOM PARAMETERS SENT

26. Defendant’s illicit data practices are further evidenced by its cookie notice. Therein, Defendant admits that it aids in the interception of its Website visitors’ electronic communications by allowing third-party advertisers and other organizations to “use their own cookies to collect information about [Website visitors’] activities on [its] [W]ebsite . . . to serve advertisements on [their] Website and third-party sites that they believe are most likely to be of interest to [the Website visitor] based on the content [she has] viewed.”²

27. Thus, Defendant collects, discloses, and aids and abets in the collection and disclosure of the contents of its Website visitors’ electronic communications,

² <https://www.realtor.com/about/cookie-notice.php>. Critically, nowhere does Defendant require its Website visitors to consent to the cookie notice.

1 including information identifying that a specific Website visitor has requested specific
2 video content.

3 28. Defendant does not, however, obtain the Website visitors' prior consent
4 to disclose such information.

5 29. Defendant's Website visitors expect that they are communicating
6 directly with Defendant via Defendant's Website, however, the contents of their
7 communications with the Website are in fact being disclosed to, and intercepted by,
8 undisclosed third parties including Meta.

9 30. Therefore, Defendant aided and conspired with third party tracking
10 entities to intercept its Website visitors' electronic communications when Defendant
11 knowingly installed tracking technologies on its Website and knew that such
12 communications would be intercepted as a result.

13 31. As a result, Defendant has violated the CIPA.

14 **FACTS SPECIFIC TO PLAINTIFF**

15 32. Plaintiff has visited Realtor.com on several occasions within the past
16 year.

17 33. Plaintiff does not have an account on Defendant's Website nor does she
18 have a subscription.

19 34. At all relevant times, Plaintiff has been a Facebook account holder.

20 35. Plaintiff has used Defendant's Website to view video materials within
21 the past year.

22 36. Each time Plaintiff viewed video content on Defendant's Website,
23 Defendant knowingly and intentionally disclosed, and aided and abetted in the
24 interception of, Plaintiff's PII and the contents of her electronic communications,
25 including specifically her viewing history and personally identifying information, as
26 described in detail above, to third parties.

27 37. Plaintiff never specifically and separately consented, agreed, authorized,
28

1 or otherwise permitted Defendant to disclose, and aid in the interception of, her
2 electronic communications to third parties.

3 38. To this day, Plaintiff is unaware of the status of her PII and the contents
4 of her electronic communications, to whom it has been disclosed, and who has
5 possession and retained her information as a result of Defendant's illegal conduct.

6 39. By intercepting and aiding third parties to intercept Plaintiff's contents
7 of her electronic communications, which reveals both her identity and the videos that
8 she viewed and requested, Defendant has intentionally and knowingly violated
9 Plaintiff's privacy rights.

10 40. As such, Plaintiff is entitled to statutory damages.

11 **CLASS ALLEGATIONS**

12 41. Plaintiff brings this action individually and on behalf of a Class (the
13 "Class") defined as follows:

14 Class: All persons within the state of California who, during the
15 relevant limitations period, visited www.realtor.com and requested or
16 viewed video contents.

17 42. Excluded from the Class are any members of the judiciary assigned to
18 preside over this matter; any officer or director of Defendant; and any immediate
19 family member of such officers or directors.

20 43. Upon information and belief, there are thousands of members of the
21 Class, making the members of the Class so numerous that joinder of all members is
22 impracticable. Although the exact number of members of the Class are currently
23 unknown to Plaintiff, the members can be easily identified through Defendant's
24 records.

25 44. Plaintiff's claims are typical of the claims of the members of the Class
26 Plaintiff seeks to represent, because the factual and legal bases of Defendant's liability
27 to Plaintiff and the other members are the same, and because Defendant's conduct has
28

1 resulted in similar injuries to Plaintiff and to the Class. As alleged herein, Plaintiff
2 and the Class have all suffered damages as a result of Defendant's privacy violations.

3 45. There are many questions of law and fact common to the claims of
4 Plaintiff and the other members of the Class, and those questions predominate over
5 any questions that may affect individual members of the Class. Common questions
6 for the Class include, but are not limited to, the following:

- 7 (a) Whether Defendant knowingly disclosed Class members' personal video
8 viewing information to third parties;
- 9 (b) Whether Defendant knowingly disclosed the contents of Class members'
10 electronic communications to third-parties;
- 11 (c) Whether Class members provided consent to Defendant's disclosure of
12 their communications to third parties;
- 13 (d) Whether Defendant aided third parties in the interception of Class
14 members' communications with its Website;
- 15 (e) Whether the Class members are entitled to damages and other relief as a
16 result of Defendant's conduct.

17 46. Absent a class action, most members of the Class would find the cost of
18 litigating their claims to be prohibitively expensive and would thus have no effective
19 remedy. The class treatment of common questions of law and fact is superior to
20 multiple individual actions in that it conserves the resources of the courts and the
21 litigants and promotes consistency of adjudication.

22 47. Plaintiff will adequately represent and protect the interests of the
23 members of the Class. Plaintiff has retained counsel with substantial experience in
24 prosecuting complex litigation and class actions. Plaintiff and Plaintiff's counsel are
25 committed to vigorously prosecuting this action on behalf of the other members of
26 the Class and have the financial resources to do so. Neither Plaintiff nor Plaintiff's
27 counsel have any interest adverse to those of the other members of the Class.

28

48. Defendant has acted and failed to act on grounds generally applicable to Plaintiff and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

FRAUDULENT CONCEALMENT AND TOLLING

49. The applicable statute of limitations are tolled by virtue of Defendant's knowing and active concealment of the facts alleged above. Plaintiff and the other Class members were ignorant of the information essential to the pursuit of these claims, without any fault or lack of diligence on their own part.

50. At the time the action was filed, Defendant was under a duty to disclose the true character, quality, and nature of its activities to Plaintiff and the Class. Defendant is therefore estopped from relying on any statute of limitations.

51. Defendant's fraudulent concealment is common to the Class.

COUNT ONE

Violations of the California Invasion of Privacy Act Cal. Pen. Code § 631(a) (On behalf of Plaintiff and the Class)

52. Plaintiff hereby incorporates the above allegations by reference as though fully set forth herein.

53. CIPA § 631(a) imposes liability for "distinct and mutually independent patterns of conduct." *Tavernetti v. Superior Ct.*, 22 Cal. 3d 187, 192-93 (1978). Therefore, to establish liability under CIPA § 631(a), a plaintiff need only establish that the defendant "by means of any machine, instrument, contrivance, or in any other manner," committed any of the following:

- (i) intentionally tapped, or made any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any

1 telegraph or telephone wire, line, cable, or instrument, including the
2 wire, cable, or instrument of any internal telephonic communication
3 system;

4 *or*

5 (ii) willfully and without consent of all parties to the communication, or
6 in any unauthorized manner, reads or attempts to read or learn the
7 contents or meaning of any message, report, or communication while the
8 same is in transit or passing over any wire, line or cable or is being sent
9 from or received at any place within this state;

10 *or*

11 (iii)

12 uses, or attempts to use, in any manner, or for any purpose, or to
13 communicate in any way, any information so obtained;

14 *or*

15 (iv) aids, agrees with, employs, or conspires with any person or persons
16 to unlawfully do, or permit or cause to be done any of the acts or things
17 mentioned above in this section. Cal. Pen. Code. § 631 (a).

18 54. The third-party activity tracking technologies Defendant programmed
19 into its Website are each a “machine, instrument, contrivance, or ... other manner”
20 used to read or learn the contents or meaning of messages, reports, or communications
21 between Plaintiff and the other Class members and Defendant.

22 55. Defendant’s third-party tracking providers were third parties to
23 communications between Plaintiff and the other Class members and Defendant.

24 56. Defendant’s third-party tracking providers willfully and without the
25 consent of all parties to the communication, or in any unauthorized manner, read,
26 attempted to read, and/or learned the contents or meaning of electronic
27 communications between Plaintiff and the Class members, on the one hand, and
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1 Defendant, on the other, while the electronic communications were in transit or were
2 being sent from or received at a place within California.

3 57. Defendant aided and conspired, agreed with, employed, permitted, or
4 otherwise enabled its third-party tracking providers to wiretap Plaintiff's and the other
5 Class members' PII and the contents of their electronic communications with
6 Defendant. Defendant knew that the third-party tracking technology it installed on its
7 Website would result in the disclosure of user communications to third parties, as
8 increasing its advertising presence on other platforms was one of Defendant's
9 purposes for implementing such technology.

10 58. Plaintiff and the other Class members did not provide their prior consent
11 to such third parties' access, interception, reading, learning, recording, collection, and
12 usage of their electronic communications. Nor did Plaintiff and the other Class
13 members provide their prior consent to Defendant aiding, agreeing with, employing,
14 permitting, or otherwise enabling its third-party vendors' conduct.

15 59. Plaintiff and the other members of the Class seek all relief available
16 under Cal. Pen. Code § 637.2, including injunctive relief and statutory damages of
17 \$5,000 per violation.

18 **PRAYER FOR RELIEF**

19
20 WHEREFORE, Plaintiff, individually and on behalf of and the Class, prays for
21 the following relief:

- 22 1. An order certifying the Class as defined above;
- 23 2. An order declaring that Defendant's conduct violates CIPA;
- 24 3. An order enjoining Defendant from continuing to engage in the
25 unlawful conduct and practices described herein;
- 26 4. An award of statutory damages under CIPA to the Class;
- 27
- 28

