

**ZIMMERMAN REED, LLP**  
CHRISTOPHER P. RIDOUT (SBN 143931)  
Email: christopher.ridout@zimmreed.com  
2381 Rosecrans Ave., Suite 328  
Manhattan Beach, CA 90245  
(877) 500-8780 Telephone  
(877) 500-8781 Facsimile

*Attorneys for Plaintiff and the Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MATTHEW BOUILLON, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

vs.

FACEBOOK, INC., a Delaware  
corporation, and DOES 1-10, inclusive,

Defendants.

CASE NO.: 3:18-CV-02565

**COMPLAINT (CLASS ACTION)**

1. Violation of the Stored  
Communications Act (SCA) (18  
U.S.C. § 2701)

(Jury Trial Demanded)

1 Plaintiff Matthew Bouillon, individually and on behalf of all similarly situated  
2 persons, by and through the undersigned attorneys alleges the following.

3 **NATURE OF THE ACTION**

4 1. In the run-up to the 2016 presidential election, Cambridge Analytica, LLC  
5 (“Cambridge”), with Defendant Facebook, Inc’s (“Defendant” or “Facebook”) help,  
6 stole the personal data of some 87 million Americans. Although the data breach has  
7 only recently made headlines, Defendant has been aware for years of the loopholes and  
8 vulnerabilities in its security measures that allowed this and similar breaches to occur.  
9 Yet Facebook did next to nothing to prevent the breach, and entirely failed to warn  
10 consumers that their information was at risk until well after the horse had left the barn.  
11 Facebook’s actions and omissions were in direct violation of California and federal law,  
12 and broke a basic promise Facebook used to induce consumers to entrust Facebook with  
13 their personal information.

14 2. During the entire relevant period, Facebook’s terms of service assured  
15 users that they “own all of the content and information you post on Facebook, and you  
16 can control how it is shared through your privacy and application settings.” *See*  
17 *Facebook Terms of Service, January 30, 2015–present.*  
18 <https://www.facebook.com/terms.php>.

19 3. Further, in 2011, Facebook entered into a consent decree with the Federal  
20 Trade Commission requiring Facebook to “not misrepresent in any manner, expressly  
21 or by implication, the extent to which it maintains the privacy or security of covered  
22 information, including, but not limited to: ... (C) the extent to which [Facebook] makes  
23 or has made covered information accessible to third parties.” *In the Matter of Facebook,*  
24 *Inc., a corporation, Agreement Containing Consent Order*, (“FTC Consent Order”), at  
25 Section I.C.

26 4. The FTC Consent Order defined Covered information as:  
27 [I]nformation from or about an individual consumer including, but not  
28 limited to: (a) a first or last name; (b) a home or other physical address,  
including street name and name of city or town; (c) an email address or

1 other online contact information, such as an instant messaging user  
2 identifier or a screen name; (d) a mobile or other telephone number; (e)  
3 photos and videos; (f) Internet Protocol (“IP”) address, User ID or other  
4 persistent identified; (g) physical location; or (h) any information  
5 combined with any of (a) through (g) above.

6 *Id.* at Section Definitions, 4.

7 5. The FTC Consent Order required Facebook to:

8 [I]n connection with any product or service, in or affecting commerce,  
9 prior to any sharing of a user’s nonpublic information by [Facebook] with  
10 any third party, which materially exceeds the restrictions imposed by a  
11 user’s privacy setting(s), shall: A. clearly and prominently disclose to the  
12 user, separate and apart from any “privacy policy,” “data use policy,”  
13 “statement of rights and responsibilities” page, or other similar document:  
14 (1) the categories of nonpublic user information that will be disclosed to  
15 such third parties, (2) the identity or specific categories of such third  
16 parties, and (3) that such sharing exceeds the restrictions imposed by the  
17 privacy setting(s) in effect for the user; and B. obtain the user’s affirmative  
18 express consent.

19 *Id.* at Sections II.A. and II.B.

20 6. Facebook has admitted that it failed in its responsibility to prevent third  
21 parties – including Cambridge – from accessing and utilizing its users’ data. On April  
22 10, 2018, Facebook’s CEO, Mark Zuckerberg, testified to the United States House of  
23 Representatives Committee on Energy and Commerce that:

24 [I]t’s clear now that we didn’t do enough to prevent these tools from being  
25 used for harm as well. That goes for fake news, foreign interference in  
26 elections, and hate speech, as well as developers and data privacy. We  
27 didn’t take a broad enough view of our responsibility, and that was a big  
28 mistake. It was my mistake, and I’m sorry. I started Facebook, I run it, and  
I’m responsible for what happens here.

7. In 2014, Cambridge improperly, and in violation of the Stored  
Communications Act, 18 U.S.C. §§ 2701, et seq., obtained the personal information of  
approximately 87 million registered Facebook users. This information included the  
users’ full names, telephone numbers, mailing addresses, email addresses, ages,  
interests, physical locations, political and religious affiliations, relationships, pages they  
have liked, and groups to which they belong. Facebook users’ personal information was

1 sold for approximately \$7 million and was used in Cambridge’s efforts to undermine  
2 the democratic process during the 2016 U.S. presidential election.

3 8. Facebook knew about the misuse of 87 million users’ data in 2015, but it  
4 did not notify users or discuss this breach publicly until forced to confront the issue on  
5 March 17, 2018.

6 9. Facebook, contrary to the representations, obligations, and promises made  
7 to the federal government in 2011, knowingly set up its platform such that a third-party  
8 application developer who gained access to a user through an application could also  
9 access the personal information and data of that user’s friends in violation of the Stored  
10 Communications Act, 18 U.S.C. §§ 2701, et seq. In addition, Facebook negligently  
11 failed to protect its users’ data from such unauthorized access by a third party; upon  
12 learning about this unauthorized access and use of the personal data, failed to take  
13 reasonable steps required to claw back or, in the alternative, ensure the destruction of  
14 this data; and failed to notify its users’ that such a breach had occurred, only admitting  
15 to the breach after their negligence was disclosed by a whistleblower.

16 10. Plaintiff brings this class action on behalf of himself and all others  
17 similarly situated, asserting claims under the Stored Communications Act (18 U.S.C. §§  
18 2701, et seq.).

19 11. Plaintiff seeks damages on behalf of the Class; injunctive relief; restitution;  
20 disgorgement; statutory penalties; costs and expenses, including attorneys’ fees and  
21 expert fees; declaratory relief; and any additional relief that this Court determines to be  
22 necessary to provide complete relief to Plaintiff and the Class.

23 **THE PARTIES, JURISDICTION AND VENUE**

24 12. This Court has original jurisdiction of Plaintiff’s and the Class’ claims  
25 pursuant to 28 U.S.C. §§ 1331.

26 13. Plaintiff Matthew Bullion (“Plaintiff”) is a resident of the City and County  
27 of Denver, Colorado. Plaintiff has held a Facebook account since at least 2007. Plaintiff  
28 is an active user and has been at all relevant times.

1 14. Defendant Facebook is a Delaware corporation with its principal place of  
2 business in Menlo Park, California.

3 15. Plaintiff does not know the true names and capacities of the defendants  
4 sued herein as Does 1 through 10 (“Doe Defendants”), inclusive, and therefore sues said  
5 Doe Defendants by fictitious names. Plaintiff is informed and believes and based  
6 thereon alleges that each of the Doe Defendants is contractually, strictly, negligently,  
7 intentionally, vicariously liable and/or otherwise legally responsible in some manner for  
8 the acts and omissions described herein. Plaintiff will amend this Complaint to set forth  
9 the true names and capacities of each Doe Defendant when the same are ascertained.

10 16. Plaintiff is informed and believes and based thereon alleges that Facebook  
11 and Doe Defendants 1 through 10, inclusive, and each of them, are and at all material  
12 times have been, the agents, servants or employees of each other, purporting to act  
13 within the scope of said agency, service or employment in performing the acts and  
14 omitting to act as alleged herein. Each of the Defendants named herein are believed to,  
15 and are alleged to, have been acting in concert with, as employee, agent, co-conspirator  
16 or member of a joint venture of, each of the other Defendants, and are therefore alleged  
17 to be jointly and severally liable for the claims set forth herein, except as otherwise  
18 alleged.

19 17. Venue is proper in this District as Defendant is a corporation that does  
20 business in and is subject to personal jurisdiction in this District. Venue is also proper  
21 because a substantial part of the events or omissions giving rise to the claims in this  
22 action occurred in or emanated from this District, including decisions made by  
23 Facebook to permit Cambridge’s collection of the data of personally identifiable  
24 information of the Plaintiff and the Class.

25 **FACTUAL ALLEGATIONS**

26 18. Facebook operates www.facebook.com, a social networking platform that  
27 allows users to create online profiles. These profiles contain personalized content such  
28 as the user’s name, photos, videos, messages, comments, names of other users they

1 consider to be “friends,” and interest groups. Users can interact with each other or the  
2 platform in a variety of ways, including by posting comments, sharing photos or video,  
3 chatting, using apps, playing online games, taking personality quizzes, or “liking”  
4 content by pressing a thumbs-up icon. Accordingly, user profiles often contain sensitive  
5 personal identifying information (“PII”) including the user’s name, location, political  
6 views, work history, e-mail address, birthday, educational background, hometown,  
7 relationship status, and religious beliefs.

8 19. Facebook purportedly grants its users control over who can view the  
9 information users choose to include in their profiles. Facebook claims that “trust is  
10 important to us,” and has promised users that Facebook “[does not] share information  
11 we receive about you with others unless we have . . . received your permission; given  
12 you notice such as by telling you about this policy; or removed your name and any  
13 other personally identifying information from it.” *See* Facebook Data Use Policy (Nov.  
14 15, 2013), [https://www.facebook.com/full\\_data\\_use\\_policy](https://www.facebook.com/full_data_use_policy) (available as of Mar. 22,  
15 2018).

16 20. Facebook currently has approximately 2.2 billion active users. In the  
17 United States alone, approximately 214 million people (i.e., two thirds of the country’s  
18 entire population) have active Facebook accounts.

19 21. On March 17, 2018, the New York Times reported on Cambridge’s use of  
20 personal identifying information (“PII”) that it obtained from 50 million Facebook users  
21 without their permission. Cambridge obtained the data under the pretext that it was  
22 collecting it for academic purposes. The New York Times story revealed that the Trump  
23 campaign hired Cambridge to target voters online. *See*  
24 [https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-](https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html)  
25 [campaign.html](https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html).

26 22. By April 17, 2018, the number of Facebook users whose PII had been  
27 improperly accessed swelled to “much greater than 87 million.” *See, e.g.,* Colin Lecher,  
28 *Former Cambridge Analytica employee says Facebook users affected could be ‘much*

1 *greater than 87 million*’, THE VERGE (Apr. 17, 2018).  
2 <https://www.theverge.com/2018/4/17/17246928/cambridge-analytica-facebook->  
3 [quizzesdata](https://www.theverge.com/2018/4/17/17246928/cambridge-analytica-facebook-quizzesdata).

4 23. Cambridge obtained PII belonging to Facebook’s users by exploiting a  
5 loophole in Facebook’s application programming interface (“API”). An API is a set of  
6 methods of communication between software applications. An API allows software  
7 applications developed by outside entities to communicate with the host’s systems.  
8 Facebook makes its API available to third-party application (“app”) developers such as  
9 Cambridge.

10 24. In 2014, a Cambridge researcher, Aleksandr Kogan (“Kogan”) created an  
11 app called “ThisIsYourDigitalLife.” The app was purportedly a personality quiz, and  
12 was falsely advertised as a research app for use by academic psychologists. In reality,  
13 however, the purpose of the app was to harvest the PII of Facebook users.

14 25. From 2014 to 2015, ThisIsYourDigitalLife was deployed, and  
15 approximately 270,000 Facebook users took the quiz. The app used a vulnerability in  
16 Facebook’s API to access and acquire the PII of not only those users who took the quiz,  
17 but also the PII of all of those users’ “friends,” i.e. linked user accounts. In total, PII  
18 was collected from approximately 87 million users.

19 26. As reported in the Guardian, Cambridge used the PII collected from  
20 ThisIsYourDigitalLife to attempt to influence the 2016 United States presidential  
21 election:

22 The data analytics firm that worked with Donald Trump’s election team  
23 and the winning Brexit campaign harvested millions of Facebook profiles  
24 of US voters, in one of the tech giant’s biggest ever data breaches, and  
25 used them to build a powerful software program to predict and influence  
26 choices at the ballot box.

26 A whistleblower has revealed to the Observer how Cambridge Analytica –  
27 a company owned by the hedge fund billionaire Robert Mercer, and headed  
28 at the time by Trump’s key adviser Steve Bannon – used personal  
information taken without authorization in early 2014 to build a system



1 that could profile individual US voters, in order to target them with  
2 personalized political advertisements.

3 Christopher Wylie, who worked with a Cambridge Analytica University  
4 academic to obtain the data, told the Observer: “We exploited Facebook to  
5 harvest millions of people’s profiles. And built models to exploit what we  
6 knew about them and target their inner demons. That was the basis the  
7 entire company was built on

8 *Revealed: 50 Million Facebook Profiles Harvested For Cambridge Analytica In Major*  
9 *Data Breach*, The Guardian (March 17, 2018).

10 27. In 2011 – years before the 2014 data breach – Facebook entered into a  
11 consent decree with the Federal Trade Commission, whereby Facebook agreed to  
12 refrain from sharing PII with third-party entities without its users’ consent. Facebook  
13 further promised not to misrepresent to users that their PII was secure, when it was in  
14 fact not.

15 28. Facebook learned of the 2014 breach shortly after it occurred. In 2015,  
16 Facebook learned that Cambridge had obtained the data collected by the  
17 ThisIsYourDigitalLife app. However, Facebook decided not to inform affected users  
18 that their PII had been compromised and misappropriated. Facebook further failed to  
19 inform the public at large.

20 29. Facebook later claimed that, in 2015, Facebook had asked Cambridge to  
21 certify that it had destroyed the improperly collected data. Although Facebook claimed  
22 that Cambridge provided such certification, Facebook made no effort to determine  
23 whether the PII had in fact been deleted. In reality, Cambridge retained the data, and  
24 would later use it in concert with the Trump campaign to influence the 2016  
25 presidential election.

26 30. As of today, the data obtained by Cambridge is still in the hands of  
27 Cambridge and/or its affiliates.

28 31. As a result of the data theft, Plaintiff’s and Class members’ PII is now in  
the hands of Cambridge and other unknown parties. Plaintiff and the Class are,



1 consequently, faced with an imminent and substantial risk of identity theft and other  
2 fraud, a concrete and particularized injury traceable to Facebook's conduct. By  
3 knowledge and belief, the stolen PII has already spread to other grounds, databases and  
4 the so-called "dark web," making it difficult or impossible to recover the data and  
5 prevent further misuse.

6 32. Facebook was unaware of the security vulnerability exploited by  
7 Cambridge years in advance. Sandy Parakilas, the platform operations manager at  
8 Facebook responsible for policing data breaches by third-party software developers  
9 between 2011 and 2012, stated that he warned senior Facebook executives years ago  
10 that this could happen: "[M]y concerns were that all of the data that left Facebook  
11 servers to developers could not be monitored by Facebook, so we had no idea what  
12 developers were doing with the data ... It was well understood in the company that that  
13 presented a risk ... Facebook was giving data of people who had not authorised the app  
14 themselves ... It has been painful watching because I know that they could have  
15 prevented it." Paul Lewis, "'Utterly Horrifying': Ex-Facebook Insider Says Covert Data  
16 Harvesting Was Routine," The Guardian (Mar. 20, 2018),  
17 [https://www.theguardian.com/news/2018/mar/20/facebook-data-cambridge-analytica-](https://www.theguardian.com/news/2018/mar/20/facebook-data-cambridge-analytica-sandyparakilas)  
18 [sandyparakilas](https://www.theguardian.com/news/2018/mar/20/facebook-data-cambridge-analytica-sandyparakilas), last accessed Apr. 11, 2018.

19 33. Plaintiff did not use the ThisIsYourDigitalLife app and did not consent to  
20 the sharing of his PII with Cambridge.

21 34. Facebook has recently created a page that users can access to see whether  
22 they were victims of the Cambridge data breach. On April 30, 2018, Plaintiff check  
23 whether he was a logging in to his Facebook account and accessing the following URL:  
24 <https://m.facebook.com/help/1873665312923476?helpref=search&sr=1&query=cambri>  
25 [dge](https://m.facebook.com/help/1873665312923476?helpref=search&sr=1&query=cambri).

26 35. After accessing the URL referenced in the preceding paragraph, the  
27 following image was displayed:  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

## How can I tell if my information was shared with Cambridge Analytica?

Recently, we [shared information](#) about the potential misuse of your Facebook data by apps and websites. We also [shared plans](#) for how we're taking action to prevent this from happening in the future.

Check below to see if your information may have been shared with [Cambridge Analytica](#) by the app "This Is Your Digital Life."

### Was My Information Shared?

Based on our investigation, you don't appear to have logged into "This Is Your Digital Life" with Facebook before we removed it from our platform in 2015.

However, a friend of yours did log in.

As a result, the following information was likely shared with "This Is Your Digital Life":

- Your [public profile](#), Page likes, birthday and current city

23 Accordingly, Plaintiff was a victim of the Cambridge data breach.

### **CLASS ACTION ALLEGATIONS**

24 36. Plaintiff brings this action against Defendants pursuant to Rule 23 of the  
25 Federal Rules of Civil Procedure on behalf of himself and all other persons similarly  
26 situated. Plaintiff seeks to represent the following class:  
27  
28

1 All Facebook users in the United States with Facebook accounts whose  
2 personal information was obtained by Cambridge from 2014 to 2015  
3 without or in excess of the users' authorization.

4 37. Excluded from the Class are: (a) any officers, directors or employees of  
5 Defendant; (b) any judge assigned to hear this case (or spouse or family member of any  
6 assigned judge); (c) any employee of the Court; and (d) any juror selected to hear this  
7 case. Plaintiff reserves the right to modify or amend the definition of the proposed Class  
8 before the Court determines whether certification is appropriate.

9 38. All requirements for class certification in Fed. R. Civ. P. 23(a), 23(b)(1),  
10 23(b)(2) or 23(b)(3) (or any other applicable state or federal rule of civil procedure) are  
11 satisfied with respect to the Class and the Class. Plaintiff and the respective Class  
12 Members were injured by Facebook's failure to protect user information. Facebook  
13 subjected Plaintiff and each Class member to the same unlawful actions and harmed  
14 them in the same manner.

15 39. Numerosity: The proposed classes are so numerous that joinder of all  
16 members would be impracticable. Plaintiff believes that the Class includes 87 million  
17 people. The precise number and identities of Class members can be ascertained through  
18 discovery regarding the information kept by Defendants or their agents.

19 40. Ascertainability: The community of interest among Class members in the  
20 litigation is well defined and the proposed classes are ascertainable from objective  
21 criteria. If necessary to preserve the case as a class action, the court itself can redefine  
22 the Class. Facebook maintains databases of its users and individual Class Members  
23 have access to accurate records that can confirm their membership in the proposed  
24 Class.

25 41. Plaintiff's claims are typical of the Class, as Plaintiff and all other Class  
26 Members were injured in exactly the same way - by the unauthorized collection and  
27 sale of their personal information through Facebook.  
28

1 42. Plaintiff will fairly and adequately represent the interests of the Class and  
2 have retained counsel competent and experienced in class action and complex litigation.

3 43. Plaintiff has no interests that are contrary to or in conflict with those of the  
4 Class.

5 44. A class action is superior to other available methods for the fair and  
6 efficient adjudication of this controversy under the acts described below. Given the  
7 nature of these claims, the expense and burden of individual litigation make it virtually  
8 impossible for the Class Members individually to seek redress for the unlawful conduct  
9 alleged.

10 45. Plaintiff knows of no difficulty that will be encountered in the management  
11 of this litigation that would preclude its maintenance as a class action.

12 46. Common questions of law and fact exist as to all members of the Class and  
13 predominate over any questions effecting solely individual members of the Class.

14 Among the questions of law and fact, common to the Class:

- 15 a. Whether Facebook represented that it would safeguard Plaintiff's and  
16 Class Members' personal information and not disclose it without consent;
- 17 b. Whether Cambridge improperly obtained Plaintiff's and Class members'  
18 personal information without authorization or in excess of any  
19 authorization;
- 20 c. Whether Facebook was aware of the improper collection of Plaintiff's and  
21 Class Member' personal information by Cambridge;
- 22 d. Whether Facebook owed a legal duty to Plaintiff and the Class to exercise  
23 due care in collecting, storing, safeguarding, and/or obtaining their  
24 personal information;
- 25 e. Whether Facebook breached a legal duty to Plaintiff and the Class to  
26 exercise due care in collecting, storing, safeguarding, and/or obtaining their  
27 personal information;
- 28 f. Whether Defendant's acts as alleged herein violated the SCA;

1 g. Whether Defendant's acts as alleged herein violated the California  
2 Customer Records Act (California Civil Code § 1798.80, *et seq.*); Invasion  
3 of Privacy; Conversion; and Negligence

4 47. Plaintiff brings this action under Rule 23(b)(2) because Defendant have  
5 acted or refused to act on grounds generally applicable to all members of the Class,  
6 thereby making final relief concerning the Class as a whole appropriate. In the absence  
7 of appropriate injunctive relief requiring Defendant to notify all Class Members that  
8 their private information has been breached, Class Members will suffer irreparable  
9 harm. Defendant's uniform conduct towards Plaintiff and the other members of the  
10 Class makes certification under Rules 23(b)(2) appropriate.

11 48. Likewise, particular issues under Rule 23(c)(4) are appropriate for  
12 certification because such claims present only particular common issues, the resolution  
13 of which would advance the disposition of this matter and the parties' interests therein.  
14 Such particular issues include, but are not limited to:

15 49. Particular issues under Rule 23(c)(4) are appropriate for certification,  
16 because such claims present only particular common issues, the resolution of which  
17 would advance the disposition of this matter and the parties' interest therein. Such  
18 particular issues include, but are not limited to:

- 19 a. Whether (and when) Facebook knew about the improper collection of  
20 personal information;
- 21 b. Whether Defendant's conduct was an unlawful or unfair business practice  
22 under Cal. Bus. & Prof. Code § 17200, *et seq.*;
- 23 c. Whether Facebook's representations that they would secure and not  
24 disclose without consent the personal information of Plaintiff and members  
25 of the classes were facts that reasonable persons could be expected to rely  
26 upon when deciding whether to use Facebook's services;
- 27
- 28

- 1 d. Whether Facebook misrepresented the safety of its many systems and  
2 services, specifically the security thereof, and its ability to safely store  
3 Plaintiff's and Class members' Personally Identifiable Information;  
4 e. Whether Facebook failed to comply with its own policies and applicable  
5 laws, regulations, and industry standards relating to data security;  
6 f. Whether Facebook failed to meet its obligations under the User Terms of  
7 Service;  
8 g. Whether Defendant's acts, omissions, misrepresentations, and practices  
9 were and are likely to deceive consumers;  
10 h. Whether Facebook failed to adhere to its posted privacy policy concerning  
11 the care it would take to safeguard and protect Class Members' personal  
12 information; and  
13 i. Whether Facebook negligently and materially failed to adhere to its posted  
14 privacy policy with respect to the extent of its disclosure of users' Personal  
15 Information.

16 **CAUSES OF ACTION**

17 **COUNT I**

18 **(Violation of the Stored Communications Act, 18 U.S.C. § 2701, *et seq.* on behalf of**  
19 **the National Class)**

20 50. Plaintiff incorporates all preceding paragraphs by reference as if fully set  
21 forth herein.

22 51. Plaintiff brings this claim individually and on behalf of the Class against  
23 Defendants.

24 52. The Stored Communications Act ("SCA") provides a private right of  
25 action against "a person or entity providing an electronic communication service to the  
26 public" who "knowingly divulge(s) to any person or entity the contents of a  
27 communication while in electronic storage by that service." *See* 18 U.S.C. § 2702(a)(1);  
28 *see also* 18 U.S.C. § 2707(a) (cause of action).

1 53. Facebook is a “person” within the meaning of the SCA and provides an  
2 “electronic communication service” as that term is defined in the code. The user  
3 information stored by Facebook and compromised by the Breach is encompassed within  
4 the definition of “electronic storage” under the SCA.

5 54. Facebook violated the SCA by exceeding any authorization to use  
6 Plaintiff’s and Class members’ stored electronic communications by allowing third  
7 parties to have access to Plaintiff’s and Class members’ stored electronic  
8 communications, including their profile and PII.

9 55. Section 2707 of the SCA allows for declaratory and equitable relief as  
10 appropriate and statutory damages of \$1,000 per violation, actual and punitive damages,  
11 and reasonable attorney's fees and costs.

12 **PRAYER FOR RELIEF**

13 Plaintiff, on behalf of himself and the Class, prays for relief as follows:

14 A. For an order certifying that the action may be maintained as a class action  
15 and appointing Plaintiffs and their undersigned counsel to represent the Class in this  
16 litigation;

17 B. For a permanent injunction enjoining Defendant from continuing to harm  
18 Plaintiff and members of the Class and the public, and violating California and federal  
19 law in the manners described above;

20 C. For restitution;

21 D. For actual and statutory damages pursuant to SCA;

22 E. For nominal, compensatory, and punitive damages where appropriate;

23 F. For reasonable attorneys’ fees and the costs of the suit; and

24 G. For all such other relief as this Court may deem just and proper and may be  
25 available at law or equity.

26 \\\

27 \\\

28 \\\



**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all claims so triable.

**ZIMMERMAN REED LLP**

Dated: May 1, 2018

By: /s/ Christopher P. Ridout  
Christopher P. Ridout  
2381 Rosecrans Ave., Suite 328  
Manhattan Beach, CA 90245  
Tel. (877) 500-8780  
Fax (877) 500-8781  
Email: christopher.ridout@zimmreed.com

*Counsel for Plaintiff and the Class*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MATTHEW BOUILLON, individually and on behalf of all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number) Christopher P. Ridout, Zimmerman Reed LLP, 2381 Rosecrans Ave., Suite 328, Manhattan Beach, CA 90245, Tel: 877-500-8780

DEFENDANTS

FACEBOOK, INC., a Delaware corporation, and DOES 1-10, inclusive

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 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 (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S. Code § 2701, et seq.

Brief description of cause: Violation of the Stored Communications Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ 5,000,000.00

CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

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

JUDGE DOCKET NUMBER

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

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

DATE 05/01/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Christopher P. Ridout

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
  - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Alleges Facebook Allowed Third Parties Access to User Info Without Consent](#)

---