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12 *and the Proposed Class*

13 THE UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 MEREDITH CALLAHAN and LAWRENCE
17 GEOFFREY ABRAHAM, on behalf of
themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 ANCESTRY.COM OPERATIONS INC., a
21 Virginia Corporation; ANCESTRY.COM, INC.,
22 a Delaware Corporation; ANCESTRY.COM
23 LLC, a Delaware Limited Liability Company;
and DOES 1 through 50, inclusive,

24 Defendants.

Case No. 3:20-cv-8437

CLASS ACTION COMPLAINT FOR
VIOLATION OF CAL. CIV. CODE § 3344,
AND CAL. BUS. & PROF. CODE § 17200,
INTRUSION UPON SECLUSION, UNJUST
ENRICHMENT

CLASS ACTION

JURY TRIAL DEMANDED

1 6. Ancestry knowingly uses the names, photographs, cities of residence, schools
2 attended, estimated ages, likenesses, and identities in its Ancestry Yearbook Database on and in
3 its products and services. Ancestry sells access to those records to paying subscribers. In
4 exchange for subscription payments ranging from \$24.99 to \$49.99 per month, depending on
5 the plan, Ancestry subscribers receive the ability to search, view, and download records in
6 Ancestry databases, including the names, photographs, cities of residence, schools attended,
7 estimated ages, likenesses, and identities Ancestry has amassed in its Ancestry Yearbook
8 Database without consent.

9 7. Ancestry knowingly uses the names, photographs, cities of residence, schools
10 attended, estimated ages, likenesses, and identities in its Ancestry Yearbook Database to
11 advertise, sell, and solicit the purchase of its monthly subscription products and services,
12 including its “U.S. Discovery,” “World Explorer,” and “All Access” subscription plans.

13 8. Ancestry advertises and promotes its products and services to new subscribers
14 by offering a 14-day promotional “free trial” that provides temporary access to search, view,
15 and download records from Ancestry’s databases. Users who sign up for the promotional “free
16 trial” provide payment information but are not billed until the promotional “free trial” expires
17 and may cancel before the trial expires without charge. During the promotional “free trial,”
18 users are encouraged to search Ancestry Databases, including its Yearbook Database, for the
19 names of any people they may know or be curious about. In response to searches of the
20 Ancestry Yearbook Database, users receive a list records, each of which corresponds to a
21 specific identifiable person, and includes the individual’s name, yearbook photo, estimated age,
22 city of residence, school attended, and year of attendance. “Free trial” users may view and
23 download full-resolution versions of yearbook photos of the individuals they have searched.

24 9. The sole purpose of offering the promotional “free trial” is to induce users to
25 subscribe to its paid product and service. By providing access to and encouraging use of its
26 Ancestry Yearbook Database as part of its promotional “free trial”, Ancestry is knowingly
27 using the names, photographs, and likenesses of Plaintiffs and the class to advertise, sell, and
28 solicit the purchase of its subscription products and services.

1 10. Ancestry also advertises is monthly subscription products and services by
2 providing a promotional limited-access version of its website. Any visitor to the Ancestry
3 website may access the promotional limited-access version, even if they have not provided
4 contact information or signed up for the promotional “free trial.” Users on the promotional
5 limited-access version are encouraged to search Ancestry Databases, including its Yearbook
6 Database, for the names of any people they may know or be curious about. In response to
7 searches of the Ancestry Yearbook Database, users receive a list records, each of which
8 corresponds to a specific identifiable person, and includes the individual’s name, city of
9 residence, and a low-resolution version of a yearbook photo. Users of the promotional limited-
10 access version of the website may view the low-resolution photo, allowing them to confirm the
11 record corresponds to the person they are searching for. Users cannot view the full-resolution
12 version of the photograph or view additional information about the person such as estimated
13 age, name of school, and yearbook year. If users click to view this information, they are
14 encouraged to “sign up now” for a paid subscription.

15 11. The sole purpose of offering the promotional limited-access version of the
16 website is to induce users to subscribe to its paid product and service. By providing access to
17 and encouraging use of its Ancestry Yearbook Database as part of its promotional limited-
18 access website for non-subscribers, Ancestry is knowingly using the names, photographs, and
19 likenesses of Plaintiffs and the class to advertise, sell, and solicit the purchase of its
20 subscription products and services.

21 12. Ancestry also advertises using targeted promotional email messages that include
22 names, photographs, images, likenesses, and other personal information it has amassed in its
23 databases. These targeted promotional email messages are intended to entice potential
24 customers to purchase a paid subscription, and to entice existing customers to upgrade to more
25 expensive plans. For example, in one of its more ghoulish advertising techniques, Ancestry
26 sends to potential subscribers’ photographs of the gravesites of their deceased relatives,
27 promising that a paid subscription will reveal even more information about the deceased. On
28 information and belief, Ancestry also sends to potential subscribers’ messages containing

1 names, photographs, images, biographical information, and likenesses from its Yearbook
2 Database, including the names, photographs, images, biographical information, and likenesses
3 of Plaintiffs and the class.

4 13. Ancestry appropriated and continues to grow its massive databases of personal
5 information, including its Ancestry Yearbook Database, which contains the names,
6 photographs, cities of residence, schools attended, estimated ages, likenesses, and identities of
7 tens of millions of Californians. Ancestry uses these records both as the core element of its
8 products and services, and to sell and advertise its products and services, without providing any
9 notice to the human beings who are its subjects. Ancestry did not ask the consent of the people
10 whose personal information and photographs it profits from. Nor has it offered them any
11 compensation for the ongoing use of their names, photographs, likenesses, and identities as part
12 of its products and services, and to sell and advertise its products and services.

13 14. These practices, as further detailed in this complaint, violate the California right
14 to publicity as codified in Cal. Civ. Code § 3344; the California Unfair Competition Law, Cal.
15 Bus. & Prof. Code § 17200 *et seq.*; California's common law right protecting against Intrusion
16 upon Seclusion; and California Unjust Enrichment law.

17 JURISDICTION AND VENUE

18 15. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d) (the
19 Class Action Fairness Act ("CAFA")), because: (A) all members of the putative class are
20 citizens of a state different from any defendant. According to available public records, while
21 defendants maintain an office in San Francisco, California, Defendants are all incorporated in
22 either Delaware or Virginia, and are headquartered in Utah. The class members are residents of
23 California. (B) The proposed class consists of at least 100 members. Ancestry advertises that its
24 Ancestry Yearbook Database comprises about 730 million individual records collected from
25 "more than 450,000 yearbooks and more than 62 million pages." A search of the database for
26 records located in "California, USA" returns in excess of 60 million individual records. Even
27 accounting for the fact that some individuals may appear in multiple records, that some are
28 deceased or no longer live in California while others have moved into the state, and that the

1 class excludes current Ancestry subscribers, the class likely comprises millions of Californians.
2 And (C) the amount in controversy exceeds \$5,000,000 exclusive of interest and costs. Cal.
3 Civ. Code § 3344 provides for damages equal to the greater of \$750 per violation, the actual
4 damages suffered by Plaintiffs, or the profits earned by Defendants attributable to the
5 unauthorized use. Given more than 60 million individual records in California, the amount in
6 controversy is well over the jurisdictional amount.

7 16. This Court has personal jurisdiction over the claims of Plaintiffs and the non-
8 named class members. Upon information and belief, many of Ancestry's actions giving rise to
9 the claims in this complaint took place in this District. Ancestry maintains its second-largest
10 office in San Francisco, California. According to publicly available information, the San
11 Francisco office employs about 400 people, including software engineers, product designers,
12 managers, and other staff. On information and belief, staff at Ancestry's San Francisco office
13 contributed to the strategy, design, creation, and maintenance of the products giving rise to this
14 suit. Ancestry also maintains substantial connections to the state of California and this district
15 by, among other things, advertising its subscription products and services to prospective
16 customers in this state and district, providing its subscription products and services to existing
17 customers in this state and district, and using the misappropriated names, photographs,
18 likenesses, images, and identities of residents of this state and district as described in this
19 complaint.

20 17. Venue is appropriate pursuant to 28 U.S.C. § 1391(b). A substantial portion of
21 the events and conduct giving rise to the violations alleged in this complaint occurred in this
22 district. Defendant maintains an office in this District at 153 Townsend Street, San Francisco,
23 California, from which it conducts the operations that gave rise to this cause of action. A
24 substantial portion of the class members reside in this state and district. Named Plaintiff
25 Lawrence Geoffrey Abraham resides in this district.

INTRADISTRICT VENUE

26
27 18. Venue in this Division of the Northern District is proper because a substantial
28 part of the events or omissions which give rise to the claim occurred in San Francisco County

1 and Defendant's second-largest office is located in this County. Plaintiff Lawrence Geoffrey
2 Abraham lives in San Francisco.

3 **PARTIES**

4 **Defendant Ancestry**

5 19. Defendant ANCESTRY.COM OPERATIONS, INC. is a Virginia corporation
6 with its headquarters in Lehi, Utah. It conducts business under the brand names
7 "Ancestry.com," "Ancestry," and other brand names associated with the various website and
8 services it owns and operates. Ancestry is registered to do business in California and maintains
9 an office at 153 Townsend Street in San Francisco, California with roughly 400 employees. It
10 conducts business throughout this district, California, and the United States. Ancestry owns and
11 operates the website Ancestry.com.

12 20. Defendant ANCESTRY.COM, INC. is a Delaware corporation with its
13 headquarters in Lehi, Utah. Defendant ANCESTRY.COM LLC is a Delaware limited liability
14 company with its headquarters in Lehi, Utah.

15 21. There are many related entities associated with the Ancestry.com website.
16 Plaintiffs are ignorant of which additional related entities were involved in the wrongdoing
17 alleged herein. Plaintiffs therefore sues these Doe Defendants by fictitious names. Plaintiffs
18 will amend this Complaint to allege the true names and capacities of these fictitiously named
19 Doe Defendants when they are ascertained. Each of the fictitiously named Doe Defendants is
20 responsible for the conduct alleged in this Complaint and Plaintiffs' damages were actually and
21 proximately caused by the conduct of the fictitiously named Doe Defendants.

22 **Plaintiff Lawrence Geoffrey Abraham**

23 22. Plaintiff Lawrence Geoffrey Abraham is a resident of San Francisco, California.
24 Mr. Abraham is not a subscriber of any Ancestry products or services and is not subject to any
25 Terms of Service or any other agreement with Ancestry.

26 23. Mr. Abraham has never provided consent to Ancestry, written or otherwise, for
27 the use of his name, photograph, or likeness.

28 24. Ancestry has never notified, requested consent, or provided compensation to Mr.

1 Abraham for its appropriation of his name, photograph, and likeness. Mr. Abraham first
2 became aware that his personal information and photographs are being used by Ancestry
3 through the investigation of this lawsuit.

4 25. Ancestry has and continues to knowingly use Mr. Abraham’s name, photograph,
5 and likeness in its products, including its “U.S. Discovery,” “World Explorer,” and “All
6 Access” paid subscription plans without his permission. Subscribers who pay monthly
7 subscriptions fees of between \$24.99 and \$49.99 per month, depending on the plan, receive in
8 exchange the ability to search for, view, and download records in Ancestry’s Yearbook
9 Database. This database includes three separate records corresponding to Mr. Abraham: two
10 from a 1999 yearbook from Albuquerque Academy in Albuquerque, New Mexico, where Mr.
11 Abraham attended school; and one from a 1998 yearbook from the same school. Paying
12 subscribers may search for Mr. Abraham and view and download the three records containing
13 his name, photograph, and likeness.

14 26. Ancestry has and continues to knowingly use Mr. Abraham’s name, photograph,
15 and likeness for the purpose of advertising, selling, and soliciting the purchase of its
16 subscription services and products, including its “U.S. Discovery,” “World Explorer,” and “All
17 Access” paid subscription plans, by using Mr. Abraham’s name, photograph, and likeness in its
18 14-day promotional “free trial”. Users of the promotional “free trial” may search for, download,
19 and view records in Ancestry’s Yearbook Database. “Free trial” users receive access to the
20 same three records corresponding to Mr. Abraham that are available to paying users.
21 Ancestry’s sole purpose in using Mr. Abraham’s name, photograph, and likeness in the
22 promotional “free trial” version of its website is to advertise, sell, and solicit the purchase of
23 paid subscription plans.

24 \\\

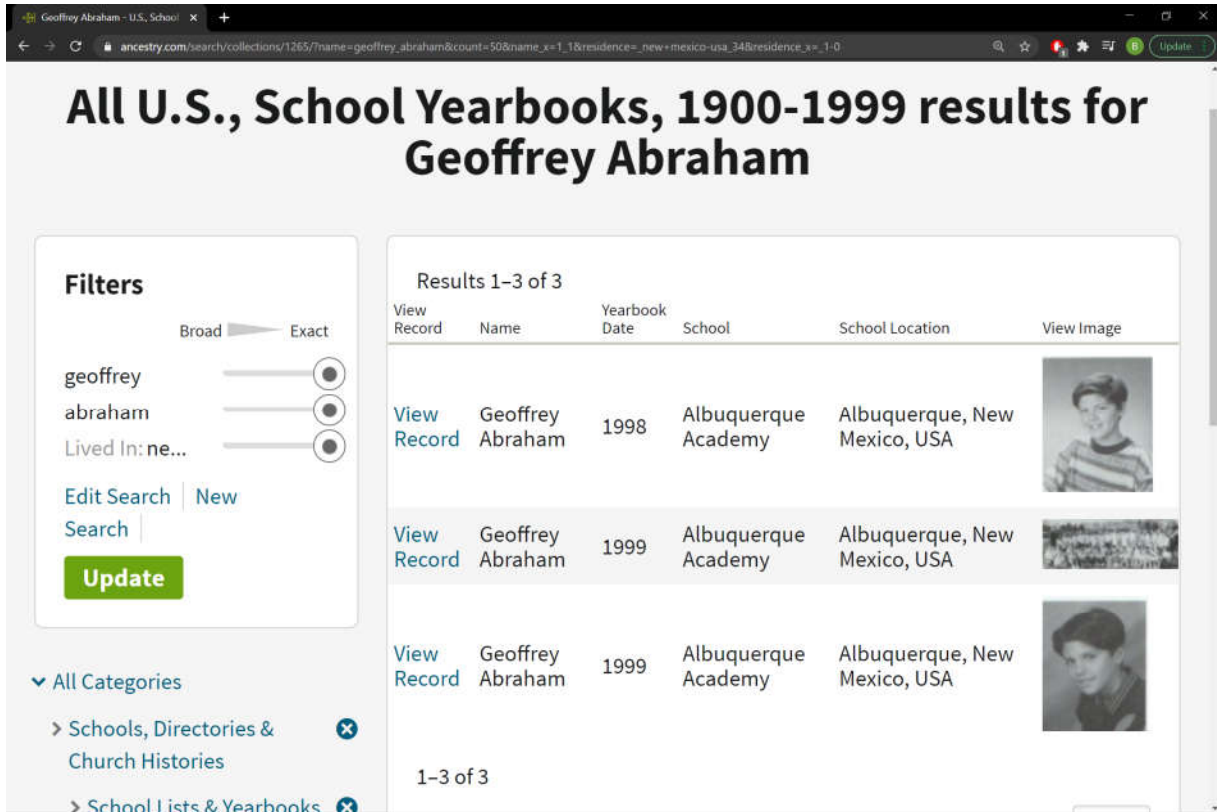
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27. A screenshot showing the results of a search for Mr. Abraham’s name on Ancestry.com is shown below, followed by three screenshots showing the more detailed version of each record that is delivered if the user clicks the “View Record” link corresponding to each record in the list. These pages are accessible both to paying subscribers and to users of Ancestry’s promotional 14-day “free trial.”



U.S. School Yearbooks, 1900-19


ancestry.com/discoveryui-content/view/180587376:12657_phsrc=TP0469&_phstart=successSource&usePUBJs=true&indiv=1&gsh=geoffrey&gsh=abraham&gsh_x=1&...

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Geoffrey Abraham

in the U.S., School Yearbooks, 1900-1999



Name: Geoffrey Abraham
 Estimated Age: 12
 Birth Year: abt 1986
 Yearbook Date: 1998
 School: Albuquerque Academy
 School Location: Albuquerque, New Mexico, USA
 Grade Completed: 6th Grade

View Save

Add or update information Report a problem

U.S. School Yearbooks, 1900-19


ancestry.com/discoveryui-content/view/1081855952:12657_phsrc=TP0472&_phstart=successSource&usePUBJs=true&indiv=1&_phstart=TP0469%2&TP0470%2&TP0471&...

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Geoffrey Abraham

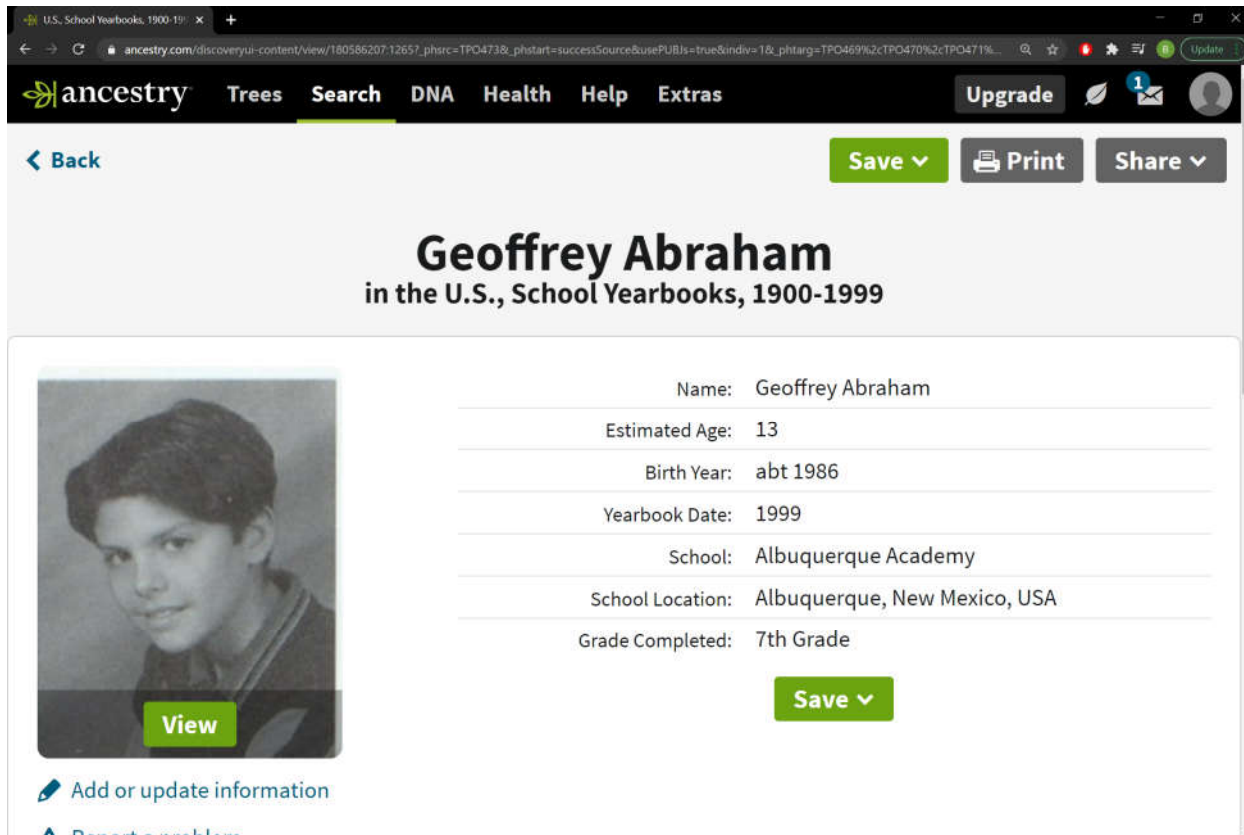
in the U.S., School Yearbooks, 1900-1999



Name: Geoffrey Abraham
 Yearbook Date: 1999
 School: Albuquerque Academy
 School Location: Albuquerque, New Mexico, USA
 Photo Description: Track

View Save

Add or update information Report a problem



28. The three records corresponding to Mr. Abraham uniquely identify Mr. Abraham. All three plainly and conspicuously display Mr. Abraham’s name, image, photograph, estimated age, school, city of residence, and the date of the yearbook in which the photo appears. In two of the records Mr. Abraham’s face is the sole subject of the photograph. One of the records identifies school participation in the school track team.

29. Ancestry has and continues to knowingly use Mr. Abraham’s name, photograph, and likeness for the purpose of advertising, selling, and soliciting the purchase of its subscription services and products, including its “U.S. Discovery,” “World Explorer,” and “All Access” paid subscription plans, by using Mr. Abraham’s name, photograph, and likeness in the promotional limited-access version of its website. Any visitor to the Ancestry website may access the promotional limited-access version, even if they have not provided contact information or signed up for the promotional “free trial.” Users of the promotional limited-access version of the website may search for records in Ancestry’s Yearbook and may view a

1 limited portion of the information in those records, including the name, city of residence, and a
2 low-resolution version of the photograph corresponding to each record. Users of the
3 promotional limited-access version of the Ancestry website receive access to a limited version
4 of same three records corresponding to Mr. Abraham that are available to paying users.

5 30. Ancestry’s sole purpose in using Mr. Abraham’s name, photograph, and likeness
6 in the promotional limited-access version of its website is to advertise, sell, and solicit the
7 purchase of paid subscription plans. Users who search for Mr. Abraham’s name are shown a
8 limited version of the records corresponding to Mr. Abraham, which includes Mr. Abraham’s
9 name, city of residence, and a low-resolution version of Mr. Abraham’s photograph. Users
10 who hover over the “View Record” link corresponding to each record receive a promotional
11 pop-up advertisement from Ancestry displaying Mr. Abraham’s name, a low-resolution version
12 of his photograph, and a message indicating “There’s more to see” and promising the user
13 access to Mr. Abraham’s estimated age, birth year, school, yearbook date, school location, and
14 a full-resolution of Mr. Abraham’s photograph if they “Sign Up Now” for a paid subscription.

15 31. A screenshot showing the results of a search for Mr. Abraham’s name on the
16 promotional limited-access version of the Ancestry website is shown below, followed by three
17 screenshots showing the promotional pop-up advertisement Ancestry delivers to users who
18 hover over the “View Record” link corresponding to each record.

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Geoffrey Abraham - U.S. School

ancestry.com/search/collections/1265/?name=geoffrey_abraham&name_x=1_1&residence=_new+mexico-usa_34&residence_x=1_0

ancestry Trees Search DNA Health Help Extras [Subscribe](#) [Sign In](#)

All U.S., School Yearbooks, 1900-1999 results for Geoffrey Abraham

Filters

Broad ▶ Exact

[Edit Search](#) | [New Search](#)

[Update](#)

▼ All Categories

- > Schools, Directories & Church Histories ✕
- > School Lists & Yearbooks ✕

U.S., School Yearbooks, 1900-1999

This database is a collection of middle school, junior high, high school, and college yearbooks

Results 1-3 of 3


View Record	Name	Yearbook Date	School	School Location	View Image
View Record	Geoffrey Abraham	year	township	city, New Mexico, USA	
View Record	Geoffrey Abraham	year	township	city, New Mexico, USA	
View Record	Geoffrey Abraham	year	township	city, New Mexico, USA	

1-3 of 3

Per page

NAME: **Geoffrey Abraham**

There's more to see
A picture of the original document



And things like


ESTIMATED AGE	BIRTH YEAR
YEARBOOK DATE	SCHOOL
SCHOOL LOCATION	GRADE COMPLETED

[Sign Up Now](#)

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NAME: **Geoffrey Abraham**

There's more to see
A picture of the original document




And things like

YEARBOOK DATE	SCHOOL
SCHOOL LOCATION	PHOTO DESCRIPTION

Sign Up Now

NAME: **Geoffrey Abraham**

There's more to see
A picture of the original document



And things like

ESTIMATED AGE	BIRTH YEAR
YEARBOOK DATE	SCHOOL
SCHOOL LOCATION	GRADE COMPLETED

Sign Up Now

1 32. On information and belief, Ancestry has and continues to knowingly use Mr.
2 Abraham’s name, photograph, and likeness for the purpose of advertising, selling, and
3 soliciting the purchase of its subscription services and products, including its “U.S. Discovery,”
4 “World Explorer,” and “All Access” paid subscription plans, by using Mr. Abraham’s name,
5 photograph, and likeness in targeted promotional email messages. Ancestry regularly sends
6 promotional email messages that are intended to entice potential customers to purchase a paid
7 subscription, and to entice existing customers to upgrade to more expensive plans. These email
8 promotions often include the names, photographs, and likenesses of people Ancestry believes
9 may be related to the recipient and encourage the recipient to sign up or upgrade their
10 subscription plan to learn more about the relative. Upon information and belief, Ancestry has
11 and continues to send targeted promotional email messages including Mr. Abraham’s name,
12 photograph, and likeness.

13 **Plaintiff Meredith Callahan**

14 33. Plaintiff Meredith Callahan (née Whipple) is a resident of the city of Del Mar in
15 San Diego County, California. Ms. Callahan is not a subscriber of any Ancestry products or
16 services, and is not subject to a Terms of Service or any other agreement with Ancestry.

17 34. Ms. Callahan has never provided consent to Ancestry, written or otherwise, for
18 the use of her name, photograph, or likeness.

19 35. Ancestry has never notified, requested consent, or provided compensation to
20 Ms. Callahan for its use of her name, photograph, and likeness. Ms. Callahan first became
21 aware that her personal information and photographs are being used by Ancestry through the
22 investigation of this lawsuit.

23 36. Ms. Callahan is a published author and runs a coaching and consulting business.
24 The image she presents online contributes to her book sales and forms a significant part of the
25 brand and value of her business. She has a professional interest in maintaining her image and
26 exerting control over how her name and image is used.

27 37. Ancestry has and continues to knowingly use Ms. Callahan’s name, photograph,
28 and likeness in its products, including its “U.S. Discovery,” “World Explorer,” and “All

1 Access” paid subscription plans. Subscribers who pay monthly subscriptions fees of between
2 \$24.99 and \$49.99 per month, depending on the plan, receive in exchange the ability to search
3 for, view, and download records in Ancestry’s Yearbook Database. This database includes
4 twenty-six separate records corresponding to Ms. Callahan, all of which are copied from
5 yearbooks between the years of 1996 and 1999 for Northern High School in Port Huron,
6 Michigan, where Ms. Callahan attended school. Paying subscribers may search for Ms.
7 Callahan and view and download the twenty-six records containing her name, photograph, and
8 likeness.

9 38. Ancestry has and continues to knowingly use Ms. Callahan’s name, photograph,
10 and likeness for the purpose of advertising, selling, and soliciting the purchase of its
11 subscription services and products, including its “U.S. Discovery,” “World Explorer,” and “All
12 Access” paid subscription plans, by using Ms. Callahan’s name, photograph, and likeness in its
13 14-day promotional “free trial.” Users of the promotional “free trial” may search for, download,
14 and view records in Ancestry’s Yearbook Database. “Free trial” users receive access to the
15 same twenty-six records corresponding to Ms. Callahan that are available to paying users.
16 Ancestry’s sole purpose in using Ms. Callahan’s name, photograph, and likeness in the
17 promotional “free trial” version of its website is to advertise, sell, and solicit the purchase of
18 paid subscription plans.

19 39. A screenshot showing the first five of twenty-six results of a search for Ms.
20 Callahan’s name on Ancestry.com is shown below, followed by three screenshots depicting a
21 representative sample of the more detailed versions that are delivered if the user clicks the
22 “View Record” link corresponding to each of the twenty-six records in the list. These pages are
23 accessible both to paying subscribers and to users of Ancestry’s promotional 14-day “free
24 trial.”

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Meredith Whipple - U.S. School

ancestry.com/search/collections/12657?name=Meredith_Whipple&count=50&name_x=1_1&residence_michigan-usa_25&residence_x=1-0

All U.S., School Yearbooks, 1900-1999 results for Meredith Whipple

Filters

Broad Exact

Meredith

Whipple

Lived In: michig...

[Edit Search](#) [New Search](#)

Update

▼ All Categories

- > Schools, Directories & Church Histories
- > School Lists & Yearbooks

U.S., School Yearbooks, 1900-1999

This database is a collection of middle school, junior high, high

Results 1-26 of 26

View Record	Name	Yearbook Date	School	School Location	View Image
View Record	Meredith Whipple	1996	Northern High School	Port Huron, Michigan, USA	
View Record	Meredith Whipple	1996	Northern High School	Port Huron, Michigan, USA	
View Record	Meredith Whipple	1996	Northern High School	Port Huron, Michigan, USA	
View Record	Meredith Whipple	1996	Northern High School	Port Huron, Michigan, USA	
View Record	Meredith Whipple	1996	Northern High School	Port Huron, Michigan, USA	
View Record	Meredith Whipple	1999	Northern High School	Port Huron, Michigan, USA	

U.S. School Yearbooks, 1900-1999


ancestry.com/discoveryui-content/view/32607940.12657_phsrc=TPO480&_phstart=successSource&usePUBJs=true&indiv=18_phstart=TPO476%2cTPO477&gsfn=Meredith&gsln=Whip...

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Back Save Print Share

Meredith Whipple

in the U.S., School Yearbooks, 1900-1999



[View](#)

[Add or update information](#)

[Report a problem](#)

Name: Meredith Whipple

Estimated Age: 15

Birth Year: abt 1981

Yearbook Date: 1996

School: Northern High School

School Location: Port Huron, Michigan, USA

Grade Completed: Freshman

[Save](#)

Source Citation

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U.S. School Yearbooks, 1900-1999

ancestry Trees Search DNA Health Help Extras Upgrade

Back Save Print Share

Meredith Whipple

in the U.S., School Yearbooks, 1900-1999



[View](#)

[Add or update information](#)

[Report a problem](#)

Name:	Meredith Whipple
Estimated Age:	16
Birth Year:	abt 1983
Yearbook Date:	1999
School:	Northern High School
School Location:	Port Huron, Michigan, USA

[Save](#)

Source Citation

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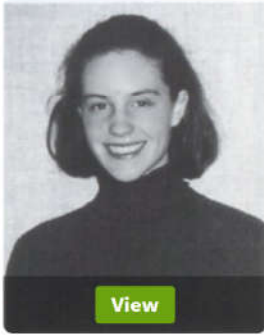
U.S. School Yearbooks, 1900-1999

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Back Save Print Share

Meredith Whipple

in the U.S., School Yearbooks, 1900-1999



[View](#)

[Add or update information](#)

[Report a problem](#)

Name:	Meredith Whipple
Estimated Age:	16
Birth Year:	abt 1983
Yearbook Date:	1999
School:	Northern High School
School Location:	Port Huron, Michigan, USA

[Save](#)

Source Citation

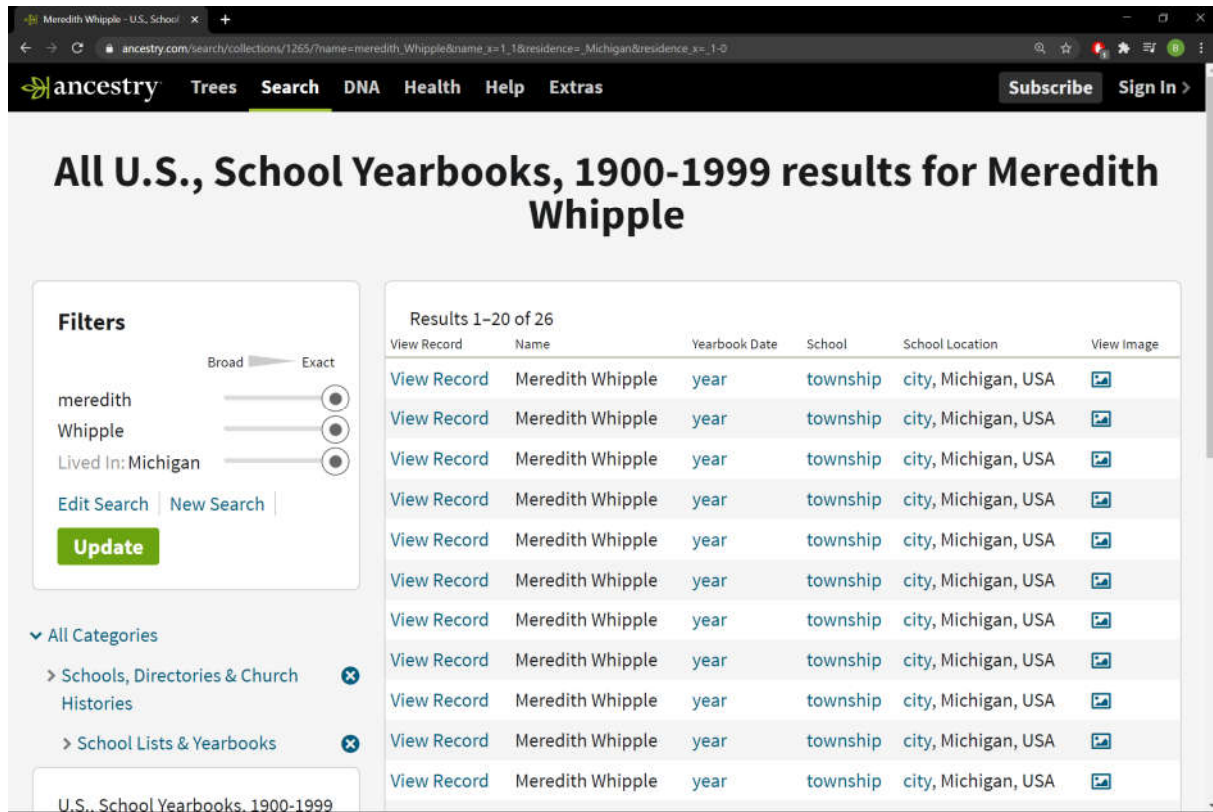
1 40. The twenty-six records corresponding to Ms. Callahan uniquely identify Ms.
2 Callahan. All plainly and conspicuously display Ms. Callahan’s name, image, photograph,
3 estimated age, school, city of residence, and the date of the yearbook in which the photo
4 appears. In four of the records Ms. Callahan’s face is the sole subject of the photograph. In all
5 twenty-six records she is clearly identifiable by name and image. Various of the records
6 identify Ms. Callahan’s school participation in student council, cross country running, track,
7 “Students Against Drunk Driving, “Quiz Bowl,” the National Honors Society, and ski club.
8 One record identifies her as a valedictorian of her senior class.

9 41. Ancestry has and continues to knowingly use Ms. Callahan’s name, photograph,
10 and likeness for the purpose of advertising, selling, and soliciting the purchase of its
11 subscription services and products, including its “U.S. Discovery,” “World Explorer,” and “All
12 Access” paid subscription plans, by using Ms. Callahan’s name, photograph, and likeness in the
13 promotional limited-access version of its website. Any visitor to the Ancestry website may
14 access the promotional limited-access version, even if they have not provided contact
15 information or signed up for the promotional “free trial.” Users of the promotional limited-
16 access version of the website may search for records in Ancestry’s Yearbook and may view a
17 limited portion of the information in those records, including the name, city of residence, and a
18 low-resolution version of the photograph corresponding to each record. Users of the
19 promotional limited-access version of the Ancestry website receive access to a limited version
20 of same twenty-six records corresponding to Ms. Callahan that are available to paying users.

21 42. Ancestry’s sole purpose in using Ms. Callahan’s name, photograph, and likeness
22 in the promotional limited-access version of its website is to advertise, sell, and solicit the
23 purchase of paid subscription plans. Users who search for Ms. Callahan’s name are shown a
24 limited version of the records corresponding to Ms. Callahan, which includes Ms. Callahan’s
25 name, city of residence, and a low-resolution version of Ms. Callahan’s photograph. Users who
26 hover over the “View Record” link corresponding to each record receive a promotional pop-up
27 advertisement from Ancestry displaying Ms. Callahan’s name, a low-resolution version of her
28 photograph, and a message indicating “There’s more to see” and promising the user access to

Ms. Callahan’s estimated age, birth year, school, yearbook date, school location, and a full-resolution of Ms. Callahan’s photograph if they “Sign Up Now” for a paid subscription.

43. A screenshot showing the first eleven of twenty-six results of a search for Ms. Callahan’s name on the promotion limited-access version of the Ancestry website is shown below, followed by three screenshots depicting a representative sample of the promotional pop-up advertisement Ancestry delivers to users who hover over the “View Record” link corresponding to each record.




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NAME: **Meredith Whipple**

There's more to see
A picture of the original document




And things like

ESTIMATED AGE	BIRTH YEAR
YEARBOOK DATE	SCHOOL
SCHOOL LOCATION	

Sign Up Now

NAME: **Meredith Whipple**

There's more to see
A picture of the original document



And things like

ESTIMATED AGE	BIRTH YEAR
YEARBOOK DATE	SCHOOL
SCHOOL LOCATION	

Sign Up Now

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1 subscription products and services. Sources from which Ancestry.com collects personal
2 information include school yearbooks, birth records, marriage records, death records, U.S.
3 census records, immigration records, military records, and photographs of grave sites.

4 46. As part of this business model, Ancestry amassed and continues to grow its
5 “Ancestry Yearbook Database”, which contains names, yearbook photos, estimated ages,
6 schools attended, and additional personal information copied from school yearbooks. The
7 Ancestry Yearbook Database comprises about 730 million individual records collected from
8 “more than 450,000 yearbooks and more than 62 million pages.” Of those 730 million records,
9 about 60 million are marked in the database as corresponding to students in California schools.

10 47. Each record in the Ancestry Yearbook Database includes at least the following
11 information: the name of a specific individual; a photograph depicting that individual; the name
12 of the school the individual attended; the year in which the yearbook was printed; and the city
13 in which that individual lived. Some records contain additional personal information, including
14 the individual’s estimated age at the time of the photograph, estimated year of birth, and
15 hobbies and interests while in school.

16 48. Ancestry did not and does not seek consent from, give notice to, or provide
17 compensation to Plaintiffs and the class before placing their personal information in its
18 Ancestry Yearbook Database, selling that information as part of its subscription products, and
19 using that information to sell, advertise, and solicit the purchase of its subscription products.

20 49. Although Ancestry does not disclose how it created the Ancestry Yearbook
21 Database, there is a section of Ancestry’s website encouraging visitors to donate their old
22 yearbooks to Ancestry. At least some, and possibly all, of the Yearbook Database was built via
23 such donations.

24 50. With the exception of the implied consent of the donor herself (who may or may
25 not personally appear in the donated yearbook), Ancestry makes no attempt to contact or gain
26 the consent of any of the people whose names, photographs, likenesses, biographical
27 information, and identities appear in a donated yearbook. Ancestry is apparently alert to the
28 risks its business model runs under copyright law, but it does not even attempt to meet its

1 obligations under the California right to publicity. Ancestry asks the donor to sign a disclaimer
2 that the donated yearbook is either “not bound by copyright restrictions” or “the copyright is
3 held by the donor.” But Ancestry does not require or even suggest the donor should ask the
4 consent of the people who appear in the yearbook to have their names, photographs, and
5 images added to the Ancestry Yearbook Database.

6 51. Each record in the Ancestry Yearbook Database uniquely identifies an
7 individual human being. Indeed, the fact these records uniquely identify specific individuals is
8 the primary selling point Ancestry uses to attract new subscribers. In its online promotional
9 materials, Ancestry touts that subscribers will gain access to the records in its Ancestry
10 Yearbook Database, each of which “Pinpoints an individual in a particular time and place” by
11 joining information about the person including name, “school or town,” time, “a photo,”
12 “interests and hobbies,” and “family linkages” because siblings may appear in the same
13 yearbook.

14 52. Ancestry has and continues to knowingly use the names, photographs, and
15 likenesses of Plaintiffs and the class in its products, including its “U.S. Discovery,” “World
16 Explorer,” and “All Access” paid subscription plans. Subscribers who pay monthly
17 subscriptions fees of between \$24.99 and \$49.99 per month, depending on the plan, receive in
18 exchange the ability to search for, view, and download records in Ancestry’s Yearbook
19 Database. Paying subscribers may view and download records containing the names,
20 photographs, and likenesses of Plaintiffs and the class.

21 53. Ancestry has and continues to knowingly use the names, photographs, and
22 likenesses of Plaintiffs and the class for the purpose of advertising, selling, and soliciting the
23 purchase of its subscription services and products, including its “U.S. Discovery,” “World
24 Explorer,” and “All Access” paid subscription plans, by using the names, photographs, and
25 likenesses of Plaintiffs and the class in its 14-day promotional “free trial.” Users of the
26 promotional “free trial” may search for, download, and view records in Ancestry’s Yearbook
27 Database. “Free trial” users receive access to the same records that are available to paying
28 users. Ancestry’s sole purpose in using the names, photographs, and likenesses of Plaintiffs and

1 the class in the promotional “free trial” version of its website is to advertise, sell, and solicit the
2 purchase of paid subscription plans.

3 54. Ancestry has and continues to knowingly use the names, photographs, and
4 likenesses of Plaintiffs and the class for the purpose of advertising, selling, and soliciting the
5 purchase of its subscription services and products, including its “U.S. Discovery,” “World
6 Explorer,” and “All Access” paid subscription plans, by using the names, photographs, and
7 likenesses of Plaintiffs and the class in the promotional limited-access version of its website.
8 Any visitor to the Ancestry website may access the promotional limited-access version, even if
9 they have not provided contact information or signed up for the promotional “free trial.” Users
10 of the promotional limited-access version of the website may search for records in Ancestry’s
11 Yearbook and may view a limited portion of the information in those records, including the
12 name, city of residence, and a low-resolution version of the photograph corresponding to each
13 record. Users of the promotional limited-access version of the Ancestry website receive access
14 to a limited version of same records that are available to paying users.

15 55. Ancestry’s sole purpose in using the names, photographs, and likenesses of
16 Plaintiffs and the class in the promotional limited-access version of its website is to advertise,
17 sell, and solicit the purchase of paid subscription plans. Users may access limited versions of
18 the records Ancestry has amassed corresponding to Plaintiffs and the class. The limited-version
19 records include a name, city of residence, and a low-resolution version of a photograph
20 portraying the class member. Users who hover over the “View Record” link corresponding to
21 each record receive a promotional pop-up advertisement from Ancestry displaying the class
22 member’s name, a low-resolution version of the photograph, and a message indicating “There’s
23 more to see” and promising the user access to the class member’s estimated age, birth year,
24 school, yearbook date, school location, and a full-resolution of the class member’s photograph
25 if they “Sign Up Now” for a paid subscription.

26 56. The vast majority of people whose personal information Ancestry has amassed
27 in its Ancestry Yearbook Database have no business relationship with Ancestry, are not
28 Ancestry subscribers, and are not subject to a Terms of Service or any other agreement with

1 Ancestry.

2 57. Ancestry's knowing misappropriation of names, likenesses, photographs, and
3 other personal information, and use of those names, likenesses, photographs, and other personal
4 information in selling and advertising its products and services, violates California's Right of
5 Publicity statute, Cal. Civ. Code § 3344; the California Unfair Competition Law, Cal. Bus. &
6 Prof. Code § 17200 *et seq.*; California's common law right protecting against Intrusion upon
7 Seclusion; and California Unjust Enrichment law.

8 **CLASS ALLEGATIONS**

9 58. Plaintiffs bring this complaint on behalf of themselves and a class of all
10 California residents who (a) are not currently subscribers of any Ancestry services, (b) have
11 never donated a yearbook to Ancestry, and (c) whose names, photographs, and/or likenesses
12 were uploaded by Ancestry into its Ancestry Yearbook Database and offered for sale as part of
13 Ancestry's paid subscription plans, and/or used by Ancestry to advertise, sell, and solicit the
14 purchase of Ancestry's paid subscription plans, without Ancestry obtaining their consent.
15 Excluded from the class are (a) Plaintiffs' counsel; (b) Ancestry, its officers and directors,
16 counsel, successors and assigns; (c) any entity in which Ancestry has a controlling interest; and
17 (d) the judge to whom this case is assigned and the judge's immediate family.

18 59. The members of the proposed class are so numerous that joinder of individual
19 claims is impracticable. As of September 2020, Ancestry represents that its Ancestry Yearbook
20 Database contains 730 million records. Of those, 60 million records correspond to schools in
21 California. Even accounting for the fact that some individuals have multiple records present in
22 the database, that some are deceased or no longer reside in California, and that the class
23 excludes current Ancestry subscribers (Ancestry represents it has 3 million subscribers
24 worldwide), the class numbers in the millions.

25 60. There are significant questions of fact and law common to the members of the
26 class. These issues include:

- 27 a. Whether Ancestry's collection of personal information about Plaintiffs and the
28 class members, including names, yearbook photographs, yearbook years,

1 estimated ages, cities of residence, schools attended, and interest and hobbies, in
2 its Ancestry Yearbook Database, and selling of that information via paid
3 subscription plans, constitute the knowing use of another’s name, photograph, or
4 likeness, in any manner, on or in products, merchandise or goods within the
5 meaning of Cal. Civ. Code § 3344;

6 b. Whether Ancestry’s use of personal information about Plaintiffs and the class
7 members, including names, yearbook photographs, yearbook years, estimated
8 ages, cities of residence, schools attended, and interests and hobbies, by offering
9 access to that information as part of its promotional 14-day “free trial,”
10 constitutes the knowing use of another’s name, photograph, or likeness for
11 purposes of advertising or selling, or soliciting purchases of, Ancestry products,
12 merchandise, goods or services, within the meaning of Cal. Civ. Code § 3344;

13 c. Whether Ancestry’s use of personal information about Plaintiffs and the class
14 members, including names, yearbook photographs, and cities of residence, by
15 offering access to that information as part of the promotional limited-access
16 version of its website constitutes the knowing use of another’s name,
17 photograph, or likeness for purposes of advertising or selling, or soliciting
18 purchases of, Ancestry products, merchandise, goods or services, within the
19 meaning of Cal. Civ. Code § 3344;

20 d. Whether Ancestry’s use of personal information about Plaintiffs and the class
21 members, including names and yearbook photographs, by including that
22 information in targeted promotional email messages constitutes the knowing use
23 of another’s name, photograph, or likeness for purposes of advertising or selling,
24 or soliciting purchases of, Ancestry products, merchandise, goods or services,
25 within the meaning of Cal. Civ. Code § 3344;

26 e. Whether Plaintiffs and the class consented to the use of their names,
27 photographs, and likenesses in Ancestry products and advertisements;

28 f. Whether Ancestry’s use of names, photographs, and likeness constitutes a use in

1 connection with news or public affairs for which consent is not required;

2 g. Whether Ancestry's conduct as described in this complaint violated California's
3 Unfair Competition Law;

4 h. Whether Ancestry was unjustly enriched as a result of the conduct described in
5 this complaint; and

6 i. Whether class members are entitled to injunctive, declaratory and monetary
7 relief as a result of Ancestry's conduct as described in this complaint.

8 61. Plaintiffs' claims are typical of those of the proposed class. Plaintiffs and all
9 members of the proposed class have been harmed by Ancestry's misappropriation and misuse
10 of their names, likenesses, photographs, and other personal information.

11 62. The proposed class representatives will fairly and adequately represent the
12 proposed class. The class representatives' claims are co-extensive with those of the rest of the
13 class, and they are represented by qualified counsel experienced in class action litigation of this
14 nature.

15 63. A class action is superior to other available methods for the fair and efficient
16 adjudication of these claims because individual joinder of the claims of all members of the
17 proposed class is impracticable. Many members of the class do not have the financial resources
18 necessary to pursue this claim, and even if they did, the size of their interest in the case may not
19 be large enough to merit the cost of pursuing the case. Individual litigation of these claims
20 would be unduly burdensome on the courts in which individualized cases would proceed.
21 Individual litigation would greatly increase the time and expense needed to resolve a dispute
22 concerning Ancestry's common actions towards an entire group. Class action procedures allow
23 for the benefits of unitary adjudication, economy of scale, and comprehensive supervision of
24 the controversy by a single court.

25 64. The proposed class action may be certified pursuant to Rule 23(b)(2) of the
26 Federal Rules of Civil Procedure. Ancestry has acted on ground generally applicable to the
27 proposed class, such that final injunctive and declaratory relief is appropriate with respect to
28 the class as a whole.

1 appropriating their names, likeness, photographs, and biographical information, and the names
2 likenesses, photographs, and biographical information of their deceased relatives, and using the
3 appropriated information to advertise and sell online services.

4 81. Ancestry's misuse of personal information reveals private facts in which a
5 reasonable person would expect privacy. It maintains, sells, and advertises using records that
6 reveal intimate details about subjects' private lives, including ages, locations, biographical
7 details, and photographs.

8 82. Plaintiffs and members of the class were harmed by Ancestry's intrusion into
9 their private affairs as detailed in the complaint.

10 83. Among other remedies, Plaintiffs and members of the class seek damages,
11 including punitive damages in light of Ancestry's conscious disregard of Plaintiffs' and class
12 members privacy rights and exploitation of their personal information for profit.

13 84. Defendants, and each of them, have been guilty of oppression, fraud, and/or
14 malice and despicable conduct warranting an award of exemplary and/or punitive damages
15 under the provisions of Cal. Civ. Code § 3294. The foregoing conduct has been approved,
16 authorized and/or ratified by each Defendants' officers, directors and/or managing agents as
17 required by the provisions section 3294.

18 **FOURTH CAUSE OF ACTION**
19 **(Unjust Enrichment)**

20 85. Plaintiffs incorporate by reference the allegations contained in all preceding
21 paragraphs of this complaint.

22 86. Plaintiffs and members of the class have conferred an unwarranted benefit on
23 Ancestry. Ancestry's business model centers around selling subscriptions for access to personal
24 information that rightfully belongs to Plaintiffs and members of the class. Ancestry uses the
25 personal information it misappropriated to sell its services without consent. Each subscription
26 sold and each advertisement sent represents an unwarranted benefit conferred by the class.

27 87. Under principles of equity and good conscience, Ancestry should not be
28 permitted to retain the benefits it gained as a result of its actions.

1 88. Plaintiffs and members of the class have suffered loss as a direct result of
2 Ancestry's conduct.

3 89. Among other remedies, Plaintiffs, on their own behalf and on behalf of absent
4 class members, seek the imposition of a constructive trust and restitution of proceeds Ancestry
5 received as a result of the conduct described in this complaint, as well as an award of attorneys'
6 fees, costs, and interest pursuant to Cal. Civ. Proc. Code § 1021.5.

7 **PRAYER FOR RELIEF**

8 90. WHEREFORE Plaintiffs, on behalf of themselves and all others similarly
9 situation, hereby demands judgment against Defendant Ancestry as follows:

- 10 (a) For an order certifying the proposed class and appointing Plaintiffs and their
11 counsel to represent the class;
- 12 (b) For a declaration that Ancestry's acts and omissions constitute a knowing
13 misappropriation of names, likeness, photographs, and other personal
14 information, and infringe on protected privacy rights, in violation of California
15 law;
- 16 (c) For preliminary and permanent injunctive relief enjoining and preventing
17 Ancestry from continuing to operate its Ancestry website and expand its
18 databases without appropriate safeguards to ensure people's personal
19 information is not used illegally without their consent;
- 20 (d) For an order enjoining Ancestry from continuing the unlawful and unfair
21 conduct described in this complaint;
- 22 (e) For restitution for Plaintiffs and members the class for the value that Defendants
23 derived from misappropriating their likenesses;
- 24 (f) For an award of damages, including without limitation damages for actual harm,
25 profits earned by Ancestry in the operation of its websites selling access to
26 misappropriated personal information, and statutory damages;
- 27 (g) For an award of reasonable attorneys' fees and costs incurred by Plaintiffs and
28 the class members; and

1 (h) For an award of other relief in law and equity to which Plaintiffs and the class
2 members may be entitled.

3 **JURY TRIAL DEMAND**

4 Plaintiffs hereby demand a jury trial for all individual and Class claims so triable.

5 Respectfully submitted,

6 Dated: November 30, 2020

By: /s/ Michael F. Ram
Michael F. Ram

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24 *Attorneys for Plaintiffs*
25 *and the Proposed Class*
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

CALLAHAN, MEREDITH and ABRAHAM, LAWRENCE G., on behalf of themselves and all others similarly situated

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael F. Ram, Morgan & Morgan, 711 Van Ness Ave., San Francisco CA 94102, Telephone (415) 358-6913; Benjamin R. Osborn, 102 Bergen St., Brooklyn, NY 11201, Telephone: (347) 645-0464

DEFENDANTS

ANCESTRY.COM OPERATIONS INC., a Virginia Corporation; ANCESTRY.COM, INC., a Delaware Corporation; ANCESTRY.COM LLC, a Delaware Limited Liability Company

County of Residence of First Listed Defendant Utah County, UT (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 and incorporation status.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, 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): 28 U.S.C. section 1332(d)(2) Brief description of cause: Violation of Cal. Civ. Code § 3344, Cal. Bus. & Prof. Code § 17200 et seq., Intrusion upon Seclusion, Unjust Enrichment

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 11/30/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michael F. Ram

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: [‘Misappropriation’: Ancestry.com Failed to Get Californians’ Consent Before Using Private Info for Profit, Lawsuit Claims](#)
