

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION**

<p>JASON GOLDSTEIN, individually and on behalf of all others similarly situated,</p> <p style="text-align: right; padding-right: 40px;">Plaintiff,</p> <p style="text-align: center; padding: 0 10px;">vs.</p> <p>LUXOTTICA OF AMERICA INC. D/B/A RAY-BAN,</p> <p style="text-align: right; padding-right: 40px;">Defendant.</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>Case No. _____</p> <p>State Court Case No. 502021CA001728</p>
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**NOTICE OF REMOVAL OF ACTION**

Defendant Luxottica of America Inc. d/b/a Ray-Ban (“Ray-Ban”), by and through its counsel, Blank Rome LLP, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, 1453, and 1711, hereby removes this action from the Circuit Court of the Fifteenth Judicial Circuit, Palm Beach County, Florida (“State Court”), to the United States District Court for the Southern District of Florida. In support thereof, Ray-Ban states as follows:

**BACKGROUND**

1. Ray-Ban exercises its rights under the provisions of 28 U.S.C. §§ 1331, 1332, 1441, and 1446 to remove this case from the State Court where this case is pending under the name and style of *Jason Goldstein v. Luxottica of America Inc. d/b/a Ray-Ban*, Case No. 502021CA001728.
2. 28 U.S.C. § 1441(a) provides any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the U.S. district court for the district and division embracing the place where such action is pending.

3. This is a civil action instituted in the State Court that has not been tried.

4. On February 8, 2021 Plaintiff Jason Goldstein (“Plaintiff”) filed his original Class Action Complaint (the “Complaint”) in the State Court. Plaintiff’s Complaint asserts claims arising out of Ray-Ban’s use of session replay and analytics technology on its website, which Plaintiff alleges violates the Florida Security of Communications Act (“FSCA”), Florida Statutes §§ 934.01, *et seq.* Complaint, Exhibit A, ¶¶ 1-4, 30-41. A true and correct copy of the available file, including the Complaint, **Exhibit A**, and operative Return of Service, **Exhibit B**, is attached hereto.

5. As set forth below, the State Court Docket reflects that Ray-Ban received a copy of the Summons and Complaint on February 10, 2021; this Notice is thus timely under 28 U.S.C. §§ 1446(b) and 1453. *See* Ex. B; *Murphy Bros., Inc. v. Michetti Pipe String, Inc.*, 526 U.S. 344, 347-48 (1999).

6. As more fully set forth below, this case is properly removed to this Court under 28 U.S.C. § 1441 because this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(d)(2), in that Plaintiff’s action constitutes a class action—as defined in 28 U.S.C. § 1332(d)(1)(B)—pursuant to the Class Action Fairness Act, codified at 28 U.S.C. §§ 1332(d) and 1453 (“CAFA”).

### **SUBJECT MATTER JURISDICTION**

#### **THIS CLASS ACTION IS REMOVABLE UNDER THE CLASS ACTION FAIRNESS ACT, 28 U.S.C. §§ 1332(d), 1453**

7. CAFA, 28 U.S.C. § 1332(d), was enacted “to facilitate adjudication of certain class actions in federal court.” *See Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 554 (2014). CAFA expands jurisdiction for diversity class actions by creating federal subject matter jurisdiction if: (1) a class has 100 or more class members; (2) at least one class member is diverse

from at least one defendant (*i.e.*, “minimal diversity”); and (3) there is more than \$5 million, exclusive of interest and costs, in controversy in the aggregate. *See* 28 U.S.C. § 1332(d).

8. Unlike traditional diversity jurisdiction, “no antiremoval presumption attends cases invoking CAFA, which Congress enacted to facilitate jurisdiction of certain class actions in federal court.” *Dart Cherokee*, 135 S. Ct. at 544. In light of *Dark Cherokee*, the Eleventh Circuit has held: “Applying this binding precedent from the Supreme Court, we may no longer rely on any presumption in favor of remand in deciding CAFA jurisdictional questions.” *Dudley v. Eli Lilly & Co.*, 778 F.3d 909, 912 (11th Cir. 2014).

9. As set forth below, this Court has subject matter jurisdiction pursuant to CAFA Section 1332(d)(2) because: (1) this case is a class action as defined in 28 U.S.C. § 1332(d)(1)(B); (2) at least one member of the putative class is a citizen of a state different from any defendant; and (3) there is more than \$5 million, exclusive of interest and costs, in controversy in the aggregate. Because all three requirements have been met, removal is appropriate in this case.

### **I. The Proposed Class Exceeds 100 Members**

10. A civil action constitutes a “class action” under CAFA if: (1) it is “filed under rule 23 of the Federal Rules of Civil Procedure *or similar State statute* or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action”; and (2) “the number of members of all proposed plaintiff classes in the aggregate is [more] than 100.” 28 U.S.C. § 1332(d)(1)(B), (d)(2), and (d)(5)(B) (*emphasis added*).

11. The State Court Action attempts to assert the purported claims in this case pursuant to Florida Rule of Civil Procedure 1.220 on behalf of the following putative class:

All persons residing within the State of Florida (1) who visited Defendant’s website and (2) whose electronic communications were intercepted by Defendant or on Defendant’s behalf (3) without their prior consent.

Ex. A ¶ 20; 28 U.S.C. § 1332(d)(1)(B).

12. Plaintiff alleges that he believes the number of class members is “no less than 100 individuals.” *Id.* ¶ 22.

13. Ray-Ban has identified over 50,000 unique visitors from Florida IP addresses to its Ray-Ban website over the applicable statutory period when the at issue software was in use, well exceeding the 100 class member threshold. *See* Declaration of William Evans in Support of Notice of Removal, attached as **Exhibit C**, ¶ 5. This action therefore constitutes a “class action” under 28 U.S.C. § 1332(d)(1)(B), (d)(2), and (d)(5)(B).

## **II. The Minimal Diversity of Citizenship Requirement is Satisfied**

14. At the time Plaintiff commenced this action against Ray-Ban in State Court, and now at the time of removal, there was and is minimal diversity of citizenship as contemplated by Section 1332(d)(2)(A) of CAFA.

15. CAFA provides that the minimal diversity requirement is met if any member of a class of plaintiffs is a citizen of a state different from any defendant. 28 U.S.C. § 1332(d)(2)(A). Courts often refer to this as “minimal diversity.” *See Hill v. National Ins. Underwriters, Inc.*, 641 Fed. Appx. 899, 902 (11th Cir. 2016). This requirement is met here, as Ray-Ban is a citizen of a different state than the named Plaintiff.

16. The Complaint identifies the named Plaintiff as a citizen of Florida. Ex. A ¶ 5.

17. Luxottica of America Inc. d/b/a Ray-Ban is incorporated in the state of Ohio and has its principal place of business in Mason, Ohio. Ex. C ¶ 4.

18. For purposes of diversity citizenship under 28 U.S.C. §§ 1332(a) and (d), Ray-Ban is a citizen of a state other than the state of Florida.

19. As a citizen of Ohio, Ray-Ban is a citizen of a state other than the state of citizenship of at least one named Plaintiff identified in the Complaint; accordingly, diversity of citizenship is established under 28 U.S.C. § 1332(d)(2)(A).

### **III. The Amount in Controversy Requirement Under CAFA is Satisfied**

20. At the time Plaintiff commenced this action against Ray-Ban in State Court, and now at the time of removal, the amount in controversy requirement contemplated by 28 U.S.C. § 1332(d)(2) was and is also satisfied.

21. A district court has original jurisdiction of an action between citizens of different states where, in the case of a class action, the “[amount] in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs[.]” 28 U.S.C. § 1332(d)(2).

22. Under CAFA, the claims of the individual plaintiffs in a class action are aggregated to determine if the amount in controversy exceeds the sum or value of \$5,000,000. *See* 28 U.S.C. §§ 1332(d)(6), (d)(11); *Standard Fire Ins. Co. v. Knowles*, 133 S. Ct. 1345, 1348 (2013). “And those ‘class members’ include ‘persons (named or unnamed) who fall within the definition of the proposed or certified class.’” *Id.* (quoting 28 U.S.C. § 1332(d)(1)(D)); *see also South Florida Wellness, Inc. v. Allstate Ins. Co.*, 745 F.3d 1312 (11th Cir. 2014).

23. Here, Plaintiff’s claims meet the jurisdictional threshold set forth in Section 1332(d)(6) in that the aggregate amount of the damages and other relief sought by the putative class would exceed \$5,000,000, exclusive of interest and costs.

24. As stated above, the Complaint seeks relief for purported violations of the FSCA. *See* Ex. A ¶¶ 1-4, 30-41.

25. Plaintiff specifically alleges that Ray-Ban violated the FSCA by intercepting Plaintiff’s and the class members’ electronic communications when they visited the Ray-Ban

website without their consent and by using the unlawfully intercepted electronic communications. *Id.* ¶¶ 35-36.

26. The Complaint seeks “liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher[.]” *Id.* ¶ 39. The Complaint also seeks attorney’s fees and other litigation costs. *Id.* ¶ 40. Moreover, the Complaint seeks punitive damages. *Id.* Prayer for Relief Subpart (c). Finally, the Complaint seeks declaratory and injunctive relief. *Id.* ¶¶ 41, Prayer for Relief Subparts (a) and (b).

27. The FSCA provides for “[a]ctual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher[.]” Fla. Stat. § 934.10(1)(b).

28. The amount of damages sought plausibly could include the combined total of the highest statutory damages for each member of the putative class. 28 U.S.C. § 1332(d)(6). Therefore, the total of these statutory damages amounts during the relevant period makes up a portion of the plausible damages at issue in this case.

29. The initial investigation conducted by the undersigned indicates at least 50,000 unique individuals from Florida visited Ray-Ban’s website for the relevant statutory period from February 8, 2019 to February 8, 2021. *See* Fla. Stat. § 934.10(c); Ex. C ¶ 5.

30. Accordingly, for purposes of CAFA aggregation<sup>1</sup>, there are at least 50,000 members of the putative class alleged by Plaintiff. Therefore, the aggregate amount of liquidated damages for all individuals in the putative class, each at \$100 or more, exceeds \$5 million.<sup>2</sup>

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<sup>1</sup> Ray-Ban is only making this representation with respect to CAFA removal and does not concede the potential size of the putative class for any other purpose, including but not limited to numerosity under Rule 23 of the Federal Rules of Civil Procedure.

<sup>2</sup> \$100 x 50,000 = \$5,000,000

31. In addition, Plaintiff seeks an award of “reasonable attorney’s fees and other litigation costs.” *See* Ex. A ¶ 40. “When a statute authorizes the recovery of attorney’s fees, a reasonable amount of those fees is included in the amount in controversy.” *Morrison v. Allstate Indem. Co.*, 228 F.3d 1255, 1265 (11th Cir. 2000). The FSCA permits the recovery of “[a] reasonable attorney’s fee.” Fla. Stat. § 934.10(1)(d).

32. Further, Plaintiff also seeks an award of punitive damages. *See* Ex. A Prayer for Relief Subpart (c). In determining the jurisdictional amount in controversy in CAFA cases, the Court must consider punitive damages in its analysis. *Rubinstein v. THD At-Home Services, Inc.*, No. 08-cv-20867, 2008 WL 11331794, at \*4 (S.D. Fla. June 24, 2008); *see also* *McDaniel v. Fifth Third Bank*, 558 Fed. Appx. 729, 731 (11th Cir. 2014) (citing *Back Doctors Ltd. v. Metro. Prop. & Cas. Ins. Co.*, 637 F.3d 827, 831 (7th Cir. 2011)) (noting that CAFA’s amount in controversy requirement can be satisfied where a potential award of punitive damages could be high enough to reach the jurisdictional minimum). Moreover, the FSCA allows a plaintiff to recover both punitive and statutory damages. *See Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress*, 480 F.Supp.3d 1000, 1030 (N.D. Cal. 2020) (noting the FSCA “allows both punitive and statutory damages” and that such “duplication is permissible”).

33. Finally, Plaintiff also seeks declaratory and injunctive relief. Ex. A ¶¶ 41, Prayer for Relief Subparts (a) and (b). “In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation.” *Hunt v. Washington State Apple Advert. Com’n*, 432 U.S. 333, 347 (1997). The FSCA provides for “[p]reliminary or equitable or declaratory relief as may be appropriate.” Fla. Stat. § 934.10(1)(a). Accordingly, the amount in controversy here may include the value of declaratory and injunctive relief.

34. Taken together, Plaintiff and his purported class have placed in controversy at least \$5,000,000 in damages.

35. Accordingly, the \$5,000,000 amount in controversy threshold is thus met for purposes of satisfying 28 U.S.C. § 1332(d)(6).

#### **IV. The Court Should Not Decline to Exercise Jurisdiction Over This Action**

36. Pursuant to 28 U.S.C. § 1332(d)(3), a district court may decline to exercise jurisdiction over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed.

37. As set forth above, Plaintiff cannot satisfy Section 1332(d)(3).

38. Pursuant to 28 U.S.C. § 1332(d)(4), a district court shall decline to exercise jurisdiction over a class action where two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed, or where:

- a. greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;
- b. at least one defendant is a defendant:
  - i. from whom significant relief is sought by members of the plaintiff class;
  - ii. whose alleged conduct forms a basis for the claims asserted by the proposed plaintiff class; and
  - iii. who is a citizen of the State in which the action was originally filed; and
- c. principal injuries resulting from the alleged conduct of each defendant were incurred in the State in which the action was originally filed; and



- d. during the three-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons.

39. The factors outlined in Section 1332(d)(4) are not present here. By its terms, 28 U.S.C. § 1332(d)(4) cannot be met where no defendant is a citizen of the state where the action was originally filed. Thus, this Court should not decline to exercise jurisdiction over this action.

### **PROCEDURAL COMPLIANCE**

40. In accordance with the requirements of 28 U.S.C. § 1446(b), a notice of removal should be filed within thirty (30) days after service of the summons and complaint on a defendant.

41. Here, the State Court Docket reflects that a copy of the Summons and Complaint was served on Ray-Ban on February 10, 2021. *See* Ex. B.

42. Pursuant to 28 U.S.C. § 1441 *et seq.*, the right exists to remove this case from the State Court to the U.S. District Court for the Southern District of Florida, which embraces the place where the action is currently pending.

43. The U.S. District Court for the Southern District of Florida embraces the county in which the State Court action is now pending (*i.e.*, Palm Beach County); thus, this Court is a proper venue for this action pursuant to 28 U.S.C. § 89(c).

44. No previous application has been made for the relief requested herein.

45. Pursuant to the provisions of 28 U.S.C. § 1446(a), attached hereto are copies of all process, pleadings, and orders served upon Ray-Ban; the Class Action Complaint, bearing case number 502021CA001728, filed in the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County (*see* **Exhibit A**, attached); and the Return of Service (*see* **Exhibit B**, attached).

46. Written notice of the filing of this Notice of Removal will be served upon counsel for Plaintiff as required by law.

47. A true and correct copy of this Notice of Removal will be filed with the clerk of the State Court, as required by law, and served upon counsel for Plaintiff.

48. Ray-Ban reserves all defenses and objections to Plaintiff's claims.

**WHEREFORE**, Defendant Luxottica of America Inc. d/b/a Ray-Ban hereby removes this case from the Circuit Court of the Fifteenth Judicial Circuit, Palm Beach County, Florida, where it is now pending, to the United States District Court for the Southern District of Florida.

Respectfully submitted,

**DATED:** March 12, 2021

**BLANK ROME LLP**

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*Counsel for Defendant,  
Luxottica of America Inc. d/b/a Ray-Ban*

**CERTIFICATE OF SERVICE**

I, Maria K. Vigilante, Esquire, hereby certify that on March 12, 2021, I electronically filed the foregoing Notice of Removal of Defendant Luxottica of America Inc. d/b/a Ray-Ban with the Court via the ECF System and is available for viewing and downloading from the ECF system, and a true and correct copy was served to all counsel of record registered with the ECF system.

**BLANK ROME LLP**

*s/ Maria K. Vigilante*

\_\_\_\_\_  
Maria K. Vigilante

*Counsel for Defendant,  
Luxottica of America Inc. d/b/a Ray-Ban*

# **EXHIBIT A**

Filing # 120985649 E-Filed 02/08/2021 12:38:09 PM

**FORM 1.997. CIVIL COVER SHEET**

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

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**I. CASE STYLE**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,  
IN AND FOR PALM BEACH COUNTY, FLORIDA

Jason Goldstein  
Plaintiff

Case # \_\_\_\_\_  
Judge \_\_\_\_\_

vs.  
Luxottica of America Inc  
Defendant

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**II. AMOUNT OF CLAIM**

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

**III. TYPE OF CASE** (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

**CIRCUIT CIVIL**

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
  - Business governance
  - Business torts
  - Environmental/Toxic tort
  - Third party indemnification
  - Construction defect
  - Mass tort
  - Negligent security
  - Nursing home negligence
  - Premises liability—commercial
  - Premises liability—residential
- Products liability
- Real Property/Mortgage foreclosure
  - Commercial foreclosure
  - Homestead residential foreclosure
  - Non-homestead residential foreclosure
  - Other real property actions
- Professional malpractice
  - Malpractice—business
  - Malpractice—medical
  - Malpractice—other professional
- Other
  - Antitrust/Trade regulation
  - Business transactions
  - Constitutional challenge—statute or ordinance
  - Constitutional challenge—proposed amendment
  - Corporate trusts
  - Discrimination—employment or other
  - Insurance claims
  - Intellectual property
  - Libel/Slander
  - Shareholder derivative action
  - Securities litigation
  - Trade secrets
  - Trust litigation

**COUNTY CIVIL**

- Small Claims up to \$8,000
- Civil
- Real property/Mortgage foreclosure

- Replevins
- Evictions
  - Residential Evictions
  - Non-residential Evictions
- Other civil (non-monetary)

**COMPLEX BUSINESS COURT**

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes  No

**IV. REMEDIES SOUGHT (check all that apply):**

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

**V. NUMBER OF CAUSES OF ACTION: [ 1 ]**  
(Specify)

1

**VI. IS THIS CASE A CLASS ACTION LAWSUIT?**

- yes
- no

**VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?**

- no
- yes If "yes," list all related cases by name, case number, and court.

**VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?**

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Angelica Gentile Gentile  
Attorney or party

Fla. Bar # 102630  
(Bar # if attorney)

Angelica Gentile Gentile  
(type or print name)

02/08/2021  
Date



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.

JASON GOLDSTEIN, *individually and on  
behalf of all others similarly situated,*

Plaintiff,

vs.

LUXOTTICA OF AMERICA INC. D/B/A RAY-BAN,

Defendant.

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CLASS ACTION

JURY TRIAL DEMANDED

**CLASS ACTION COMPLAINT**

Plaintiff Jason Goldstein brings this class action against Defendant Luxottica of America Inc. d/b/a Ray-Ban, and alleges as follows upon personal knowledge as to Plaintiff and Plaintiff's own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by Plaintiff's attorneys.

**NATURE OF THE ACTION**

1. This is a class action under the Florida Security of Communications Act, Fla. Stat. Ann. § 934.01, *et seq.* ("FSCA"), arising from Defendant's unlawful interception of electronic communications. Specifically, this case stems from Defendant's use of tracking, recording, and/or "session replay" software to intercept Plaintiff's and the class members' electronic communications with Defendant's website, including how they interact with the website, their mouse movements and clicks, information inputted into the website, and/or pages and content viewed on the website.

2. Defendant intercepted the electronic communications at issue without the knowledge or prior consent of Plaintiff and the Class members. Defendant did so for its own

financial gain and in violation of Plaintiff's and the Class members' privacy rights under the FSCA. Such clandestine monitoring and recording of an individual's electronic communications has long been held a violation of the FSCA. *See, e.g., O'Brien v. O'Brien*, 899 So. 2d 1133 (Fla. 5th DCA 2005).

3. Defendant has intercepted the electronic communications involving Plaintiff and the Class members' visits to its website, causing them injuries, including invasion of their privacy and/or exposure of their private information.

4. Through this action, Plaintiff seeks injunctive relief to halt Defendant's unlawful interceptions. Plaintiff also seeks damages authorized by the FSCA on behalf of Plaintiff and the Class members, defined below, and any other available legal or equitable remedies resulting from the actions of Defendant described herein.

#### PARTIES

5. Plaintiff is, and at all times relevant hereto was, a citizen and resident of Palm Beach County, Florida.

6. Defendant is, and at all times relevant hereto was, a corporation that maintains its primary place of business at 4000 Luxottica Place, Mason, Ohio 45040.

#### JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$30,000 exclusive of interest, costs, and attorney's fees.

8. Defendant is subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendant's contacts with this state. Defendant intercepted electronic communications from and to Florida without the consent of Plaintiff and the Class members.

Plaintiff and the Class members were in Florida when Defendant's unlawful interceptions occurred, and were injured while residing in and physically present in Florida.

9. Venue for this action is proper in this Court because all facts giving rise to this action occurred in this circuit.

### FACTS

10. Defendant owns and operates the following website: [www.ray-ban.com](http://www.ray-ban.com).

11. Over the past year, Plaintiff visited Defendant's website approximately 2 times.

12. Plaintiff most recently visited Defendant's website on or about September 2020.

13. Plaintiff was in Florida during each visit to Defendant's website.

14. Upon information and belief, during one or more of these visits, Defendant utilized tracking, recording and/or "session replay" software to contemporaneously intercept Plaintiff's use and interaction with the website, including mouse clicks and movements, information inputted by Plaintiff, and/or pages and content viewed by Plaintiff. Defendant also recorded Plaintiff's location during the visits, as well as the time and dates of each visit.

15. Plaintiff never consented to interception of his electronic communications by Defendant or anyone else.

16. At no point in time did Plaintiff provide Defendant, its employees, or agents with consent to intercept Plaintiff's electronic communications.

17. Plaintiff and the putative Class members did not have a reasonable opportunity to discover Defendant's unlawful interceptions because Defendant did not disclose or seek their consent to intercept the communications.

18. Upon information and belief, Defendant similarly intercepted the electronic communications of other individuals located in Florida who visited Defendant's website.

19. Defendant's surreptitious interception Plaintiff's electronic communications caused Plaintiff harm, including invasion of his privacy and/or the exposure of private information.

### CLASS ALLEGATIONS

#### PROPOSED CLASS

20. Plaintiff brings this lawsuit as a class action on behalf of all other similarly situated persons pursuant to Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3). The "Class" that Plaintiff seeks to represent is defined as:

**All persons residing within the State of Florida (1) who visited Defendant's website and (2) whose electronic communications were intercepted by Defendant or on Defendant's behalf (3) without their prior consent.**

21. Defendant and its employees or agents are excluded from the Class. Plaintiff reserves the right to modify or amend the Class definitions, as appropriate, during the course of this litigation.

#### NUMEROSITY

22. The Class members are so numerous and geographically dispersed that individual joinder of all Class members is impracticable. The precise number of Class members is unknown to Plaintiff, but may be readily ascertained from Defendant's records and is believed to be no less than 100 individuals. Class members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. Mail, electronic mail, Internet postings, and/or published notice

23. The identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's records kept in connection with its unlawful interceptions.

#### COMMON QUESTIONS OF LAW AND FACT

24. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are:

- (1) Whether Defendant violated the FSCA;
- (2) Whether Defendant intercepted Plaintiff's and the Class members' electronic communications;
- (3) Whether Defendant disclosed to Plaintiff and the Class Members that it was intercepting their electronic communications;
- (4) Whether Defendant secured prior consent before intercepting Plaintiff's and the Class members' electronic communications;
- (5) Whether Defendant is liable for damages, and the amount of such damages;  
and
- (6) Whether Defendant should be enjoined from such conduct in the future.

25. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendants routinely intercepts electronic communications without securing prior consent is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

#### TYPICALITY

26. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

#### PROTECTING THE INTERESTS OF THE CLASS MEMBERS

27. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

**SUPERIORITY**

28. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the Class are potentially in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

29. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

**COUNT I**  
**Violations of the FSCA, Fla. Stat. Ann. § 934.03**  
**(On Behalf of Plaintiff and the Class)**

30. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set forth herein.

31. It is a violation of the FSCA to intercept, endeavor to intercept, or procure any other person to intercept or endeavor to intercept any electronic communication. Fla. Stat. Ann. § 934.03(1)(a).

32. Further, it is a violation to intentionally use, or endeavor to use, “the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection[.]” Fla. Stat. Ann. § 934.03(1)(d).

33. The FSCA defines “intercept” as the “acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.” Fla. Stat. Ann. § 934.02(3).

34. The FSCA defines “electronic communication” as “any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects intrastate, interstate, or foreign commerce....” Fla. Stat. Ann. § 934.02(12).

35. Defendant violated § 934.03(1)(a) of the FSCA by intercepting Plaintiff’s and the Class members’ electronic communications when they visited Defendant’s website.

36. Defendant intercepted Plaintiff’s and the Class members’ electronic communications without their prior consent.

37. Defendant violated § 934.03(1)(d) of the FSCA by using the unlawfully intercepted electronic communications.

38. Plaintiff and the Class members had an expectation of privacy during their visits to Defendant’s website, which Defendant violated by intercepting their electronic communications with the website.

39. As a result of Defendant's conduct, and pursuant to § 934.10 of the FSCA, Plaintiff and the other members of the putative Class were harmed and are each entitled to "liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher[.]" Fla Stat. Ann. § 934.10(b).

40. Plaintiff is also entitled to "reasonable attorney's fees and other litigation costs reasonably incurred." Fla Stat. Ann. § 934.10(d).

41. Plaintiff and the Class members are also entitled to an injunction.

**WHEREFORE**, Plaintiff Jason Goldstein, on behalf of himself and the other members of the Class, prays for the following relief:

- a. A declaration that Defendant's practices described herein violate the Florida Security of Communications Act;
- b. An injunction prohibiting Defendant from intercepting the electronic communications of individuals visiting Defendant's website without their knowledge and consent;
- c. An award of actual, liquidated damages, and/or punitive statutory damages;
- d. Reasonable attorney's fees and costs; and
- e. Such further and other relief the Court deems reasonable and just.

**JURY DEMAND**

Plaintiff and Class Members hereby demand a trial by jury.

**DOCUMENT PRESERVATION DEMAND**

Plaintiff demands that Defendant take affirmative steps to preserve all records, lists, electronic databases or other itemizations associated with the allegations herein, including all records, lists, electronic databases or other itemizations in the possession of any vendors,



individuals, and/or companies contracted, hired, or directed by Defendant to assist in sending the alleged communications.

Dated: February 8, 2021

Respectfully Submitted,

By: /s/ Andrew J. Shamis  
**SHAMIS & GENTILE, P.A.**  
Andrew J. Shamis, Esq.  
Florida Bar No. 101754  
ashamis@shamisgentile.com  
14 NE 1st Avenue, Suite 705  
Miami, Florida 33132  
(t) (305) 479-2299  
(f) (786) 623-0915

**EDELSBERG LAW, PA**  
Scott Edelsberg, Esq.  
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scott@edelsberglaw.com  
20900 NE 30th Ave., Suite 417  
Aventura, FL 33180  
Telephone: 305-975-3320

**HIRALDO P.A.**  
Manuel Hiraldo, Esq.  
Florida Bar No. 030380  
401 E. Las Olas Blvd., Suite 1400  
Fort Lauderdale, FL 33301  
MHiraldo@Hiraldolaw.com  
Telephone: 954-400-4713

*Counsel for Plaintiff and Proposed Class*

Filing # 120985649 E-Filed 02/08/2021 12:38:09 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.

JASON GOLDSTEIN, individually and on behalf of  
all others similarly situated,

CLASS ACTION

*Plaintiff,*

JURY TRIAL DEMANDED

vs.

LUXOTTICA OF AMERICA INC. D/B/A RAY-  
BAN,

*Defendant.*

2408  
2107  
92  
390

SUMMONS

THE STATE OF FLORIDA:  
To Each Sheriff/Certified Process Server of the State

TO: Luxottica of America Inc. d/b/a Ray-Ban  
c/o NRAI Services, Inc.  
1200 South Pine Island Road  
Plantation, FL 33324

Each Defendant is required to serve written defenses to the Complaint or petition on:  
Andrew Shamis, Esq, Shamis & Gentile, P.A., 14 NE 1st Ave STE 705, Miami, Florida 33132,  
within twenty (20) days after service of this summons on that Defendant, exclusive of the date of  
service, and to file the original of the defenses with the Clerk of this Court either before service on  
Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered  
against that Defendant for the relief demanded in the complaint or petition.

Feb 09 2021

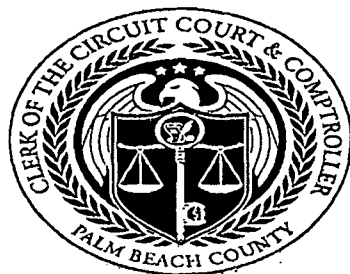
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

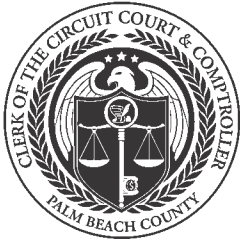
CLERK JOSEPH ABRUZZO

As Clerk of the Court

By:   
As Deputy Clerk

GINA BRIMMER D.C.





**JOSEPH ABRUZZO**

CLERK OF THE CIRCUIT COURT & COMPTROLLER  
PALM BEACH COUNTY, FLORIDA

**RECEIPT**

3903061

Printed On:  
02/09/2021 10:55  
Page 1 of 1

Receipt Number: 3903061 - Date 02/09/2021 Time 10:55AM			
<b>Received of:</b>	Robert Jurewicz 14 NE 1st Ave ste.705 Miami, FL 33132		
<b>Cashier Name:</b>	ADMIN	<b>Balance Owed:</b>	411.00
<b>Cashier Location:</b>	E-Filing	<b>Total Amount Paid:</b>	411.00
<b>Receipt ID:</b>	10223175	<b>Remaining Balance:</b>	0.00
<b>Division:</b>	AJ: Circuit Civil Central - AJ(Civil)		
<b>Case# 50-2021-CA-001728-XXXX-MB -- PLAINTIFF/PETITIONER: GOLDSTEIN, JASON</b>			
Item	Balance	Paid	Bal Remaining
Fees	411.00	411.00	0.00
<b>Case Total</b>	<b>411.00</b>	<b>411.00</b>	<b>0.00</b>
Payments			
Type	Ref#	Amount	
EFiling_CREDITCARD	30367201	411.00	
<b>Total Received</b>		<b>411.00</b>	
<b>Total Paid</b>		<b>411.00</b>	

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**For office locations and information about Clerk & Comptroller services:**  
Visit [www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com) or call (561) 355-2996.

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502021CA001728XXXXMB

JASON GOLDSTEIN,  
individually and on behalf of all,  
others similarly situated,

Plaintiff,

v.

LUXOTTICA OF AMERICA, INC.  
d/b/a RAY-BAN,

Defendant.

CLASS ACTION

JURY TRIAL DEMANDED

NOTICE OF APPEARANCE ON BEHALF OF PLAINTIFF

PLEASE TAKE NOTICE that Manuel S. Hiraldo of the law firm of Hiraldo P.A. enters his appearance in this case as counsel for Plaintiff and requests that copies of all pleadings, motions, orders, notices, correspondence, and documents of any kind regarding the above-styled cause be served upon said counsel.

Date: February 10, 2021

Respectfully submitted,

**HIRALDO P.A.**

401 E. Las Olas Boulevard, Suite 1400  
Ft. Lauderdale, Florida 33301

/s/ Manuel S. Hiraldo

Manuel S. Hiraldo

Florida Bar No. 030380

Email: mhiraldo@hirdolaw.com

Telephone: 954.400.4713

*Counsel for Plaintiff*

**RETURN OF SERVICE**

**State of Florida**

**County of Palm Beach**

**Circuit Court**

Case Number: 502021CA001728XXXXMB

Plaintiff:

**JASON GOLDSTEIN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED**

vs.

Defendant:

**LUXOTTICA OF AMERICA INC. D/B/A RAYBAN**

For:

Andrew J. Shamis, Esq.  
Shamis & Gentile, P.A.  
14 NE 1ST Avenue, Suite 400  
Miami, FL 33132

Received by Global Process Services Corp on the 9th day of February, 2021 at 11:03 am to be served on **LUXOTTICA OF AMERICA INC. D/B/A RAYBAN C/O NRAI SERVICES, INC., 1200 SOUTH PINE ISLAND ROAD, PLANTATION, FL 33324**

I, Sandra Quinones, do hereby affirm that on the **10th day of February, 2021 at 2:40 pm, I:**

served a **CORPORATION** by delivering a true copy of the **Summons and Class Action Complaint** with the date and hour of service endorsed thereon by me, to: **DONNA MOCH** as **REGISTERED AGENT** for **LUXOTTICA OF AMERICA INC. D/B/A RAYBAN C/O NRAI SERVICES, INC.**, at the address of: **1200 SOUTH PINE ISLAND ROAD, PLANTATION, FL 33324**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of eighteen, and that I have no interest in the above action. Per F.S.92.525(2) Under penalties of perjury, I declare that I have read the foregoing Return of Service and the facts stated in it are true.



**Sandra Quinones**  
SPS #394

**Global Process Services Corp**  
P.O. Box 961556  
Miami, FL 33296  
(786) 287-0606

Our Job Serial Number: GER-2021000385  
Ref: S&G



Filing # 120985649 E-Filed 02/08/2021 12:38:09 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.

JASON GOLDSTEIN, individually and on behalf of  
all others similarly situated,

CLASS ACTION

*Plaintiff,*

JURY TRIAL DEMANDED

vs.

LUXOTTICA OF AMERICA INC. D/B/A RAY-  
BAN,

*Defendant.*

\_\_\_\_\_ /

SUMMONS

THE STATE OF FLORIDA:  
To Each Sheriff/Certified Process Server of the State

TO: Luxottica of America Inc. d/b/a Ray-Ban  
c/o NRAI Services, Inc.  
1200 South Pine Island Road  
Plantation, FL 33324

Each Defendant is required to serve written defenses to the Complaint or petition on:  
**Andrew Shamis, Esq, Shamis & Gentile, P.A., 14 NE 1st Ave STE 705, Miami, Florida 33132,**  
within **twenty (20) days** after service of this summons on that Defendant, exclusive of the date of  
service, and to file the original of the defenses with the Clerk of this Court either before service on  
Plaintiff's attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered  
against that Defendant for the relief demanded in the complaint or petition.

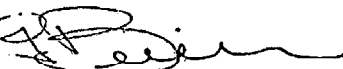
Feb 09 2021

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CLERK JOSEPH ABRUZZO

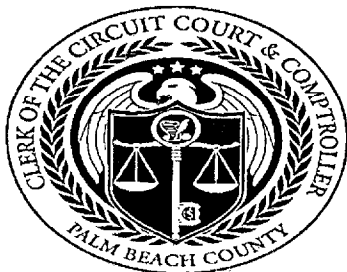
As Clerk of the Court

By:



As Deputy Clerk

GINA BRIMMER D.C.



**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

JASON GOLDSTEIN, *individually and  
on behalf of all others similarly situated,*

Plaintiff,

v.

LUXOTTICA OF AMERICA INC.  
D/B/A RAY-BAN,

Defendant.

---

CASE NO.: 502021CA001728XXXXMB

CLASS REPRESENTATION

**NOTICE OF APPEARANCE ON BEHALF OF PLAINTIFF**

PLEASE TAKE NOTICE that Garrett O. Berg of the law firm of Shamis & Gentile, P.A. enters his appearance in this case as counsel for Plaintiff and requests that copies of all pleadings, motions, orders, notices, correspondence, and documents of any kind regarding the above-styled cause be served upon said counsel.

Date: March 1, 2021

Respectfully submitted,  
*/s/ Garrett O. Berg*  
**SHAMIS & GENTILE, P.A.**  
Garrett O. Berg, Esq.  
Florida Bar No. 1000427  
gberg@shamisgentile.com  
14 NE 1st Avenue, Suite 705  
Miami, Florida 33132  
Telephone: 305-479-2299

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 1, 2021, I electronically filed the foregoing document with the Clerk of the Court using the Florida Courts E-Filing Portal, which will furnish a copy to all individuals on the attached Service List.

Respectfully submitted,  
/s/ Garrett Berg

NOT A CERTIFIED COPY



IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2021-CA-001728-XXXX-MB

JASON GOLDSTEIN, *individually and on behalf of all others similarly situated*, CLASS ACTION

JURY TRIAL DEMANDED

Plaintiff,

vs.

LUXOTTICA OF AMERICA INC. D/B/A  
RAY-BAN,

Defendant.

**NOTICE OF APPEARANCE FOR DEFENDANT  
LUXOTTICA OF AMERICA INC. D/B/A RAY-BAN**

PLEASE TAKE NOTICE that Maria K. Vigilante, Esq. of BLANK ROME LLP, 500 E. Broward Blvd., Suite 2100, Fort Lauderdale, FL 33394, enters her appearance as counsel for Defendant LUXOTTICA OF AMERICA INC. D/B/A RAY-BAN in this case. All further pleadings and documents in this case should be forwarded to the undersigned attorney at the above-stated address.

**NOTICE OF PRIMARY E-MAIL DESIGNATION**

Undersigned counsel, pursuant to Rule 2.516, Florida Rules of Judicial Administration, hereby designates the following e-mail addresses for receiving service:

Primary E-mail: MVigilante@BlankRome.com

Secondary E-mail: BRFLeservice@BlankRome.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed on March 2, 2021, with the Clerk of the Circuit Court using the Florida Courts E-Filing Portal and served by an automatic e-mail generated by the Florida Courts E-Filing Portal to: Andrew J. Shamis, Esq., Shamis & Gentile, P.A., 14 NE 1<sup>st</sup> Avenue, Suite 705, Miami, FL 33132, ashamis@shamisgentile.com; Scott Edelsberg, Esq., Edelsberg Law, P.A., 20900 NE 30th Avenue, Suite 417, Aventura, FL 33180, scott@edelsberglaw.com; and Manuel Hiraldo, Esq., Hiraldo P.A., 401 East Last Olas Boulevard, Suite 1400, Fort Lauderdale, FL 33301, MHiraldo@Hiraldolaw.com.

Respectfully submitted,

**BLANK ROME LLP**

500 E. Broward Blvd., Suite 2100

Fort Lauderdale, FL 33394

Telephone: (954) 512-1809

Facsimile: (813) 433-5564

E-mail Service: BRFLservice@BlankRome.com

*/s/ Maria K. Vigilante* \_\_\_\_\_

MARIA K. VIGILANTE

Florida Bar No. 98822

MVigilante@BlankRome.com

*Counsel for Defendant*

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2021-CA-001728-XXXX-MB

JASON GOLDSTEIN, *individually and on behalf of all others similarly situated*, CLASS ACTION

JURY TRIAL DEMANDED

Plaintiff,

vs.

LUXOTTICA OF AMERICA INC. D/B/A  
RAY-BAN,

Defendant.

**DEFENDANT'S AGREED MOTION FOR ENLARGEMENT OF TIME  
TO RESPOND TO PLAINTIFF'S CLASS ACTION COMPLAINT**

Defendant Luxottica of America Inc. d/b/a Ray-Ban ("Defendant"), by and through its undersigned counsel, files this Motion for Enlargement of Time to Respond to Jason Goldstein's ("Plaintiff") Class Action Complaint (the "Complaint"), and in support states:

1. On February 8, 2021, Plaintiff filed the Complaint in this action.
2. Plaintiff served Defendant with the Complaint on February 10, 2021.
3. Defendant's response to the Complaint is currently due on March 2, 2021.
4. Pursuant to Rule 1.090(b)(1)(A), this Court may, for cause shown and at any time

in its discretion, enlarge the time in which to respond if the request is made before the expiration of the original time period. Fla. R. Civ. P. 1.090(b)(1)(A); *see also Litwinski v. Weitzer Country Homes, Inc.*, 711 So. 2d 1390, 1391 (Fla. 3d DCA 1998) ("When a litigant seeks an extension of time before the period expires, Florida Rule of Civil Procedure Rule 1.090(b)(1) requires only 'cause shown.'"). Thus, when a litigant asserts reasonable grounds before the expiration of the

time period, “the trial judge has broad discretion to extend the time limitation.” *Litwinski*, 711 So. 2d at 1391.

5. Defendant recently retained the undersigned counsel to represent it in this action. Due to counsel’s need to familiarize itself with the Complaint, and to investigate the issues therein, Defendant needs additional time to prepare its responses.

6. Defendant requests and enlargement of time of thirty (30) days—through and including Thursday, April 1, 2021—to respond to the Complaint.

7. This is Defendant’s first request for an enlargement of time. The requested enlargement of time will not prejudice any party because the case is still in its early stages, and Defendant does not request this enlargement of time for the purpose of delay.

8. Defendant’s counsel conferred with Plaintiff’s counsel, Manuel Hiraldo, Esq., by e-mail on February 26, 2021 and on March 1, 2021, and Plaintiff’s counsel represented that Plaintiff consented to the enlargement of time requested in this Motion.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an Order enlarging Defendant’s time to respond to the Complaint through and including April 1, 2021, and granting any other relief this Court deems just and proper.

Dated: March 2, 2021

Respectfully submitted,

**BLANK ROME LLP**  
500 E. Broward Blvd., Suite 2100  
Fort Lauderdale, FL 33394  
Telephone: (954) 512-1809  
Facsimile: (813) 433-5564  
E-mail Service: BRFLservice@BlankRome.com

/s/ Maria K. Vigilante  
MARIA K. VIGILANTE  
Florida Bar No. 98822  
MVigilante@BlankRome.com

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed on March 2, 2021, with the Clerk of the Circuit Court using the Florida Courts E-Filing Portal and served by an automatic e-mail generated by the Florida Courts E-Filing Portal to: Andrew J. Shamis, Esq., Shamis & Gentile, P.A., 14 NE 1<sup>st</sup> Avenue, Suite 705, Miami, FL 33132, ashamis@shamisgentile.com; Scott Edelsberg, Esq., Edelsberg Law, P.A., 20900 NE 30th Avenue, Suite 417, Aventura, FL 33180, scott@edelsberglaw.com; and Manuel Hiraldo, Esq., Hiraldo P.A., 401 East Last Olas Boulevard, Suite 1400, Fort Lauderdale, FL 33301, MHiraldo@Hiraldolaw.com.

/s/ Maria K. Vigilante  
Maria K. Vigilante

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 50-2021-CA001728-XXXX-MB

JASON GOLDSTEIN, *individually and on behalf of all others similarly situated*, CLASS ACTION

JURY TRIAL DEMANDED

Plaintiff,

vs.

LUXOTTICA OF AMERICA INC. D/B/A  
RAY-BAN,

Defendant.

\_\_\_\_\_ /

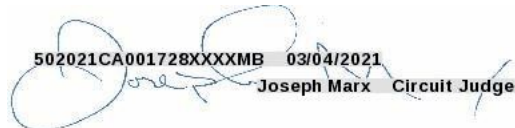
**AGREED ORDER GRANTING DEFENDANT'S AGREED MOTION  
FOR ENLARGEMENT OF TIME TO RESPOND TO  
PLAINTIFF'S CLASS ACTION COMPLAINT**

THIS CAUSE, having come before the Court upon Defendant Luxottica of America Inc. d/b/a Ray-Ban's ("Defendant") *Agreed* Motion for Enlargement of Time to Respond to Plaintiff's Class Action Complaint (the "Motion"), and the Court having reviewed the Motion and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Motion is **GRANTED**.
2. Defendant is granted an enlargement of time through and including April 1, 2021, to file a response to Plaintiff's Class Action Complaint.

DONE and ORDERED in Chambers in Palm Beach County, Florida.

  
502021CA001728XXXXMB 03/04/2021  
Joseph Marx Circuit Judge

502021CA001728XXXXMB 03/04/2021  
Joseph Marx  
Circuit Judge

*Copies furnished to:*

Andrew J. Shamis, Esq.  
Shamis & Gentile, P.A.  
14 NE 1<sup>st</sup> Avenue, Suite 705  
Miami, FL 33132  
ashamis@shamisgentile.com  
*Counsel for Plaintiff*

Scott Edelsberg, Esq.  
Edelsberg Law, P.A.  
20900 NE 30th Avenue, Suite 417  
Aventura, FL 33180  
scott@edelsberglaw.com  
*Counsel for Plaintiff*

Manuel Hiraldo, Esq.  
Hiraldo P.A.  
401 East Last Olas Boulevard, Suite 1400  
Fort Lauderdale, FL 33301  
MHiraldo@Hiraldolaw.com  
*Counsel for Plaintiff*

Maria K. Vigilante, Esq.  
BLANK ROME LLP  
500 E. Broward Blvd., Suite 2100  
Fort Lauderdale, FL 33394  
MVigilante@BlankRome.com  
*Counsel for Defendant*

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

**CASE NO. 50-2021-CA-001728-XXXX-MB**

Jason Goldstein, *individually and on  
behalf of all others similarly situated,*

Plaintiff,

vs.

Luxottica of America Inc. d/b/a Ray-Ban,

Defendant.

**CLASS ACTION**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S NOTICE OF SERVICE OF  
FIRST SET OF DISCOVERY REQUESTS TO DEFENDANT**

Plaintiff, by and through counsel and pursuant to Florida Rules of Civil Procedure 1.340, 1.350, and 1.370, hereby gives notice of serving Interrogatories, Request for Production of Documents, and Request for Admissions on Defendant to be answered separately and fully, in writing and under oath if applicable within thirty (30) days after service thereof.

DATED: March 9, 2021

By: /s/ Andrew J. Shamis  
**SHAMIS & GENTILE, P.A.**  
Andrew J. Shamis, Esq.  
Florida Bar No. 101754  
ashamis@shamisgentile.com  
14 NE 1st Avenue, Suite 705  
Miami, Florida 33132  
(t) (305) 479-2299  
(f) (786) 623-0915

**EDELSBERG LAW, PA**



Scott Edelsberg, Esq.  
Florida Bar No. 100537  
scott@edelsberglaw.com  
20900 NE 30th Ave., Suite 417  
Aventura, FL 33180  
Telephone: 305-975-3320

**HIRALDO P.A.**

Manuel Hiraldo, Esq.  
Florida Bar No. 030380  
401 E. Las Olas Blvd., Suite 1400  
Fort Lauderdale, FL 33301  
MHiraldo@Hiraldolaw.com  
Telephone: 954-400-4713

*Counsel for Plaintiff and Proposed Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the aforementioned discovery requested were served electronically on counsel for Defendant.

/s/ Andrew J. Shamis  
**SHAMIS & GENTILE, P.A.**  
Andrew J. Shamis, Esq.  
Florida Bar No. 101754  
ashamis@shamisgentile.com  
14 NE 1st Avenue, Suite 705  
Miami, Florida 33132  
(t) (305) 479-2299  
(f) (786) 623-0915

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Ray-Ban Website Tracks Visitors Without Consent, Class Action Alleges](#)

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