

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

ELIZABETH HUSTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HEARST COMMUNICATIONS, INC.,

Defendant.

Case No. 1:21-cv-01196

CLASS ACTION COMPLAINT

(JURY TRIAL DEMANDED)

Plaintiff Elizabeth Huston (“Plaintiff”), individually and on behalf of herself and all others similarly situated, by and through her attorneys, makes the following allegations pursuant to the investigation of her counsel and based upon information and belief, except as to allegations specifically pertaining to herself and her counsel, which are based on personal knowledge.

INTRODUCTION

1. To supplement its revenues during the time period relevant to this action, Defendant Hearst Communications, Inc. (“Hearst”) publicly used and held out Plaintiff’s and the other Class members’ identities for commercial purposes when it offered for sale and sold mailing lists that identified, by name, address, and other personal attributes, Plaintiff and every other Illinois subscriber to its magazine publications, including *Good Housekeeping* magazine to which Plaintiff subscribed. Defendant’s offers to sell its mailing lists were directed to the community at large, and indeed Defendant sold these lists to any member of the public willing to pay for them, including data miners, data aggregators, data appenders, data cooperatives, list brokers, aggressive marketing companies, political organizations, non-profit companies, and various other parties. Hearst’s public use and holding out of Plaintiff’s identity on the mailing lists that it sells and offers to sell (including in connection with the *Good Housekeeping* magazine subscription previously sold to Plaintiff) directly violated Illinois’s Right of Publicity Act, 765 ILCS 1075, *et seq.* (the “IRPA”).

2. Documented evidence confirms these facts. For example, Hearst, either directly

or through one or more intermediary acting on its behalf and at its direction, offers to sell to the community at large, and then sells to any member of the public interested in purchasing, the mailing list titled “GOOD HOUSEKEEPING Mailing List”, which contains the full name, home address, and title of the publication subscribed to (collectively “Personal Reading Information”) – as well as myriad other personally identifying attributes and demographic information such as gender, age, ethnicity, income, political party, religion, and charitable donation history—of each of the 1,715,229 active U.S. subscribers to *Good Housekeeping* magazine (including Plaintiff and each member of the Class) at a base price of “\$115.00/M [per thousand],” (i.e., 11.5 cents apiece), as shown in the screenshot below from list broker NextMark, Inc.’s website:

GOOD HOUSEKEEPING Mailing List

Good Housekeeping, published by Hearst Magazines, is a leading lifestyle magazine providing readers genius innovations, delicious ideas, style-savvy trends, compelling news and best-in-class products for their homes, families and themselves. The Good Housekeeping Seal and the Green Good Housekeeping Seal are among the most recognized and trusted consumer icons in the world today.

[Get Count](#)
[Get Pricing](#)
[Get More Information](#)

SEGMENTS	COUNTS THROUGH 01/05/2021	POPULARITY: ***** 100
1,715,229 TOTAL UNIVERSE / BASE RATE	\$115.00/M	MARKET: CONSUMER
1,715,229 ACTIVE U.S. SUBSCRIBERS	\$115.00/M	CHANNELS: <input type="checkbox"/> <input type="checkbox"/>
50,327 MAR'21 SUBSCRIBERS	+ \$17.00/M	SOURCE: DIRECT MAIL SOLD
663,216 3 MONTH SUBSCRIBERS	+ \$14.00/M	PRIVACY: UNKNOWN
828,701 6 MONTH SUBSCRIBERS	+ \$12.00/M	DMA: YES - MEMBER
697,231 12 MONTH EXPIRES	\$60.00/M	STATUS: STANDARD PROVIDER
95,311 CHANGE OF ADDRESS	+ \$13.00/M	GEO: USA
34,912 CANADIAN SUBSCRIBERS	\$130.00/M	GENDER: 75% FEMALE 9% MALE
1,364,102 E-MAIL ADDRESSES		
FACEBOOK AUDIENCES	\$25.00/M	SELECTS
CATALOG/MERCHANDISE RATE	\$80.00/M	1 MONTH HOTLINE \$17.00/M
CHARITABLE FUNDRAISING	\$80.00/M	3 MONTH HOTLINE \$14.00/M
		3RD PARTY BLOW IN \$10.00/M
		6 MONTH HOTLINE \$12.00/M
		ADULT AGE \$16.00/M
		AREA OF INTEREST \$16.00/M
		CHARITABLE DONORS \$16.00/M
		COA \$13.00/M
		ETHNIC/ETHNICITY \$16.00/M
		GENDER/SEX \$9.00/M
		GEO SET UP \$75.00/F
		GEO/GEOGRAPHICAL \$9.00/M
		GIFT GIVERS \$16.00/M
		INCOME SELECT \$16.00/M
		NEW TO FILE \$16.00/M
		NON RECIPROCAL \$10.00/M
		PAID \$12.00/M
		POC \$16.00/M
		POLITICAL PARTY \$20.00/M
		RELIGION \$16.00/M
		RENEWALS \$16.00/M
		SOURCE \$12.00/M
		ZIP SET-UP FEE \$75.00/F
		ADDRESSING
		KEY CODING \$2.00/M
		BUSINESS ADDRESS \$11.00/M
		EMAIL \$75.00/F
		FTP \$75.00/F
		RELATED LISTS
		<input type="checkbox"/> ALZHEIMER'S DISEASE RESEARCH
		<input type="checkbox"/> SPECIAL OLYMPICS INTERNATIONAL
		<input type="checkbox"/> AICR - AMERICAN INSTITUTE FOR
		<input type="checkbox"/> CANCER RESEARCH DONORS
		<input type="checkbox"/> LEUKEMIA & LYMPHOMA SOCIETY,
		<input type="checkbox"/> THE
		<input type="checkbox"/> WOMAN'S DAY
		<input type="checkbox"/> WOUNDED WARRIOR PROJECT
		<input type="checkbox"/> MAYO CLINIC HEALTH LETTER
		<input type="checkbox"/> AMERICAN LUNG ASSOCIATION
		<input type="checkbox"/> DONOR MASTERFILE
		<input type="checkbox"/> AMERICAN CANCER SOCIETY
		<input type="checkbox"/> NATIONAL FOUNDATION FOR
		<input type="checkbox"/> CANCER RESEARCH

DESCRIPTION

Good Housekeeping, published by Hearst Magazines, is a leading lifestyle magazine providing readers genius innovations, delicious ideas, style-savvy trends, compelling news and best-in-class products for their homes, families and themselves. The Good Housekeeping Seal and the Green Good Housekeeping Seal are among the most recognized and trusted consumer icons in the world today.

Subscribers are on-the-go, family-oriented women whose homes are the launchpad of their lives. It is the place where they get ready to face the world, entertain their friends, take care of their families, relax and pamper themselves, and express their creativity and personalities.

They are looking for the best in food, home, beauty, fitness, and health to enhance their lives.

******* Fast Facts *******


Median Age.....	58.5
Age 18-34.....	11.4%
Age 25-49.....	28.9%
Age 25-54.....	38.4%
Age 35-54.....	30.2%
Age 55+.....	58.4%
Median HHI.....	\$45,572
HHI \$75,000+.....	44.1%
HHI \$100,000+.....	30.7%
Married.....	57.4%
Children in Household.....	30.9%
Attended/Graduated College.....	59.3%
Employed.....	48.2%

ORDERING INSTRUCTIONS

- To order this list, contact your List Broker and ask for NextMark List ID #536328 or click [here](#) to place your request.
- Use NextMark List Order Entry Software or Bionic Media Planning Software
- 7,500 NAME MINIMUM ORDER \$0.00 MINIMUM PAYMENT
- 85% NET NAME AVAILABLE ON ORDERS OF 50,000 OR MORE (\$10.00/M RUN CHARGE)
- EXCHANGE IS AVAILABLE
- REVISE IS AVAILABLE

See **Exhibit A** hereto.

3. Hearst's practices of offering to sell to the community at large, and actually selling to any member of the general public interested in purchasing, mailing lists on which each of its subscribers is identified is not limited to *Good Housekeeping* magazine. Hearst, either directly or through one or more intermediary acting on its behalf and at its direction (including through NextMark and/or one or more "list manager" and/or "list broker"), also sells and offers to sell the mailing list titled "HEARST CORPORATE MASTERFILE & ENHANCED Mailing List", which contains the Personal Reading Information of all 9,108,589 active U.S. subscribers to all of Hearst's various publications, among them Plaintiff and each member of the Class, at a base price of "\$115.00/M [per thousand]," (i.e., 11.5 cents apiece), as shown in pertinent part in the screenshot below from list broker NextMark, Inc.'s website:

HEARST CORPORATE MASTERFILE & ENHANCED Mailing List			
Hearst is one of the world's largest publishers of monthly magazines and lifestyle books, covering a broad range of topics including cooking, fashion and beauty, health and fitness, home design and decorating, relationships, and luxury lifestyles.			
Get Count Get Pricing Get More Information			
SEGMENTS	COUNTS THROUGH 04/06/2021	POPULARITY:	100
9,108,589 TOTAL UNIVERSE / BASE RATE	\$115.00/M	MARKET:	CONSUMER
9,108,589 ACTIVE SUBS/BOOK BUYERS	\$115.00/M	CHANNELS:	 
723,523 MAR'21 SUBS/BOOK BUYERS	+ \$17.00/M	SOURCE:	DIRECT MAIL SOLD
2,465,169 3 MONTH SUBS/BOOK BUYERS	+ \$14.00/M	PRIVACY:	UNKNOWN
3,462,014 6 MONTH SUBS/BOOK BUYERS	+ \$12.00/M	DMA7:	YES - MEMBER
3,337,070 12 MONTH EXPIRES	\$60.00/M	STATUS:	STANDARD PROVIDER
529,836 CHANGE OF ADDRESS	+ \$13.00/M	GEO:	USA
5,586,073 E-MAIL ADDRESSES		GENDER:	62% FEMALE 25% MALE
CATALOG/MERCHANDISE RATE	\$80.00/M	SPENDING:	\$18.00 AVERAGE ORDER
CHARITABLE FUNDRAISING	\$80.00/M		
DESCRIPTION	SELECTS		
Hearst is one of the world's largest publishers of monthly magazines and lifestyle books, covering a broad range of topics including cooking, fashion and beauty, health and fitness, home design and decorating, relationships, and luxury lifestyles.	1 MONTH HOTLINE	\$17.00/M	
Their powerful portfolio of brands provides a dynamic audience of sophisticated men and women.	3 MONTH HOTLINE	\$14.00/M	
Hearst has enhanced these magazine subscribers and buyers with ConsumerView consumer demographic and lifestyle data, creating a merged and deduped masterfile of highly sought-after consumers.	3RD PARTY BLOW IN	\$10.00/M	
Magazine titles include Bicycling, Car and Driver, Cosmopolitan, Country Living, Elle, Elle Decor, Esquire, Food Network Magazine, Good Housekeeping, Harper's Bazaar, HGTV Magazine, House Beautiful, Marie Claire, Men's Health, Popular Mechanics, Prevention, Road & Track, Runner's World, Town and Country, Veranda, Woman's Day, and Women's Health.	6 MONTH HOTLINE	\$12.00/M	
Hearst Specialty Masterfiles available:	ADULT AGE	\$16.00/M	
Home Masterfile - includes Country Living, Elle Décor, HGTV, House Beautiful, Town & Country, Veranda	AREA OF INTEREST	\$16.00/M	
Lifestyle Masterfile - includes Food Network Magazine, Good Housekeeping, Woman's Day	COA	\$13.00/M	
	CONTRIBUTORS/DONORS	\$16.00/M	
	ETHNIC/ETHNICITY	\$16.00/M	
	GENDER/SEX	\$9.00/M	
	GIFT GIVERS	\$16.00/M	
	INCOME SELECT	\$16.00/M	
	NEW TO FILE	\$16.00/M	
	NON RECIPROCAL	\$10.00/M	
	PAID	\$12.00/M	
	POC	\$16.00/M	
	POLITICAL PARTY	\$20.00/M	
	RELIGION	\$16.00/M	
	RENEWALS	\$16.00/M	
	SCF	\$9.00/M	
	SOURCE	\$12.00/M	
	STATE	\$9.00/M	
	ZIP	\$9.00/M	
	ZIP SET UP	\$75.00/F	
	ADDRESSING		
	KEY CODING	\$2.00/M	
	BUSINESS ADDRESS	\$11.00/M	
	EMAIL	\$75.00/F	
	FTP	\$75.00/F	

See **Exhibit B** hereto.

4. The IRPA clearly prohibits what Hearst has done. Section 30 of the IRPA provides:

A person may not use an individual's identity for commercial purposes during the individual's lifetime without having obtained previous written consent from the appropriate person or persons specified in Section 20 of this Act or their authorized representative.

765 ILCS 1075/30. The IRPA defines “identity” as “an attribute of an individual that serves to identify the individual to an ordinary, reasonable viewer, or listeners including but not limited to (i) name, (ii) signature, (iii) photograph, (iv) image, (v) likeness, or (vi) voice.” IRPA § 5. And the IRPA defines “commercial purpose” as “the public use or holding out of an individual's identity (i) on or in connection with the offering for sale or sale of a product, merchandise, goods, or services; (ii) for purposes of advertising or promoting products, merchandise, goods, or services; or (iii) for the purpose of fundraising.” *Id.* Thus, by offering to sell to the community at large and by selling, on the open market to the general public, mailing lists that identify, by name and other personally identifying attributes, each of the Illinois residents (including Plaintiff and each member of the Class) to whom it sold a subscription to a particular magazine, without any of these individuals' consent (written or otherwise), Hearst directly violated the IRPA.

5. The IRPA was enacted to recognize each Illinois resident's right of publicity as the “right to control and to choose whether and how to use an individual's identity for commercial purposes.” 765 ILCS 1075/10. Hearst has deprived Plaintiff and class members of this right by surreptitiously selling mailing lists on which purchasers of subscriptions to its publications are identified, without notifying much less obtaining consent from Plaintiff and Class members prior to engaging in these practices, let alone allowing Plaintiff and Class members to control or choose whether and how their identities are used in this way.

6. Hearst's public use and holding out of its subscribers' identities for commercial purposes is not only unlawful, it is also dangerous because it allows any member of the public willing to purchase this data to target particular subscribers, including vulnerable members of society, using their identity, interests and other demographic data. So while Hearst profits

handsomely from the use of its customers' identities in this way, it does so at the expense of its customers' statutory right of publicity.

7. Accordingly, Plaintiff brings this Class Action Complaint against Hearst for its unlawful use of its customers' identities in violation of the IRPA.

PARTIES

8. Plaintiff Elizabeth Huston is, and at all times relevant to this action has been, a natural person and a resident and citizen of the State of Illinois, residing in Peoria County. During time period relevant to this action, Plaintiff purchased a subscription to Hearst's *Good Housekeeping* magazine while residing in, a citizen of, and present in Illinois.

9. Defendant Hearst Communications, Inc. is a Delaware corporation with its headquarters and principal place of business in New York, New York. Hearst does business throughout Illinois and the entire United States. Hearst is the publisher of *Bicycling*, *Car and Driver*, *Cosmopolitan*, *Country Living*, *Elle*, *Elle Decor*, *Esquire*, *Food Network Magazine*, *Harper's Bazaar*, *HGTV Magazine*, *House Beautiful*, *Marie Claire*, *Men's Health*, *Popular Mechanics*, *Prevention*, *Road & Track*, *Runner's World*, *Town and Country*, *Veranda*, *Woman's Day*, and *Women's Health* magazines, as well as its flagship publication *Good Housekeeping* magazine.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(d) because there are more than 100 class members and the aggregate amount in controversy exceeds \$5,000,000, exclusive of interest, fees, and costs, and at least one Class member is a citizen of a state different from Defendant.

11. The Court has personal jurisdiction over Hearst because Plaintiff's claims arose in substantial part from actions and omissions in Illinois, including from Plaintiff's purchase of a *Good Housekeeping* subscription in Illinois, Hearst's direction of such *Good Housekeeping* subscription into Illinois, and Hearst's failure to obtain Plaintiff's written consent in Illinois prior to publicly using her identity to sell and offer to sell mailing lists identifying her as a *Good*

Housekeeping subscriber and containing other Personal Reading Information about her, including her name and residential address in Illinois, to another person, the effects of which were felt from within Illinois by Plaintiff, a citizen and resident of Illinois. Personal jurisdiction also exists over Hearst in Illinois because Hearst conducts substantial business within Illinois, such that Hearst has significant, continuous, and pervasive contacts with the State of Illinois.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because Hearst is subject to personal jurisdiction in this judicial District and because a substantial part of the events giving rise to Plaintiff's claims took place within this judicial District.

INTRADISTRICT ASSIGNMENT

13. Pursuant to Local Rule 40.1(A), this case should be assigned to the Peoria Division.

FACTUAL BACKGROUND

Illinois's Right of Publicity Act

14. Recognizing the need to protect its citizens' right of publicity, the Illinois legislature enacted the IRPA to establish as a matter of law that each resident of Illinois has the "right to control and to choose whether and how to use [his or her] identity for commercial purposes." 765 ILCS 1075/10.

15. Thus, the IRPA prohibits companies from, *inter alia*, publicly using or holding out an individual's identity, such as their name, likeness, or other identifying attribute, on or in connection with the sale or offering for sale of a product, good, or service. *See* 765 ILCS 1075/5, 30(a). Specifically, Section 30 of the IRPA states, in pertinent part:

A person may not use an individual's identity for commercial purposes during the individual's lifetime without having obtained previous written consent from the appropriate person or persons specified in Section 20 of this Act or their authorized representative.

765 ILCS 1075/30(a) (emphasis added).

16. The IRPA defines "identity" as "an attribute of an individual that serves to identify the individual to an ordinary, reasonable viewer, or listeners including but not limited to (i) name,

(ii) signature, (iii) photograph, (iv) image, (v) likeness, or (vi) voice.” 765 ILCS 1075/5.

17. Despite the fact that scores of Illinois residents subscribe to Hearst’s publications, Hearst disregarded its legal responsibilities to these individuals by offering for sale and selling to the community at large its customers’ statutorily protected identifying information without their consent, in direct violation of the IRPA.

The Personal Information Market: Consumers’ Personal Information Has Real Value

18. In 2001, Federal Trade Commission (“FTC”) Commissioner Orson Swindle remarked that “the digital revolution . . . has given an enormous capacity to the acts of collecting and transmitting and flowing of information, unlike anything we’ve ever seen in our lifetimes . . . [and] individuals are concerned about being defined by the existing data on themselves.”¹

19. More than a decade later, Commissioner Swindle’s comments ring truer than ever, as consumer data feeds an information marketplace that supports a \$26 billion dollar per year online advertising industry in the United States.²

20. The FTC has also recognized that consumer data possesses inherent monetary value within the new information marketplace and publicly stated that:

Most consumers cannot begin to comprehend the types and amount of information collected by businesses, or why their information may be commercially valuable. Data is currency. The larger the data set, the greater potential for analysis—and profit.³

21. In fact, an entire industry exists while companies known as data aggregators purchase, trade, and collect massive databases of information about consumers. Data aggregators

¹ The Information Marketplace: Merging and Exchanging Consumer Data (Mar. 13, 2001), at 8:15-11:16, *available at* https://www.ftc.gov/sites/default/files/documents/public_events/information-marketplace-merging-and-exchanging-consumer-data/transcript.pdf.

² *See* Web’s Hot New Commodity: Privacy, WSJ.com (Feb. 28, 2011), <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

³ Statement of FTC Commissioner Pamela Jones Harbour (Dec. 7, 2009), at 2, *available at* https://www.ftc.gov/sites/default/files/documents/public_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf (emphasis added).

then profit by selling this “extraordinarily intrusive” information in an open and largely unregulated market.⁴

22. The scope of data aggregators’ knowledge about consumers is immense: “If you are an American adult, the odds are that [they] know[] things like your age, race, sex, weight, height, marital status, education level, politics, buying habits, household health worries, vacation dreams—and on and on.”⁵

23. Further, “[a]s use of the Internet has grown, the data broker industry has already evolved to take advantage of the increasingly specific pieces of information about consumers that are now available.”⁶

24. Recognizing the serious threat the data mining industry poses to consumers, on July 25, 2012, the co-Chairmen of the Congressional Bi-Partisan Privacy Caucus sent a letter to nine major data brokerage companies seeking information on how those companies collect, store, and sell their massive collections of consumer data.⁷

25. In their letter, the co-Chairmen recognized that:

By combining data from numerous offline and online sources, data brokers have developed hidden dossiers on every U.S. consumer. This large[-]scale aggregation of the personal information of hundreds of millions of American citizens raises a number of serious

⁴ See Martha C. White, *Big Data Knows What You’re Doing Right Now*, TIME.com (July 31, 2012), <http://moneyland.time.com/2012/07/31/big-data-knows-what-youre-doing-right-now/>.

⁵ Natasha Singer, *You for Sale: Mapping, and Sharing, the Consumer Genome*, N.Y. Times (June 16, 2012), *available at* <http://www.nytimes.com/2012/06/17/technology/acxiom-the-quiet-giant-of-consumer-database-marketing.html>.

⁶ Letter from Senator John D. Rockefeller IV, Chairman, Senate Committee on Commerce, Science, and Transportation, to Scott E. Howe, Chief Executive Officer, Acxiom (Oct. 9, 2012) *available at* http://www.commerce.senate.gov/public/?a=Files.Serve&File_id=3bb94703-5ac8-4157-a97b-a658c3c3061c.

⁷ See *Bipartisan Group of Lawmakers Query Data Brokers About Practices Involving Consumers’ Personal Information*, Website of Senator Ed Markey (July 24, 2012), <http://www.markey.senate.gov/news/press-releases/bipartisan-group-of-lawmakers-query-data-brokers-about-practices-involving-consumers-personal-information>.

privacy concerns.⁸

26. Data aggregation is especially troublesome when consumer information is sold to direct-mail advertisers. In addition to causing waste and inconvenience, direct-mail advertisers often use consumer information to lure unsuspecting consumers into various scams,⁹ including fraudulent sweepstakes, charities, and buying clubs. Thus, when companies like Hearst sell the identities of its customers to data aggregators, data cooperatives, and direct-mail advertisers, they contribute to the “[v]ast databases of names and personal information” that are often “sold to thieves by large publicly traded companies,” which “put[s] almost anyone within the reach of fraudulent telemarketers” and other criminals.¹⁰

27. Moreover, Hearst does not limit its sale of its subscriber mailing lists to data aggregators, but rather offers for sale and frequently sells these lists (again, on which purchasers of subscriptions to its publications are identified by name and address and other personally identifying attributes) to various other members of the general public who were willing to purchase them, either directly or through one or more intermediary acting on its behalf and at its direction. Indeed, the NextMark website and various other similar online subscriber list marketplaces are accessible to the general public, and are often used by members of the general public to facilitate purchases of Hearst’s subscriber lists from Hearst.

28. Information sales like Hearst’s are particularly dangerous to the elderly. “Older Americans are perfect telemarketing customers, analysts say, because they are often at home, rely on delivery services, and are lonely for the companionship that telephone callers provide.”¹¹ The FTC notes that “[t]he elderly often are the deliberate targets of fraudulent telemarketers who take

⁸ *Id.*

⁹ *See Prize Scams*, Federal Trade Commission, <http://www.consumer.ftc.gov/articles/0199-prize-scams>.

¹⁰ Charles Duhigg, *Bilking the Elderly, With a Corporate Assist*, N.Y. Times, May 20, 2007, available at http://www.nytimes.com/2007/05/20/business/20tele.html?pagewanted=all&_r=0.

¹¹ *Id.*

advantage of the fact that many older people have cash reserves or other assets to spend on seemingly attractive offers.”¹²

29. Indeed, an entire black market exists while the personal information of vulnerable elderly Americans is exchanged. Thus, information sales like Hearst’s are particularly troublesome because of their cascading nature: “Once marked as receptive to [a specific] type of spam, a consumer is often bombarded with similar fraudulent offers from a host of scam artists.”¹³

30. Hearst is not alone in jeopardizing its subscribers’ rights to publicity in exchange for increased revenue: selling subscriber information to data aggregators, data appenders, data cooperatives, direct marketers, and other parties on the open, publicly accessible market is a widespread practice in the publishing industry.

31. Thus, as consumer data has become an ever-more valuable commodity, the data mining industry has experienced rapid and massive growth. Unfortunately for consumers, this growth has come at the expense of their most basic rights.

Hearst Unlawfully Sells and Offers to Sell Mailing Lists Containing its Customers’ Names, Addresses, and Other Personal Reading Information

32. Hearst maintains a vast digital database comprised of its customers’ identifying information and other Personal Reading Information.

33. Hearst, either directly or through one or more intermediary acting on its behalf and at its direction (including through NextMark and/or one or more “list manager” and/or “list broker”), offers to sell and actually sells to the community at large lists containing its customers’ names, addresses, and other Personal Reading Information on the open market to anyone willing to pay for it, including on a regular basis to data miners, aggregators, appenders, and cooperatives, aggressive marketing companies, other consumer-facing businesses, non-profit organizations

¹² *Fraud Against Seniors: Hearing before the Senate Special Committee on Aging* (August 10, 2000) (prepared statement of the FTC), available at https://www.ftc.gov/sites/default/files/documents/public_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf.

¹³ *See id.*

seeking to raise awareness and solicit donations, and political organizations soliciting donations, votes, and volunteer efforts. These lists identify individuals, by name and address (among other information), as having purchased subscriptions to particular magazines from Hearst.

34. As a result of Hearst's data compiling and sales practices, any member of the public can purchase mailing lists from Hearst. Hearst's practices of selling and offering to sell mailing lists that use its subscribers' identities in this way puts consumers, especially the more vulnerable members of society, at risk of serious harm from scammers.

35. Hearst does not seek its customers' prior written consent to any of these practices and its customers remain unaware that their identities, including their names, addresses, and other Personal Reading Information and sensitive demographic details (as well as information identifying the particular publication to which each of them subscribed), are on mailing lists that Hearst directs to the community at large and sells on the open market to any member of the public interested in purchasing them.

36. Consumers can purchase Hearst subscriptions through numerous media outlets, including the Internet, telephone, or traditional mail. Regardless of how the consumer subscribes, Hearst uniformly fails to obtain consent from—or even provide effective notice to—its customers before engaging in the practices described herein.

37. By and through these actions, Hearst has intentionally publicly used Plaintiff's and numerous other Illinoisans' identities for commercial purposes without any of these individuals' prior written consent, in direct violation of the IRPA.

CLASS ACTION ALLEGATIONS

38. Plaintiff seeks to represent a class defined as:

All Illinois residents who, at any point in the relevant statutory period, had their names appear on a mailing list sold or offered for sale to members of the public by Hearst without consent (the "Class").

39. Members of the Class are so numerous that their individual joinder herein is impracticable. On information and belief, members of the Class number in the thousands. The

precise number of Class members and their identities are unknown to Plaintiff at this time but may be determined through discovery. Class members may be notified of the pendency of this action by mail and/or publication through the records of Defendant.

40. Common questions of law and fact exist as to all Class members and predominate over questions affecting only individual Class members. Common legal and factual questions include, but are not limited to: (a) whether Hearst used Plaintiff's and the Class's "identities" for a "commercial purpose" by offering to sell to the community at large and/or selling to anyone willing to pay, mailing lists identifying by name each purchaser of a subscription to each of Hearst's publications; (b) whether Hearst obtained written consent before selling and offering for sale mailing lists identifying them as subscribers to particular publications by name, to anyone willing to pay; and (c) whether Hearst's practices of selling and offering for sale mailing lists identifying them as subscribers to particular publications by name, to anyone willing to pay, violated the IRPA.

41. The claims of the named Plaintiff are typical of the claims of the Class in that the named Plaintiff and the Class sustained damages as a result of Defendant's uniform wrongful conduct, based upon Defendant's practices of selling and offering for sale mailing lists identifying them as subscribers to particular publications by name, to anyone willing to pay.

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

43. The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of Class members. Each individual Class member may lack the resources to undergo the burden and expense of individual prosecution of the complex and extensive litigation necessary to establish Defendant's liability. Individualized litigation increases the delay and expense to all parties and multiplies the burden on the judicial system presented by

the complex legal and factual issues of this case. Individualized litigation also presents a potential for inconsistent or contradictory judgments. In contrast, the class action device presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment of the liability issues will ensure that all claims and claimants are before this Court for consistent adjudication of the liability issues.

CLAIM FOR RELIEF
Violation of the Illinois Right of Publicity Act § 30(a)
(By Plaintiff on Behalf of Herself and the Class)

44. Plaintiff repeats the allegations contained in the foregoing paragraphs as if fully set forth herein.

45. Plaintiff brings this claim individually and on behalf of members of the Class against Defendant.

46. Plaintiff is a “living . . . natural person” and thus an “individual” within the meaning of the IRPA.

47. As a corporation in the business of publishing and selling magazine subscriptions, Hearst is a juristic “person” within the meaning of the IRPA. *See* IRPA § 5.

48. Plaintiff, an Illinois resident, purchased a subscription to *Good Housekeeping* magazine from Hearst during the time period relevant to this action. Each member of the Class likewise resides in Illinois and purchased from Hearst a subscription to one of its various publications.

49. Prior to and at the time Plaintiff subscribed to *Good Housekeeping*, Hearst did not notify Plaintiff that it would publicly use her identity for commercial purposes by selling or offering to sell her Personal Reading Information—full name, home address, and title of the publication subscribed to—as well as myriad other personal and demographic information such as gender, age, ethnicity, income, political party, religion, and charitable donation history on the open market to any member of the public willing to pay for them, and Plaintiff has never consented (in

writing or otherwise) to Hearst doing so. Hearst likewise failed to notify any of its other subscribers, including the members of the Class, that it would use their identities for commercial purposes by selling or offering to sell their Personal Reading Information (or the Personal Reading Information of all of its customers) on the open market, and none of the members of the Class has consented (in writing or otherwise) to Hearst doing so.

50. After Plaintiff purchased a subscription to Good Housekeeping from Hearst, and during the relevant statutory period, Hearst, either directly or through one or more intermediary acting on its behalf and at its direction (including through NextMark and/or one or more “list manager” and/or “list broker”), offered for sale to the community at large mailing lists containing Plaintiff’s Personal Reading Information (which identified her as an individual to whom Hearst had sold a Good Housekeeping subscription) and sold those lists on the open market to any member of the public willing to purchase them, including to data aggregators, data appenders, data cooperatives, and various other persons interested in buying it to contact Hearst subscribers, without first obtaining Plaintiff’s written consent or even giving her prior notice of its public use and holding out of her identity in this way. Likewise, during the statutory period relevant to this action, Hearst offered for sale to the community at large and sold on the open market to any member of the public interested in purchasing, mailing lists identifying the names and addresses (among other Personal Reading Information) of all of the individuals who had purchased subscriptions to its various publications, including Plaintiff and each member of the Class.

51. The name “Elizabeth Huston,” one of the identifying attributes Hearst publicly used, is “the actual name . . . by which [Plaintiff] is known that is intended to identify [her],” on the mailing lists that Hearst sold or offered for sale on the open market to anyone willing to pay for them. Accordingly, Hearst used Plaintiff’s “identity” within the meaning of the IRPA. *See* 765 ILCS 1075/5.

52. Hearst’s offers to sell mailing lists on which Plaintiff’s and the other Class members’ identities appeared to the community at large, and its sale of those lists to any member of the public willing to pay for them, caused Plaintiff’s and the class members’ names and

additional identifying attributes to be made accessible to, and shared with, the community at large and exposed to general view by Hearst or by one or more intermediaries acting on its behalf and at its direction. Hearst's making accessible and sharing Plaintiff's and the class members' identities with the community at large, including any member of the general public willing to purchase them, constituted "public use or holding out" within the meaning of IRPA. *See Id.*

53. The subscriber mailing lists that Hearst sold and offered to sell constituted a "products," "merchandise," or "goods" within the meaning of the IRPA.

54. Thus, Hearst's sales and offers to sell mailing lists on which Plaintiff's and the other Class members' names appeared, on the open market to any member of the public willing to pay for them, constituted "the public use or holding out of [these] individual[s'] identit[ies] . . . on . . . a product, merchandise, [or] goods[.]" IRPA § 5. Accordingly, Hearst, either directly or through one or more intermediary acting on its behalf and at its direction (including through NextMark and/or one or more "list manager" and/or "list broker"), used Plaintiff's and the Class members' identities "for commercial purposes" within the meaning of the IRPA. 765 ILCS 1075/5.

55. Additionally, the subscription to *Good Housekeeping* that Hearst sold to Plaintiff, and the subscriptions to the various publications that Hearst sold to the members of the Class, each constituted a "product," piece of "merchandise," or a "good[]" within the meaning of the IRPA. *See* 765 ILCS 1075/5.

56. Thus, Hearst's sales and offers to sell mailing lists on which Plaintiff's and the other Class members' names appeared constituted "the public use or holding out of [these] individual[s'] identit[ies] . . . in connection with the offering for sale or sale of a product, merchandise, [or] good . . .," 765 ILCS 1075/5. Specifically, because the mailing lists identified by name individuals who had previously purchased subscriptions to particular publications from Hearst, Hearst's use of Plaintiff's and the other Class members' identities on the mailing lists it sold and offered to sell to the community at large was done in connection with its prior sales of a *Good Housekeeping* subscription to Plaintiff and subscriptions to its various publications to the other members of the Class. Accordingly, Hearst, either directly or through one or more

intermediary acting on its behalf and at its direction (including through NextMark and/or one or more “list manager” and/or “list broker”), used Plaintiff’s and the Class members’ identities “for commercial purposes” within the meaning of the IRPA. 765 ILCS 1075/5.

57. By selling and offering to sell mailing lists on which Plaintiff’s and the other Class members’ names appeared (which identified each of them as having purchased a subscription to a particular publication sold by Hearst) to the community at large, to any member of the public willing to pay for them, without first asking for much less obtaining Plaintiff’s or the other Class members’ prior written consent, Hearst, either directly or through one or more intermediary acting on its behalf and at its direction (including through NextMark and/or one or more “list manager” and/or “list broker”), used Plaintiff’s and the other Class members’ identities for commercial purposes during their lifetimes in violation of section 30(a) of the IRPA. *See* 765 ILCS 1075/30(a).

58. As a result of Hearst’s nonconsensual public use and holding out of their identities for commercial purposes, Plaintiff and the members of the Class have suffered violations of their rights of publicity. On behalf of herself and the Class, Plaintiff seeks: (1) an injunction requiring Defendant to obtain prior written consent from Illinois customers prior to the use of their identities for commercial purposes pursuant to 765 ILCS 1075/50; (2) \$1,000.00 in statutory liquidated damages to herself and each Class member pursuant to 765 ILCS 1075/40 (a)(2); and (3) costs and reasonable attorneys’ fees pursuant to 765 ILCS 1075/55.

PRAYER FOR RELIEF

59. WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks a judgment against Defendant as follows:

A. For an order certifying the Class under Rule 23 of the Federal Rules of Civil Procedure and naming Plaintiff as representative of the Class and Plaintiff’s attorneys as Class Counsel to represent the Class;

B. For an order declaring that Defendant’s conduct as described herein violates the Illinois Right of Publicity Act, 765 ILCS 1075, *et seq.*;

C. For an order finding in favor of Plaintiff and the Class on the count asserted

herein;

D. For an injunction requiring Defendant to obtain prior written consent from Illinois customers prior to the use of their identities for commercial purposes pursuant to IRPA § 50;

E. For an award of \$1,000 to Plaintiff and each Class member, as provided by the IRPA § 40(a)(2);

F. For an order awarding Plaintiff and the Class their reasonable attorneys' fees and expenses and costs of suit pursuant to IRPA § 55; and

G. For prejudgment interest on all amounts awarded.

JURY DEMAND

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

Dated: July 15, 2021

Respectfully submitted,

NICK LARRY LAW LLC

By: /s/ J. Dominick Larry

J. DOMINICK LARRY
nick@nicklarry.law
NICK LARRY LAW LLC
8 S Michigan Ave, Suite 2600
Chicago, IL 60603
Tel: (773) 694-4669
Fax: (773) 694-4691

Local Counsel for Plaintiffs and the Putative Class

Frank S. Hedin (admission to be sought)
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Arun G. Ravindran (admission to be sought)
aravindran@hedinhall.com
HEDIN HALL LLP
1395 Brickell Avenue, Suite 1140
Miami, Florida 33131
Tel: (305) 357-2107
Fax: (305) 200-8801

Counsel for Plaintiff and the Putative Class



EXHIBIT A

GOOD HOUSEKEEPING Mailing List

Size of 195,000 Mailing List Page 2 of 2

Good Housekeeping, published by Hearst Magazines, is a leading lifestyle magazine providing readers genius innovations, delicious ideas, style-savvy trends, compelling news and best-in-class products for their homes, families and themselves. The Good Housekeeping Seal and the Green Good Housekeeping Seal are among the most recognized and trusted consumer icons in the world today.

[Get Count](#) [Get Pricing](#) [Get More Information](#)

SEGMENTS		COUNTS THROUGH 04/06/2021
1,715,229	TOTAL UNIVERSE / BASE RATE	\$115.00/M
1,715,229	ACTIVE U.S. SUBSCRIBERS	\$115.00/M
50,327	MAR'21 SUBSCRIBERS	+ \$17.00/M
663,216	3 MONTH SUBSCRIBERS	+ \$14.00/M
828,701	6 MONTH SUBSCRIBERS	+ \$12.00/M
697,231	12 MONTH EXPIRES	\$60.00/M
95,311	CHANGE OF ADDRESS	+ \$13.00/M
34,912	CANADIAN SUBSCRIBERS	\$130.00/M
1,364,102	E-MAIL ADDRESSES	
	FACEBOOK AUDIENCES	\$25.00/M
	CATALOG/MERCHANDISE RATE	\$80.00/M
	CHARITABLE FUNDRAISING	\$80.00/M
DESCRIPTION		
<p>Good Housekeeping, published by Hearst Magazines, is a leading lifestyle magazine providing readers genius innovations, delicious ideas, style-savvy trends, compelling news and best-in-class products for their homes, families and themselves. The Good Housekeeping Seal and the Green Good Housekeeping Seal are among the most recognized and trusted consumer icons in the world today.</p> <p>Subscribers are on-the-go, family-oriented women whose homes are the launchpad of their lives. It is the place where they get ready to face the world, entertain their friends, take care of their families, relax and pamper themselves, and express their creativity and personalities.</p> <p>They are looking for the best in food, home, beauty, fitness, and health to enhance their lives.</p> <p>***** Fast Facts *****</p> <p>Median Age.....58.5</p> <p>Age 18-34.....11.4%</p> <p>Age 25-49.....28.9%</p> <p>Age 25-54.....38.4%</p> <p>Age 35-54.....30.2%</p> <p>Age 55+.....58.4%</p> <p>Median HHI.....\$65,572</p> <p>HHI \$75,000+.....44.1%</p> <p>HHI \$100,000+.....30.7%</p> <p>Married.....57.4%</p> <p>Children in Household.....30.9%</p> <p>Attended/Graduated College+.....59.3%</p> <p>Employed.....48.2%</p> <p>*****</p>		
ORDERING INSTRUCTIONS		
<ul style="list-style-type: none"> To order this list, contact your List Broker and ask for NextMark List ID #536328 or click here to place your request. Use NextMark List Order Entry Software or Bionic Media Planning Software 7,500 NAME MINIMUM ORDER \$0.00 MINIMUM PAYMENT 85% NET NAME AVAILABLE ON ORDERS OF 50,000 OR MORE (\$10.00/M RUN CHARGE) EXCHANGE IS AVAILABLE REUSE IS AVAILABLE 		
POPULARITY: ***** 100		MARKET: CONSUMER
CHANNELS:  		SOURCE: DIRECT MAIL SOLD
PRIVACY: UNKNOWN		DMA?: YES - MEMBER
STATUS: STANDARD PROVIDER		GEO: USA
GENDER: 75% FEMALE 9% MALE		
SELECTS		
1 MONTH HOTLINE		\$17.00/M
3 MONTH HOTLINE		\$14.00/M
3RD PARTY BLOW IN		\$10.00/M
6 MONTH HOTLINE		\$12.00/M
ADULT AGE		\$16.00/M
AREA OF INTEREST		\$16.00/M
CHARITABLE DONORS		\$16.00/M
COA		\$13.00/M
ETHNIC/ETHNICITY		\$16.00/M
GENDER/SEX		\$9.00/M
GEO SET UP		\$75.00/F
GEO/GEOGRAPHICAL		\$9.00/M
GIFT GIVERS		\$16.00/M
INCOME SELECT		\$16.00/M
NEW TO FILE		\$16.00/M
NON RECIPROCAL		\$10.00/M
PAID		\$12.00/M
POC		\$16.00/M
POLITICAL PARTY		\$20.00/M
RELIGION		\$16.00/M
RENEWALS		\$16.00/M
SOURCE		\$12.00/M
ZIP SET-UP FEE		\$75.00/F
ADDRESSING		
KEY CODING		\$2.00/M
BUSINESS ADDRESS		\$11.00/M
EMAIL		\$75.00/F
FTP		\$75.00/F
RELATED LISTS		
<ul style="list-style-type: none"> ALZHEIMER'S DISEASE RESEARCH SPECIAL OLYMPICS INTERNATIONAL AICR - AMERICAN INSTITUTE FOR CANCER RESEARCH DONORS LEUKEMIA & LYMPHOMA SOCIETY, THE WOMAN'S DAY WOUNDED WARRIOR PROJECT MAYO CLINIC HEALTH LETTER AMERICAN LUNG ASSOCIATION DONOR MASTERFILE AMERICAN CANCER SOCIETY NATIONAL FOUNDATION FOR CANCER RESEARCH 		

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










EXHIBIT B

HEARST CORPORATE MASTERFILE & ENHANCED Mailing List

1121-cw01196-MMM-JFH-#112 Page 2 of 2

Hearst is one of the world's largest publishers of monthly magazines and lifestyle books, covering a broad range of topics including cooking, fashion and beauty, health and fitness, home design and decorating, relationships, and luxury lifestyles.

[Get Count](#)[Get Pricing](#)[Get More Information](#)

SEGMENTS		COUNTS THROUGH 04/06/2021	POPULARITY: ***** 100
9,108,589	TOTAL UNIVERSE / BASE RATE	\$115.00/M	MARKET: CONSUMER
9,108,589	ACTIVE SUBS/BOOK BUYERS	\$115.00/M	CHANNELS:  
723,523	MAR'21 SUBS/BOOK BUYERS	+ \$17.00/M	SOURCE: DIRECT MAIL SOLD
2,465,169	3 MONTH SUBS/BOOK BUYERS	+ \$14.00/M	PRIVACY: UNKNOWN
3,462,014	6 MONTH SUBS/BOOK BUYERS	+ \$12.00/M	DMA?: YES - MEMBER
3,337,070	12 MONTH EXPIRES	\$60.00/M	STATUS: STANDARD PROVIDER
529,836	CHANGE OF ADDRESS	+ \$13.00/M	GEO: USA
5,586,073	E-MAIL ADDRESSES		GENDER: 62% FEMALE 25% MALE
	CATALOG/MERCHANDISE RATE	\$80.00/M	SPENDING: \$18.00 AVERAGE ORDER
	CHARITABLE FUNDRAISING	\$80.00/M	
DESCRIPTION			SELECTS
Hearst is one of the world's largest publishers of monthly magazines and lifestyle books, covering a broad range of topics including cooking, fashion and beauty, health and fitness, home design and decorating, relationships, and luxury lifestyles.			1 MONTH HOTLINE \$17.00/M
Their powerful portfolio of brands provides a dynamic audience of sophisticated men and women.			3 MONTH HOTLINE \$14.00/M
Hearst has enhanced these magazine subscribers and buyers with ConsumerView consumer demographic and lifestyle data, creating a merged and deduped masterfile of highly sought-after consumers.			3RD PARTY BLOW IN \$10.00/M
Magazine titles include Bicycling, Car and Driver, Cosmopolitan, Country Living, Elle, Elle Decor, Esquire, Food Network Magazine, Good Housekeeping, Harper's Bazaar, HGTV Magazine, House Beautiful, Marie Claire, Men's Health, Popular Mechanics, Prevention, Road & Track, Runner's World, Town and Country, Veranda, Woman's Day, and Women's Health.			6 MONTH HOTLINE \$12.00/M
Hearst Specialty Masterfiles available:			ADULT AGE \$16.00/M
Home Masterfile - includes Country Living, Elle Décor, HGTV, House Beautiful, Town & Country, Veranda			AREA OF INTEREST \$16.00/M
Lifestyle Masterfile - includes Food Network Magazine, Good Housekeeping, Woman's Day			COA \$13.00/M
Men's Masterfile - includes Car and Driver, Esquire, Men's Health, Popular Mechanics, Road & Track			CONTRIBUTORS/DONORS \$16.00/M
Women's Masterfile - includes Cosmopolitan, Elle, Harper's Bazaar, Marie Claire, Women's Health			ETHNIC/ETHNICITY \$16.00/M
*****Fast Facts*****			GENDER/SEX \$9.00/M
Average Age.....53			GIFT GIVERS \$16.00/M
Average Income.....\$79,000			INCOME SELECT \$16.00/M
*****			NEW TO FILE \$16.00/M
Interest selects available at +\$16.00/M include:			NON RECIPROCAL \$10.00/M
Bible Devotional			PAID \$12.00/M
Book Readers			POC \$16.00/M
Collectibles			POLITICAL PARTY \$20.00/M
Contributors/Donors			RELIGION \$16.00/M
Cooking			RENEWALS \$16.00/M
Crafts			SCF \$9.00/M
			SOURCE \$12.00/M
			STATE \$9.00/M
			ZIP \$9.00/M
			ZIP SET UP \$75.00/F
			ADDRESSING
			KEY CODING \$2.00/M
			BUSINESS ADDRESS \$11.00/M
			EMAIL \$75.00/F
			FTP \$75.00/F
			RELATED LISTS
			 WILAND PUBLISHING/SUBSCRIBER DATABASE
			 CONSUMER REPORTS
			 COLONY BRANDS CATALOGS - MASTERFILE FOR FUNDRAISERS
			 MAYO CLINIC HEALTH LETTER
			 PUBLISHERS CLEARING HOUSE
			 MERCHANDISE BUYERS
			 WILAND
			 NONPROFIT/FUNDRAISING/DONOR DATABASE
			 I-BEHAVIOR DATABASE
			 CONDE NAST CORPORATE
			 ENHANCED MASTERFILE
			 MEREDITH DATABASE - MASTERFILE
			 THE SATURDAY EVENING POST

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

Thursday, 15 July 2021 02:57:49 PM
Clerk, U.S. District Court, ILCD

I. (a) PLAINTIFFS

Elizabeth Huston

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

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

J. Dominick Larry, Nick Larry Law LLC, 8 S Michigan
Ave, Suite 2600, Chicago, IL 60603, 773.694.4669

DEFENDANTS

Hearst Communications, Inc.

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

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

Attorneys (If Known)

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

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 USC 1332(d)
Brief description of cause:
CAFA Class action alleging violations of Illinois Right of Publicity Act

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** 5,000,000+ **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/15/2021

s/ J. Dominick Larry

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 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 by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. 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 Rule 8(a), F.R.Cv.P., 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.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 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.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 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 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN 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 Rule 23, F.R.Cv.P.
- 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 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of Illinois



Elizabeth Huston

Plaintiff(s)

V.

Hearst Communications, Inc.

Defendant(s)

Civil Action No. 1:21-cv-1196

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Hearst Commuications, Inc.
c/o CT Corporation System
208 S LaSalle St, Suite 814
Chicago, IL 60604

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

J. Dominick Larry
Nick Larry Law LLC
8 S Michigan Ave, Suite 2600
Chicago, IL 60603
nick@nicklarry.law
773.694.4669

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. 1:21-cv-1196

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Print**Save As...****Reset**

ClassAction.org

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