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13 Attorneys for Defendant CABLE NEWS NETWORK, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 CAROL LESH, individually and on behalf of all
18 others similarly situated,

19 Plaintiff,

20 v.

21 CABLE NEWS NETWORK, INC.,

22 Defendant.

Case No. 3:24-CV-1320

**NOTICE OF REMOVAL OF ACTION TO
UNITED STATES DISTRICT COURT**

1 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441, 1446, and 1453, and in accordance
2 with 28 U.S.C. § 1332, Defendant Cable News Network, Inc. (“CNN”) hereby removes this action—
3 with reservation of all defenses and rights—from the Superior Court of the County of Alameda,
4 California, to the United States District Court for the Northern District of California.

5 OVERVIEW

6 1. The Complaint in this case asserts claims for violation of California Invasion of Privacy
7 Act (“CIPA”) § 638.51(a) on behalf of Plaintiff and “all California residents who accessed” CNN’s
8 website in California “and had their IP address collected[.]” Compl. ¶ 88. The Complaint alleges that
9 CNN transmits putative class members’ IP addresses to third parties through tracking technologies
10 provided by three advertising companies—PubMatic, Rubicon, and Aniview—and that these
11 transmissions violated CIPA § 638.51(a), which prohibits any “person” from “install[ing] or us[ing] a
12 pen register or a trap and trace device without first obtaining a court order.” *Id.* ¶¶ 26-55, 97, 101.

13 2. As explained herein, there is federal jurisdiction over this case under the Class Action
14 Fairness Act (“CAFA”), because the requirements of 28 U.S.C. §§ 1332(d) and 1453 are satisfied and
15 no exception to CAFA’s rules for removal to federal court applies.

16 PROCEDURAL HISTORY

17 3. On January 25, 2024, Plaintiff Carol Lesh filed a complaint in the Superior Court of the
18 State of California, County of Alameda, against CNN. Attached as **Exhibit A** is a true and correct copy
19 of the Complaint and Summons served upon CNN in the Superior Court action. Attached as **Exhibit B**
20 is a true and correct copy of all other materials served upon CNN in the Superior Court action.

21 4. The Superior Court of the County of Alameda is located within the Northern District of
22 California. 28 U.S.C. § 84(a). Therefore, removal of Plaintiff’s case to this Court is proper under 28
23 U.S.C. § 1441(a).

24 TIMELINESS OF REMOVAL

25 5. 28 U.S.C. § 1446(b)(1) requires that a notice of removal “be filed within 30 days after the
26 receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the
27 claim for relief upon which such action or proceeding is based[.]” Plaintiff served the Complaint on
28 CNN on February 5, 2024. This Notice of Removal, filed on March 5, 2024, is therefore timely.

1 **THE COMPLAINT’S ALLEGATIONS**

2 6. Plaintiff alleges that upon visiting the CNN website, certain trackers and cookies were
3 installed on visitors’ browsers, and that these trackers and cookies caused visitors’ browsers to transmit
4 their IP addresses to third parties. Compl. ¶¶ 29-30, 39-40, 49-50. According to the Complaint, CNN
5 “incorporated the code” of these trackers “into the code of its Website” for purposes of marketing,
6 advertising, and analyzing user data. *Id.* ¶¶ 60, 63, 68, 72, 79. Plaintiff further contends that the
7 transmissions occurring via these trackers and cookies occurred without website visitors’ consent and
8 without the authorization of a court order. *Id.* ¶ 64.

9 7. Based on these allegations, Plaintiff seeks to asserts claims on her behalf and on behalf
10 of a putative class of “all California residents who accessed” CNN’s website in California “and had their
11 IP address collected[.]” *Id.* ¶ 88. Plaintiff does not allege a specific class period. *Id.* ¶¶ 88-94. The
12 Complaint asserts a single claim for alleged violation of CIPA § 638.51(a). *Id.* ¶¶ 95-104.

13 8. The Complaint seeks statutory damages, pre- and post-judgment interest, attorney fees
14 and litigation costs, and other damages and remedies. Compl. Prayer for Relief.

15 **BASIS FOR REMOVAL UNDER CAFA**

16 9. CAFA provides that a class action against a non-governmental entity may be removed if
17 (1) the number of proposed class members is not less than 100; (2) any member of the proposed plaintiff
18 class is a citizen of a State different from any defendant; and (3) the aggregate amount in controversy,
19 exclusive of interest and costs, exceeds \$5,000,000. 28 U.S.C. § 1332(d). Each of these requirements
20 is met here.

21 **A. The Class Claims Satisfy the Numerosity Requirement**

22 10. The Complaint is styled as a “class action” and seeks relief for Plaintiff as well as for “all
23 California residents who accessed” the CNN website “in California and had their IP address collected”
24 by certain trackers. Compl. ¶ 88.

25 11. The Complaint alleges that the class numbers in the “thousands, if not millions of
26 persons.” *Id.* ¶ 90. Based on Plaintiff’s own allegations, the number of proposed class members
27 significantly exceeds 100 class members. Accordingly, CAFA’s numerosity requirement is satisfied
28 here.

1 **B. The “Minimal Diversity” Requirement is Satisfied**

2 12. Plaintiff alleges that she resides in Berkeley, California. *Id.* ¶ 6. She seeks to represent
3 a class of similarly situated individuals, exclusively in California. *Id.* ¶ 88.

4 13. The Complaint names CNN as the sole defendant. CNN is diverse from Plaintiff. It
5 maintains its principal place of business in Atlanta, Georgia and is incorporated in Delaware.

6 14. Accordingly, the “minimal diversity” requirement under CAFA—*i.e.*, that
7 “any member of a class of plaintiffs is a citizen of a State different from any defendant”—is satisfied for
8 purposes of removal. 28 U.S.C. § 1332(d)(2)(A).

9 15. This action does not fall within any of the exclusions in 28 U.S.C. §§ 1332(d) and 1446
10 because CNN is not a citizen of the forum state of California.

11 **C. The Matter In Controversy Exceeds \$5,000,000**

12 16. The Complaint alleges that the putative class numbers in the “thousands, if not millions
13 of persons.” Compl. ¶ 90. The Complaint asserts a single claim for violation of CIPA § 638.51(a). *Id.*
14 ¶¶ 95-104; Compl. Prayer for Relief. Plaintiff states that “[p]ursuant to Cal. Penal Code § 637.2, Plaintiff
15 and Class Members have been injured by Defendant’s violations of CIPA § 638.51(a), and each seeks
16 statutory damages of \$5,000 for each of Defendant’s violations of CIPA § 638.51(a).” *Id.* ¶ 104.

17 17. While CNN denies that Plaintiff is entitled to recover any amount (let alone \$5,000 per
18 violation), and denies that class certification is proper, the Complaint’s allegations place over five million
19 dollars (\$5,000,000) at issue, exceeding the threshold for removal under CAFA. Considering Plaintiff’s
20 statutory damages request alone (without consideration of the other relief sought, including pre- and
21 post-judgment interest), and using the Complaint’s lowest estimate of the size of the putative class,
22 “thousands” (or two thousand (2,000)), CAFA’s five million dollar (\$5,000,000) requirement is satisfied.
23 Assuming that Plaintiff is seeking at least statutory damages of five thousand dollars (\$5,000) for a class
24 of at least two thousand (2,000), the minimum amount in controversy equates to ten million dollars
25 (\$10,000,000). For the purpose of determining the amount in controversy, the amount at issue is the
26 amount of liability Plaintiff alleges. *Lewis v. Verizon Commc’ns, Inc.*, 627 F.3d 395, 400 (9th Cir. 2010)
27 (“The amount in controversy is simply an estimate of the total amount in dispute, not a prospective
28 assessment of defendant’s liability.”).

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D. No Exception to CAFA Removal Applies

18. No exception to removal under CAFA applies.

* * *

19. For all the foregoing reasons, this Court has original jurisdiction under 28 U.S.C. §§ 1332(d), 1441, and 1453.

20. Counsel for CNN certifies, pursuant to 28 U.S.C. § 1446(d), that CNN will promptly give notice of filing of this Notice of Removal to Plaintiff through Plaintiff’s counsel of record, and will promptly file with the Clerk of the Superior Court of the State of California, County of Alameda, a copy of this Notice of Removal.

Dated: March 5, 2024

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ David R. Singh
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Attorneys for Defendant CABLE NEWS NETWORK, INC.

EXHIBIT A



PROCESS SERVER DELIVERY DETAILS

Date: Mon, Feb 5, 2024
Server Name: Drop Service

Entity Served	CABLE NEWS NETWORK, INC.
Case Number	24CV061464
Jurisdiction	GA

Inserts		



**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California
County of Alameda

01/25/2024

Chad Finke, Executive Officer / Clerk of the Court

By: M. Cortez Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
CABLE NEWS NETWORK, INC.,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
CAROL LESH, individually and on behalf of all others similarly situated,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

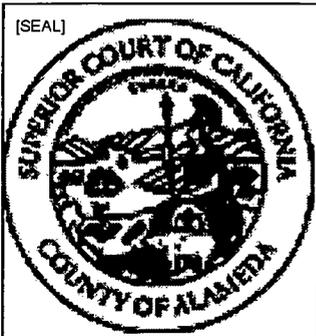
The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California,
County of Alameda, 1225 Fallon Street, Oakland, CA 94612

CASE NUMBER:
(Número del Caso): **24CV061464**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Emily A. Horne, Bursor & Fisher, P.A., 1990 N. California Blvd., Suite 940, Walnut Creek, CA, Tel. (925) 300-4455

DATE: 01/25/2024 Chad Finke, Executive Officer / Clerk of the Court Clerk, by M. Cortez, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) M. Cortez
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Cable News Network, Inc.
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Emily A. Horne (State Bar No. 347723) Bursor & Fisher, P.A., 1990 N. California Blvd., Ste 940, Walnut Creek, CA 94596 TELEPHONE NO.: (925) 300-4455 FAX NO.: (925) 407-2700 EMAIL ADDRESS: ehorne@bursor.com ATTORNEY FOR (Name): Plaintiff Carol Lesh	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/25/2024 at 05:36:50 PM By: Milagros Cortez, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:	
CASE NAME: Carol Lesh v. Cable News Network, Inc.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: 24CV061464 JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 25, 2024
 Emily A. Horne

 (TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
Auto (22)–Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease	Construction Defect (10)
	Contract (<i>not unlawful detainer or wrongful eviction</i>)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)	Securities Litigation (28)
	Negligent Breach of Contract/Warranty	Environmental/Toxic Tort (30)
	Other Breach of Contract/Warranty	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment
Asbestos (04)	Collection Case–Seller Plaintiff	Enforcement of Judgment (20)
Asbestos Property Damage	Other Promissory Note/Collections Case	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Insurance Coverage (<i>not provisionally complex</i>) (18)	Confession of Judgment (<i>non-domestic relations</i>)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Auto Subrogation	Sister State Judgment
Medical Malpractice (45)	Other Coverage	Administrative Agency Award (<i>not unpaid taxes</i>)
Medical Malpractice–Physicians & Surgeons	Other Contract (37)	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Contractual Fraud	Other Enforcement of Judgment Case
Other PI/PD/WD (23)	Other Contract Dispute	Miscellaneous Civil Complaint
Premises Liability (e.g., slip and fall)	Real Property	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Eminent Domain/Inverse	Other Complaint (<i>not specified above</i>) (42)
Intentional Infliction of Emotional Distress	Condemnation (14)	Declaratory Relief Only
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Injunctive Relief Only (<i>non-harassment</i>)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Mechanics Lien
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Civil Complaint (<i>non-tort/non-complex</i>)
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Miscellaneous Civil Petition
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Partnership and Corporate Governance (21)
Fraud (16)	Unlawful Detainer	Other Petition (<i>not specified above</i>) (43)
Intellectual Property (19)	Commercial (31)	Civil Harassment
Professional Negligence (25)	Residential (32)	Workplace Violence
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Elder/Dependent Adult Abuse
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Election Contest
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Petition for Name Change
Employment	Petition Re: Arbitration Award (11)	Petition for Relief From Late Claim
Wrongful Termination (36)	Writ of Mandate (02)	Other Civil Petition
Other Employment (15)	Writ–Administrative Mandamus	
	Writ–Mandamus on Limited Court Case Matter	
	Case Matter	
	Writ–Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal–Labor Commissioner Appeals	

Short Title: Carol Lesh v. Cable News Network, Inc. **Case Number:**

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

[] Hayward Hall of Justice (447)
 [x] Oakland, Rene C. Davidson Alameda County Courthouse (446) [] Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)	
Auto Tort	Auto tort (22)	[] 34 Auto tort (G)	Is this an uninsured motorist case? [] yes [] no
Other PI /PD / WD Tort	Asbestos (04)	[] 75 Asbestos (D)	
	Product liability (24)	[] 89 Product liability (not asbestos or toxic tort/environmental) (G)	
	Medical malpractice (45)	[] 97 Medical malpractice (G)	
	Other PI/PD/WD tort (23)	[] 33 Other PI/PD/WD tort (G)	
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07)	[x] 79 Bus tort / unfair bus. practice (G)	
	Civil rights (08)	[] 80 Civil rights (G)	
	Defamation (13)	[] 84 Defamation (G)	
	Fraud (16)	[] 24 Fraud (G)	
	Intellectual property (19)	[] 87 Intellectual property (G)	
	Professional negligence (25)	[] 59 Professional negligence - non-medical (G)	
	Other non-PI/PD/WD tort (35)	[] 03 Other non-PI/PD/WD tort (G)	
Employment	Wrongful termination (36)	[] 38 Wrongful termination (G)	
	Other employment (15)	[] 85 Other employment (G)	
		[] 53 Labor comm award confirmation	
		[] 54 Notice of appeal - L.C.A.	
Contract	Breach contract / Wrnty (06)	[] 04 Breach contract / Wrnty (G)	
	Collections (09)	[] 81 Collections (G)	
	Insurance coverage (18)	[] 86 Ins. coverage - non-complex (G)	
	Other contract (37)	[] 98 Other contract (G)	
Real Property	Eminent domain / Inv Cdm (14)	[] 18 Eminent domain / Inv Cdm (G)	
	Wrongful eviction (33)	[] 17 Wrongful eviction (G)	
	Other real property (26)	[] 36 Other real property (G)	
Unlawful Detainer	Commercial (31)	[] 94 Unlawful Detainer - commercial	Is the deft. in possession of the property? [] Yes [] No
	Residential (32)	[] 47 Unlawful Detainer - residential	
	Drugs (38)	[] 21 Unlawful detainer - drugs	
Judicial Review	Asset forfeiture (05)	[] 41 Asset forfeiture	
	Petition re: arbitration award (11)	[] 62 Pet. re: arbitration award	
	Writ of Mandate (02)	[] 49 Writ of mandate	
	Other judicial review (39)	[] 64 Other judicial review	Is this a CEQA action (Publ.Res.Code section 21000 et seq) [] Yes [] No
Provisionally Complex	Antitrust / Trade regulation (03)	[] 77 Antitrust / Trade regulation	
	Construction defect (10)	[] 82 Construction defect	
	Claims involving mass tort (40)	[] 78 Claims involving mass tort	
	Securities litigation (28)	[] 91 Securities litigation	
	Toxic tort / Environmental (30)	[] 93 Toxic tort / Environmental	
	Ins covrg from cmplx case type (41)	[] 95 Ins covrg from complex case type	
Enforcement of Judgment	Enforcement of judgment (20)	[] 19 Enforcement of judgment	
		[] 08 Confession of judgment	
Misc Complaint	RICO (27)	[] 90 RICO (G)	
	Partnership / Corp. governance (21)	[] 88 Partnership / Corp. governance (G)	
	Other complaint (42)	[] 68 All other complaints (G)	
Misc. Civil Petition	Other petition (43)	[] 06 Change of name	
		[] 69 Other petition	

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA**

FILED
Superior Court of California
County of Alameda
01/25/2024

Clerk of the Court / Clerk of the Court
By: *[Signature]* Deputy
M. Cortez

COURTHOUSE ADDRESS:
Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612

PLAINTIFF:
Carol Lesh

DEFENDANT:
Cable News Network, Inc.

NOTICE OF CASE MANAGEMENT CONFERENCE

CASE NUMBER:
24CV061464

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 05/24/2024 Time: 8:30 AM Dept.: 23
Location: Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

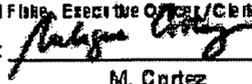
Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/25/2024
PLAINTIFF/PETITIONER: Carol Lesh	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy M. Cortez
DEFENDANT/RESPONDENT: Cable News Network, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 24CV061464

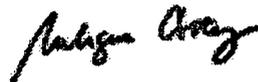
I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Emily A. Horne
Bursor & Fisher, P.A.
1990 N. California Blvd. 940
Walnut Creek, CA 94596

Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/26/2024

By:



M. Cortez, Deputy Clerk

ELECTRONICALLY FILED

Superior Court of California,

County of Alameda

01/25/2024 at 05:36:50 PM

By: Milagros Cortez,
Deputy Clerk

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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

24CV061464

CLASS ACTION

COMPLAINT

JURY TRIAL DEMANDED

CAROL LESH, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

CABLE NEWS NETWORK, INC.,

Defendant.

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

5 **NATURE OF THE ACTION**

6 1. Defendant Cable News Network, Inc. (“Defendant” or “CNN”) owns and operates a
7 website, *cnn.com* (the “Website”).

8 2. When users visit the Website, Defendant causes three Trackers—the PubMatic
9 Tracker, Rubicon Tracker, and Aniview Tracker (the “Trackers”)—to be installed on Website
10 visitors’ internet browsers. Defendant then uses these Trackers to collect Website visitors’ IP
11 addresses.

12 3. Because the Trackers capture Website visitors’ “routing, addressing, or signaling
13 information,” the Trackers constitute a “pen register” under Section 638.50(b) of the California
14 Invasion of Privacy Act (“CIPA”). (Cal. Penal Code § 638.50(b); *see also Greenley v. Kochava, Inc.*
15 (S.D. Cal. July 27, 2023) 2023 WL 4833466.)

16 4. By installing and using the Trackers without Plaintiff’s prior consent and without a
17 court order, Defendant violated CIPA section 638.51(a).

18 5. Plaintiff brings this action to prevent Defendant from further violating the privacy
19 rights of California residents, and to recover statutory damages for Defendant’s violation of CIPA
20 § 638.51.

21 **PARTIES**

22 6. Plaintiff Lesh resides in Berkeley, California and has an intent to remain there, and is
23 therefore a citizen of California. Plaintiff Lesh was in California when she visited the Website.

24 7. Defendant CNN is a Delaware corporation with its principal place of business in
25 Atlanta, Georgia.

26 **JURISDICTION AND VENUE**

27 8. This Court has subject matter jurisdiction over this action pursuant to Article VI,
28 section 10 of the California Constitution and California Code of Civil Procedure section 410.10.

1 This action is brought as a class action on behalf of Plaintiff and Class Members pursuant to
2 California Code of Civil Procedure section 382.

3 9. This Court has personal jurisdiction over Defendant. *First*, using the information
4 collected by the Trackers (as alleged in more detail below), Defendant targets Californians with
5 advertisements based on their California residence, and analyzes the web traffic of California visitors
6 in order to more effectively gauge website performance. Accordingly, Defendant's conduct is
7 expressly aimed at California. *Second*, Defendant knowingly avails itself of the privilege of doing
8 business in California because the Website includes California-specific provisions in its Privacy
9 Statement in recognition that California citizens use Defendant's Website. *Third*, Defendant
10 maintains offices in Los Angeles, which are linked to Defendant's provision of news stories through
11 Defendant's Website. *See Kauffman v. Papa John's Int'l, Inc.*, 2024 WL 171363, at *3-4 (S.D. Cal.
12 Jan. 12, 2024) (finding personal jurisdiction over website operator based on aforementioned three
13 factors). *Finally*, the conduct alleged in this Complaint occurred in and emanated from this State
14 because it was in California that CNN caused the Trackers to be installed on Plaintiff's browser, and
15 it was in California that the Trackers instructed Plaintiff's browser to send her IP address to the third
16 parties. *See Popa v. Harriet Carter Gifts, Inc.*, 52 F.4th 121, 131 (3d Cir. 2022).

17 10. Venue is proper in this District because the conduct alleged in this Complaint
18 occurred in this County.

19 **FACTUAL ALLEGATIONS**

20 **I. THE CALIFORNIA INVASION OF PRIVACY ACT**

21 11. The California Legislature enacted CIPA to protect certain privacy rights of
22 California citizens. The California Legislature expressly recognized that "the development of new
23 devices and techniques for the purpose of eavesdropping upon private communications ... has
24 created a serious threat to the free exercise of personal liberties and cannot be tolerated in a free and
25 civilized society." (Cal. Penal Code § 630.)

26 12. As relevant here, CIPA section 638.51(a) proscribes any "person" from "install[ing]
27 or us[ing] a pen register or a trap and trace device without first obtaining a court order."
28

1 13. A “pen register” is a “a device or process that records or decodes dialing, routing,
2 addressing, or signaling information transmitted by an instrument or facility from which a wire or
3 electronic communication is transmitted, but not the contents of a communication.” (Cal. Penal Code
4 § 638.50(b).)

5 14. A “trap and trace device” is a “a device or process that captures the incoming
6 electronic or other impulses that identify the originating number or other dialing, routing, addressing,
7 or signaling information reasonably likely to identify the source of a wire or electronic
8 communication, but not the contents of a communication.” (Cal. Penal Code § 638.50(b).)

9 15. In plain English, a “pen register” is a “device or process” that records *outgoing*
10 information, while a “trap and trace device” is a “device or process” that records *incoming*
11 information.

12 16. Historically, law enforcement used “pen registers” to record the numbers of outgoing
13 calls from a particular telephone line, while law enforcement used “trap and trace devices” to record
14 the numbers of incoming calls to that particular telephone line. As technology advanced, however,
15 courts have expanded the application of these surveillance devices.

16 17. For example, if a user sends an email, a “pen register” might record the email address
17 it was sent from, the email address the email was sent to, and the subject line—because this is the
18 user’s *outgoing* information. On the other hand, if that same user receives an email, a “trap and trace
19 device” might record the email address it was sent from, the email address it was sent to, and the
20 subject line—because this is *incoming* information that is being sent to that same user.

21 18. Although CIPA was enacted before the dawn of the Internet, “the California Supreme
22 Court regularly reads statutes to apply to new technologies where such a reading would not conflict
23 with the statutory scheme.” (*In re Google Inc.* (N.D. Cal. Sep. 26, 2013) 2013 WL 5423918, at *21;
24 *see also Greenley, supra*, 2023 WL 4833466, at *15 [referencing CIPA’s “expansive language” when
25 finding software was a “pen register”]; *Javier v. Assurance IQ, LLC* (9th Cir. May 31, 2022) 2022
26 WL 1744107, at *1 [“Though written in terms of wiretapping, [CIPA] Section 631(a) applies to
27 Internet communications.”].) This accords with the fact that, “when faced with two possible
28 interpretations of CIPA, the California Supreme Court has construed CIPA in accordance with the

1 interpretation that provides the greatest privacy protection.” (*Matera v. Google Inc.* (N.D. Cal. Aug.
2 12, 2016) 2016 WL 8200619, at *19.)

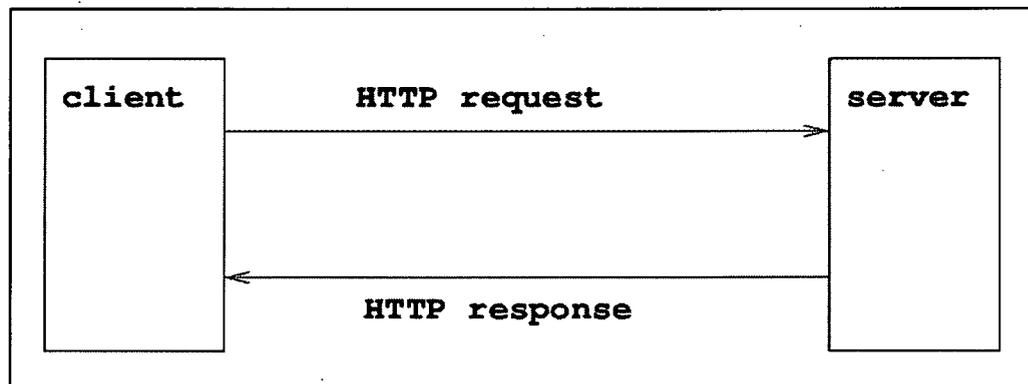
3 19. Individuals may bring an action against the violator of any provision of CIPA—
4 including CIPA section 638.51—for \$5,000 per violation. (Cal. Penal Code § 637.2(a)(1).)

5 **II. DEFENDANT VIOLATES THE CALIFORNIA INVASION OF PRIVACY ACT**

6 **A. The Trackers Are “Pen Registers”**

7 20. To make Defendant’s Website load on a user’s internet browser, the browser sends
8 an “HTTP request” or “GET” request to Defendant’s server where the relevant Website data is stored.
9 In response to the request, Defendant’s server sends an “HTTP response” back to the browser with
10 a set of instructions. A general diagram of this process is pictured at Figure 1, which explains how
11 Defendant’s Website transmits instructions back to users’ browsers in response to HTTP requests.
12 *See* Figure 1.

13 **Figure 1:**



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20 21. The server’s instructions include how to properly display the Website—*e.g.*, what
21 images to load, what text should appear, or what music should play.

22 22. In addition, the server’s instructions cause the Trackers to be installed on a user’s
23 browser. The Trackers then cause the browser to send identifying information—including the user’s
24 IP address—to PubMatic, Magnite, and Aniview.

25 23. The IP address is a unique identifier for a device, which is expressed as four sets of
26 numbers separated by periods (*e.g.*, 192.168.123.132). The first two sets of numbers indicate what
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1 network the device is on (e.g., 192.168), and the second two sets of numbers identify the specific
2 device (e.g., 123.132).

3 24. Thus, the IP address enables a device to communicate with another device—such as
4 a computer’s browser communicating with a server—and the IP address contains geographical
5 location. Through an IP address, the device’s state, city, and zip code can be determined.

6 25. As alleged below, Defendant installs each of the Trackers on the user’s browser, and
7 the Trackers collect information—users’ IP addresses—that identifies the outgoing “routing,
8 addressing, or signaling information” of the user. Accordingly, the Trackers are each “pen registers.”

9 1. *PubMatic Tracker*

10 26. PubMatic is a software-as-a-service company that develops the PubMatic Tracker,
11 which it provides to website owners like Defendant for a fee.

12 27. According to PubMatic, it is “one of the world’s leading scaled digital advertising
13 platforms” and “offer[s] more transparent advertising solutions to publishers, media buyers and data
14 owners, allowing [their clients] to harness the power and potential of the open internet to drive better
15 business outcomes.”¹

16 28. In other words, PubMatic enables companies to sell advertising space on their
17 websites, thereby earning revenue, and allows companies to place advertisements on other
18 companies’ websites, thereby driving brand awareness and sales. To achieve this, PubMatic uses its
19 Tracker to receive, store, and analyze information collected from website visitors, such as visitors of
20 Defendant’s Website.

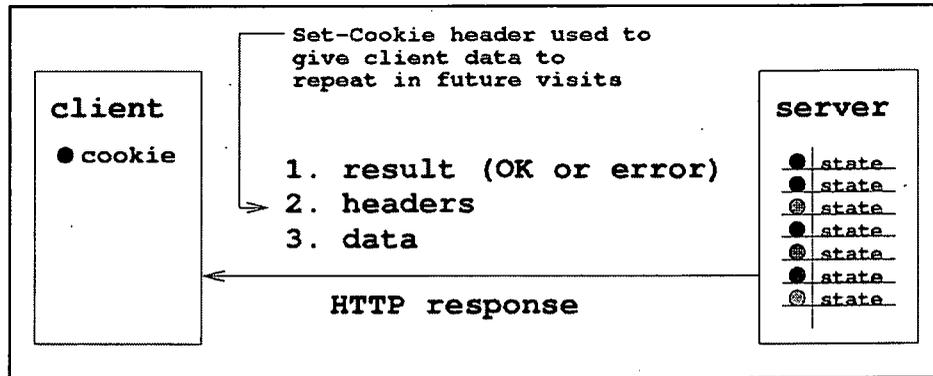
21 29. The first time a user visits Defendant’s Website, the user’s browser sends an HTTP
22 request to Defendant’s server, and Defendant’s server sends an HTTP response with directions to
23 install the PubMatic Tracker on the user’s browser. The PubMatic Tracker, in turn, instructs the
24 user’s browser to send PubMatic the user’s IP address.

25 30. Moreover, PubMatic stores a cookie with the user’s IP address in the user’s browser
26 cache. When the user subsequently visits Defendant’s Website, the PubMatic Tracker locates the

27 ¹ *The Supply Chain Of The Future. Delivered*, PUBMATIC, <https://pubmatic.com/about-us> (last
28 visited Jan. 18, 2024).

1 cookie identifier stored on the user's browser. If the cookie is stored on the browser, the PubMatic
 2 Tracker causes the browser to send the cookie along with the user's IP address to PubMatic. A
 3 general diagram of this process is pictured as Figure 2, which explains how the Website causes the
 4 PubMatic Tracker to install a cookie on the user's browser instructs the user's browser to send the
 5 user's IP address through the cookie. See Figure 2.

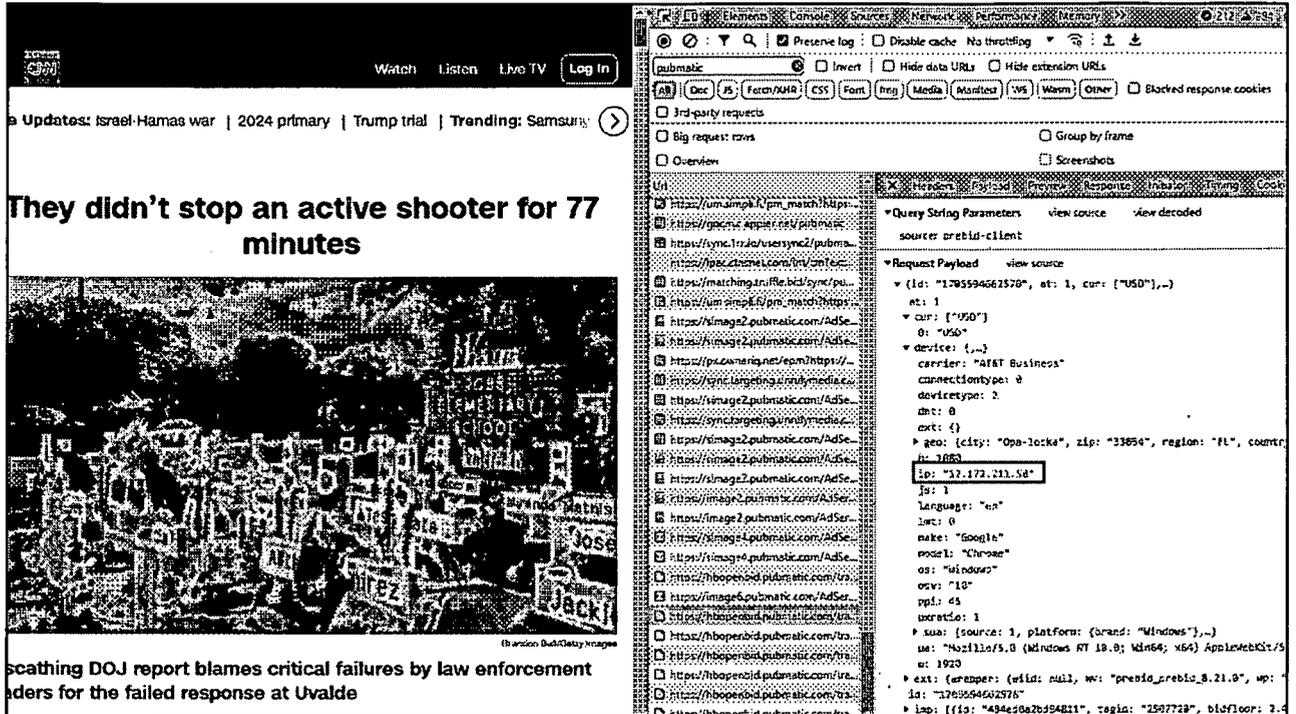
6 **Figure 2:**



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13 31. If the user clears his or her cookies, then the user wipes out the PubMatic Tracker
 14 from its cache. Accordingly, the next time the user visits Defendant's Website the process begins
 15 over again: (i) Defendant's server installs the PubMatic Tracker on the user's browser, (ii) the
 16 PubMatic Tracker instructs the browser to send PubMatic the user's IP address, (iii) the PubMatic
 17 Tracker stores a cookie in the browser cache, and (iv) PubMatic will continue to receive the user's
 18 IP address on subsequent Website visits as part of the cookie transmission (*see* ¶ 30, *supra*).

19 32. In all cases, however, PubMatic receives a user's IP address each and every time a
 20 user interacts with the website of one of PubMatic's clients, including Defendant's Website. See
 21 Figure 3.
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Figure 3:



33. The PubMatic Tracker is at least a “process” because it is “software that identifies consumers, gathers data, and correlates that data.” (*Greenley, supra*, 2023 WL 4833466, at *15.)

34. Further, the PubMatic Tracker is a “device” because “in order for software to work, it must be run on some kind of computing device.” (*See, e.g., James v. Walt Disney Co.* (N.D. Cal. Nov. 8, 2023) --- F. Supp. 3d ---, at *13 [2023 WL 7392285].)

35. Because the PubMatic Tracker captures the outgoing information—the IP address—from visitors to websites, it is a “pen register” for the purposes of CIPA § 638.50(b).

2. Rubicon Tracker

36. Magnite, Inc. (“Magnite”) is a software-as-a-service company that develops the Rubicon Tracker, which it provides to website owners like Defendant for a fee.

37. According to Magnite, it “is, the world’s largest independent sell-side advertising company. Publishers use [their] technology to monetize their content [and] [t]he world’s leading agencies and brands trust [Magnite’s] platform to access ... billions of advertising transactions each month.”²

² *iHeartMedia and Magnite Unify Access to Broadcast and Digital Audio, Providing Advertisers with a Direct Path to Premium Inventory*, MAGNITE (Jan. 9, 2024), <https://investor.magnite.com/>

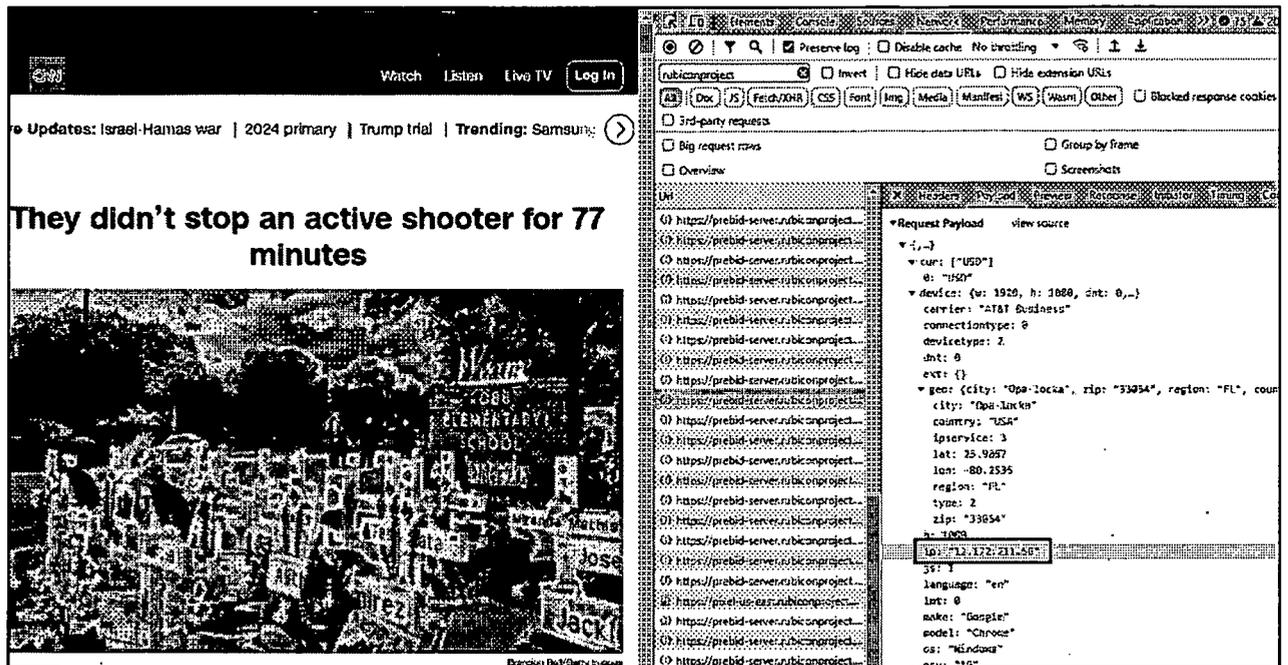
1 38. In other words, Magnite enables companies to sell advertising space on their websites,
2 thereby earning revenue, and allows companies to place advertisements on other companies'
3 websites, thereby driving brand awareness and sales. To achieve this, Magnite uses its Tracker to
4 receive, store, and analyze information collected from website visitors, such as visitors of
5 Defendant's Website.

6 39. Similar to above, the first time a user visits Defendant's Website, the user's browser
7 sends an HTTP request to Defendant's server, and Defendant's server sends an HTTP response with
8 directions to install the Rubicon Tracker on the user's browser. The Rubicon Tracker, in turn,
9 instructs the user's browser to send Magnite the user's IP address.

10 40. Moreover, Magnite stores a cookie with the user's IP address in the user's browser
11 cache. When the user subsequently visits Defendant's Website, the Rubicon Tracker locates the
12 cookie identifier stored on the user's browser. If the cookie is stored on the browser, the Rubicon
13 Tracker causes the browser to send the cookie along with the user's IP address to Magnite. A general
14 diagram of this process is pictured as Figure 2, which explains how the Website causes the Rubicon
15 Tracker to install a cookie on the user's browser instructs the user's browser to send the user's IP
16 address through the cookie. *See* Figure 2.

17 41. If the user clears his or her cookies, then the user wipes out the Rubicon Tracker from
18 its cache. Accordingly, the next time the user visits Defendant's Website the process begins over
19 again: (i) Defendant's server installs the Rubicon Tracker on the user's browser, (ii) the Rubicon
20 Tracker instructs the browser to send Magnite the user's IP address, (iii) the Rubicon Tracker stores
21 a cookie in the browser cache, and (iv) Magnite will continue to receive the user's IP address on
22 subsequent Website visits as part of the cookie transmission (*see* ¶ 30, *supra*).

23 42. In all cases, however, Magnite receives a user's IP address each and every time a user
24 interacts with the website of one of Magnite's clients, including Defendant's Website. *See* Figure 4.

Figure 4:

43. The Rubicon Tracker is at least a “process” because it is “software that identifies consumers, gathers data, and correlates that data.” (*Greenley, supra*, 2023 WL 4833466, at *15.)

44. Further, the Rubicon Tracker is a “device” because “in order for software to work, it must be run on some kind of computing device.” (*James, supra*, --- F. Supp. 3d ---, 2023 WL 7392285, at *13.)

45. Because the Rubicon Tracker captures the outgoing information—the IP address—from visitors to websites, it is a “pen register” for the purposes of CIPA § 638.50(b).

3. Aniview Tracker

46. Aniview Inc. (“Aniview”) is a software-as-a-service company that develops the Aniview Tracker, which it provides to website owners like Defendant for a fee.

47. According to Aniview, it “is a global adtech and media company whose platform is playing an increasingly central role in delivering efficient and effective video advertising across the open web.”³

48. Just like PubMatic and Magnite, Aniview uses its Tracker to receive, store, and analyze data collected from website visitors, such as visitors of Defendant’s Website.

³ *About Us*, ANIVIEW, <https://www.aniview.com/about> (last visited Jan. 18, 2024).

1 49. As discussed above, the first time a user visits Defendant's Website, the user's
2 browser sends an HTTP request to Defendant's server, and Defendant's server sends the HTTP
3 response. This response also includes directions to install the Aniview Tracker on the user's browser.
4 The Aniview Tracker, in turn, instructs the user's browser to send the user's IP address to Aniview.

5 50. Moreover, Aniview stores a cookie with the user's IP address in the user's browser
6 cache. When the user subsequently visits Defendant's Website, the Aniview Tracker locates the
7 cookie identifier stored on the user's browser. If the cookie is stored on the browser, the Aniview
8 Tracker causes the browser to send the cookie along with the user's IP address to Aniview. A general
9 diagram of this process is pictured as Figure 2, which explains how the Website causes the Aniview
10 Tracker to install a cookie on the user's browser instructs the user's browser to send the user's IP
11 address through the cookie. *See* Figure 2.

12 51. If the user clears his or her cookies, then the user wipes out the Aniview Tracker from
13 its cache. Accordingly, the next time the user visits Defendant's Website the process begins over
14 again: (i) Defendant's server installs the Aniview Tracker on the user's browser, (ii) the Aniview
15 Tracker instructs the browser to send Aniview the user's IP address, (iii) the Aniview Tracker stores
16 a cookie in the browser cache, and (iv) Aniview will continue to receive the user's IP address on
17 subsequent Website visits as part of the cookie transmission (*see* ¶ 30, *supra*).

18 52. In all cases, however, Aniview receives a user's IP address each and every time a user
19 interacts with the website of one of Aniview clients, including Defendant's Website. *See* Figure 5.
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1 57. When companies build their websites, they install or integrate various third-party
2 scripts into the code of the website in order to collect data from users or perform other functions.⁵

3 58. Often times, third-party scripts are installed on websites “for advertising purposes.”⁶

4 59. Further, “[i]f the same third-party tracker is present on many sites, it can build a more
5 complete profile of the user over time.”⁷

6 60. Defendant has long incorporated the code of the Trackers into the code of its Website,
7 including when Plaintiff and Class Members visited the Website. Thus, when Plaintiff visited the
8 Website, the Website caused the Trackers to be installed on Plaintiff’s and other users’ browsers.

9 61. As outlined above, when a user visits the Website, the Website’s code—as
10 programmed by Defendant—installs the Trackers onto the user’s browser.

11 62. Upon installing the Trackers on its Website, Defendant uses the Trackers to collect
12 the IP address of visitors to the Website, including the IP address of Plaintiff and Class Members.
13 See Figures 6 (PubMatic Tracker), 7 (Rubicon Tracker), and 8 (Aniview Tracker).

14 **Figure 6:**

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No.	Time	Source	Destination	Protocol	Length	Info
216.	2024-01-23 15:41:35.094368	192.168.200.39	global.px.quantserve.com	TLSv1.2	99	Encrypted Handshake Message
217.	2024-01-23 15:41:35.139988	192.168.200.39	global.px.quantserve.com	TLSv1.2	148	Application Data
217.	2024-01-23 15:41:35.140101	192.168.200.39	global.px.quantserve.com	TLSv1.2	96	Application Data
217.	2024-01-23 15:41:35.140783	192.168.200.39	global.px.quantserve.com	TLSv1.2	92	Application Data
217.	2024-01-23 15:41:35.141406	192.168.200.39	global.px.quantserve.com	TLSv1.2	624	Application Data
228.	2024-01-23 15:41:35.320760	192.168.200.39	global.px.quantserve.com	TLSv1.2	190	Application Data
229.	2024-01-23 15:41:35.321946	192.168.200.39	global.px.quantserve.com	TLSv1.2	85	Encrypted Alert
167.	2024-01-23 15:41:32.760406	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	357	Client Hello (SNI=hbopenbid.pubmatic.com)
167.	2024-01-23 15:41:32.761690	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	357	Client Hello (SNI=hbopenbid.pubmatic.com)
167.	2024-01-23 15:41:32.762517	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	60	Change Cipher Spec
167.	2024-01-23 15:41:32.798440	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	99	Encrypted Handshake Message
168.	2024-01-23 15:41:32.801315	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	60	Change Cipher Spec
168.	2024-01-23 15:41:32.801667	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	99	Encrypted Handshake Message
168.	2024-01-23 15:41:32.804762	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	60	Change Cipher Spec
168.	2024-01-23 15:41:32.804863	192.168.200.39	gob-njr3.pubmnet.com	TLSv1.2	99	Encrypted Handshake Message

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25 ⁵ See *Third-party Tracking*, PIWIK, <https://piwik.pro/glossary/third-party-tracking/> (“Third-party tracking refers to the practice by which a tracker, other than the website directly visited by the user, traces or assists in tracking the user’s visit to the site. Third-party trackers are snippets of code that are present on multiple websites. They collect and send information about a user’s browsing history to other companies...”) (last visited Jan. 19, 2024).

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27 ⁶ *Id.*

28 ⁷ *Id.*

Figure 7:

No.	Time	Source	Destination	Protocol	Length	Info
575.	2024-01-23 15:42:29.317899	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	700	Application Data
576.	2024-01-23 15:42:29.410984	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	700	Application Data
576.	2024-01-23 15:42:29.412174	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	692	Application Data
585.	2024-01-23 15:42:29.843624	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	326	Application Data
587.	2024-01-23 15:42:30.394536	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	326	Application Data
588.	2024-01-23 15:42:30.812780	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	85	Encrypted Alert
589.	2024-01-23 15:42:30.844299	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	85	Encrypted Alert
596.	2024-01-23 15:42:32.524384	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	335	Client Hello (SNI=prebid-server.rubiconproject.com)
596.	2024-01-23 15:42:32.555759	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	96	Client Key Exchange
596.	2024-01-23 15:42:32.557207	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	60	Change Cipher Spec
596.	2024-01-23 15:42:32.557477	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	99	Encrypted Handshake Message
596.	2024-01-23 15:42:32.563190	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	96	Client Key Exchange
596.	2024-01-23 15:42:32.564550	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	60	Change Cipher Spec
596.	2024-01-23 15:42:32.564826	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	99	Encrypted Handshake Message
596.	2024-01-23 15:42:32.564444	192.168.200.39	prebid-server-perf.rubiconproj...	TLSv1.2	700	Application Data

Figure 8:

No.	Time	Source	Destination	Protocol	Length	Info
164.	2024-01-23 15:41:32.380406	192.168.200.39	track-sc.aniview.com	TLSv1.2	99	Encrypted Handshake Message
164.	2024-01-23 15:41:32.421616	192.168.200.39	track-sc.aniview.com	TLSv1.2	140	Application Data
164.	2024-01-23 15:41:32.422042	192.168.200.39	track-sc.aniview.com	TLSv1.2	96	Application Data
164.	2024-01-23 15:41:32.423369	192.168.200.39	track-sc.aniview.com	TLSv1.2	884	Application Data
164.	2024-01-23 15:41:32.453994	192.168.200.39	track-sc.aniview.com	TLSv1.2	92	Application Data
171.	2024-01-23 15:41:33.065072	192.168.200.39	track-sc.aniview.com	TLSv1.2	100	Application Data
171.	2024-01-23 15:41:33.065250	192.168.200.39	track-sc.aniview.com	TLSv1.2	85	Encrypted Alert
283.	2024-01-23 15:41:37.394105	192.168.200.39	track-sc.aniview.com	TLSv1.2	96	Client Key Exchange
283.	2024-01-23 15:41:37.394594	192.168.200.39	track-sc.aniview.com	TLSv1.2	60	Change Cipher Spec
283.	2024-01-23 15:41:37.394701	192.168.200.39	track-sc.aniview.com	TLSv1.2	99	Encrypted Handshake Message
284.	2024-01-23 15:41:37.435164	192.168.200.39	track-sc.aniview.com	TLSv1.2	140	Application Data
284.	2024-01-23 15:41:37.435300	192.168.200.39	track-sc.aniview.com	TLSv1.2	96	Application Data
284.	2024-01-23 15:41:37.436188	192.168.200.39	track-sc.aniview.com	TLSv1.2	1087	Application Data
284.	2024-01-23 15:41:37.436323	192.168.200.39	track-sc.aniview.com	TLSv1.2	513	Application Data
286.	2024-01-23 15:41:37.475209	192.168.200.39	track-sc.aniview.com	TLSv1.2	92	Application Data

63. Defendant then uses the IP address of Website visitors, including those of Plaintiff and Class Members, to serve targeted advertisements and conduct website analytics.

64. At no time prior to the installation and use of the Trackers on Plaintiff's and Class Members's browsers, or prior to the use of the Trackers, did Defendant procure Plaintiff's and Class Members's consent for such conduct. Nor did Defendant obtain a court order to install or use the Trackers.

C. Defendant's Conduct Constitutes An Invasion Of Plaintiff's And Class Members' Privacy

65. The collection of Plaintiff's and Class Members personally identifying, non-anonymized information through Defendant's installation and use of the Trackers constitutes an invasion of privacy.

1 66. As alleged herein, the Trackers are designed to analyze Website data and marketing
2 campaigns, conduct targeted advertising, and boost Defendant’s revenue, all through their
3 surreptitious collection of Plaintiff’s and Class Members’ data.

4 1. *Defendant Discloses User’s Data To PubMatic For The
5 Purpose Of Marketing, Advertising, And Analytics*

6 67. PubMatic describes itself as a digital advertising platform that “exist[s] to enable
7 content creators to run a more profitable advertising business, which in turn allows them to invest
8 back into the multi-screen and multi-format content that consumers demand.”⁸

9 68. PubMatic helps companies like Defendant market, advertise, and analyze user data
10 from its website. For example, PubMatic enables publishers to place advertisements on their
11 webpages to further monetize their websites.⁹ To ensure that an effective advertisement is shown to
12 the consumer, the publisher shares data about the user with PubMatic and PubMatic serves the
13 targeted ad.¹⁰

14 69. PubMatic also helps advertisers select where to place their ads, to help companies
15 “[s]mash [their] campaign KPIs” and “reach [their] target audiences more effectively.”¹¹ One of the
16 ways in which PubMatic accomplishes this is by selling “action packages,” which are data sets—
17 pulled together from different sources—to help advertisers target specific customers.¹² In other
18 words, PubMatic utilizes third-party data, as well as data from the publisher where the ad is
19 ultimately placed (*i.e.*, first-party), to determine where to place advertisers’ ads and who to place
20 them in front of.

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23 ⁸ *The Supply Chain Of The Future. Delivered*, PUBMATIC, <https://pubmatic.com/about-us> (last
visited Jan. 18, 2024).

24 ⁹ *Future Of Monetization. Build For You.*, PUBMATIC, <https://pubmatic.com/solutions/publishers>
25 (last visited Jan. 18, 2024).

26 ¹⁰ *Id.*

27 ¹¹ *Connect With PubMatic’s Auction Packages*, PUBMATIC, <https://pubmatic.com/auction-packages>
(last visited Jan. 18, 2024).

28 ¹² *Connect With PubMatic’s Auction Packages*, PUBMATIC, [https://pubmatic.com/auction-
packages-apac](https://pubmatic.com/auction-packages-apac) (last visited Jan. 18, 2024).

1 70. By way of example, PubMatic sells a “Ramadan Auction Package” that targets
2 consumers who observe Ramadan.¹³ This package helps companies target people who have
3 indicated interest in Ramadan Events through consumer behavior, have internet search history such
4 as “Prayer & Fasting,” have location data that is “[f]requently seen at places of worship,” or have
5 “[d]emographic data” that shows they are married or live with people “who have shown interest
6 towards Ramadan.”¹⁴

7 71. In summary, when users visit Defendant’s Website, Defendant utilizes the PubMatic
8 Tracker to collect IP addresses so that Defendant can analyze user data, create and analyze the
9 performance of marketing campaigns, and target specific users or specific groups of users for
10 advertisements. All of this helps Defendant further monetize its Website and maximize revenue by
11 collecting and disclosing user information.

12 2. *Defendant Discloses User’s Data To Magnite For The*
13 *Purpose Of Marketing, Advertising, And Analytics*

14 72. Magnite is a digital advertising platform that helps companies like Defendant market,
15 advertise, and analyze user data from its website.

16 73. Similar to PubMatic, Magnite enables publishers to place advertisements on their
17 webpages to further monetize their websites. To ensure that an effective advertisement is shown to
18 the consumer, the publisher shares data about the user with Magnite and Magnite serves the targeted
19 ad.¹⁵

20 74. Magnite also “help[s] [advertisers] reach more of the audiences [they] care about,
21 more efficiently than ever” with targeted ads.¹⁶ Using Magnite’s technology, companies can “[r]each
22 [their] target wherever [the targets] are in their day (and in the world).”¹⁷

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25 ¹³ *Connect With PubMatic’s Auction Packages: Ramadan*, PUBMATIC,
<https://pubmatic.com/auction-packages-apac> (last visited Jan. 18, 2024).

26 ¹⁴ *Id.*

27 ¹⁵ *Sellers*, MAGNITE, <https://www.magnite.com/sellers/> (last visited Jan. 18, 2024).

28 ¹⁶ *Buyers*, MAGNITE, <https://www.magnite.com/buyers/> (last visited Jan. 18, 2024).

¹⁷ *Id.*

1 75. Magnite enables companies to target specific people through their Custom Auction
2 Packages, which “[l]everage behavior and context by bringing [] first and third-party data, or by
3 using open-market seller data to build [data sets]” identifying targets.¹⁸

4 76. In order to perform the functions listed above, Magnite needs to collect data that
5 identifies a particular user. This is why Magnite collects IP addresses: it allows Magnite to ascertain
6 a user’s location and target that user with advertisements tailored to their location, as well as to track
7 a user’s Website activity over time (*i.e.*, through repeated Website visits) to target a user with
8 advertisements relevant to the user’s personal browsing activity.

9 77. In other words, when users visit Defendant’s Website, Defendant utilizes the Magnite
10 Tracker to collect IP addresses so that Defendant can analyze user data, create and analyze the
11 performance of marketing campaigns, and target specific users or specific groups of users for
12 advertisements. All of this helps Defendant further monetize its Website and maximize revenue by
13 collecting and disclosing user information.

14 3. *Defendant Discloses User’s Data To Aniview For The*
15 *Purpose Of Marketing, Advertising, And Analytics*

16 78. Aniview describes itself as a video monetization platform that “powers the most
17 efficient & effective advertising across the open web with unrivaled product versatility, operating
18 transparency & customer support.”¹⁹

19 79. Aniview helps companies like Defendant market, advertise, and analyze user data
20 from its website, specifically for video content. For example, Aniview enables publishers to place
21 advertisements in videos or embedded in broadcasts. To ensure that an effective advertisement is
22 shown to the consumer, the publisher shares data about the user with Aniview and Aniview serves
23 the targeted ad.²⁰

24 80. Aniview also helps advertisers select where to place their ads with a “vast supply of
25 advertising space from publishers around the world” and enables companies to “use advance

26 ¹⁸ *Id.*

27 ¹⁹ ANIVIEW, <https://aniview.com> (last visited Jan. 19, 2024).

28 ²⁰ *Selling Your Inventory Is A Breeze*, ANIVIEW, <https://Aniview.com/marketplace/publishers> (last visited Jan. 19, 2024).

1 targeting” to “reach ideal customers.”²¹ In other words, Aniview utilizes third-party data, as well as
2 data from the publisher where the ad is ultimately placed (*i.e.*, first-party), to determine where to
3 place advertisers’ ads and who to place them in front of.

4 81. In summary, when users visit Defendant’s Website, Defendant utilizes the Aniview
5 Tracker to collect IP addresses so that Defendant can analyze user data, create and analyze the
6 performance of marketing campaigns, and target specific users or specific groups of users for
7 advertisements. All of this helps Defendant further monetize its Website and maximize revenue by
8 collecting and disclosing user information.

9 **III. PLAINTIFF’S EXPERIENCE**

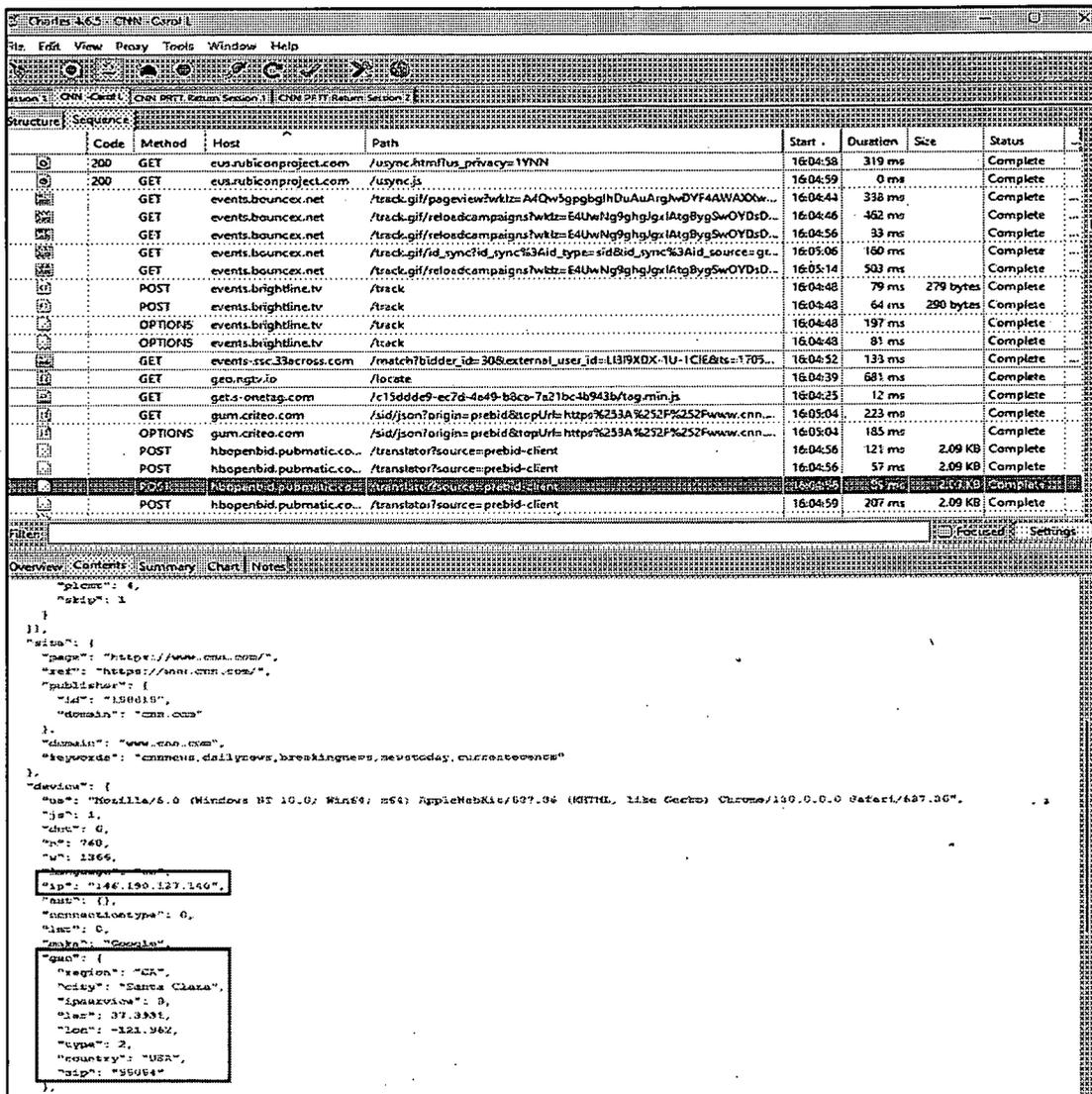
10 82. Plaintiff regularly visits the Websites on her desktop browser—sometimes multiple
11 times a day—and has done so throughout the entirety of the class period.

12 83. When Plaintiff visited the Website, the Website’s code—as programmed by
13 Defendant—caused the Trackers to be installed on Plaintiff’s browser. Defendant, PubMatic,
14 Magnite, and Aniview, then used the Trackers to collect Plaintiff’s IP address. *See* Figures 9
15 (PubMatic Tracker), 10 (Rubicon Tracker) and 11 (Aniview Tracker). Notably, with the PubMatic
16 and Magnite Trackers (Figures 9-10), Plaintiff’s IP address is used to ascertain her location as Santa
17 Clara, California, along with specific latitude-longitude coordinates and a zip code.

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²¹ *Join Our Ad Marketplace For Advertisers*, ANIVIEW,
<https://aniview.com/marketplace/advertisers> (last visited Jan. 19, 2024).

Figure 9:



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1 91. **Commonality and Predominance:** There are well-defined common questions of fact
2 and law that exist as to all members of the Class and that predominate over any questions affecting
3 only individual members of the Class. These common legal and factual questions, which do not vary
4 between members of the Class, and which may be determined without reference to the individual
5 circumstances of any Class Member, include, but are not limited to, the following:

- 6 (a) Whether Defendant violated CIPA section 638.51(a);
7 (b) Whether the Trackers are “pen registers” pursuant to Cal. Penal
8 Code § 638.50(b);
9 (c) Whether Defendant sought or obtained prior consent—express or
10 otherwise—from Plaintiff and the Class;
11 (d) Whether Defendant sought or obtained a court order for its use of
12 the Trackers; and
13 (e) Whether Plaintiff and members of the Class are entitled to actual
14 and/or statutory damages for the aforementioned violations.

15 92. **Typicality:** The claims of the named Plaintiff are typical of the claims of the Class
16 because the named Plaintiff, like all other members of the Class Members, visited the Website and
17 had her IP address collected by the Trackers, which were installed and used by Defendant.

18 93. **Adequate Representation:** Plaintiff is an adequate representative of the Class
19 because her interests do not conflict with the interests of the Class Members she seeks to represent,
20 she has retained competent counsel experienced in prosecuting class actions, and she intends to
21 prosecute this action vigorously. The interests of members of the Class will be fairly and adequately
22 protected by Plaintiff and her counsel.

23 94. **Superiority:** The class mechanism is superior to other available means for the fair
24 and efficient adjudication of the claims of members of the Class. Each individual member of the
25 Class may lack the resources to undergo the burden and expense of individual prosecution of the
26 complex and extensive litigation necessary to establish Defendant’s liability. Individualized
27 litigation increases the delay and expense to all parties and multiplies the burden on the judicial
28 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

1 of scale, and comprehensive supervision by a single court on the issue of Defendant’s liability. Class
2 treatment of the liability issues will ensure that all claims and claimants are before this Court for
3 consistent adjudication of the liability issues.

4 **CAUSES OF ACTION**

5 **COUNT I**

6 **Violation Of The California Invasion Of Privacy Act,
7 Cal. Penal Code § 638.51(a)**

8 95. Plaintiff repeats the allegations contained in the foregoing paragraphs as if fully set
9 forth herein.

10 96. Plaintiff brings this claim individually and on behalf of the members of the proposed
11 Class against Defendant.

12 97. CIPA section 638.51(a) proscribes any “person” from “install[ing] or us[ing] a pen
13 register or a trap and trace device without first obtaining a court order.”

14 98. A “pen register” is a “a device or process that records or decodes dialing, routing,
15 addressing, or signaling information transmitted by an instrument or facility from which a wire or
16 electronic communication is transmitted, but not the contents of a communication.” (Cal. Penal Code
17 § 638.50(b).)

18 99. The Trackers are “pen registers” because they are “device[s] or process[es]” that
19 “capture[d]” the “routing, addressing, or signaling information”—the IP address—from the
20 electronic communications transmitted by Plaintiff’s and the Class’s computers or smartphones.
21 (Cal. Penal Code § 638.50(b).)

22 100. At all relevant times, Defendant installed the Trackers—which are pen registers—on
23 Plaintiff’s and Class Members’ browsers, and used the Trackers to collect Plaintiff’s and Class
24 Members’ IP addresses.

25 101. The Trackers do not collect the content of Plaintiff’s and the Class’s electronic
26 communications with the Website. (*In re Zynga Privacy Litig.* (9th Cir. 2014) 750 F.3d 1098, 1108
27 [“IP addresses constitute addressing information and do not necessarily reveal any more about the
28 underlying contents of communication...”] [cleaned up].)

1 102. Plaintiff and Class Members did not provide their prior consent to Defendant's
2 installation or use of the Trackers.

3 103. Defendant did not obtain a court order to install or use the Trackers.

4 104. Pursuant to Cal. Penal Code § 637.2, Plaintiff and Class Members have been injured
5 by Defendant's violations of CIPA § 638.51(a), and each seeks statutory damages of \$5,000 for each
6 of Defendant's violations of CIPA § 638.51(a).

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks
9 judgment against Defendant, as follows:

- 10 (a) For an order certifying the Class, naming Plaintiff as the representative
11 of the Class, and naming Plaintiff's attorneys as Class Counsel to
12 represent the Class;
13 (b) For an order declaring that Defendant's conduct violates the statutes
14 referenced herein;
15 (c) For an order finding in favor of Plaintiff and the Class on all counts
16 asserted herein;
17 (d) For statutory damages of \$5,000 for each violation of CIPA
18 § 638.51(a);
19 (e) For pre- and post-judgment interest on all amounts awarded;
20 (f) For an order of restitution and all other forms of equitable monetary
21 relief; and
22 (g) For an order awarding and the Class their reasonable attorney's fees and
23 expenses and costs of suit.

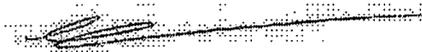
24 **JURY TRIAL DEMANDED**

25 Plaintiff demands a trial by jury of any and all issues in this action so triable of right.

26 Dated: January 25, 2024

27 Respectfully submitted,

28 **BURSOR & FISHER, P.A.**

By: 
Emily A. Horne

L. Timothy Fisher (State Bar No. 191626)
Emily A. Horne (State Bar No. 347723)

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E-mail: ltfisher@bursor.com
ehorne@bursor.com

Attorneys for Plaintiff

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Emily A. Horne (State Bar No. 347723) Bursor & Fisher, P.A., 1990 N. California Blvd., Ste 940, Walnut Creek, CA 94596 TELEPHONE NO.: (925) 300-4455 FAX NO.: (925) 407-2700 EMAIL ADDRESS: ehorne@bursor.com ATTORNEY FOR (Name): Plaintiff Carol Lesh	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/25/2024 at 05:36:50 PM By: Milagros Cortez, Deputy Clerk			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:				
CASE NAME: Carol Lesh v. Cable News Network, Inc.				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000) </td> <td style="width:33%; padding: 5px;"> <input type="checkbox"/> Limited (Amount demanded is \$35,000 or less) </td> <td style="width:33%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>	CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000)	<input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <div style="text-align: center; font-size: 1.2em;">24CV061464</div> JUDGE: DEPT.:
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$35,000)	<input type="checkbox"/> Limited (Amount demanded is \$35,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|---|
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 25, 2024

Emily A. Horne

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**CM-010**

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)–Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice–Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case–Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ–Administrative Mandamus
Writ–Mandamus on Limited Court Case Matter
Writ–Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal–Labor Commissioner
Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Carol Lesh v. Cable News Network, Inc.	Case Number:
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CIVIL CASE COVER SHEET ADDENDUM

**THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

		[] Hayward Hall of Justice (447)
[x] Oakland, Rene C. Davidson Alameda County Courthouse (446)		[] Pleasanton, Gale-Schenone Hall of Justice (448)
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	[] 34 Auto tort (G) Is this an uninsured motorist case? [] yes [] no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	[] 75 Asbestos (D) [] 89 Product liability (not asbestos or toxic tort/environmental) (G) [] 97 Medical malpractice (G) [] 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	[x] 79 Bus tort / unfair bus. practice (G) [] 80 Civil rights (G) [] 84 Defamation (G) [] 24 Fraud (G) [] 87 Intellectual property (G) [] 59 Professional negligence - non-medical (G) [] 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	[] 38 Wrongful termination (G) [] 85 Other employment (G) [] 53 Labor comm award confirmation [] 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	[] 04 Breach contract / Wrnty (G) [] 81 Collections (G) [] 86 Ins. coverage - non-complex (G) [] 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	[] 18 Eminent domain / Inv Cdm (G) [] 17 Wrongful eviction (G) [] 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	[] 94 Unlawful Detainer - commercial [] 47 Unlawful Detainer - residential [] 21 Unlawful detainer - drugs Is the deft. in possession of the property? [] Yes [] No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	[] 41 Asset forfeiture [] 62 Pet. re: arbitration award [] 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) [] Yes [] No [] 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	[] 77 Antitrust / Trade regulation [] 82 Construction defect [] 78 Claims involving mass tort [] 91 Securities litigation [] 93 Toxic tort / Environmental [] 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	[] 19 Enforcement of judgment [] 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	[] 90 RICO (G) [] 88 Partnership / Corp. governance (G) [] 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	[] 06 Change of name [] 69 Other petition

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp FILED Superior Court of California County of Alameda 01/25/2024 Clad Fluke, Executive Officer/Clerk of the Court By: <i>M. Cortez</i> Deputy M. Cortez
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612	
PLAINTIFF: Carol Lesh	
DEFENDANT: Cable News Network, Inc.	
NOTICE OF CASE MANAGEMENT CONFERENCE	CASE NUMBER: 24CV061464

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 05/24/2024	Time: 8:30 AM	Dept.: 23
Location: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

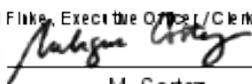
Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

Meet and confer, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

Post jury fees as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/25/2024
PLAINTIFF/PETITIONER: Carol Lesh	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy M. Cortez
DEFENDANT/RESPONDENT: Cable News Network, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 24CV061464

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Emily A. Horne
Bursor & Fisher, P.A.
1990 N. California Blvd. 940
Walnut Creek, CA 94596

Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/26/2024

By:



M. Cortez, Deputy Clerk

CERTIFICATE OF MAILING

Attorney or Party without Attorney: EMILY A. HORNE (SBN 347723) Bursor & Fisher, P.A. 1990 N California Blvd Suite 940 Walnut Creek, CA 94596 Telephone No: 925-300-4455 Attorney For: Plaintiff				For Court Use Only ELECTRONICALLY FILED Superior Court of California County of Alameda 02/06/2024 Chad Firke, Executive Officer / Clerk of the Court By: <u> V. Hutton </u> Deputy	
Ref. No. or File No.: 3153 CNN Pen Registers					
Insert name of Court, and Judicial District and Branch Court: SUPERIOR COURT FOR THE STATE OF CALIFORNIA COUNTY OF ALAMEDA					
Plaintiff: CAROL LESH Defendant: CABLE NEWS NETWORK, INC.					
PROOF OF SERVICE SUMMONS		Hearing Date:	Time:	Dept/Div:	Case Number: 24CV061464

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS; CIVIL CASE COVER SHEET; COMPLAINT; NOTICE OF CASE MANAGEMENT CONFERENCE
3.
 - a. Party served: CABLE NEWS NETWORK, INC.
 - b. Person served: Linda Banks, Authorized to Accept Service for CT Corporation System, Agent for Service of Process
4. Address where the party was served: 289 SOUTH CULVER STREET, LAWRENCEVILLE, GA 30046
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): Mon, Feb 05 2024 (2) at (time): 02:29 PM
 - (1) (business)
 - (2) (home)
 - (3) (other) :
6. The "Notice to the Person Served" (on the summons) was completed as follows:
 - a. as an individual defendant.
 - b. as the person sued under the fictitious name of (specify):
 - c. as occupant.
 - d. On behalf of (specify): CABLE NEWS NETWORK, INC.
 under the following Code of Civil Procedure section:

<input checked="" type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
<input type="checkbox"/> other:	



Plaintiff: CAROL LESH Defendant: CABLE NEWS NETWORK, INC.	Case Number: 24CV061464
--	----------------------------

Recoverable cost Per CCP 1033.5(a)(4)(B)

7. Person who served papers

- a. Name: Jack Williams
- b. Address: **FIRST LEGAL**
200 WEBSTER STREET, SUITE 201
OAKLAND, CA 94607
- c. Telephone number: (415) 626-3111
- d. The fee for service was: 215.74
- e. I am:
 - (1) not a registered California process server.
 - (2) exempt from registration under Business and Professions Code section 22350(b).
 - (3) a registered California process server:
 - (i) owner employee independent contractor
 - (ii) Registration No:
 - (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

02/05/2024

(Date)



Jack Williams



SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

FILED
ALAMEDA COUNTY

FEB 14 2024

CLERK OF THE SUPERIOR COURT

By  Deputy

Case No. 24CV061464

LESH, Plaintiffs
CABLE NEWS NETWORK, INC., Defendants

INITIAL CASE MANAGEMENT
ORDER

ASSIGNED FOR ALL PRE-TRIAL
PURPOSES TO:
JUDGE TARA M. DESAUTELS
DEPARTMENT 23

An initial Case Management Conference is scheduled on 5/28/2024 at 2:30 PM in Department 23.

The following order shall apply to all parties in this action:

CASE MANAGEMENT CONFERENCES

At Case Management Conferences (CMCs), the Court will address discovery issues, schedules, and other subjects pursuant to CRC 3.750. Counsel attending CMCs must be thoroughly familiar with the case. The Court permits remote CMC appearances by video conference. Parties are to meet and confer in advance of the CMC regarding the form of their appearance. The Court prefers all speaking participants for all parties to participate from the same platform, i.e., all speaking participants should be prepared to attend either by videoconference or in person. (The Court does not have a preference re the manner of attendance of non-speaking participants.)

At the Initial CMC, the parties must be prepared to discuss the nature of the case, both factually and legally, as well as the projected management of the case at each stage,

including the prospective use of lead counsel and a common complaint. The CMC is not a perfunctory hearing. The primary objective of the CMC is to develop a comprehensive plan for a just and efficient determination of the litigation.

Courtesy copies of all CMC statements must be emailed to dept23@alameda.courts.ca.gov and must also be delivered in hard copy directly to Dept. 23 if they exceed five pages. The filing and delivery date is not later than fifteen (15) days before the CMC unless otherwise directed.

The Parties shall prepare and file a joint CMC statement, prepared in narrative form (not using Form CM-110), after counsel have met and conferred in person or via telephone or videoconference as required by CRC 3.724. Written or emailed exchanges do not meet the Court's good faith meet and confer requirements.

Initial CMC statements must address the following issues when applicable:

A. A brief factual summary to assist the Court in understanding the background of the case, a statement of the issues presented, including each theory of liability and defense and a summary of the facts supporting each position taken, and the relief sought, including an estimate of damages.

B. The number of parties and their posture, including a proposed structure of representation (e.g., liaison/lead counsel or by committee);

C. Deadlines and limits on joinder of parties and amended or additional pleadings;

D. Class discovery and class certification, if applicable;

E. A proposed schedule for the conduct of the litigation including, but not limited to a discovery plan, a plan for hearing remaining law and motion, proposed mediation dates, projected dates for filing motions for class certification (if applicable), and trial;

F. An identification of all potential evidentiary issues involving confidentiality or protected evidence and/or agreement re a related protective order;

G. A detailed description of the procedural posture of the case, describing any outstanding procedural problems, including, but not limited to:

- (1) unserved parties and the reasons for the failure to serve;
- (2) unserved and/or unfiled cross-complaints;
- (3) related actions pending in any jurisdiction and the potential for coordination or consolidation;
- (4) any possible jurisdictional or venue issues that may arise;
- (5) the status of discovery, including a description of all anticipated discovery and incomplete or disputed discovery issues;
- (6) unresolved law and motion matters;
- (7) requests for, or opposition to, any ADR proceedings, including but not limited to mediation, judicial or contractual arbitration;
- (8) severance or bifurcation of issues for trial; and
- (9) calendar conflicts for any attorney, witness, or party, and any other matter which may affect the setting of a trial date.

H. Counsel may make suggestions for streamlining the litigation, including, but not limited to, a master file system, common complaints and/or answers, designation of lead counsel [for plaintiff(s) and/or defendant(s)] to streamline service of process and/or

management of discovery, the use of e-filing, and the use of a web-page maintained by lead counsel for the purpose of posting the litigation schedule and agenda. Counsel may also address ways of structuring the trial of the action such as bifurcation, severance, bell-weather trials, use of special masters, use of expedited jury procedures and/or waiver of jury.

I. If the action is a Judicial Council Coordinated Proceeding (JCCP), the initial CMC statement must also include a list of cases that the parties agree should be coordinated within the JCCP. The list may be supplemented in later CMC statements as additional cases are added to the JCCP through stipulation or otherwise. (CRC 3.544.)

Parties are advised to check the Court's register of actions before appearing at any CMC, including the Initial Case Management Conference, to determine if the Court has issued an order, or a tentative case management order. The Court will endeavor to issue tentative case management orders (TCMOs) at least two days before the CMC. If a TCMO is published, it will become the order of the Court unless counsel or self-represented party notifies the Court and opposing counsel/self-represented party by email and through eCourt prior to 3:00 p.m. the court day before the CMC that they wish to appear at the CMC to discuss or contest some aspect of the order. Parties may not contest a TCMO until they have met and conferred in good faith and in person (or via video or telephone conference) concerning the potential areas of dispute or discussion. If subsequent agreement is not reached, the request to appear sent to the Court must, in a non-argumentative manner, succinctly detail the meet and confer efforts, the topics the parties wish to discuss, and the parties' respective positions. (Please note that the Tentative Rulings posted on the website are for tentative rulings on law and motion

matters and will not display TCMOs. The TCMOs are found in the Register of Action.)
Department 23 may be reached at Dept23@alameda.courts.ca.gov.

MOTIONS FOR CLASS CERTIFICATION

Plaintiffs are expected to file their motion for class certification no later than 13 months after filing the complaint. Parties are to include related updates in their initial and supplemental CMC statements.

NOTICE OF FEE CHANGES - JURY TRIAL FEE

The advance jury fee is fixed at \$150.00 and is not refundable. With certain exceptions, the jury trial fee is due on or before the date scheduled for the initial case management conference. (C.C.P. § 631(b).)

DISCOVERY

Discovery Conference: Motions related to discovery (i.e. motions to compel, protective orders etc.) may not be filed without leave of the Court until after an informal discovery conference pursuant to revised Local Rule 3.31 (amended effective January 1, 2023). A party may request an IDC by joint email to dept23@alameda.courts.ca.gov. Any IDC request must include a succinct, non-argumentative narration of the parties' good faith meet and confer efforts (in person, or via video or telephone conference), and the remaining areas of disagreement. The IDC is not a pro forma step before a motion. Parties are to continue their in person meet and confer efforts after the submission of their IDC statements. Parties are to email the Court with their request to withdraw the IDC or narrow the issues to be discussed prior to 9:00 a.m. on the date of the IDC.

EMAILS TO COURT

Emails to the Court are not part of the Court record in this case and may be deleted without notice. Email is not a substitute for required filings. Any emails should be copied to all counsel. The Department 23 email may only be used for the following purposes: to seek a reservation to schedule a proceeding on the Court's calendar, to give notice that a settlement has been reached, to request that a motion be withdrawn, to request an IDC (and transmit IDC statements), to notify the Court of emergency scheduling issues (i.e. running late to a hearing), to contest a tentative ruling, to reply to an inquiry from the clerk or research attorney of Department 23, to communicate with the courtroom clerk regarding department 23 procedures (that are not otherwise addressed in this order, the local rules, or on the Department or Court web site), to deliver courtesy copies fewer than 5 pages in length (including all attachments), or to communicate re other matters that the Court has expressly authorized in this case.

If any email communications to the Court include ex parte communications, attempt to argue issues not properly noticed, or are rude or unprofessional, then the clerk will not pass on the communication to the Court, and it will not be considered. However, improper communications may be the subject of sanctions ordered sua sponte by the Court, or after consideration of a noticed motion. The Court may also sua sponte file in the register of action any email communications transmitted to the Court by a party or counsel.

PRO HAC VICE PROCESS

Applications for Pro Hac Vice must be submitted by noticed motion on regular time, or, if it is a time sensitive matter, a request for an order shortening time must be submitted. Applications will not be considered on an ex parte basis. (CRC 9.40.)

NOTICE

Parties are advised that CASE MANAGEMENT ORDERS, including trial setting orders, and FINAL RULINGS ON LAW AND MOTION that are issued by Dept. 23 will be published in the Court's website in the Register of Action for this case. The clerk of the Court WILL NOT serve each party a copy of future orders. Unless otherwise ordered, counsel must obtain copies of all future orders from the Register of Action in this case.

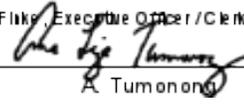
SERVICE OF THIS ORDER

Counsel for plaintiff(s) has a continuing obligation to serve a copy of this order on newly joined parties not listed on the proof of service of this order and file proof of service. Each party defendant joining any third-party cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service. The Court directs the clerk to serve a copy of this CASE MANAGEMENT ORDER upon counsel for Plaintiff(s).

DATED: FEBRUARY 14, 2024



TARA M. DESAUTELS, JUDGE

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 02/15/2024
PLAINTIFF/PETITIONER: Carol Lesh	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Tumonong
DEFENDANT/RESPONDENT: Cable News Network, Inc.	
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 24CV061464

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Initial Case Management Order entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Emily A. Horne
Bursor & Fisher, P.A.
ehorne@bursor.com

Chad Finke, Executive Officer / Clerk of the Court

Dated: 02/15/2024

By:



A. Tumonong, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 23

JUDICIAL OFFICER: HONORABLE TARA DESAUTELS

Courtroom Clerk: Ana Liza Tumonong

CSR: None

24CV061464

February 14, 2024

10:56 AM

LESH

vs

CABLE NEWS NETWORK, INC.

MINUTES

NATURE OF PROCEEDINGS: Court Order Complex Determination

COMPLEX DETERMINATION

The Court designates this case as complex pursuant to Rule 3.400 et seq. of the California Rules of Court. Counsel are advised to be familiar with the Alameda County Local Rules concerning complex litigation, including Rule 3.250 et seq. An order assigning the case to a judge and an initial case management order will be issued.

COMPLEX CASE FEES

Pursuant to Government Code section 70616, any non-exempt party who has appeared in the action but has not paid the complex case fee is required to pay the fee within ten days of the filing of this order. The complex case fee is \$1,000 for each plaintiff or group of plaintiffs appearing together and \$1,000 PER PARTY for each defendant, intervenor, respondent or other adverse party, whether filing separately or jointly, up to a maximum of \$18,000 for all adverse parties. All payments must identify on whose behalf the fee is submitted. Please submit payment to the attention of the Complex Litigation Clerk located in the Civil Division at the Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612. Please make check(s) payable to the Clerk of the Superior Court. Documents may continue to be filed as allowed under Local Rule 1.9. Note that for those admitted pro hac vice, there is also an annual fee. (Gov't Code section 70617.)

PROCEDURES

Calendar information, filings, and tentative rulings are available to the public at <http://www.alameda.courts.ca.gov/domainweb/>. All counsel are expected to be familiar and to comply with pertinent provisions of the Code of Civil Procedure, the California Rules of Court, the Alameda County Superior Court Local Rules and the procedures outlined on the domain web page of the assigned department.

SERVICE OF THIS ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Counsel for plaintiff(s) shall have a continuing obligation to serve a copy of this order on newly joined parties defendant not listed on the proof of service of this order and file proof of service. Each party defendant joining any third party cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service.

This case is hereby determined to be complex within the meaning of Rule 3.400 of the California Rules of Court.

The case is ordered reassigned to Judge Tara Desautels in Department 23 at the Rene C. Davidson Courthouse for all further proceedings and for all purposes.

The case is ordered stayed until the Initial Status Conference date. Notice of Initial Status Conference is to be given by the Clerk in Department 23. No responsive pleadings may be filed until further order of the Court. Parties may file a Notice of Appearance in lieu of an Answer or other responsive pleading. The filing of a Notice of Appearance shall not constitute a general appearance, and shall not waive any substantive or procedural challenge to the complaint. Nothing herein stays the time for filing Affidavit of Prejudice pursuant to Code of Civil Procedure section 170.6.

Pursuant to Government Code section 70616 subdivisions (a) and (b), each party is ordered to pay \$1,000.00 for complex fees, payable to Alameda County Superior Court, within ten (10) calendar days of service of this order.

Any party objecting to the complex designation must file an objection with proof of service in Department 23 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 23 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

Pursuant to Government Code Sections 70616(a) and 70616(b), a single complex fee of one thousand dollars (\$1,000.00) must be paid on behalf of all plaintiffs. For defendants, a complex fee of one thousand dollars (\$1,000.00) must be paid for each defendant, intervenor, respondent or adverse party, not to exceed, for each separate case number, a total of eighteen thousand dollars (\$18,000.00), collected from all defendants, intervenors, respondents, or adverse parties. All such fees are ordered to be paid to Alameda Superior Court, within 10 days of service of this order.

The Complex Determination Hearing scheduled for 02/27/2024 is vacated .

The Initial Case Management Conference scheduled for 05/24/2024 is continued to 05/28/2024 at 02:30 PM in Department 23 at Rene C. Davidson Courthouse .

Parties to file joint case management statement (not on JC form) at least 10 days before the hearing.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

represented parties of record.



By:

A. Tumong, Deputy Clerk

Minutes of: 02/14/2024

Entered on: 02/14/2024



PROCESS SERVER DELIVERY DETAILS

Date: Thu, Feb 15, 2024
Server Name: Drop Service

Entity Served	CABLE NEWS NETWORK, INC.
Case Number	24CV061464
Jurisdiction	GA

Inserts		



SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse, Department 23

JUDICIAL OFFICER: HONORABLE TARA DESAUTELS

Courtroom Clerk: Ana Liza Tumonong

CSR: None

24CV061464

February 14, 2024

10:56 AM

LESH

vs

CABLE NEWS NETWORK, INC.

MINUTES

NATURE OF PROCEEDINGS: Court Order Complex Determination

COMPLEX DETERMINATION

The Court designates this case as complex pursuant to Rule 3.400 et seq. of the California Rules of Court. Counsel are advised to be familiar with the Alameda County Local Rules concerning complex litigation, including Rule 3.250 et seq. An order assigning the case to a judge and an initial case management order will be issued.

COMPLEX CASE FEES

Pursuant to Government Code section 70616, any non-exempt party who has appeared in the action but has not paid the complex case fee is required to pay the fee within ten days of the filing of this order. The complex case fee is \$1,000 for each plaintiff or group of plaintiffs appearing together and \$1,000 PER PARTY for each defendant, intervenor, respondent or other adverse party, whether filing separately or jointly, up to a maximum of \$18,000 for all adverse parties. All payments must identify on whose behalf the fee is submitted. Please submit payment to the attention of the Complex Litigation Clerk located in the Civil Division at the Rene C. Davidson Courthouse, 1225 Fallon Street, Oakland, CA 94612. Please make check(s) payable to the Clerk of the Superior Court. Documents may continue to be filed as allowed under Local Rule 1.9. Note that for those admitted pro hac vice, there is also an annual fee. (Gov't Code section 70617.)

PROCEDURES

Calendar information, filings, and tentative rulings are available to the public at <http://www.alameda.courts.ca.gov/domainweb/>. All counsel are expected to be familiar and to comply with pertinent provisions of the Code of Civil Procedure, the California Rules of Court, the Alameda County Superior Court Local Rules and the procedures outlined on the domain web page of the assigned department.

SERVICE OF THIS ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Counsel for plaintiff(s) shall have a continuing obligation to serve a copy of this order on newly joined parties defendant not listed on the proof of service of this order and file proof of service. Each party defendant joining any third party cross-defendant shall have a continuing duty to serve a copy of this order on newly joined cross-defendants and to file proof of service.

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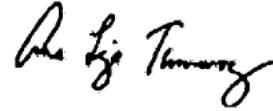
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Parties to file joint case management statement (not on JC form) at least 10 days before the hearing.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-

represented parties of record.



By:

A. Tunborg, Deputy Clerk

Minutes of: 02/14/2024

Entered on: 02/14/2024

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Rene C. Davidson Courthouse

<p>Carol Lesh Plaintiff/Petitioner(s) VS. Cable News Network, Inc. Defendant/Respondent (s)</p>	<p>No. 24CV061464 Date: 02/14/2024 Time: 10:59 AM Dept: 23 Judge: Tara Desautels</p> <p>ORDER Complex Determination</p>
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COMPLEX DETERMINATION

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PROCEDURES

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Rene C. Davidson Courthouse

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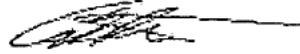
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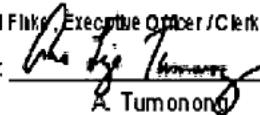
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Rene C. Davidson Courthouse

Dated : 02/14/2024



Tara Desautels / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse Administration Building, 1221 Oak Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 02/14/2024 Clad File/ Executive Officer / Clerk of the Court By:  Deputy
PLAINTIFF(S) / PETI Carol Lesh	
Cable News Network, Inc.	
NOTICE OF CASE REASSIGNMENT	CASE NUMBER: 24CV061464

EFFECTIVE 02/14/2024

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Tara Desautels
DEPARTMENT: 23
LOCATION: Rene C. Davidson Courthouse
Administration Building, 1221 Oak Street, Oakland, CA 94612
PHONE NUMBER: (510) 267-6939
FAX NUMBER:
EMAIL ADDRESS: Dept23@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

GENERAL PROCEDURES

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

NOTICE OF CASE REASSIGNMENT

ASSIGNED FOR ALL PURPOSES TO
JUDGE Tara Desautels
DEPARTMENT 23

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

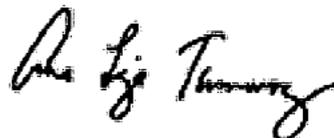
COURT RESERVATIONS

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

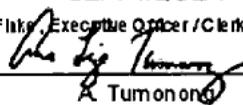
Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at www.eportal.alameda.courts.ca.gov.

Chad Finke, Executive Officer / Clerk of the Court

By



A. Tunong, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 02/14/2024
PLAINTIFF/PETITIONER: Carol Lesh	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Cable News Network, Inc.	
CERTIFICATE OF MAILING	CASE NUMBER: 24CV061464

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the attached document upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Emily A. Horne
Bursor & Fisher, P.A.
1990 N. California Blvd. 940
Walnut Creek, CA 94596

Chad Finke, Executive Officer / Clerk of the Court

Dated: 02/14/2024

By:



A. Tunon, Deputy Clerk

CERTIFICATE OF MAILING

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Lawsuit Claims CNN Website Tracks Users' IP Addresses Without Consent](#)
