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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KIM CARTER MARTINEZ, on behalf of  
herself and all others similarly situated,

Plaintiff,

vs.

ZOOMINFO TECHNOLOGIES INC., a  
Delaware corporation,

Defendant.

NO.

**COMPLAINT—CLASS ACTION  
DEMAND FOR JURY TRIAL**

**I. NATURE OF ACTION**

1. Plaintiff Kim Carter Martinez (“Plaintiff”) and members of the proposed class (the “Class”) are private individuals who have no relationship with the Defendant ZoomInfo Technologies Inc. (“Defendant” or “ZoomInfo”) or the website it owns and operates, www.zoominfo.com. Plaintiff and the Class have never used zoominfo.com, nor did they provide their names, contact information, professional histories, likenesses, or any other personal information to ZoomInfo.

2. Plaintiff was seriously distressed to discover that ZoomInfo is using her name and personal information to advertise subscriptions to zoominfo.com.

1           3.       Plaintiff and the Class did not consent to ZoomInfo using their names, contact  
2 information, job titles, work histories, and other personal information to promote ZoomInfo  
3 subscriptions. Nor did they consent to ZoomInfo selling access to their names, contact  
4 information, job titles, work histories, and other personal information as part of its subscription  
5 products.

6           4.       ZoomInfo advertises subscriptions by publicly displaying teaser profiles of the  
7 Plaintiff and Class members showing their names, some contact information, and current job  
8 title and place of work. Some teaser profiles include photographs. ZoomInfo advertises that it  
9 possesses additional information about Plaintiff and Class members, including email addresses,  
10 job descriptions, the names and contact information of their colleagues, and an organizational  
11 chart showing their positions within the company hierarchy.

12           5.       ZoomInfo advertises that if users obtain a subscription to zoominfo.com, they  
13 will receive “Full Access” to this additional information about the Plaintiff and Class members,  
14 as well as “Full Access” to profiles containing similar information about millions of other  
15 individuals.

16           6.       ZoomInfo does not present Plaintiff’s and Class members’ profiles simply as  
17 “samples” advertising “Full Access” to a single profile. Rather, ZoomInfo uses Plaintiff’s and  
18 Class members’ names and personal information to advertise paid subscriptions to  
19 zoominfo.com.

20           7.       A zoominfo.com subscription includes far more than access to the profile of the  
21 individual whose name and information ZoomInfo used to advertise the subscription. At a cost  
22 of \$10,000 or more per year, a zoominfo.com subscription delivers “Full Access” to the names,  
23 contact information, work histories, and other personal information of millions of individuals.  
24 A zoominfo.com subscription also delivers a variety of other services, including: “ZoomInfo’s  
25 intent engine” which “captures consumption patterns and buying signals across the web”;  
26 “Zoom Engage”, which provides automated email and phone outreach; and “ZoomInfo  
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1 Enrich”, which supplements information the user may have about an individual with additional  
2 information from the ZoomInfo database.

3 8. ZoomInfo is the sole author, designer, and implementor of the advertisements  
4 and searchable database giving rise to this lawsuit. ZoomInfo does not host user-generated  
5 content on or in any part of the website relevant to this lawsuit. ZoomInfo is the sole curator,  
6 designer, and creator of the content described in this Complaint, including the teaser profiles  
7 representing Plaintiff and Class members it uses to advertise subscriptions, and the full profiles  
8 about Plaintiff and Class members it sells for profit.

9 9. Plaintiff’s and Class members’ names, personal information, photographs,  
10 likenesses, and personas have commercial value. This commercial value is demonstrated by the  
11 exploitation of their names, personal information, photographs, likenesses, and personas for  
12 commercial gain by ZoomInfo and ZoomInfo’s competitors. ZoomInfo has acknowledged the  
13 commercial value of Plaintiff’s and Class members’ names and information in public  
14 statements to its investors. ZoomInfo has stated that “[t]he business contact information and  
15 other personal data we collect and process are an integral part of our products and services.”<sup>1</sup>

16 10. ZoomInfo has acknowledged that it “relies heavily” on “the indexing of public-  
17 facing directory pages” – that is, the public teaser profiles containing Plaintiff’s and Class  
18 members’ names and personal information – “to generate a significant portion of the traffic to  
19 our website.”<sup>2</sup>

20 11. Plaintiff does not know how ZoomInfo obtained her name, email address, phone  
21 number, place of work, names and contact information of her associates, workplace  
22 organization chart, and additional personal information. In its annual report, ZoomInfo states  
23 that it “receive(s) data from third-party vendors.” ZoomInfo admits that it is “ultimately unable  
24 to verify with complete certainty the source of such data, how it was received, and that such

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25 <sup>1</sup> ZoomInfo Technologies Inc. 2020 Annual Report, at \*3, available at:  
26 <https://ir.zoominfo.com/static-files/09a427b7-895f-43f4-8f58-a7d4dcef2e95>

27 <sup>2</sup> *Id.*, at \*16.

1 information was collected and is being shared with us in compliance with all applicable data  
2 privacy laws.”<sup>3</sup>

3 12. ZoomInfo also collects names and personal information from its Community  
4 Edition. Subscribers to the Community Edition must install ZoomInfo software on their  
5 computers. The software automatically captures the names and contact information of every  
6 person the subscriber emails, receives an email from, or has emailed in the past.<sup>4</sup>

7 13. ZoomInfo misappropriated Plaintiff’s and Class member’s names, contact  
8 information, work histories, job titles, and other personal information without permission or  
9 consent from Plaintiff or the Class.

10 14. Consent is not all or nothing. Plaintiff and Class members may have shared their  
11 names, contact information, job descriptions and job titles with companies or individuals in a  
12 variety of contexts. For example, Plaintiff or Class members may have sent an email to a  
13 person they did not know subscribed to the ZoomInfo Community Edition, which  
14 automatically captures names and contact information without the sender’s permission.  
15 Plaintiff or Class members may have consented to the posting of their names on the website of  
16 the company for which they work, or on a professional networking site.

17 15. Plaintiff and the Class did not consent to the commercial use of their names and  
18 personal information to promote subscriptions to a website with which they have no  
19 relationship, and which they have no interest in promoting.

20 16. Plaintiff and the Class did not consent to ZoomInfo selling access to their names  
21 and personal information as part of its subscription products.

22 17. California law recognizes the intellectual property and privacy rights of  
23 California citizens in controlling the use of their names, photographs, and likenesses for  
24 commercial purposes.

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26 <sup>3</sup> *Id.*, at \*10.

27 <sup>4</sup> *See id.*, at \*15.

1 18. By using Plaintiff’s and Class members’ names and personal information in  
 2 advertisements for website subscriptions without consent, and by selling access to their names  
 3 and personal information as part of its products, ZoomInfo has violated Plaintiff’s and Class  
 4 members’ intellectual property and privacy rights. Plaintiff and the Class have the right not to  
 5 have their names and personal information exploited to promote a product with which they  
 6 have no relationship and no interest in supporting. Plaintiffs and the Class have an economic  
 7 interest in their names and personal information, which ZoomInfo has stolen, and a privacy  
 8 interest in their names and personal information, which ZoomInfo has violated.

9 19. By these actions, ZoomInfo has violated the California Right of Publicity,  
 10 codified in Cal. Civ. Code § 3344, and California common law prohibiting misappropriation of  
 11 a name or likeness. Plaintiff and the Class have suffered injury through the unlawful taking of  
 12 their valuable intellectual property; through the invasion of their privacy rights protected by  
 13 statute and common law; through ZoomInfo’s unlawful profiting from its exploitation of their  
 14 names and personal information; and through harm to peace of mind. Plaintiff and the Class  
 15 are entitled to relief including statutory damages, disgorgement of profits, royalties for the use  
 16 of their personas, restitution of the value of their personas, an injunction prohibiting  
 17 ZoomInfo’s unlawful conduct, the award of attorneys’ fees, expenses, and costs, and  
 18 declaratory relief.

19 **II. JURISDICTION AND VENUE**

20 20. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d) (the  
 21 Class Action Fairness Act (“CAFA”)), because: (A) members of the putative class are citizens  
 22 of a state different from at least one defendant. Defendant ZoomInfo Technologies, Inc. is  
 23 incorporated in Delaware and has its principal place of business in Vancouver, Washington.  
 24 The Plaintiff and Class members are residents of California. (B) The proposed Class consists of  
 25 at least 100 members. ZoomInfo advertises it has profiles of “125 million business  
 26 professionals,” all of which are used in the advertising techniques described in this Complaint  
 27

1 and sold as part of ZoomInfo’s subscription products. While ZoomInfo does not publish  
2 statistics breaking down the number of profiles by state, a conservative estimate places the  
3 number of profiles of California residents in the millions. And (C) the amount in controversy  
4 exceeds \$5,000,000 exclusive of interest and costs. Cal. Civ. Code § 3344 provides for  
5 statutory damages equal to “equal to the greater of seven hundred fifty dollars (\$750) or the  
6 actual damages suffered,” as well as “any profits from the unauthorized use.” The statute also  
7 allows for punitive damages and the award of attorneys’ fees and costs. Because ZoomInfo is  
8 using the names and personal information of millions of California residents to advertise its  
9 website, the amount in controversy is well over the jurisdictional limit.

10 21. This Court has general personal jurisdiction over ZoomInfo because its  
11 headquarters and principal place of business is in this state and district.

12 22. Venue is appropriate pursuant to 28 U.S.C. § 1391(b). A substantial portion of  
13 the events and conduct giving rise to the violations alleged in this complaint occurred in this  
14 district.

### 15 III. PARTIES

16 23. Plaintiff Kim Carter Martinez is a citizen of California. Ms. Carter Martinez  
17 resides in Sacramento, California. Ms. Carter Martinez has never visited, used, or subscribed to  
18 the website zoominfo.com. ZoomInfo is in possession of Ms. Carter Martinez’s name, email  
19 address, phone number, place of work, job title, job description, the organization chart of her  
20 workplace, and the names and contact information of her colleagues. ZoomInfo uses this  
21 personal information in a teaser profile about Ms. Carter Martinez to advertise subscriptions.  
22 ZoomInfo’s teaser profile displays partially redacted versions of Ms. Carter Martinez’s email  
23 address, job description, organization chart, and list of colleagues. ZoomInfo advertises that  
24 users with a subscription to ZoomInfo will “Get Full Access to Kim’s Info.”  
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1           24. Defendant ZoomInfo Technologies, Inc. is a Delaware corporation with its  
2 headquarter in Vancouver, Washington. Defendant owns and operates the website  
3 zoominfo.com.

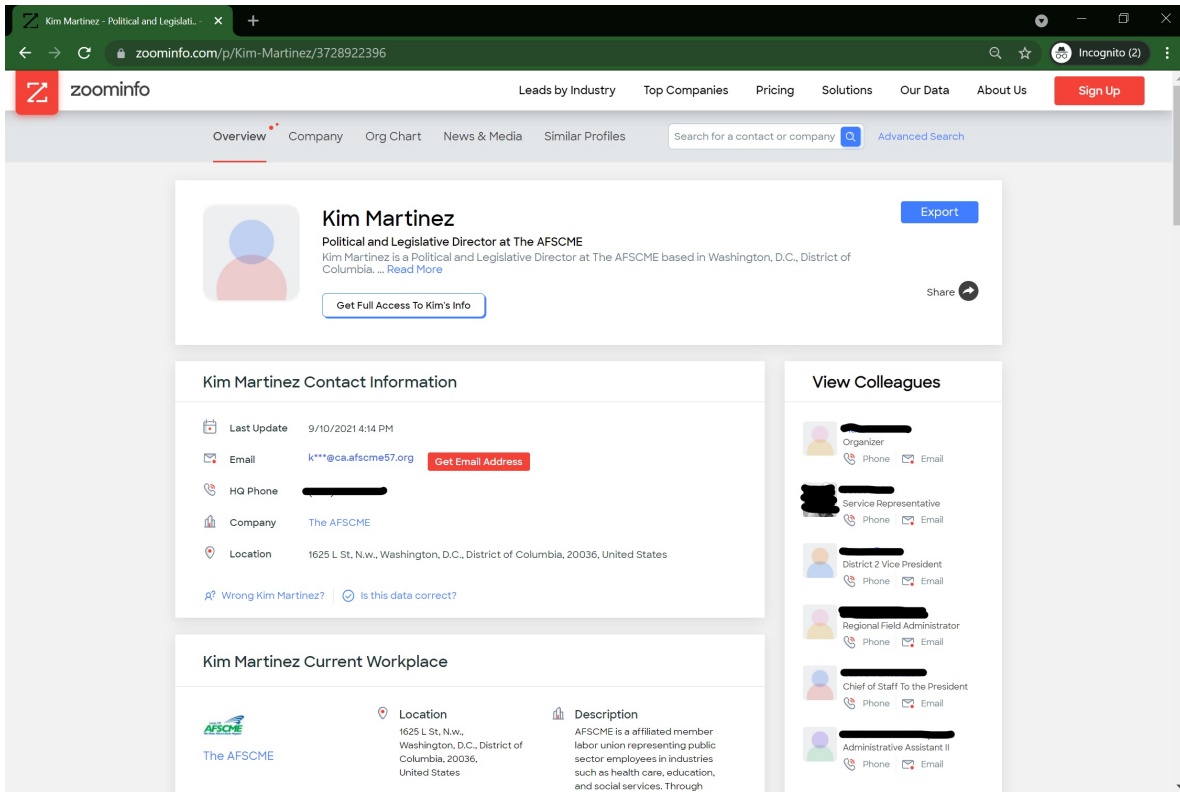
4                                   **IV. FACTUAL ALLEGATIONS**

5           25. Plaintiff Kim Carter Martinez has no relationship with ZoomInfo. She is not a  
6 subscriber and has never used zoominfo.com.

7           26. Ms. Carter Martinez did not give consent to ZoomInfo to use her name or  
8 personal information in any way. Had ZoomInfo requested her consent, Ms. Carter Martinez  
9 would not have provided it.

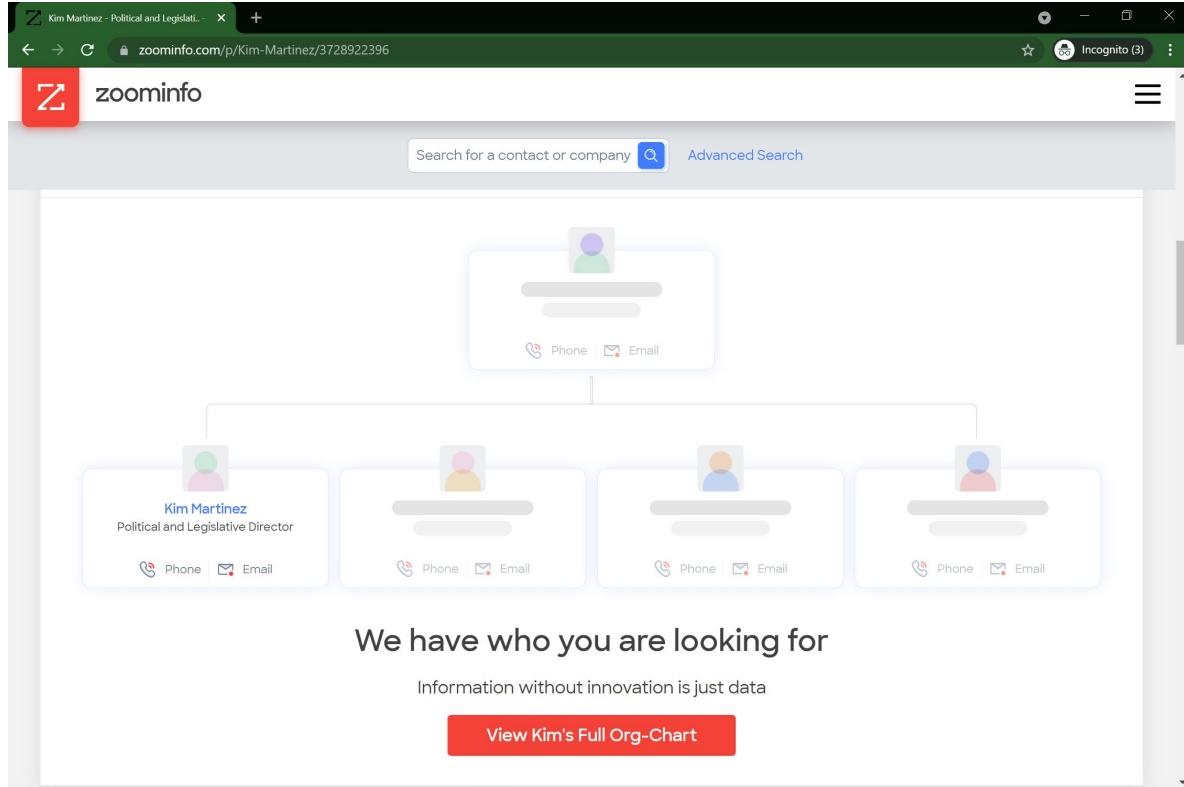
10          27. Ms. Carter Martinez highly values her personal privacy, and her ability to  
11 control and prevent the commercial use and distribution of her name and information without  
12 her consent.

1           28. ZoomInfo uses Ms. Carter Martinez’s name, personal information, and persona  
 2 in advertisements promoting website subscriptions. ZoomInfo maintains a teaser profile of  
 3 personal information about Ms. Carter Martinez. The teaser profile accurately identifies her  
 4 name, phone number, workplace address, partially redacted email address, job title, partially  
 5 redacted job description, a list of her workplace colleagues, and an organization chart of her  
 6 workplace. The teaser profile uniquely identifies Ms. Carter Martinez. A screenshot depicting  
 7 part of the teaser profile about Ms. Carter Martinez is shown below. Incorporated in and  
 8 around Ms. Carter Martinez’s name and personal information are buttons encouraging the user  
 9 to subscribe to ZoomInfo to “Get Full Access to Kim’s Info” and “Get Email Address.”  
 10 Plaintiff’s counsel have used image-editing software to obscure Ms. Carter Martinez’s contact  
 11 information and the names and photographs of her colleagues. In the original version that  
 12 ZoomInfo displays on its website, this information is plainly visible:

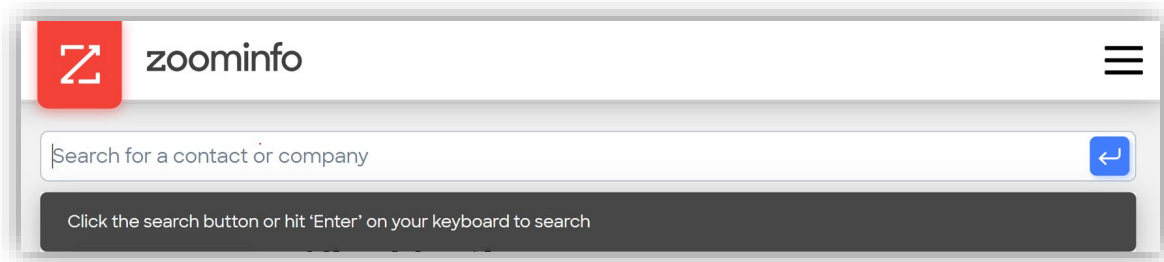




1           29.     When the user scrolls further down on Ms. Carter Martinez’s teaser profile,  
2 ZoomInfo displays a redacted version of the organization chart for her workplace. The page  
3 promises “We have who you are looking for” and encourages the user to subscribe in order to  
4 “View Kim’s Full Org-Chart” and gain access to the names, job titles, phone numbers, and  
5 emails of her work colleagues.

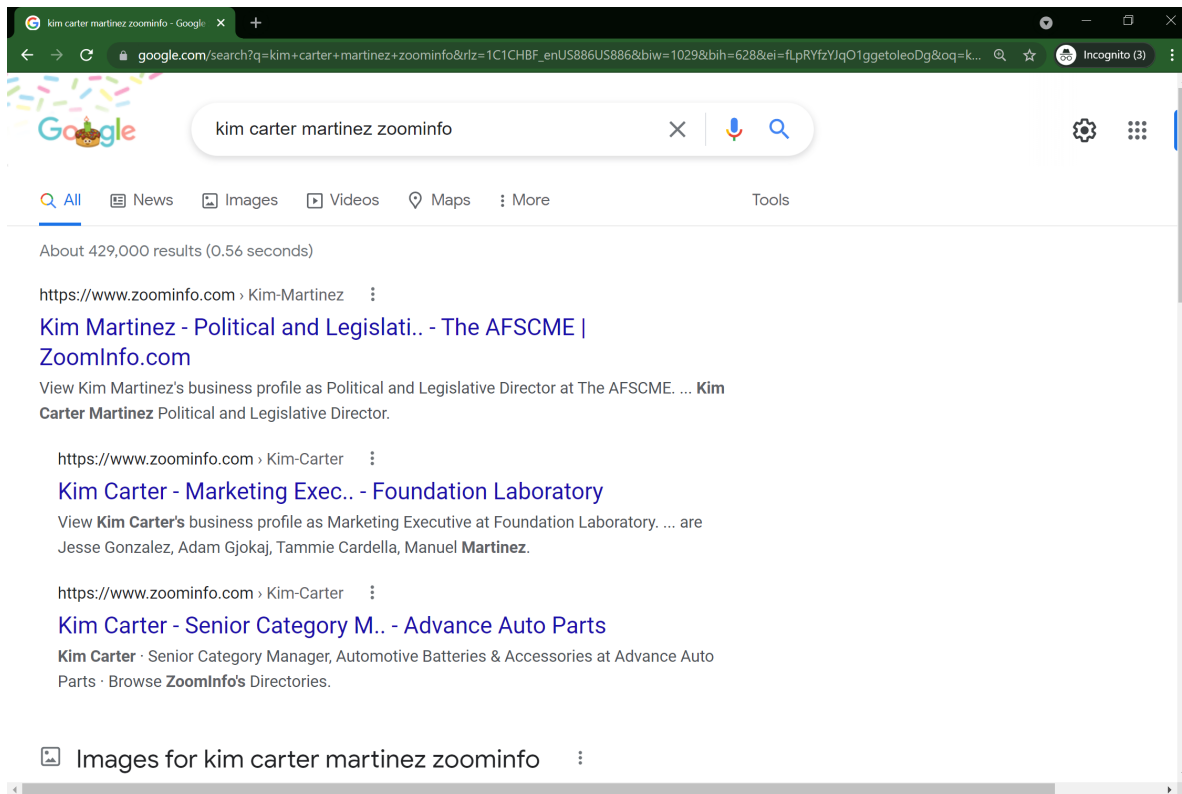


1           30. ZoomInfo provides a publicly accessible search bar with which users can search  
2 for Ms. Carter Martinez by name.



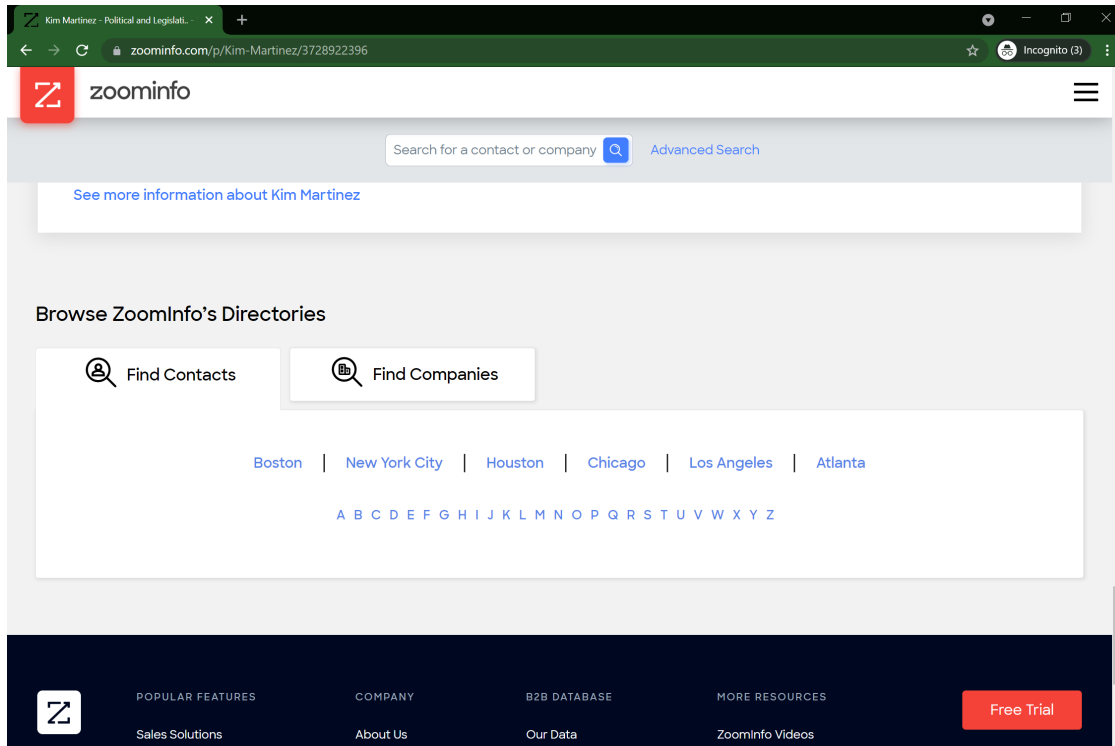
8           31. Users who search for Ms. Carter Martinez receive the teaser profile uniquely  
9 identifying Carter Ms. Carter Martinez by name, contact information, job title, job description,  
10 work address, workplace colleagues, and the organization chart for her workplace.

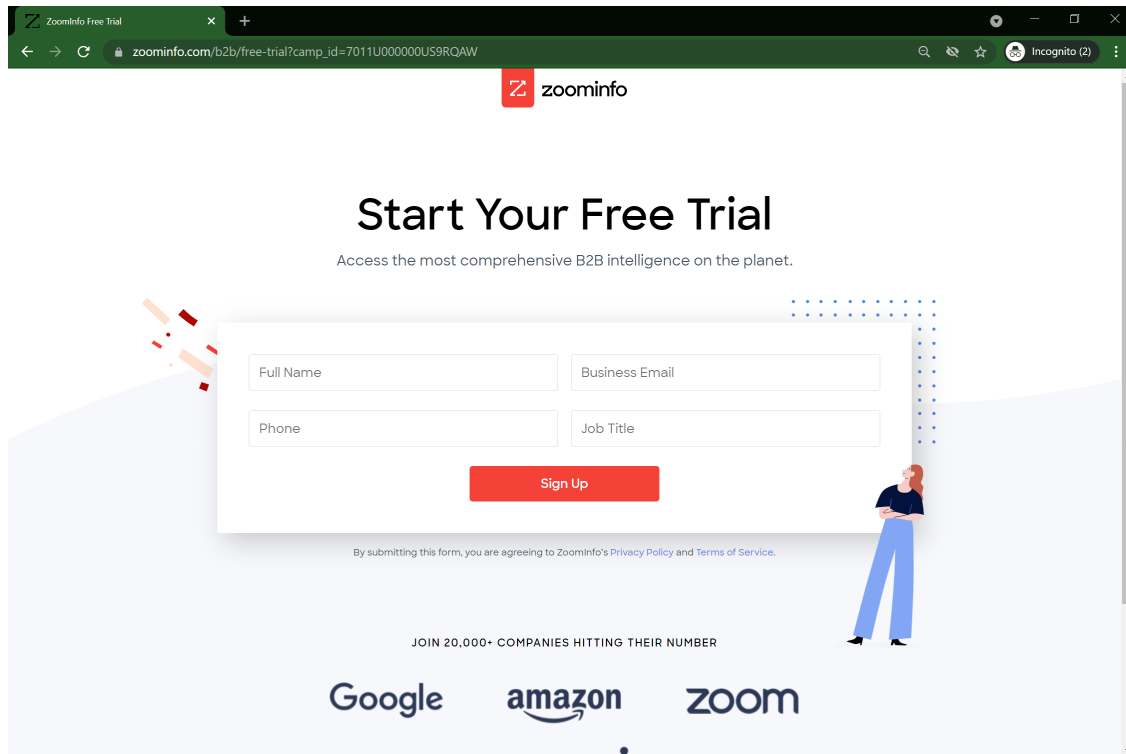
11           32. ZoomInfo also makes Ms. Carter Martinez’s teaser profile publicly searchable  
12 on the internet via a search engine such as Google. Users who search for Ms. Carter Martinez’s  
13 name and “zoominfo” receive Ms. Carter Martinez’s teaser profile as the first search result:  
14



1 33. ZoomInfo uses Ms. Carter Martinez’s teaser profile to advertise two types of  
 2 subscriptions to zoominfo.com. First, ZoomInfo uses Ms. Carter Martinez’s name, personal  
 3 information, and persona to advertise paid subscriptions to the enterprise version of  
 4 zoominfo.com.

5 34. Users who click on the “Free Trial” button on Ms. Carter Martinez’s teaser  
 6 profile are brought to a page inviting them to “Sign Up” for a free trial providing “Access to  
 7 the most comprehensive B2B intelligence on the planet.” Users who sign up for a free trial are  
 8 converted to paying subscriptions at a cost of \$10,000 per year or more when the free trial  
 9 expires.

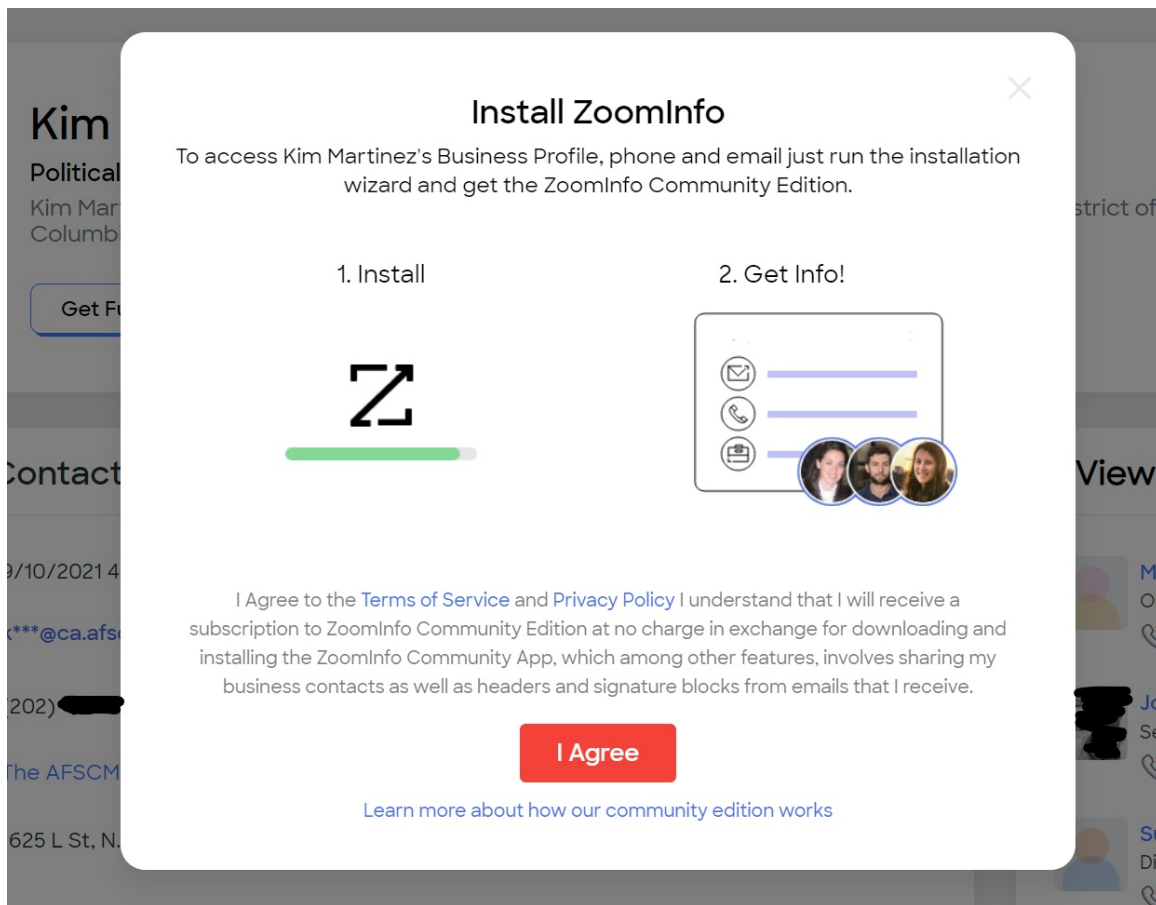




35. ZoomInfo advertises that a subscription to the enterprise version of zoominfo.com will deliver far more than just access to the full version of Ms. Carter Martinez’s profile. An enterprise subscription delivers a variety of services, including: (1) the ability to search and access the full profiles of “125 million business professionals”; (2) ZoomInfo’s intent engine” which “captures consumption patterns and buying signals across the web”; (3) “Zoom Engage”, which provides automated email and phone outreach; and (4) “ZoomInfo Enrich”, which supplements information the user may have about an individual with additional information from the ZoomInfo database.

36. Second, ZoomInfo also uses Ms. Carter Martinez’s name, personal information, and persona to advertise subscriptions to the “Community Edition” version of zoominfo.com.

1           37. Users who see click on the buttons on Ms. Carter Martinez’s teaser profile  
2 marked “Get Full Access to Kim’s Info,” “Get Email Address,” “Export,” or “Sign Up” receive  
3 a pop-up message prompting the user to subscribe to the “ZoomInfo Community Edition.”  
4 Users who subscribe to the Community Edition receive access to Ms. Carter Martinez’s full  
5 profile, in addition to the full profiles of millions of other individuals. In exchange, users must  
6 download and install the “ZoomInfo Community App,” which “involves sharing my business  
7 contacts as well as the headers and signature blocks from emails I receive.”



1           38.     Once users have subscribed to the Community Edition, ZoomInfo works to  
2 convert the users to paying subscribers of the enterprise edition. ZoomInfo’s “go-to-market  
3 efforts are intended to identify and attract prospective customers and convert them into paying  
4 customers, including the conversion of users of our Community Edition product to paying  
5 customers.”<sup>5</sup>

6           39.     ZoomInfo’s sole purpose in using Ms. Carter Martinez’s name, personal  
7 information, and persona on its website is to solicit subscriptions to zoominfo.com.

8           40.     Ms. Carter Martinez does not know how ZoomInfo obtained her name, contact  
9 information, job title, job description, workplace colleagues, workplace address, or  
10 organizational chart. Nor does she know how ZoomInfo obtained any of the additional  
11 information it purports to possess in its full profile of Ms. Carter Martinez.

12           41.     ZoomInfo misappropriated Ms. Carter Martinez’s name and personal  
13 information without permission from Ms. Carter Martinez.

14           42.     Ms. Carter Martinez has intellectual property and privacy interests in her name  
15 and persona recognized by California statutory and common law. She has the right to exclude  
16 anyone from making commercial use of her name and persona without her permission.

17           43.     ZoomInfo has injured Ms. Carter Martinez by taking her intellectual property  
18 without compensation; by invading her privacy rights protected by statute and common law;  
19 and by unlawfully profiting from its exploitation of her personal information.

20           44.     ZoomInfo’s illegal actions caused Ms. Carter Martinez mental injury and  
21 disturbed her peace of mind. Ms. Carter Martinez is deeply uncomfortable in the knowledge  
22 that ZoomInfo is using her name and persona in advertisements for a product with which she  
23 has no relationship and which she has no desire to promote. Ms. Carter Martinez believes her  
24 name and persona is rightly hers to control. ZoomInfo’s illegal use has left her worried and  
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26 <sup>5</sup> *Supra* n. 1, at \*14.  
27

1 uncertain about her inability to control how her name and persona is used. Ms. Carter Martinez  
2 feels that ZoomInfo’s use of her name and persona is an alarming invasion of her privacy.

3 **V. CLASS ACTION ALLEGATIONS**

4 45. Plaintiff brings this action both individually and as a class action pursuant to  
5 Fed. R. Civ. P. 23(b)(2) and (b)(3). Plaintiff seeks to represent a class of all California residents  
6 who are not subscribers of zoominfo.com and whose names and personal information  
7 ZoomInfo incorporated in teaser profiles it uses to promote its products.

8 46. Excluded from the proposed class are: Plaintiff’s counsel; ZoomInfo, its officers  
9 and directors, counsel, successors, and assigns; any entity in which ZoomInfo has a controlling  
10 interest; and the judge to whom this case is assigned and the judge’s immediate family.

11 47. The members of the proposed class are so numerous that joinder of individual  
12 claims is impracticable. ZoomInfo advertises that it has profiles for “125 million business  
13 professionals.” The number of profiles corresponding to California residents is likely in the  
14 millions.

15 48. There are significant questions of fact and law common to the members of the  
16 class. These include:

- 17 a. Whether ZoomInfo’s misappropriation of names, photographs, and personal  
18 information, and use of that information in the advertising techniques described  
19 in this Complaint, constitutes the knowing use without consent of another’s  
20 name, photograph, or likeness on or in products or for purposes of advertising  
21 products within the meaning of Cal. Civ. Code § 3344;
- 22 b. Whether ZoomInfo solicited and obtained prior consent from Plaintiff and the  
23 Class prior to using their names, likenesses, photographs, and personas in  
24 advertisements promoting its website, as required by Cal. Civ. Code § 3344;
- 25 c. Whether ZoomInfo use of Plaintiff’s and Class members’ names and personal  
26 information in advertisements and as part of their subscription products falls  
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1 within the exceptions for “use in connection with any news, public affairs, or  
2 sports broadcast or account, or any political campaign” within the meaning of  
3 Cal. Civ. Code § 3344;

- 4 d. The amount of ZoomInfo’s “profits from the unauthorized use” of Plaintiff’s  
5 and Class members’ names and personal information;
- 6 e. Whether ZoomInfo’s conduct described in this Complaint violates California  
7 common law prohibiting misappropriation of a name or likeness;
- 8 f. Whether Plaintiff and Class members are entitled to the injunctive, declaratory,  
9 monetary, punitive, and other relief requested in this Complaint.

10 49. Plaintiff’s claims are typical of those of the proposed Class. Plaintiff and all  
11 members of the proposed Class have been harmed by ZoomInfo’s misappropriation and misuse  
12 of their identifies, names, likenesses, personas, and other personal information in  
13 advertisements promoting mylife.com. ZoomInfo presents its advertisements in the same way  
14 for each Class member.

15 50. The proposed class representative will fairly and adequately represent the  
16 proposed Class. The class representative’s claims are co-extensive with those of the rest of the  
17 Class. Plaintiff is represented by qualified counsel experienced in class action litigation of this  
18 nature.

19 51. A class action is superior to other available methods for the fair and efficient  
20 adjudication of these claims because individual joinder of the claims of all members of the  
21 proposed Class is impracticable. Many members of the Class do not have the financial  
22 resources necessary to pursue this claim, and even if they did, the size of their interest in the  
23 case may not be large enough to merit the cost of pursuing the case. Individual litigation of  
24 these claims would be unduly burdensome on the courts in which individualized cases would  
25 proceed. Individual litigation would greatly increase the time and expense needed to resolve a  
26 dispute concerning ZoomInfo’s common actions towards an entire group. Class action



1 procedures allow for the benefits of unitary adjudication, economy of scale, and  
2 comprehensive supervision of the controversy by a single court.

3 52. The proposed class action may be certified pursuant to Rule 23(b)(2) of the  
4 Federal Rules of Civil Procedure. ZoomInfo has acted on grounds generally applicable to the  
5 proposed Class, such that final injunctive and declaratory relief is appropriate with respect to  
6 the Class as a whole.

7 53. The proposed class action may be certified pursuant to Rule 23(b)(3). Questions  
8 of law and fact common to Class members predominate over questions affecting individual  
9 members, and a class action is superior to other available methods for fairly and efficiency  
10 adjudicating the controversy.

11 **FIRST CAUSE OF ACTION**  
12 **Violation of California’s Right of Publicity Statute**  
13 **(Cal. Civ. Code. § 3344)**

14 54. Plaintiff incorporates by reference the allegations contained in all preceding  
15 paragraphs of this complaint.

16 55. California’s right of publicity statute prohibits the “knowing[] use[] of another’s  
17 name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise,  
18 or goods, or for purposes of advertising or selling, or soliciting purchases of, products,  
19 merchandise, goods or services, without such person’s prior consent.” Cal. Civ. Code § 3344.

20 56. By engaging in the forgoing acts and omissions, ZoomInfo used Plaintiff’s and  
21 Class members’ names, likenesses, photographs, and personas for commercial purposes  
22 without consent. Plaintiff’s and Class members’ names and personal information have  
23 commercial value as demonstrated by ZoomInfo’s use; ZoomInfo’s public statements; and  
24 similar use by ZoomInfo’s competitors.

25 57. Each use of a Class members’ name and personal information is a separate and  
26 distinct violation of Cal. Civ. Code § 3344.  
27

1           58.     Cal. Civ. Code § 3344 provides that a person who violates the statute is liable  
 2 “in an amount equal to the greater of seven hundred fifty dollars (\$750) or the actual damages,”  
 3 in addition to “any profits from the unauthorized use.” The statute also provides for “[p]unitive  
 4 damages” and “attorney’s fees and costs.”

5           59.     As a result of ZoomInfo’s violation of Cal. Civ. Code § 3344, Plaintiff and the  
 6 Class have suffered injury to their privacy rights and actual damages both economic and  
 7 emotional. Plaintiff and Class members have been denied the economic value of their names,  
 8 likenesses, and personas, which ZoomInfo misappropriated without compensation to Plaintiff  
 9 and the Class. Plaintiff and the Class members were denied their statutorily protected right to  
 10 refuse consent and protect their privacy and the economic value of their names, likenesses, and  
 11 personas. Plaintiff and the Class members suffered emotional disturbance from the  
 12 misappropriation and misuse of their names and personal information.

13           60.     Plaintiff on behalf of the Class seeks: actual damages, including ZoomInfo’s  
 14 profits from its misuse; statutory damages; compensatory damages for the royalties ZoomInfo  
 15 failed to pay; punitive damages; nominal damages; the award of attorneys’ fees and costs; the  
 16 entry of an injunction prohibiting ZoomInfo’s illegal conduct; and declaratory relief.

## SECOND CAUSE OF ACTION

### Violation of California Common Law Tort – Misappropriation of Name and Likeness

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 18  
 19           61.     Plaintiff incorporates by reference the allegations contained in all preceding  
 20 paragraphs of this complaint.

21           62.     California common law recognizes the tort of “appropriation, for the  
 22 defendant’s advantage, of the plaintiff’s name or likeness.” *Eastwood v. Superior Court*, 149  
 23 Cal.App.3d 409, 416 (Cal. Ct. App. 1983).

24           63.     By engaging in the forgoing acts and omissions, ZoomInfo (1) used the  
 25 identities of Plaintiffs and the Class in advertisements for subscriptions and as part of its  
 26 subscription products; (2) appropriated Plaintiff’s and Class members’ names and likenesses to  
 27 ZoomInfo’s commercial advantage; (3) failed to obtain Plaintiff’s and Class members’ consent;

1 and (4) injured Plaintiff's and Class members' by causing harm both economic and emotional.  
2 *See Eastwood*, at 417.

3 64. Plaintiff on behalf of the Class seeks monetary recovery in the amount of the  
4 commercial advantage ZoomInfo's derived from its misuse, compensatory damages for  
5 ZoomInfo's failure to pay royalties owed, and the entry of an injunction prohibiting  
6 ZoomInfo's tortious acts.

## 7 VI. PRAYER FOR RELIEF

8 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for the  
9 following relief:

10 A. For an order certifying the proposed Class and appointing Plaintiff and his  
11 counsel to represent the Class;

12 B. For a declaration that ZoomInfo's acts and omissions constitute a knowing  
13 misappropriation of names, likeness, photographs, and other personal information, and infringe  
14 on protected privacy and intellectual property rights, in violation of California law;

15 C. For nominal damages awarded in recognition of ZoomInfo's violation of the  
16 statutorily protected property and privacy rights of Plaintiff and the Class;

17 D. For preliminary and permanent injunctive relief enjoining and preventing  
18 ZoomInfo from continuing to operate its zoominfo.com website without appropriate safeguards  
19 to ensure people's personal information is not used illegally without their consent;

20 E. For an order enjoining ZoomInfo from continuing the unlawful and unfair  
21 conduct described in this complaint;

22 F. For restitution for Plaintiff and members the class for the value that Defendants  
23 derived from misappropriating their names, likenesses, photographs, and personas;

24 G. For an award of damages, including without limitation damages for actual harm,  
25 profits earned by ZoomInfo in using misappropriated names and identities to sell subscriptions,  
26  
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1 reasonable royalties for the infringement of Plaintiff and Class members' intellectual property  
2 rights; and statutory damages;

3 H. For an award of reasonable attorneys' fees and costs incurred by Plaintiff and  
4 the Class members; and

5 I. Orders granting such other and further relief as the Court deems necessary, just,  
6 and proper.

7 **VII. DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demands a trial by jury.

9 RESPECTFULLY SUBMITTED AND DATED this 30th day of September, 2021.

10 TURKE & STRAUSS LLP

11 By: /s/ Samuel J. Strauss, WSBA #46971

12 Samuel J. Strauss, WSBA #46971

13 Email: sam@turkestrauss.com

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CIVIL COVER SHEET

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

I. (a) PLAINTIFFS

KIM CARTER MARTINEZ, on behalf of herself and all others similarly situated,

(b) County of Residence of First Listed Plaintiff Sacramento Count, CA (EXCEPT IN U.S. PLAINTIFF CASES)

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

Samuel J. Strauss, Turke & Strauss, LLP, 613 Williamson St., Suite 201, Madison, WI 53703, (608) 237-1775 (also maintains an office in Seattle, Washington)

DEFENDANTS

ZOOMINFO TECHNOLOGIES INC., a Delaware corporation,

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

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

Attorneys (If Known)

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

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

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

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation status. Includes options for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country.

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

Click here for: Nature of Suit Code Descriptions.

Large table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, and Tax Suits.

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 1332(d)

Brief description of cause: Violations of California's Right of Publicity Statute & Common Law tort - Misappropriation of Name & Likeness

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Marsha J. Pechman DOCKET NUMBER 2:21-cv-00262, 2:21-cv-01222

DATE 09/30/2021 SIGNATURE OF ATTORNEY OF RECORD Samuel J. Strauss

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

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

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

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

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

UNITED STATES DISTRICT COURT

for the

Western District of Washington

KIM CARTER MARTINEZ, on behalf of herself
and all others similarly situated,

Plaintiff(s)

v.

ZOOMINFO TECHNOLOGIES INC., a
Delaware corporation,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) ZOOMINFO TECHNOLOGIES, INC.
c/o Anthony Stark
Registered Agent
805 Broadway St Ste 900
Vancouver, WA 98660-3506

A lawsuit has been filed against you.

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

Samuel J. Strauss
Turke & Strauss LLP
613 Williamson St., Suite 201
Madison, WI 53703
Email: sam@turkestrauss.com

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

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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

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

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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

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

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims ZoomInfo Misappropriates Calif. Residents' Personal Info to Sell Subscriptions](#)

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