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22 Attorneys for Defendant
23 DIGITAL RECOGNITION NETWORK, INC.

24 **UNITED STATES DISTRICT COURT**
25 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

26 GUILLERMO MATA, individually
27 and on behalf of all other similarly
28 situated,

Plaintiff,

v.

DIGITAL RECOGNITION
NETWORK, INC., a Delaware
corporation,

Defendant.

Case No. **'21CV1485 JLS BLM**

**NOTICE OF REMOVAL OF
CLASS ACTION COMPLAINT BY
DEFENDANT DIGITAL
RECOGNITION NETWORK, INC.**

Complaint Filed: May 26, 2021
Complaint Served: July 23, 2021

**NOTICE OF REMOVAL BY DEFENDANT
DIGITAL RECOGNITION NETWORK, INC.**

PLEASE TAKE NOTICE THAT Defendant Digital Recognition Network, Inc. (“DRN”) hereby removes this action from the Superior Court of the State of California, County of San Diego, Case No. 37-2021-00023321-CU-MC-CTL, to the United States District Court for the Southern District of California pursuant to 28 U.S.C. §§ 1332(d), 1446, and 1453.

I. STATE COURT ACTION

On May 26, 2021, Plaintiff Guillermo Mata (“Plaintiff”) filed a class action complaint in the Superior Court of the State of California, County of San Diego, Case No. 37-2021-00023321-CU-MC-CTL naming DRN as the sole defendant. *See* Declaration of Adam P. Wiley (“Wiley Decl.”) ¶ 3, Ex. 1 (“Complaint” or “Compl.”).¹

The Complaint alleges the following single cause of action against DRN: Violation of Cal. Civ. Code § 1798.90.5 *et seq.* On July 23, 2021, Plaintiff served DRN with the Complaint. *See* Wiley Decl. ¶ 4 Ex. 2.

II. SATISFACTION OF REQUIREMENTS OF 28 U.S.C. §§ 1332(d), 1446, AND 1453

A. 28 U.S.C. § 1446

Venue is proper in this District pursuant to 28 U.S.C. § 1446(a) because the Superior Court where the removed case was pending, San Diego, is located within this District.

This Notice of Removal is timely. DRN was served with the Summons and Complaint in the state court action on July 23, 2021, and this Notice of Removal is being filed within 30 days of that date on August 23, 2021. 28 U.S.C. § 1446(b)(1);

¹ In accordance with 28 U.S.C. § 1446(a), the Complaint and all other publicly available process, pleadings, or orders in this action are attached to this Notice as Exhibit A.

1 Fed. R. Civ. P. 6 (a)(1)(C).

2 In accordance with 28 U.S.C. § 1446(d), the undersigned counsel certifies that
3 a copy of this Notice of Removal and all supporting papers will be promptly served
4 on Plaintiff’s counsel and filed with the Clerk of the San Diego County Superior
5 Court. True and correct copies of the Notice to Superior Court of Removal of Civil
6 Action and the Notice to Adverse Party of Removal of Civil Action are attached to
7 the Wiley Decl. as Exhibits 4 and 5, respectively.

8 Therefore, all relevant procedural requirements under 28 U.S.C. § 1446 have
9 been satisfied.

10 **B. 28 U.S.C. §§ 1332 (d) and 1453**

11 This action is one over which this Court has original jurisdiction under the
12 provisions of 28 U.S.C. § 1332(d)(2), and may be removed to this Court pursuant to
13 28 U.S.C. § 1453 because it is a class action [18 U.S.C. 1332(d)(1)(B)], the amount
14 in controversy exceeds \$5,000,000, exclusive of interests and costs [18 U.S.C.
15 1332(d)(2)], and DRN is a citizen of a state that is different from the state
16 citizenship of at least one member of Plaintiff’s purported class [18 U.S.C.
17 1332(d)(2)(A)-(C)].

18 **1. There is Diversity Between the Parties**

19 Plaintiff is a citizen of California. For diversity purposes, a person is a
20 “citizen” of the state in which he is domiciled. *Kantor v. Wellesley Galleries, Ltd.*,
21 704 F.2d 1088, 1090 (9th Cir. 1983). A person’s domicile is the place he resides
22 with the intention to remain or to which he intends to return. *Kanter v. Warner-*
23 *Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

24 The Complaint states that Plaintiff “is a natural person and citizen of the State
25 of California.” Compl. ¶ 9. Plaintiff does not allege that he is a resident of any other
26 state within the United States. Plaintiff also filed the State Court Action in the
27 Superior Court of California, San Diego County. Therefore, for purposes of
28 diversity of citizenship, Plaintiff is domiciled in California.

1 Plaintiff's Complaint is filed as a California class action pursuant to
2 California Code of Civil Procedure § 382. Compl. ¶ 41. *See also* 18 U.S.C.
3 1332(d)(1)(B). Plaintiff defines his purported class as “[a]ll persons in the State of
4 California whose license plate data was collected by Defendant using an automatic
5 license plate reader” subject to certain exclusions as defined in the Complaint at ¶
6 41. Plaintiff's purported class is therefore comprised of all or substantially all
7 California citizens.

8 DRN is not a citizen of California. DRN is a corporation organized under the
9 laws of the State of Delaware, with its principal place of business located at 4150
10 International Plaza, Suite #800, Fort Worth, TX 76109. Compl. ¶ 10. Accordingly,
11 there is diversity between the parties and the requirements of 28 U.S.C. §
12 1332(d)(2)(A)-(C) are satisfied.

13 2. The Amount in Controversy Exceeds \$5,000,000²

14 Plaintiff alleges his class consists of “millions of consumers,” [Compl. ¶ 42]
15 each of whom are entitled to “liquidated damages” of no less than \$2,500 each
16 [Compl. ¶ 19; Prayer at (d)] pursuant to Cal. Civ. Code § 1798.90.54(b)(1).
17 Accordingly, Plaintiff's Complaint alleges aggregated damages in excess of
18 \$5,000,000,000, comprised of at least 2,000,000 class members seeking at least
19 \$2,500 of liquidated damages each, or over 1,000 times the aggregate value required
20 for this Court to retain original jurisdiction of this matter. *See* 18 U.S.C. §§ 1332
21 (d)(2); (d)(6). Accordingly, the amount in controversy in this matter exceeds the
22 \$5,000,000 threshold, exclusive of interest and costs, set forth in 28 U.S.C. § 1332
23 (d)(2), and removal to the Southern District of California is proper.

24
25 _____
26 ² DRN discusses the allegations in Plaintiff's Complaint that are the subject of this
27 matter solely to demonstrate that the amount in controversy exceeds \$5,000,000. In
28 doing so, DRN does not admit that Plaintiff or the purported class are entitled to
these damages or that Plaintiff has properly alleged a claim on which relief can be
granted.

1 **III. CONCLUSION**

2 WHEREFORE, DRN hereby removes the above action now pending before
3 the Superior Court for the State of California for the County of San Diego to this
4 Court.

5
6 DATED: August 20, 2021 Respectfully submitted,

7 KILPATRICK TOWNSEND & STOCKTON
8 LLP

9
10 By: */s/ Nancy L. Stagg*
11 NANCY L. STAGG
12 ADAM P. WILEY
13 COLE B. RAMEY
14 TIMOTHY E. TAYLOR

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Attorneys for Defendant
DIGITAL RECOGNITION NETWORK, INC.

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CERTIFICATE OF SERVICE

I declare I am employed in the City and County of San Francisco, California in the office of Kilpatrick Townsend & Stockton LLP, 19th Floor, Two Embarcadero Center, San Francisco, CA 94111.

I served the following document entitled: **NOTICE OF REMOVAL OF CLASS ACTION COMPLAINT BY DEFENDANT DIGITAL RECOGNITION NETWORK, INC.** on the interested parties in this action as follows:

Raley Balabanian	Telephone: 415 212 9300
rbalabanian@edelson.com	Facsimile: 415 373 9435
Lily Hough	
lhough@edelson.com	
Aaron Lawson	
alawson@edelson.com	
EDELSON PC	
150 California Street, 18 th Floor	
San Francisco, CA 94111	

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

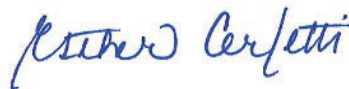
[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 20, 2021.



Esther Cerletti

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

Guillermo Mata

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

'21CV1485 JLS BLM

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

Raley Balabanian, Edelson PC
150 California Street, 18th Floor
San Francisco, CA 94111 (415) 212 9300

DEFENDANTS

Digital Recognition Network, Inc.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

Nancy Stagg, Kilpatrick Townsend & Stockton LLP
12255 El Camino Real, Suite 250
San Diego, CA 92130 858-350-6156

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

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, Labor, etc.

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
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): California Civil Code Section 1798.9.5 et seq.

Brief description of cause: Plaintiff, on behalf of purported class, alleges violation of Cal. Civ. Code § 1798.90.5 et seq.

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: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

Aug 20, 2021 /s/ Nancy Stagg

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.

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

19 GUILLERMO MATA, individually
20 and on behalf of all other similarly
21 situated,

22 Plaintiff,

23 v.

24 DIGITAL RECOGNITION
25 NETWORK, INC., a Delaware
26 corporation,

27 Defendant.

Case No. '21CV1485 JLS BLM

**DECLARATION OF ADAM P.
WILEY IN SUPPORT OF NOTICE
OF REMOVAL OF CLASS
ACTION COMPLAINT**

Complaint Filed: May 26, 2021
Complaint Served: July 23, 2021

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DECLARATION OF ADAM P. WILEY

I, Adam P. Wiley, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and admitted to this Court. I am an associate attorney in the law firm of Kilpatrick Townsend & Stockton LLP, counsel for Defendant Digital Recognition Network, Inc. (“DRN”) in the above referenced action.

2. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, I could and would competently testify thereto.

3. Attached to this declaration as Exhibit 1 is a true and correct copy of the Complaint filed by Plaintiff Guillermo Mata (“Plaintiff”) in the Superior Court of the State of California, County of San Diego, on May 26, 2021.

4. DRN was served with the Complaint on July 23, 2021 through its designated agent for service of process, CT Corporation. A true and correct copy of CT Corporation’s Service of Process Transmittal is attached to this declaration as Exhibit 2.

5. Attached to this declaration as Exhibit 3 is a true and correct copy of the docket for Plaintiff’s lawsuit in the Superior Court of the State of California, County of San Diego, generated by the San Diego Superior Court’s “Register of Actions” System, as of August 20, 2021.

6. Attached to this declaration as Exhibit 4 is a true and correct copy of DRN’s Notice to Superior Court of Removal of Civil Action.

7. Attached to this declaration as Exhibit 5 is a true and correct copy of DRN’s Notice to Adverse Party of Removal of Civil Action.

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1 8. Attached to DRN’s concurrently-filed Notice of Removal (as Exhibit
2 A) is a true and correct copy of all publicly-available process, pleadings, and orders
3 that were served on DRN in this action in accordance with 28 U.S.C. § 1446(a).

4

5 I declare under penalty of perjury under the laws of the United States of
6 America that the foregoing is true and correct.

7

8 Executed on August 20, 2021 at San Francisco, California.

9

10

By: /s/ Adam P. Wiley
ADAM P. WILEY

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CERTIFICATE OF SERVICE

I declare I am employed in the City and County of San Francisco, California in the office of Kilpatrick Townsend & Stockton LLP, 19th Floor, Two Embarcadero Center, San Francisco, CA 94111.

I served the following document entitled: **DECLARATION OF ADAM P. WILEY IN SUPPORT OF NOTICE OF REMOVAL OF CLASS ACTION COMPLAINT** on the interested parties in this action as follows:

Raley Balabanian	Telephone: 415 212 9300
rbalabanian@edelson.com	Facsimile: 415 373 9435
Lily Hough	
lhough@edelson.com	
Aaron Lawson	
alawson@edelson.com	
EDELSON PC	
150 California Street, 18 th Floor	
San Francisco, CA 94111	

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 20, 2021.

Esther Cerletti

EXHIBIT A

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DIGITAL RECOGNITION NETWORK, INC.

ELECTRONICALLY FILED
Superior Court of California
County of San Diego
05/26/2021 at 04:05:04 PM
Clerk of the Superior Court
By: Vanessa Bahena, Deputy Clerk

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

GUILLERMO MATA, 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): Hall of Justice Courthouse
330 West Broadway
San Diego, California 92101

CASE N 37-2021-00023321-CU-MC-CTL

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):

Lily E. Hough, Edelson PC, 150 California Street, 18th Floor, San Francisco, California 94111. 415.212.9300

DATE: 05/27/2021
(Fecha)

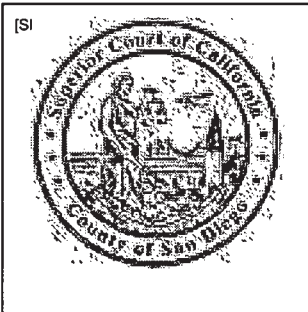
Clerk, by
(Secretario)

V. Bahena
V. Bahena

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(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

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify): DIGITAL RECOGNITION NETWORK, INC
under:

<input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- 4. by personal delivery on (date):

ELECTRONICALLY FILED
Superior Court of California
County of San Diego
05/26/2021 at 04:05:04 PM
Clerk of the Superior Court
By Vanessa Bahena, Deputy Clerk

1 Rafey Balabanian (SBN 315962)
rbalabanian@edelson.com
2 Lily Hough (SBN 315277)
lhough@edelson.com
3 Aaron Lawson (SBN 319306)
alawson@edelson.com
4 EDELSON PC
150 California Street, 18th Floor
5 San Francisco, California 94111
Tel: 415.212.9300
6 Fax: 415.373.9435

7 *Counsel for Plaintiff and the Putative Class*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO, CENTRAL DISTRICT**

10 GUILLERMO MATA, individually and on
11 behalf of all others similarly situated,

12 *Plaintiff,*

13 v.

14 DIGITAL RECOGNITION NETWORK,
15 INC., a Delaware corporation,

16 *Defendant.*

Case No.: 37-2021-00023321-CU-MC-CTL

CLASS ACTION COMPLAINT FOR

**(1) Violation of Cal. Civ. Code §
1798.90.5 et seq.**

17
18 **CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

19 Plaintiff Guillermo Mata brings this Class Action Complaint and Demand for Jury Trial
20 against Digital Recognition Network (“DRN”) for its practice of using automated license plate
21 recognition devices and collecting license plate information. Plaintiff alleges as follows upon
22 personal knowledge as to himself and his own acts and experiences, and, as to all other matters,
23 upon information and belief.

24 **NATURE OF THE ACTION**

25 1. The automobile has become the primary mode of transportation in the United States.
26 Each year, more than 250 million registered automobiles travel the public roads of the United
27 States, including more than 15 million registered in California. Individuals use their cars to travel to

1 and from work, to visit their friends and family, and to carry out everyday tasks and chores.

2 2. Americans have a close relationship with their cars. For example, over 85% of all
3 workers choose to commute in their cars rather than rely on public transportation. Americans also
4 spend, on average, 8 hours and 22 minutes per week in their cars. Consequently, knowing an
5 individual's car location can easily allow someone to pinpoint the individual's location and gain
6 insight into where they work, where they live, who they associate with, where they shop, and even
7 where they like to spend their free time.

8 3. Defendant DRN created a nationwide surveillance program that tracks vehicle's
9 movements and, in turn, individuals' locations. DRN then stores all of the amassed information in a
10 proprietary database and makes it available to anyone willing to pay for access to it.

11 4. The core of DRN's privately-owned surveillance network is its fleet of unmarked
12 vehicles that patrol America's roadways, equipped with high-speed cameras that allow them to
13 capture photos of license plates, together with the time and location data of the photographed
14 vehicles. DRN then applies its proprietary algorithm to the data allowing it to make various
15 predictions about where the vehicle (and, more importantly, the individual behind the wheel) is
16 traveling and where the vehicle (and the driver) may be located at a certain point in time.

17 5. DRN's surveillance network is more capable than the human eye. DRN captures
18 images of license plates caught in the view of its ReaperHD camera—even when the vehicles are
19 tightly packed together in traffic, traveling at high speeds down the road, or parked innocuously in
20 the owner's driveway. DRN's ReaperHD cameras are constantly scanning for license plates in their
21 visual range—even utilizing night-vision technology to continue tracking vehicles when human
22 eyes could not. Worse, because Defendant's cameras are mounted to moving vehicles, they are
23 difficult to spot and nearly unavoidable.

24 6. In fact, Defendant claims that it has amassed more than 20 billion historical scans of
25 license plates or approximately over 70 scans—including time and GPS data—for each registered
26 vehicle in the country.

27 7. All the while, millions of guiltless and unsuspecting individuals are monitored and

1 tracked while going about their daily lives—going to work, picking up groceries, and visiting
2 friends and family—without the slightest inkling that any of this is happening. These individuals are
3 not suspects of any investigations, not part of any state or federal watchlists, and not subjects of any
4 legitimate government surveillance programs. Nor do they have any notice that they are under
5 constant surveillance by DRN's vast network. DRN's surveillance program is impudently
6 indifferent to individuals' privacy and civil liberties and fails to give the public any meaningful
7 warning about its conduct, in violation of California law.

8 8. Plaintiff Mata is one of millions of individuals who has fallen victim to DRN's
9 pervasive surveillance network. DRN tracked Mata's vehicle, thus gaining access to his home and
10 work address and other sensitive information such as the time he typically leaves and comes home
11 and where he likes to spend his free time. Defendant DRN has also amassed similar information on
12 the putative Class members. This lawsuit seeks to put an end to DRN's portentous surveillance
13 tactics and to hold the company accountable for disparaging the privacy rights of California
14 citizens.

15 **PARTIES**

16 9. Plaintiff Guillermo Mata is a natural person and citizen of the State of California.

17 10. Defendant Digital Recognition Network, Inc., is a corporation organized and existing
18 under the laws of Delaware with its principal place of business located at 4150 International Plaza,
19 Suite #800, Fort Worth, Texas 76109.

20 **JURISDICTION AND VENUE**

21 11. This Court has subject matter jurisdiction over this action pursuant to Article VI,
22 Section 10 of the California Constitution.

23 12. This Court has personal jurisdiction over Defendant DRN because it has conducted
24 and continues to conduct significant business within this State related to the conduct described in
25 this Complaint, and caused significant effects in this State through the conduct described in this
26 Complaint, both as to its activities within this State and elsewhere.

27 13. Venue is proper in this Court under Cal. Code Civ. P. § 395(a) because Plaintiff has

1 designated San Diego Superior Court as the venue for this action.

2 **COMMON FACTUAL ALLEGATIONS**

3 **I. The California License Plate Recognition Law**

4 14. In 2016, the California legislature regulated and restrained the use of automatic
5 license plate readers (“ALPR”) and the sharing of data they capture, Cal. Civ. Code § 1798.90.5 *et*
6 *seq.* In enacting the new ALPR law, the California legislature noted various privacy concerns about
7 the use of this technology:

8 The collection of a license plate number, location, and time stamp over multiple
9 time points can identify not only a person’s exact whereabouts but also their pattern
10 of movement. Unlike other types of personal information that are covered by
11 existing law, civilians are not always aware when their ALPR data is being
12 collected. One does not even need to be driving to be subject to ALPR technology:
13 A car parked on the side of the road can be scanned by an ALPR system. This bill
14 will put in place minimal privacy protections by requiring the establishment of
15 privacy and usage protection policies for ALPR operators and end users.¹

13 15. To achieve this goal, the ALPR law mandates that ALPR operators and end users,
14 among other things, comply with three basic requirements:

15 i. *The Security Requirement:* ALPR operators and end users must “maintain reasonable
16 security procedures and practices, including operational, administrative, technical, and physical
17 safeguards, to protect ALPR information from unauthorized access, destruction, use, modification,
18 or disclosure.” Cal Civ. Code § 1798.90.51(a); *id.* §1798.90.53(a).

19 ii. *The Privacy Requirement:* ALPR operators and end users must “implement a usage
20 and privacy policy in order to ensure that the collection, use, maintenance, sharing, and
21 dissemination of ALPR information is consistent with respect for individuals’ privacy and civil
22 liberties.” *Id.* § 1798.90.51(b)(1); *id.* § 1798.90.53(b)(1).

23 iii. *The Notice Requirement:* ALPR operators and end users must post a usage and
24 privacy policy “conspicuously” on their website and include the following information:

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26
27 ¹ Sen. Rules Com., Off. of Sen. Floor Analyses, Rep. on Sen. Bill No. 34 (2015-2016 Reg.)
28 Sept. 03, 2015, p. 5, *available at* <https://bit.ly/3hSvw2t>.

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(a) The authorized purposes for using the ALPR system and collecting ALPR information.

(b) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(e) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.

(f) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(g) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information. *Id.* § 1798.90.51(b)(1); *id.* § 1798.90.53(b)(1).

16. Furthermore, ALPR operators have two additional requirements to ensure consumer privacy and unauthorized access.

i. *The Audit Requirement.* ALPR operators must maintain a record of the times their ALPR system is accessed, whether by the operators, its employees, or an end user. *Id.* § 1798.90.52(a). The audit trail must note the date and time of the query, the data that was queried, who queried it, and the purpose of the query. *Id.* § 1798.90.52(a)(1)-(4).

ii. *The Proper Use Requirement.* ALPR operators must also “require that ALPR information only be used for the authorized purposes described in the usage and privacy policy . . .” *Id.* §1798.90.52(b).

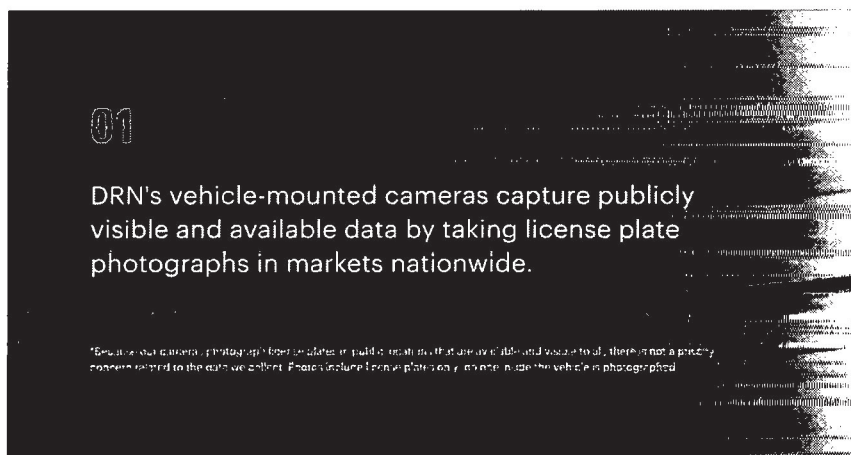
17. An individual harmed by this statute may bring a civil suit and recover 1) actual

1 damages, but not less than liquidated damages in the amount of \$2,500, 2) punitive damages upon
2 proof of willful or reckless disregard of the law, 3) reasonable attorney's fees and other litigation
3 costs reasonably incurred, and 4) other preliminary and equitable relief as the court determines to be
4 appropriate. *Id.* §1798.90.54(b).

5 **II. DRN Collects ALPR Data from Unsuspecting California Residents**

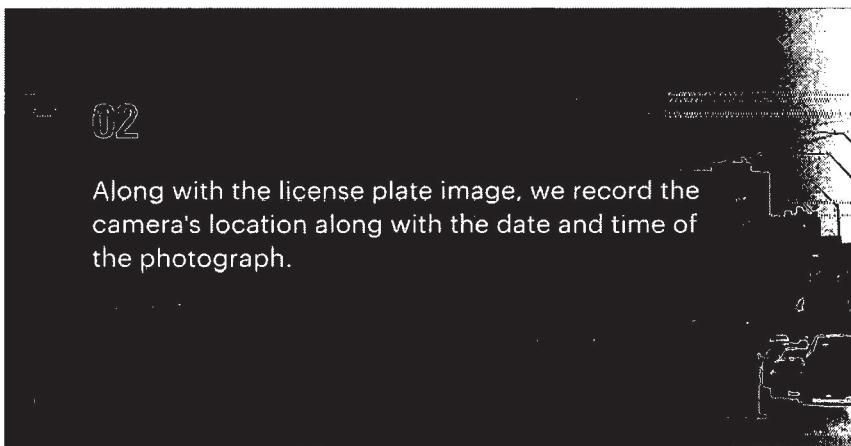
6 18. Defendant DRN seeks to provide its customers real-time vehicle location data. DRN
7 accomplishes this through its use of automatic license plate reader technology. DRN claims that it
8 has amassed data on over 20 billion vehicle sightings.

9 19. Indeed, DRN uses vehicle-mounted ALPR cameras that take photographs of vehicles
10 and their license plate numbers. *See Figure 1*. DRN also records the camera's location including the
11 time and date of the photograph. *See Figure 2*.



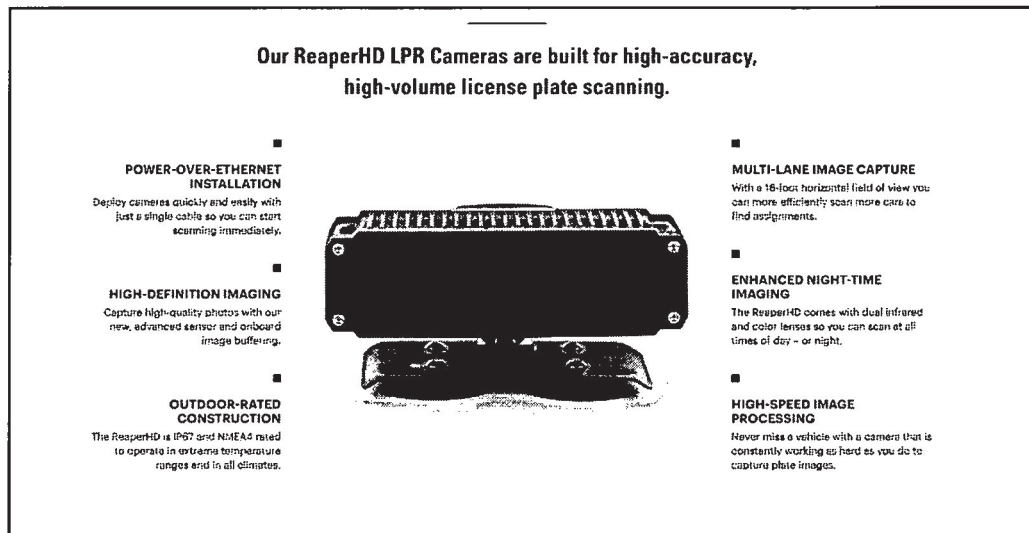
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19 **(Figure 1)**



27 **(Figure 2)**

20. DRN uses ALPR camera hardware it calls ReaperHD. ReaperHD conducts “high-volume license plate scanning” capable of “multi-lane image capture” that performs “at all times of day—or night.” See Figure 3.



(Figure 3)

21. DRN’s automatic license plate readers deployed throughout the nation, including the state of California, pose serious concerns to individuals. License plate data, together with date/time, and GPS coordinates, can reveal a vehicle’s historical travel. After applying algorithms to the data, such information can reveal an individual’s travel patterns and even predict where an individual may be located in the future. Indeed, DRN states that “our platform can build a full, historical story on a vehicle and owner. This can produce a better address faster than using public records only.”

22. DRN is not shy about the information it derives from ALPR data. According to its website “DRN’s realalternative data – license plate recognition data paired with our powerful, exclusive analytics platform – helps build the full vehicle stories our users need to solve their portfolio management, collections, recovery and fraud challenges.”

23. DRN pairs its ALPR technology with a number of other systems that magnify the invasiveness and value of the collected information. DRN employs “Vehicle Tagging,” a system that allows clients to target communications to individual drivers, “Picture Proof” a system that captures vehicle photos from multiple angles to display how a vehicle is being used, “Radius

1 Response,” a system that notifies clients if a particular vehicle is sighted outside of particular areas,
2 and “Active Duty Alerts,” a system that monitors drivers’ active duty military status, notifying
3 DRN’s clients the moment a servicemembers’ status changes from active duty so their vehicles may
4 be repossessed.

5 24. DRN’s so-called vehicle “stories” that contain location and time data reveal sensitive
6 information that individuals may not wish to share (or allow anyone to monetize). To illustrate,
7 DRN can reveal whether an individual has recently visited an abortion clinic, a cancer treatment
8 clinic, a religious center, or an LGBT community center, thus giving insight into one’s health and
9 medical history, religious beliefs, and sexual orientation. DRN can even potentially reveal whether
10 an individual is actively searching for jobs if an individual’s vehicle was found outside a competing
11 company or at a recruiting agency.

12 25. DRN’s database can also endanger some individuals when in the wrong hands. For
13 instance, DRN’s license plate database can reveal an individual’s location and their travel patterns,
14 which an abusive spouse or ex can obtain and use to find the location of an individual—even if they
15 participate in an address confidentiality program. DRN’s predictive technology allows a malicious
16 individual to predict exactly where their victim could be found at a certain point in time.

17 26. Worst of all, nearly every California resident is a victim of DRN’s invasive practices.
18 DRN gathers ALPR data indiscriminately—collecting information on millions of ordinary people
19 who are neither suspects of any criminal investigations nor members of any watch list. That means
20 ordinary citizens’ whereabouts are continuously being collected and analyzed by an unknown third
21 party.

22 27. Victims of DRN’s license plate scanning do not know they are part of its widespread
23 and unchecked surveillance network. Indeed, California residents, and the public in general, are
24 completely unaware of DRN’s existence—let alone its clandestine operation of patrolling streets
25 with unmarked vehicles equipped with ALPR technology.

26 28. The purpose of DRN’s product is obvious: to collect license plate data together with
27 date/time and GPS coordinates, tracking individuals as they go on about their day and, most

1 importantly, to monetize this data. In its efforts to build an expansive (and lucrative) database of
2 personal location information, DRN puts its own profits over the individual privacy and civil
3 liberties of its unsuspecting subjects.

4 29. Currently, DRN claims to have over 1,000 clients who rely on and pay for DRN
5 data. Those clients belong to various industries such as lending, collections, and insurance, among
6 others.

7 30. While DRN maintains a written “privacy policy” on its website in order to maintain
8 the appearance of adhering to the law, the company’s actual policies reflect little concern for
9 individuals’ privacy and civil liberties. The company’s written policy, for instance, describes the
10 authorized purposes for using the ALPR system and collecting ALPR information (which the law
11 requires), indicating that customers may use its ALPR system “to identify or ascertain the location
12 of a specific vehicle under circumstances when there is a legitimate commercial interest.” But this
13 vague and undefined purpose does little to adequately disclose the circumstances in which DRN
14 authorizes the collection and use of its ALPR system, let alone to ensure that those practices are
15 consistent with respect for individuals’ privacy and civil liberties, as the law requires. Cal. Civ.
16 Code §§ 1798.90.51(b)(1) and 1798.90.53(b)(1). In fact, DRN doesn’t even believe individuals
17 have privacy rights in the tracking of their vehicles in the first place. On its website, DRN states that
18 there is “not a privacy concern related to the data [it] collect[s].”

19 31. Moreover, DRN does not even require its customers to stay within the bounds of its
20 broadly defined usage policy, as the law also requires. *Id.* § 1798.90.52(b). Despite only authorizing
21 the use of its ALPR system for the purpose of “identify[ing] or ascertain[ing] the location of a
22 specific vehicle,” DRN encourages customers to use its database to track *individuals* and not just
23 the location of vehicles.

24 32. For example, DRN touts that its database can be used to verify addresses for use in
25 mailing campaigns: “[u]sing DRN to validate/invalidate addresses for mailing campaigns can
26 provide even larger cost saving benefits.” This application has nothing to do with locating or
27 identifying a vehicle.

1 33. DRN’s database also allows credit card companies and other lenders of unsecured
2 debt to keep tabs on their customers. According to DRN, “[n]ow, we’re showing that [License Plate
3 Recognition technology] can be just as effective in the unsecured debt market, which is primarily
4 credit cards, personal loans and student loans.” DRN hopes that its ALPR database will help “find
5 debtors so they can collect on the debt or, in some cases, start the timeline to file suit.”

6 34. In short, DRN’s written policy does little to ensure that the collection, use,
7 maintenance, sharing, and dissemination of ALPR information is consistent with respect for
8 individuals’ privacy and civil liberties. The real purpose of DRN’s “privacy policy” is to pay lip
9 service to privacy laws without having any intention of actually complying with them.

10 35. Further, aside from publishing a superficial “privacy policy” to its website, DRN
11 takes no additional steps to ensure that the collection, use, maintenance, sharing, and dissemination
12 of its ALPR information is consistent with respect for individuals’ privacy and civil liberties.
13 Instead, the company offers the disclaimer that it “is not aware of any individual privacy interest
14 applicable to the anonymous LPR data contained in the system,” and suggests that it maintains
15 usage and periodic audit logs only “because the company considers LPR data a valuable asset of the
16 company.” However, the company’s advertised uses of the data suggests that it is anything but
17 anonymous. In any case, DRN cannot rely on this self-serving attempt to recharacterize the highly
18 sensitive nature of ALPR data, in contradiction of findings by the California Supreme Court² and
19 the State Legislature, in order to circumvent its duties under the law.

20 36. Finally, DRN fails to make its collection and usage practices available to the public
21 in any meaningful way. The company has not taken any steps to inform the subjects of its
22 surveillance about its practices, much less to make the public generally aware of its surveillance
23 program. At most, DRN has published an indifferent privacy policy to its website, but as explained
24 above, the policy hardly informs the public about the collection and use of their ALPR data, and the
25

26 ² *See Am. C.L. Union Found. v. Superior Ct.* (2017) 3 Cal. 5th 1032, 1044 [221 Cal.Rptr.3d
27 832, 400 P.3d 432].

1 policy itself is not posted conspicuously on DRN's website, as the law requires. Cal. Civ. Code §
2 1798.90.51(b)(1). Even if a California consumer were to somehow discover that DRN collected
3 their license plate data and were to visit DRN's website, DRN hides its usage and privacy policy at
4 the bottom of its website in small dark font that is hardly visible against a dark background.

5 **FACTS SPECIFIC TO PLAINTIFF MATA**

6 37. Plaintiff Mata values his privacy and takes various measures to protect against
7 revealing his personal information.

8 38. Unbeknownst to Mata, DRN's ALPR cameras captured Mata's license plate numbers
9 and his vehicle's location. The collection of his vehicle's location and his license plate data allowed
10 DRN to identify Mata's former employer, where he spends his time after work, the school his
11 family member attended, and the stores him and his family members frequent.

12 39. At the time of DRN's collection of Mata's license plate data and location
13 information, Mata was not aware of DRN's conduct, and, as such, Mata could not have found and
14 reviewed DRN's usage and privacy policy.

15 40. Furthermore, Mata is concerned to whom and for what reasons DRN may have
16 disclosed his sensitive license plate data together with his vehicle's location. Worst of all, Mata is
17 concerned how this information can be misused.

18 **CLASS ACTION ALLEGATIONS**

19 41. **Class Definition:** Plaintiff Guillermo Mata brings this action pursuant to the
20 California Code of Civil Procedure § 382 on behalf of himself and a Class of similarly situated
21 individuals defined as follows:

22 All persons in the State of California whose license plate data was collected by Defendant
23 using an automatic license plate reader.

24 Excluded from the Class are: (1) any Judge or Magistrate presiding over this action and
25 members of their families; (2) Defendant, Defendant's subsidiaries, parents, successors,
26 predecessors, and any entity in which Defendant or their parents have a controlling interest and its
27 officers and directors; (3) persons who properly execute and file a timely request for exclusion from

1 the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or
2 otherwise released; (5) Plaintiff's counsel and Defendant's counsel; and (6) the legal
3 representatives, successors, and assigns of any such excluded persons.

4 **42. Numerosity:** The exact number of Class members is unknown and not available to
5 Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and
6 belief, Defendant has photographed the license plates and time-stamped geolocation data of millions
7 of consumers who fall into the definition of the Class. Class members can be identified through
8 Defendant's records.

9 **43. Commonality and Predominance:** There are many questions of law and fact
10 common to the claims of Plaintiff and the putative Class, and those questions predominate over any
11 questions that may affect individual members of the Class. Common questions for the Class
12 include, but are not necessarily limited to the following:

- 13 (a) Whether Defendant complies with the requirements set forth by Cal. Civ.
14 Code § 1798.90.51;
- 15 (b) Whether Defendant complies with the requirements set forth by Cal. Civ.
16 Code § 1798.90.52; and
- 17 (c) Whether Defendant complies with the requirements set forth in Cal. Civ.
18 Code § 1798.90.53.

19 **44. Adequate Representation:** Plaintiff will fairly and adequately represent and protect
20 the interests of the Class and has retained counsel competent and experienced in complex litigation
21 and class actions. Plaintiff's claims are representative of the claims of the other members of the
22 Class. That is, Plaintiff and the Class members sustained damages as a result of Defendant's
23 conduct. Plaintiff also has no interests antagonistic to those of the Class, and Defendant has no
24 defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting this
25 action on behalf of the members of the Class and have the financial resources to do so. Neither
26 Plaintiff nor her counsel has any interest adverse to the Class.

27 **45. Predominance and Superiority:** Class proceedings are superior to all other

1 available methods for the fair and efficient adjudication of this controversy, as joinder of all
2 members of the Class is impracticable. Individual litigation would not be preferable to a class action
3 because individual litigation would increase the delay and expense to all parties due to the complex
4 legal and factual controversies presented in this Complaint. By contrast, a class action presents far
5 fewer management difficulties and provides the benefits of single adjudication, economy of scale,
6 and comprehensive supervision by a single court. Economies of time, effort, and expense will be
7 fostered and uniformity of decisions will be ensured.

8 46. Plaintiff reserves the right to revise the foregoing “Class Allegations” and “Class
9 Definition” based on facts learned through additional investigation and in discovery.

10 **FIRST CAUSE OF ACTION**
11 **Violation of Cal. Civ. Code § 1798.90.5 *et seq.***
12 **(On behalf of Plaintiff and the Class)**

12 47. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

13 48. Plaintiff Mata brings this count against DRN individually and on behalf of the class.

14 49. Defendant DRN operates an ALPR system that collects photographs of license plate
15 numbers, together with the location, time, and date of the Plaintiff’s and the putative Class’s
16 vehicles.

17 50. On information and belief, DRN is not a transportation agency acting subject to Cal.
18 Streets & Highways Code § 31490.

19 51. Accordingly, Defendant is an “ALPR operator” under Cal. Civ. Code § 1798.90.5(c)
20 because it operates an ALPR system.

21 52. In addition (or in the alternative), Defendant is an “ALPR end-user” under Cal. Civ.
22 Code § 1798.90.5(a) because it accesses or uses an ALPR system.

23 53. California law prohibits DRN from accessing or using ALPR information unless it
24 complies with the Notice, Privacy, Security, Audit, and Proper-Use Requirements defined above.

25 54. On information and belief, Defendant deliberately collected Plaintiff’s and the
26 putative Class’s ALPR information and disclosed that information to its 1,000 clients allowing them
27 to identify locations visited by Plaintiff and each putative Class member’s vehicles.

1 55. Defendant knew that ALPR data was protected under California law and that it had
2 certain obligations under California’s ALPR statute. Upon information and belief, Defendant
3 knowingly collected, used, and shared Plaintiff’s and the Class’s ALPR data in violation of the law
4 (and allowed, if not encouraged, its customers to do the same), while impersonating compliance on
5 its website.

6 56. Defendant’s conduct violates the Notice Requirement under Cal. Civ. Code
7 §§ 1798.90.51(b)(1) & 53(b)(1) because the company does not make a meaningful usage and/or
8 privacy policy available to the public, nor does it conspicuously post any information about usage
9 and/or privacy on its website.

10 57. Defendant’s conduct violates the Privacy Requirement under §§ 1798.90.51(b)(1) &
11 53(b)(1) because it does not implement a meaningful usage and privacy policy in order to ensure
12 that its collection, use, maintenance, sharing, and dissemination of ALPR information is consistent
13 with respect for individuals’ privacy and civil liberties.

14 58. Defendant’s conduct violates the Security Requirement under §§ 1798.90.51(a) &
15 53(a) because it expressly disclaims the highly sensitive nature and serious privacy implications of
16 its ALPR data, and as a result fails to conduct the security procedures and practices reasonably
17 necessary to protect such sensitive information from unauthorized access, destruction, use,
18 modification, or disclosure.

19 59. Defendant’s conduct violates the Proper-Use Requirement under § 1798.90.52(b)
20 because it allows, and indeed encourages its customers to use its ALPR system for the unauthorized
21 purpose of tracking and locating individuals.

22 60. Plaintiff and the Class have been harmed by Defendant’s conduct because their
23 private and sensitive personal information has been improperly collected and used without their
24 notice or consent.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff Guillermo Mata, individually and on behalf of the Class, prays for
27 the following relief:

1 (a) An order certifying the Class as defined above, appointing Plaintiff Mata as the
2 representative of the Class, and appointing his counsel as Class Counsel;

3 (b) An order declaring that Defendant’s actions, as set out above, violate Cal. Civ. Code
4 § 1798.90.5 *et seq.*

5 (c) An injunction requiring Defendant to cease all unlawful activities;

6 (d) An award of liquidated damages, punitive damages, costs, and attorneys’ fees;

7 (e) Such other and further relief that the Court deems reasonable and just.

8 **JURY DEMAND**

9 Plaintiff requests a trial by jury of all claims that can be so tried.

10 Respectfully submitted,

11 **GUILLERMO MATA**, individually and on behalf of
12 all others similarly situated,

13 Dated: May 26, 2021

By: /s/ Lily E. Hough
One of Plaintiff’s Attorneys

14
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21 *Counsel for Plaintiff and the Putative Class*



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

CASE NUMBER: 37-2021-00023321-CU-MC-CTL CASE TITLE: Mata vs. Digital Recognition Network Inc [E-FILE]

NOTICE: All plaintiffs/cross-complainants in a general civil case are required to serve a copy of the following three forms on each defendant/cross-defendant, together with the complaint/cross-complaint:

- (1) this Alternative Dispute Resolution (ADR) Information form (SDSC form #CIV-730),
- (2) the Stipulation to Use Alternative Dispute Resolution (ADR) form (SDSC form #CIV-359), *and*
- (3) the Notice of Case Assignment form (SDSC form #CIV-721).

Most civil disputes are resolved without filing a lawsuit, and most civil lawsuits are resolved without a trial. The courts, community organizations, and private providers offer a variety of Alternative Dispute Resolution (ADR) processes to help people resolve disputes without a trial. The San Diego Superior Court expects that litigants will utilize some form of ADR as a mechanism for case settlement before trial, and it may be beneficial to do this early in the case.

Below is some information about the potential advantages and disadvantages of ADR, the most common types of ADR, and how to find a local ADR program or neutral. A form for agreeing to use ADR is attached (SDSC form #CIV-359).

Potential Advantages and Disadvantages of ADR

ADR may have a variety of advantages or disadvantages over a trial, depending on the type of ADR process used and the particular case:

Potential Advantages

- Saves time
- Saves money
- Gives parties more control over the dispute resolution process and outcome
- Preserves or improves relationships

Potential Disadvantages

- May take more time and money if ADR does not resolve the dispute
- Procedures to learn about the other side's case (discovery), jury trial, appeal, and other court protections may be limited or unavailable

Most Common Types of ADR

You can read more information about these ADR processes and watch videos that demonstrate them on the court's ADR webpage at <http://www.sdcourt.ca.gov/adr>.

Mediation: A neutral person called a "mediator" helps the parties communicate in an effective and constructive manner so they can try to settle their dispute. The mediator does not decide the outcome, but helps the parties to do so. Mediation is usually confidential, and may be particularly useful when parties want or need to have an ongoing relationship, such as in disputes between family members, neighbors, co-workers, or business partners, or when parties want to discuss non-legal concerns or creative resolutions that could not be ordered at a trial.

Settlement Conference: A judge or another neutral person called a "settlement officer" helps the parties to understand the strengths and weaknesses of their case and to discuss settlement. The judge or settlement officer does not make a decision in the case but helps the parties to negotiate a settlement. Settlement conferences may be particularly helpful when the parties have very different ideas about the likely outcome of a trial and would like an experienced neutral to help guide them toward a resolution.

Arbitration: A neutral person called an "arbitrator" considers arguments and evidence presented by each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are usually relaxed. If the parties agree to binding arbitration, they waive their right to a trial and agree to accept the arbitrator's decision as final. With nonbinding arbitration, any party may reject the arbitrator's decision and request a trial. Arbitration may be appropriate when the parties want another person to decide the outcome of their dispute but would like to avoid the formality, time, and expense of a trial.

Other ADR Processes: There are several other types of ADR which are not offered through the court but which may be obtained privately, including neutral evaluation, conciliation, fact finding, mini-trials, and summary jury trials. Sometimes parties will try a combination of ADR processes. The important thing is to try to find the type or types of ADR that are most likely to resolve your dispute. Be sure to learn about the rules of any ADR program and the qualifications of any neutral you are considering, and about their fees.

Local ADR Programs for Civil Cases

Mediation: The San Diego Superior Court maintains a Civil Mediation Panel of approved mediators who have met certain minimum qualifications and have agreed to charge \$150 per hour for each of the first two (2) hours of mediation and their regular hourly rate thereafter in court-referred mediations.

On-line mediator search and selection: Go to the court's ADR webpage at www.sdcourt.ca.gov/adr and click on the "Mediator Search" to review individual mediator profiles containing detailed information about each mediator including their dispute resolution training, relevant experience, ADR specialty, education and employment history, mediation style, and fees and to submit an on-line Mediator Selection Form (SDSC form #CIV-005). The Civil Mediation Panel List, the Available Mediator List, individual Mediator Profiles, and Mediator Selection Form (CIV-005) can also be printed from the court's ADR webpage and are available at the Mediation Program Office or Civil Business Office at each court location.

Settlement Conference: The judge may order your case to a mandatory settlement conference, or voluntary settlement conferences may be requested from the court if the parties certify that: (1) settlement negotiations between the parties have been pursued, demands and offers have been tendered in good faith, and resolution has failed; (2) a judicially supervised settlement conference presents a substantial opportunity for settlement; and (3) the case has developed to a point where all parties are legally and factually prepared to present the issues for settlement consideration and further discovery for settlement purposes is not required. Refer to SDSC Local Rule 2.2.1 for more information. To schedule a settlement conference, contact the department to which your case is assigned.

Arbitration: The San Diego Superior Court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. Refer to SDSC Local Rules Division II, Chapter III and Code Civ. Proc. § 1141.10 et seq or contact the Arbitration Program Office at (619) 450-7300 for more information.

More information about court-connected ADR: Visit the court's ADR webpage at www.sdcourt.ca.gov/adr or contact the court's Mediation/Arbitration Office at (619) 450-7300.

Dispute Resolution Programs Act (DRPA) funded ADR Programs: The following community dispute resolution programs are funded under DRPA (Bus. and Prof. Code §§ 465 et seq.):

- In Central, East, and South San Diego County, contact the National Conflict Resolution Center (NCRC) at www.ncrconline.com or (619) 238-2400.
- In North San Diego County, contact North County Lifeline, Inc. at www.nclifeline.org or (760) 726-4900.

Private ADR: To find a private ADR program or neutral, search the Internet, your local telephone or business directory, or legal newspaper for dispute resolution, mediation, settlement, or arbitration services.

Legal Representation and Advice

To participate effectively in ADR, it is generally important to understand your legal rights and responsibilities and the likely outcomes if you went to trial. ADR neutrals are not allowed to represent or to give legal advice to the participants in the ADR process. If you do not already have an attorney, the California State Bar or your local County Bar Association can assist you in finding an attorney. Information about obtaining free and low cost legal assistance is also available on the California courts website at www.courtinfo.ca.gov/selfhelp/lowcost.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	
STREET ADDRESS: 330 W Broadway	
MAILING ADDRESS: 330 W Broadway	
CITY AND ZIP CODE: San Diego, CA 92101-3827	
DIVISION: Central	
TELEPHONE NUMBER: (619) 450-7073	
PLAINTIFF(S) / PETITIONER(S):	Guillermo Mata
DEFENDANT(S) / RESPONDENT(S):	Digital Recognition Network Inc
MATA VS. DIGITAL RECOGNITION NETWORK INC [E-FILE]	
NOTICE OF CASE ASSIGNMENT AND CASE MANAGEMENT CONFERENCE (CIVIL)	CASE NUMBER: 37-2021-00023321-CU-MC-CTL

CASE ASSIGNED FOR ALL PURPOSES TO:

Judge: Joel R. Wohlfeil

Department: C-73

COMPLAINT/PETITION FILED: 05/26/2021

TYPE OF HEARING SCHEDULED	DATE	TIME	DEPT	JUDGE
Civil Case Management Conference	10/29/2021	01:30 pm	C-73	Joel R. Wohlfeil

Due to the COVID-19 pandemic, all Case Management Conferences (CMCs) are being conducted virtually unless there is a court order stating otherwise. Prior to the hearing date, visit the "virtual hearings" page for the most current instructions on how to appear for the applicable case-type/department on the court's website at www.sdcourt.ca.gov.

A Case Management Statement (JC Form #CM-110) must be completed by counsel for all parties and by all self-represented litigants and timely filed with the court at least 15 days prior to the initial CMC. (San Diego Superior Court (SDSC) Local Rules, rule 2.1.9; Cal. Rules of Court, rule 3.725).

All counsel of record and self-represented litigants must appear at the CMC, be familiar with the case, and be fully prepared to participate effectively in the hearing, including discussions of Alternative Dispute Resolution (ADR) options.

It is the duty of each plaintiff (and cross-complainant) to serve a copy of this Notice of Case Assignment and Case Management Conference (SDSC Form #CIV-721) with the complaint (and cross-complaint), the Alternative Dispute Resolution (ADR) Information Form (SDSC Form # CIV-730), a Stipulation to Use Alternative Dispute Resolution (ADR) (SDSC Form # CIV-359), and other documents on all parties to the action as set out in SDSC Local Rules, rule 2.1.5.

TIME FOR SERVICE AND RESPONSE: The following rules apply to civil cases except for collections cases under California Rules of Court, rule 3.740(a), unlawful detainer actions, proceedings under the Family Code, and other proceedings for which different service requirements are prescribed by law (Cal. Rules of Court, rule 3.110; SDSC Local Rules, rule 2.1.5):

- **Service:** The complaint must be served on all named defendants, and proof of service filed with the court within 60 days after filing the complaint. An amended complaint adding a defendant must be served on the added defendant and proof of service filed within 30 days after filing of the amended complaint. A cross-complaint against a party who has appeared in the action must be accompanied by proof of service on that party at the time it is filed. If it adds a new party, the cross-complaint must be served on all parties and proof of service on the new party must be filed within 30 days of the filing of the cross-complaint.
- **Defendant's appearance:** Unless a special appearance is made, each defendant served must generally appear (as defined in Code of Civ. Proc. § 1014) within 30 days of service of the complaint/cross-complaint.
- **Extensions:** The parties may stipulate without leave of court to one 15-day extension beyond the 30-day time period prescribed for the response after service of the initial complaint (SDSC Local Rules, rule 2.1.6). If a party fails to serve and file pleadings as required under this rule, and has not obtained an order extending time to serve its pleadings, the court may issue an order to show cause why sanctions shall not be imposed.

JURY FEES: In order to preserve the right to a jury trial, one party for each side demanding a jury trial shall pay an advance jury fee in the amount of one hundred fifty dollars (\$150) on or before the date scheduled for the initial case management conference in the action.

COURT REPORTERS: Official Court Reporters are not normally available in civil matters, but may be requested in certain situations no later than 10 days before the hearing date. See SDSC Local Rules, rule 1.2.3 and Policy Regarding Normal Availability and Unavailability of Official Court Reporters (SDSC Form #ADM-317) for further information.

ALTERNATIVE DISPUTE RESOLUTION (ADR): The court discourages any unnecessary delay in civil actions; therefore, continuances are discouraged and timely resolution of all actions, including submitting to any form of ADR is encouraged. The court encourages and expects the parties to consider using ADR options prior to the CMC. The use of ADR will be discussed at the CMC. Prior to the CMC, parties stipulating to the ADR process may file the Stipulation to Use Alternative Dispute Resolution (SDSC Form #CIV-359).

NOTICE OF E-FILING REQUIREMENTS AND IMAGED DOCUMENTS

Effective April 15, 2021, e-filing is required for attorneys in represented cases in all limited and unlimited civil cases, pursuant to the San Diego Superior Court General Order: In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing and Access to Electronic Court Records in Civil and Probate Cases. Additionally, you are encouraged to review CIV-409 for a listing of documents that are not eligible for e-filing. E-filing is also encouraged, but not mandated, for self-represented litigants, unless otherwise ordered by the court. All e-filers are required to comply with the e-filing requirements set forth in Electronic Filing Requirements (Civil) (SDSC Form #CIV-409) and Cal. Rules of Court, rules 2.250-2.261.

All Civil cases are assigned to departments that are part of the court's "Imaging Program." This means that original documents filed with the court will be imaged, held for 30 days, and then destroyed, with the exception of those original documents the court is statutorily required to maintain. The electronic copy of the filed document(s) will be the official court record, pursuant to Government Code § 68150. Thus, original documents should not be attached to pleadings filed with the San Diego Superior Court, unless it is a document for which the law requires an original be filed. Any original documents necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to California Rules of Court, rule 3.1302(b).

It is the duty of each plaintiff, cross-complainant, or petitioner to serve a copy of this Notice of Case Assignment and Case Management Conference (Civil) (SDSC Form #CIV-721) with the complaint, cross-complaint, or petition on all parties to the action.

On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words "IMAGED FILE" in all caps immediately under the title of the pleading on all subsequent pleadings filed in the action.

The official court file will be electronic and accessible at one of the kiosks located in the Civil Business Office and may be found on the court's website at www.sdcourt.ca.gov.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827 BRANCH NAME: Central	FOR COURT USE ONLY
PLAINTIFF(S): Guillermo Mata	
DEFENDANT(S): Digital Recognition Network Inc	
SHORT TITLE: MATA VS. DIGITAL RECOGNITION NETWORK INC [E-FILE]	
STIPULATION TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR)	CASE NUMBER: 37-2021-00023321-CU-MC-CTL

Judge: Joel R. Wohlfeil

Department: C-73

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution (ADR) process. Selection of any of these options will not delay any case management timelines.

- | | |
|---|--|
| <input type="checkbox"/> Mediation (court-connected) | <input type="checkbox"/> Non-binding private arbitration |
| <input type="checkbox"/> Mediation (private) | <input type="checkbox"/> Binding private arbitration |
| <input type="checkbox"/> Voluntary settlement conference (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 15 days before trial) |
| <input type="checkbox"/> Neutral evaluation (private) | <input type="checkbox"/> Non-binding judicial arbitration (discovery until 30 days before trial) |
| <input type="checkbox"/> Other (specify e.g., private mini-trial, private judge, etc.): _____ | |

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate neutral (for court Civil Mediation Program and arbitration only): _____

Date: _____

Date: _____

Name of Plaintiff

Name of Defendant

Signature

Signature

Name of Plaintiff's Attorney

Name of Defendant's Attorney

Signature

Signature

If there are more parties and/or attorneys, please attach additional completed and fully executed sheets.

It is the duty of the parties to notify the court of any settlement pursuant to Cal. Rules of Court, rule 3.1385. Upon notification of the settlement, the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court.

IT IS SO ORDERED.

Dated: 05/27/2021

JUDGE OF THE SUPERIOR COURT

EXHIBIT 1

ELECTRONICALLY FILED
Superior Court of California
County of San Diego
05/26/2021 at 04:05:04 PM
Clerk of the Superior Court
By Vanessa Bahena, Deputy Clerk

1 Rafey Balabanian (SBN 315962)
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2 Lily Hough (SBN 315277)
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3 Aaron Lawson (SBN 319306)
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4 EDELSON PC
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5 San Francisco, California 94111
Tel: 415.212.9300
6 Fax: 415.373.9435

7 *Counsel for Plaintiff and the Putative Class*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO, CENTRAL DISTRICT**

10 GUILLERMO MATA, individually and on
11 behalf of all others similarly situated,

12 *Plaintiff,*

13 v.

14 DIGITAL RECOGNITION NETWORK,
15 INC., a Delaware corporation,

16 *Defendant.*

Case No.: 37-2021-00023321-CU-MC-CTL

CLASS ACTION COMPLAINT FOR

**(1) Violation of Cal. Civ. Code §
1798.90.5 et seq.**

17
18 **CLASS ACTION COMPLAINT AND DEMAND FOR JURY TRIAL**

19 Plaintiff Guillermo Mata brings this Class Action Complaint and Demand for Jury Trial
20 against Digital Recognition Network (“DRN”) for its practice of using automated license plate
21 recognition devices and collecting license plate information. Plaintiff alleges as follows upon
22 personal knowledge as to himself and his own acts and experiences, and, as to all other matters,
23 upon information and belief.

24 **NATURE OF THE ACTION**

25 1. The automobile has become the primary mode of transportation in the United States.
26 Each year, more than 250 million registered automobiles travel the public roads of the United
27 States, including more than 15 million registered in California. Individuals use their cars to travel to

1 and from work, to visit their friends and family, and to carry out everyday tasks and chores.

2 2. Americans have a close relationship with their cars. For example, over 85% of all
3 workers choose to commute in their cars rather than rely on public transportation. Americans also
4 spend, on average, 8 hours and 22 minutes per week in their cars. Consequently, knowing an
5 individual's car location can easily allow someone to pinpoint the individual's location and gain
6 insight into where they work, where they live, who they associate with, where they shop, and even
7 where they like to spend their free time.

8 3. Defendant DRN created a nationwide surveillance program that tracks vehicle's
9 movements and, in turn, individuals' locations. DRN then stores all of the amassed information in a
10 proprietary database and makes it available to anyone willing to pay for access to it.

11 4. The core of DRN's privately-owned surveillance network is its fleet of unmarked
12 vehicles that patrol America's roadways, equipped with high-speed cameras that allow them to
13 capture photos of license plates, together with the time and location data of the photographed
14 vehicles. DRN then applies its proprietary algorithm to the data allowing it to make various
15 predictions about where the vehicle (and, more importantly, the individual behind the wheel) is
16 traveling and where the vehicle (and the driver) may be located at a certain point in time.

17 5. DRN's surveillance network is more capable than the human eye. DRN captures
18 images of license plates caught in the view of its ReaperHD camera—even when the vehicles are
19 tightly packed together in traffic, traveling at high speeds down the road, or parked innocuously in
20 the owner's driveway. DRN's ReaperHD cameras are constantly scanning for license plates in their
21 visual range—even utilizing night-vision technology to continue tracking vehicles when human
22 eyes could not. Worse, because Defendant's cameras are mounted to moving vehicles, they are
23 difficult to spot and nearly unavoidable.

24 6. In fact, Defendant claims that it has amassed more than 20 billion historical scans of
25 license plates or approximately over 70 scans—including time and GPS data—for each registered
26 vehicle in the country.

27 7. All the while, millions of guiltless and unsuspecting individuals are monitored and

1 designated San Diego Superior Court as the venue for this action.

2 **COMMON FACTUAL ALLEGATIONS**

3 **I. The California License Plate Recognition Law**

4 14. In 2016, the California legislature regulated and restrained the use of automatic
5 license plate readers (“ALPR”) and the sharing of data they capture, Cal. Civ. Code § 1798.90.5 *et*
6 *seq.* In enacting the new ALPR law, the California legislature noted various privacy concerns about
7 the use of this technology:

8 The collection of a license plate number, location, and time stamp over multiple
9 time points can identify not only a person’s exact whereabouts but also their pattern
10 of movement. Unlike other types of personal information that are covered by
11 existing law, civilians are not always aware when their ALPR data is being
12 collected. One does not even need to be driving to be subject to ALPR technology:
13 A car parked on the side of the road can be scanned by an ALPR system. This bill
14 will put in place minimal privacy protections by requiring the establishment of
15 privacy and usage protection policies for ALPR operators and end users.¹

13 15. To achieve this goal, the ALPR law mandates that ALPR operators and end users,
14 among other things, comply with three basic requirements:

15 i. *The Security Requirement:* ALPR operators and end users must “maintain reasonable
16 security procedures and practices, including operational, administrative, technical, and physical
17 safeguards, to protect ALPR information from unauthorized access, destruction, use, modification,
18 or disclosure.” Cal Civ. Code § 1798.90.51(a); *id.* §1798.90.53(a).

19 ii. *The Privacy Requirement:* ALPR operators and end users must “implement a usage
20 and privacy policy in order to ensure that the collection, use, maintenance, sharing, and
21 dissemination of ALPR information is consistent with respect for individuals’ privacy and civil
22 liberties.” *Id.* § 1798.90.51(b)(1); *id.* § 1798.90.53(b)(1).

23 iii. *The Notice Requirement:* ALPR operators and end users must post a usage and
24 privacy policy “conspicuously” on their website and include the following information:

25 _____
26 ¹ Sen. Rules Com., Off. of Sen. Floor Analyses, Rep. on Sen. Bill No. 34 (2015-2016 Reg.)
27 Sept. 03, 2015, p. 5, *available at* <https://bit.ly/3hSvw2t>.

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(a) The authorized purposes for using the ALPR system and collecting ALPR information.

(b) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(e) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.

(f) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(g) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information. *Id.* § 1798.90.51(b)(1); *id.* § 1798.90.53(b)(1).

16. Furthermore, ALPR operators have two additional requirements to ensure consumer privacy and unauthorized access.

i. *The Audit Requirement.* ALPR operators must maintain a record of the times their ALPR system is accessed, whether by the operators, its employees, or an end user. *Id.* § 1798.90.52(a). The audit trail must note the date and time of the query, the data that was queried, who queried it, and the purpose of the query. *Id.* § 1798.90.52(a)(1)-(4).

ii. *The Proper Use Requirement.* ALPR operators must also “require that ALPR information only be used for the authorized purposes described in the usage and privacy policy . . .” *Id.* §1798.90.52(b).

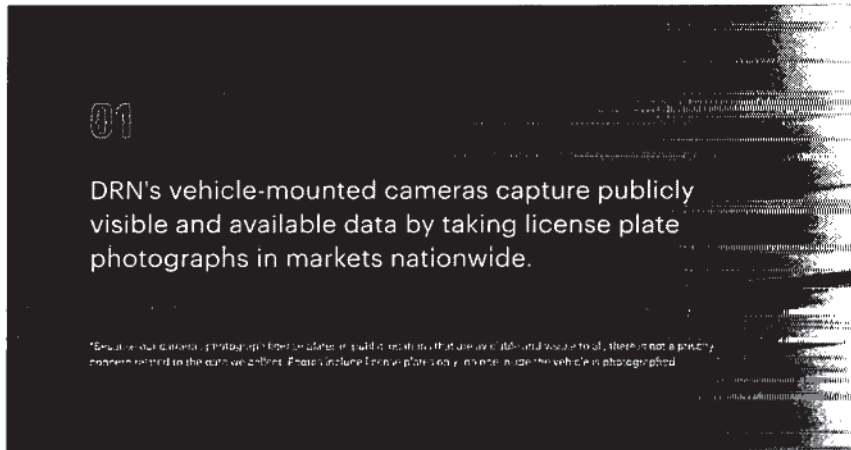
17. An individual harmed by this statute may bring a civil suit and recover 1) actual

1 damages, but not less than liquidated damages in the amount of \$2,500, 2) punitive damages upon
2 proof of willful or reckless disregard of the law, 3) reasonable attorney’s fees and other litigation
3 costs reasonably incurred, and 4) other preliminary and equitable relief as the court determines to be
4 appropriate. *Id.* §1798.90.54(b).

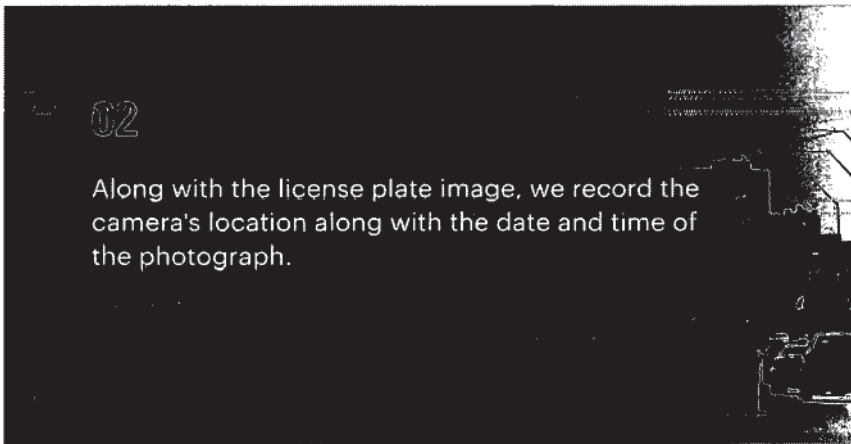
5 **II. DRN Collects ALPR Data from Unsuspecting California Residents**

6 18. Defendant DRN seeks to provide its customers real-time vehicle location data. DRN
7 accomplishes this through its use of automatic license plate reader technology. DRN claims that it
8 has amassed data on over 20 billion vehicle sightings.

9 19. Indeed, DRN uses vehicle-mounted ALPR cameras that take photographs of vehicles
10 and their license plate numbers. *See Figure 1.* DRN also records the camera’s location including the
11 time and date of the photograph. *See Figure 2.*

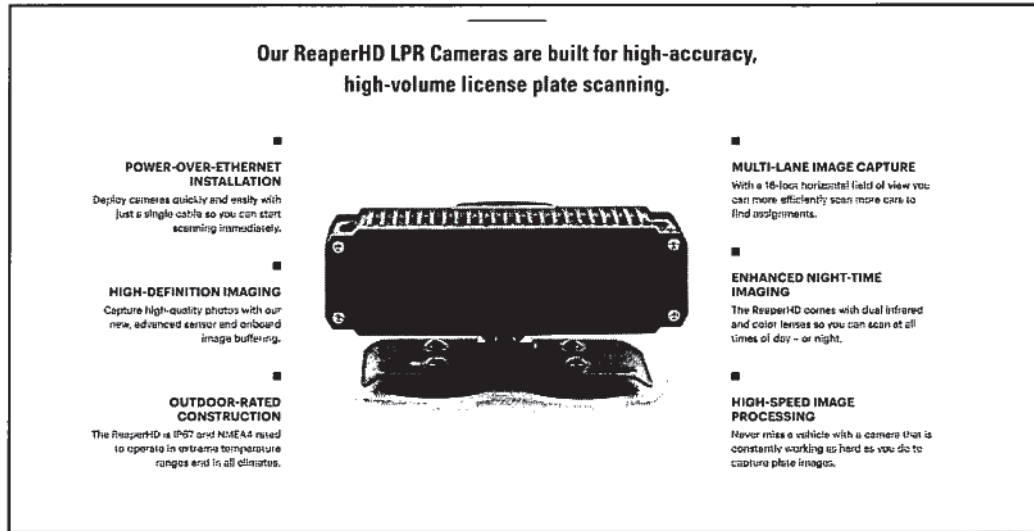


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19 **(Figure 1)**



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27 **(Figure 2)**

20. DRN uses ALPR camera hardware it calls ReaperHD. ReaperHD conducts “high-volume license plate scanning” capable of “multi-lane image capture” that performs “at all times of day—or night.” See Figure 3.



(Figure 3)

21. DRN’s automatic license plate readers deployed throughout the nation, including the state of California, pose serious concerns to individuals. License plate data, together with date/time, and GPS coordinates, can reveal a vehicle’s historical travel. After applying algorithms to the data, such information can reveal an individual’s travel patterns and even predict where an individual may be located in the future. Indeed, DRN states that “our platform can build a full, historical story on a vehicle and owner. This can produce a better address faster than using public records only.”

22. DRN is not shy about the information it derives from ALPR data. According to its website “DRN’s realalternative data – license plate recognition data paired with our powerful, exclusive analytics platform – helps build the full vehicle stories our users need to solve their portfolio management, collections, recovery and fraud challenges.”

23. DRN pairs its ALPR technology with a number of other systems that magnify the invasiveness and value of the collected information. DRN employs “Vehicle Tagging,” a system that allows clients to target communications to individual drivers, “Picture Proof” a system that captures vehicle photos from multiple angles to display how a vehicle is being used, “Radius

1 Response,” a system that notifies clients if a particular vehicle is sighted outside of particular areas,
2 and “Active Duty Alerts,” a system that monitors drivers’ active duty military status, notifying
3 DRN’s clients the moment a servicemembers’ status changes from active duty so their vehicles may
4 be repossessed.

5 24. DRN’s so-called vehicle “stories” that contain location and time data reveal sensitive
6 information that individuals may not wish to share (or allow anyone to monetize). To illustrate,
7 DRN can reveal whether an individual has recently visited an abortion clinic, a cancer treatment
8 clinic, a religious center, or an LGBT community center, thus giving insight into one’s health and
9 medical history, religious beliefs, and sexual orientation. DRN can even potentially reveal whether
10 an individual is actively searching for jobs if an individual’s vehicle was found outside a competing
11 company or at a recruiting agency.

12 25. DRN’s database can also endanger some individuals when in the wrong hands. For
13 instance, DRN’s license plate database can reveal an individual’s location and their travel patterns,
14 which an abusive spouse or ex can obtain and use to find the location of an individual—even if they
15 participate in an address confidentiality program. DRN’s predictive technology allows a malicious
16 individual to predict exactly where their victim could be found at a certain point in time.

17 26. Worst of all, nearly every California resident is a victim of DRN’s invasive practices.
18 DRN gathers ALPR data indiscriminately—collecting information on millions of ordinary people
19 who are neither suspects of any criminal investigations nor members of any watch list. That means
20 ordinary citizens’ whereabouts are continuously being collected and analyzed by an unknown third
21 party.

22 27. Victims of DRN’s license plate scanning do not know they are part of its widespread
23 and unchecked surveillance network. Indeed, California residents, and the public in general, are
24 completely unaware of DRN’s existence—let alone its clandestine operation of patrolling streets
25 with unmarked vehicles equipped with ALPR technology.

26 28. The purpose of DRN’s product is obvious: to collect license plate data together with
27 date/time and GPS coordinates, tracking individuals as they go on about their day and, most

1 importantly, to monetize this data. In its efforts to build an expansive (and lucrative) database of
2 personal location information, DRN puts its own profits over the individual privacy and civil
3 liberties of its unsuspecting subjects.

4 29. Currently, DRN claims to have over 1,000 clients who rely on and pay for DRN
5 data. Those clients belong to various industries such as lending, collections, and insurance, among
6 others.

7 30. While DRN maintains a written “privacy policy” on its website in order to maintain
8 the appearance of adhering to the law, the company’s actual policies reflect little concern for
9 individuals’ privacy and civil liberties. The company’s written policy, for instance, describes the
10 authorized purposes for using the ALPR system and collecting ALPR information (which the law
11 requires), indicating that customers may use its ALPR system “to identify or ascertain the location
12 of a specific vehicle under circumstances when there is a legitimate commercial interest.” But this
13 vague and undefined purpose does little to adequately disclose the circumstances in which DRN
14 authorizes the collection and use of its ALPR system, let alone to ensure that those practices are
15 consistent with respect for individuals’ privacy and civil liberties, as the law requires. Cal. Civ.
16 Code §§ 1798.90.51(b)(1) and 1798.90.53(b)(1). In fact, DRN doesn’t even believe individuals
17 have privacy rights in the tracking of their vehicles in the first place. On its website, DRN states that
18 there is “not a privacy concern related to the data [it] collect[s].”

19 31. Moreover, DRN does not even require its customers to stay within the bounds of its
20 broadly defined usage policy, as the law also requires. *Id.* § 1798.90.52(b). Despite only authorizing
21 the use of its ALPR system for the purpose of “identify[ing] or ascertain[ing] the location of a
22 specific vehicle,” DRN encourages customers to use its database to track *individuals* and not just
23 the location of vehicles.

24 32. For example, DRN touts that its database can be used to verify addresses for use in
25 mailing campaigns: “[u]sing DRN to validate/invalidate addresses for mailing campaigns can
26 provide even larger cost saving benefits.” This application has nothing to do with locating or
27 identifying a vehicle.

1 33. DRN’s database also allows credit card companies and other lenders of unsecured
2 debt to keep tabs on their customers. According to DRN, “[n]ow, we’re showing that [License Plate
3 Recognition technology] can be just as effective in the unsecured debt market, which is primarily
4 credit cards, personal loans and student loans.” DRN hopes that its ALPR database will help “find
5 debtors so they can collect on the debt or, in some cases, start the timeline to file suit.”

6 34. In short, DRN’s written policy does little to ensure that the collection, use,
7 maintenance, sharing, and dissemination of ALPR information is consistent with respect for
8 individuals’ privacy and civil liberties. The real purpose of DRN’s “privacy policy” is to pay lip
9 service to privacy laws without having any intention of actually complying with them.

10 35. Further, aside from publishing a superficial “privacy policy” to its website, DRN
11 takes no additional steps to ensure that the collection, use, maintenance, sharing, and dissemination
12 of its ALPR information is consistent with respect for individuals’ privacy and civil liberties.
13 Instead, the company offers the disclaimer that it “is not aware of any individual privacy interest
14 applicable to the anonymous LPR data contained in the system,” and suggests that it maintains
15 usage and periodic audit logs only “because the company considers LPR data a valuable asset of the
16 company.” However, the company’s advertised uses of the data suggests that it is anything but
17 anonymous. In any case, DRN cannot rely on this self-serving attempt to recharacterize the highly
18 sensitive nature of ALPR data, in contradiction of findings by the California Supreme Court² and
19 the State Legislature, in order to circumvent its duties under the law.

20 36. Finally, DRN fails to make its collection and usage practices available to the public
21 in any meaningful way. The company has not taken any steps to inform the subjects of its
22 surveillance about its practices, much less to make the public generally aware of its surveillance
23 program. At most, DRN has published an indifferent privacy policy to its website, but as explained
24 above, the policy hardly informs the public about the collection and use of their ALPR data, and the
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26 ² See *Am. C.L. Union Found. v. Superior Ct.* (2017) 3 Cal. 5th 1032, 1044 [221 Cal.Rptr.3d
27 832, 400 P.3d 432].

1 policy itself is not posted conspicuously on DRN's website, as the law requires. Cal. Civ. Code §
2 1798.90.51(b)(1). Even if a California consumer were to somehow discover that DRN collected
3 their license plate data and were to visit DRN's website, DRN hides its usage and privacy policy at
4 the bottom of its website in small dark font that is hardly visible against a dark background.

5 **FACTS SPECIFIC TO PLAINTIFF MATA**

6 37. Plaintiff Mata values his privacy and takes various measures to protect against
7 revealing his personal information.

8 38. Unbeknownst to Mata, DRN's ALPR cameras captured Mata's license plate numbers
9 and his vehicle's location. The collection of his vehicle's location and his license plate data allowed
10 DRN to identify Mata's former employer, where he spends his time after work, the school his
11 family member attended, and the stores him and his family members frequent.

12 39. At the time of DRN's collection of Mata's license plate data and location
13 information, Mata was not aware of DRN's conduct, and, as such, Mata could not have found and
14 reviewed DRN's usage and privacy policy.

15 40. Furthermore, Mata is concerned to whom and for what reasons DRN may have
16 disclosed his sensitive license plate data together with his vehicle's location. Worst of all, Mata is
17 concerned how this information can be misused.

18 **CLASS ACTION ALLEGATIONS**

19 41. **Class Definition:** Plaintiff Guillermo Mata brings this action pursuant to the
20 California Code of Civil Procedure § 382 on behalf of himself and a Class of similarly situated
21 individuals defined as follows:

22 All persons in the State of California whose license plate data was collected by Defendant
23 using an automatic license plate reader.

24 Excluded from the Class are: (1) any Judge or Magistrate presiding over this action and
25 members of their families; (2) Defendant, Defendant's subsidiaries, parents, successors,
26 predecessors, and any entity in which Defendant or their parents have a controlling interest and its
27 officers and directors; (3) persons who properly execute and file a timely request for exclusion from

1 the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or
2 otherwise released; (5) Plaintiff's counsel and Defendant's counsel; and (6) the legal
3 representatives, successors, and assigns of any such excluded persons.

4 **42. Numerosity:** The exact number of Class members is unknown and not available to
5 Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and
6 belief, Defendant has photographed the license plates and time-stamped geolocation data of millions
7 of consumers who fall into the definition of the Class. Class members can be identified through
8 Defendant's records.

9 **43. Commonality and Predominance:** There are many questions of law and fact
10 common to the claims of Plaintiff and the putative Class, and those questions predominate over any
11 questions that may affect individual members of the Class. Common questions for the Class
12 include, but are not necessarily limited to the following:

- 13 (a) Whether Defendant complies with the requirements set forth by Cal. Civ.
14 Code § 1798.90.51;
- 15 (b) Whether Defendant complies with the requirements set forth by Cal. Civ.
16 Code § 1798.90.52; and
- 17 (c) Whether Defendant complies with the requirements set forth in Cal. Civ.
18 Code § 1798.90.53.

19 **44. Adequate Representation:** Plaintiff will fairly and adequately represent and protect
20 the interests of the Class and has retained counsel competent and experienced in complex litigation
21 and class actions. Plaintiff's claims are representative of the claims of the other members of the
22 Class. That is, Plaintiff and the Class members sustained damages as a result of Defendant's
23 conduct. Plaintiff also has no interests antagonistic to those of the Class, and Defendant has no
24 defenses unique to Plaintiff. Plaintiff and his counsel are committed to vigorously prosecuting this
25 action on behalf of the members of the Class and have the financial resources to do so. Neither
26 Plaintiff nor her counsel has any interest adverse to the Class.

27 **45. Predominance and Superiority:** Class proceedings are superior to all other

1 available methods for the fair and efficient adjudication of this controversy, as joinder of all
2 members of the Class is impracticable. Individual litigation would not be preferable to a class action
3 because individual litigation would increase the delay and expense to all parties due to the complex
4 legal and factual controversies presented in this Complaint. By contrast, a class action presents far
5 fewer management difficulties and provides the benefits of single adjudication, economy of scale,
6 and comprehensive supervision by a single court. Economies of time, effort, and expense will be
7 fostered and uniformity of decisions will be ensured.

8 46. Plaintiff reserves the right to revise the foregoing “Class Allegations” and “Class
9 Definition” based on facts learned through additional investigation and in discovery.

10 **FIRST CAUSE OF ACTION**
11 **Violation of Cal. Civ. Code § 1798.90.5 *et seq.***
12 **(On behalf of Plaintiff and the Class)**

12 47. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

13 48. Plaintiff Mata brings this count against DRN individually and on behalf of the class.

14 49. Defendant DRN operates an ALPR system that collects photographs of license plate
15 numbers, together with the location, time, and date of the Plaintiff’s and the putative Class’s
16 vehicles.

17 50. On information and belief, DRN is not a transportation agency acting subject to Cal.
18 Streets & Highways Code § 31490.

19 51. Accordingly, Defendant is an “ALPR operator” under Cal. Civ. Code § 1798.90.5(c)
20 because it operates an ALPR system.

21 52. In addition (or in the alternative), Defendant is an “ALPR end-user” under Cal. Civ.
22 Code § 1798.90.5(a) because it accesses or uses an ALPR system.

23 53. California law prohibits DRN from accessing or using ALPR information unless it
24 complies with the Notice, Privacy, Security, Audit, and Proper-Use Requirements defined above.

25 54. On information and belief, Defendant deliberately collected Plaintiff’s and the
26 putative Class’s ALPR information and disclosed that information to its 1,000 clients allowing them
27 to identify locations visited by Plaintiff and each putative Class member’s vehicles.

1 (a) An order certifying the Class as defined above, appointing Plaintiff Mata as the
2 representative of the Class, and appointing his counsel as Class Counsel;

3 (b) An order declaring that Defendant’s actions, as set out above, violate Cal. Civ. Code
4 § 1798.90.5 *et seq.*

5 (c) An injunction requiring Defendant to cease all unlawful activities;

6 (d) An award of liquidated damages, punitive damages, costs, and attorneys’ fees;

7 (e) Such other and further relief that the Court deems reasonable and just.

8 **JURY DEMAND**

9 Plaintiff requests a trial by jury of all claims that can be so tried.

10 Respectfully submitted,

11 **GUILLERMO MATA**, individually and on behalf of
12 all others similarly situated,

13 Dated: May 26, 2021

By: /s/ Lily E. Hough
One of Plaintiff’s Attorneys

14
15 Rafey Balabanian (SBN 315962)
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21 *Counsel for Plaintiff and the Putative Class*

EXHIBIT 2



**Service of Process
Transmittal**

07/23/2021
CT Log Number 539957276

TO: Karen Kriesant
Motorola Solutions, Inc.
500 W MONROE ST FL 43
CHICAGO, IL 60661-3634

RE: Process Served in California

FOR: Digital Recognition Network, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: GUILLERMO MATA, ETC., PLTF. vs. DIGITAL RECOGNITION NETWORK, INC., ETC., DFT.

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # 37202100023321CUMCCTL

ON WHOM PROCESS WAS SERVED: C T Corporation System, GLENDALE, CA

DATE AND HOUR OF SERVICE: By Process Server on 07/23/2021 at 13:58

JURISDICTION SERVED : California

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 07/24/2021, Expected Purge Date: 07/29/2021

Image SOP

Email Notification, Karen Kriesant karen.kriesant@motorolasolutions.com

Email Notification, Carol Martini carol.martini@motorolasolutions.com

REGISTERED AGENT ADDRESS: C T Corporation System
330 N BRAND BLVD
STE 700
GLENDALE, CA 91203
866-331-2303
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

EXHIBIT 3



Page	Case Number Search	Participant Name Search	Date Search	Unlawful Detainer Search	Printer Friendly Version	FAQ
						Cart

Register of Actions (ROA)

Case Information	
Case Number: 37-2021-00023321-CU-MC-CTL	Date Filed: 05/26/2021
Case Title: Mata vs. Digital Recognition Network Inc [E-FILE]	Case Status: Pending
Case Category: Civil - Unlimited	Location: Central
Case Type: Misc Complaints - Other	Judicial Officer: Joel R. Wohlfeil
Case Age: 86 days	Department: C-73

Future Events			<input type="checkbox"/>
Event Date	Event Time	Location	Event Type
10/29/2021	01:30 PM	C-73	Civil Case Management Conference - Complaint
		<input type="text" value="1"/>	

Participants			<input type="checkbox"/>
Name	Role	Representation	
Digital Recognition Network Inc	Defendant		
Mata, Guillermo	Plaintiff	Balabanian, Rafey; Hough, Lily; Lawson, Aaron	
		<input type="text" value="1"/>	

Representation			<input type="checkbox"/>
Name	Address	Phone Number	
BALABANIAN, RAFEY	150 California Street 18th Floor San Francisco CA 94111	(415) 212-9300	
HOUGH, LILY	EDELSON PC 150 California Street 18th Fl San Francisco CA 94111	(415) 212-9300	

Name	Address	Phone Number
LAWSON, AARON	150 California Street 18th Floor San Francisco CA 94111	(415) 212-9300
<input type="text"/>	<input type="text"/>	<input type="text"/>

Register of Actions

ROA#	Entry Date	Short/Long Entry	Filed By	Document	Cart
8	07/26/2021	Proof of Service of 30-day Summons & Complaint - Personal filed by Mata, Guillermo. Refers to: Digital Recognition Network Inc	Mata, Guillermo (Plaintiff)	Proof of Service of 30-day Summons & Complaint - Personal (Proof of Service - Case Initiating Document)	<input type="button" value="Add to Cart"/>
7	05/27/2021	Case initiation form printed.		Notice of Case Assignment SD	<input type="button" value="Add to Cart"/>
6	05/27/2021	Civil Case Management Conference scheduled for 10/29/2021 at 01:30:00 PM at Central in C-73 Joel R. Wohlfeil.			
5	05/26/2021	Case assigned to Judicial Officer Wohlfeil, Joel.			
4	05/27/2021	Summons issued.			
3	05/26/2021	Original Summons filed by Mata, Guillermo. Refers to: Digital Recognition Network Inc	Mata, Guillermo (Plaintiff)	Original Summons (Warrants/Issuance Returns)	<input type="button" value="Add to Cart"/>
2	05/26/2021	Civil Case Cover Sheet filed by Mata, Guillermo. Refers to: Digital Recognition Network Inc	Mata, Guillermo (Plaintiff)	Civil Case Cover Sheet (Cover Sheets)	<input type="button" value="Add to Cart"/>
1	05/26/2021	Complaint filed by Mata, Guillermo. Refers to: Digital Recognition Network Inc	Mata, Guillermo (Plaintiff)	Complaint (Case Initiation)	<input type="button" value="Add to Cart"/>
			<input type="text"/>		<input type="button" value="1"/>

THE INFORMATION IN THIS REGISTER OF ACTIONS IS PROVIDED AS IS, WITHOUT WARRANTY BY THE SAN DIEGO SUPERIOR COURT AS TO CONTENT OR ACCURACY OF THE INFORMATION. The Entry Date on the Register of Actions may not always reflect the actual filing date of a document and not all documents filed with the Court are listed on the Register of Actions. It is recommended that users refer to the case file for confirmation.

EXHIBIT 4

1 KILPATRICK TOWNSEND & STOCKTON LLP
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13 Attorneys for Defendant
DIGITAL RECOGNITION NETWORK, INC.
14

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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF SAN DIEGO**
19

20 GUILLERMO MATA, individually and on
behalf of all other similarly situated,

21 Plaintiff,

22 v.

23 DIGITAL RECOGNITION NETWORK,
24 INC., a Delaware corporation,

25 Defendant.
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27
28

Case No. 37-2021-00023321-CU-MC-CTL

**NOTICE TO SUPERIOR COURT OF
REMOVAL OF CLASS ACTION
COMPLAINT PURSUANT TO 28 U.S.C.
§§ 1332(d), 1446 AND 1453 [CAFA]**

Complaint Filed: May 26, 2021
Complaint Served: July 23, 2021

1 **TO THE CLERK OF THE ABOVE ENTITLED COURT:**

2 PLEASE TAKE NOTICE that Defendant Digital Recognition Network, Inc. (“Digital
3 Network”) has filed in the United States District Court for the Southern District of California, a
4 Notice of Removal of Class Action Complaint in the District Court, for the above-captioned
5 action, pursuant to 28 U.S.C. §§ 1332(d), 1446, and 1453 on August 20, 2021. A copy of such
6 Notice of Removal is attached hereto as Exhibit A.

7 PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C. § 1446(d), the filing of
8 the attached Notice of Removal in the United States District Court, Southern District together with
9 this Notice filed with this Court, effects the removal of this Complaint and action, and this Court is
10 requested to proceed no further, unless and until this case is remanded to the Superior Court of the
11 State of California.

12
13 DATED: August 20, 2021

Respectfully submitted,

14 KILPATRICK TOWNSEND & STOCKTON LLP

15
16 By: /s/ Nancy L. Stagg

17 NANCY L. STAGG
18 ADAM P. WILEY
19 COLE B. RAMEY
20 TIMOTHY E. TAYLOR

21 Attorneys for Defendant
22 DIGITAL RECOGNITION NETWORK, INC.
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PROOF OF SERVICE
[C.C.P. §§ 1011 and 1013, C.R.C. § 2008]

I declare I am employed in the City and County of San Francisco, California in the office of Kilpatrick Townsend & Stockton LLP, 19th Floor, Two Embarcadero Center, San Francisco, CA 94111.

I served the following document entitled: **NOTICE TO SUPERIOR COURT OF REMOVAL OF CLASS ACTION COMPLAINT PURSUANT TO 28 U.S.C. §§ 1332(d), 1446 AND 1453 [CAFA]** on the interested parties in this action as follows:

Raley Balabanian	Telephone: 415 212 9300
rbalabanian@edelson.com	Facsimile: 415 373 9435
Lily Hough	
lhough@edelson.com	
Aaron Lawson	
alawson@edelson.com	
EDELSON PC	
150 California Street, 18 th Floor	
San Francisco, CA 94111	

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

[By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 20, 2021.



Esther Cerletti

EXHIBIT 5

1 KILPATRICK TOWNSEND & STOCKTON LLP
NANCY L. STAGG (State Bar No. 157034)
2 nstagg@kilpatricktownsend.com
12255 El Camino Real, Suite 250
3 San Diego, CA 92130
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9 COLE B. RAMEY (*pro hac vice pending*)
TIMOTHY E. TAYLOR (*pro hac vice pending*)
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10 ttaylor@kilpatricktownsend.com
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11 Dallas, TX 75201
Telephone: 214 922 7100
12 Facsimile: 214 922 7101

13 Attorneys for Defendant
DIGITAL RECOGNITION NETWORK, INC.
14

15
16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF SAN DIEGO**
18

19 GUILLERMO MATA, individually and on
behalf of all other similarly situated,

20 Plaintiff,

21 v.

22 DIGITAL RECOGNITION NETWORK,
23 INC., a Delaware corporation,

24 Defendant.
25
26
27
28

Case No. 37-2021-00023321-CU-MC-CTL

**NOTICE TO ADVERSE PARTY OF
REMOVAL OF CLASS ACTION
COMPLAINT TO DISTRICT COURT
PURSUANT TO 28 U.S.C. §§ 1332(D), 1446
AND 1453 [CAFA]**

Complaint Filed: May 26, 2021
Complaint Served: July 23, 2021

1 **TO PLAINTIFF GUILLERMO MATA, AND HIS ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that Defendant Digital Recognition Network, Inc. (“DRN”) has
3 filed in the United States District Court for the Southern District of California, a Notice of
4 Removal of Class Action Complaint to the District Court, for the above-captioned action, pursuant
5 to 28 U.S.C. §§ 1332(d), 1446, and 1453, on August 20, 2021. A copy of such Notice of Removal
6 is attached hereto as Exhibit A.

7 DATED: August 20, 2021

Respectfully submitted,

8 KILPATRICK TOWNSEND & STOCKTON LLP

9

10

By: /s/ Nancy L. Stagg

11

NANCY L. STAGG

12

ADAM P. WILEY

13

COLE B. RAMEY

14

Attorneys for Defendant

DIGITAL RECOGNITION NETWORK, INC.

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[C.C.P. §§ 1011 and 1013, C.R.C. § 2008]

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Esther Cerletti

INDEX OF EXHIBITS

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