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15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

17 GUILLERMO MATA, individually  
18 and on behalf of similarly situated  
19 individuals,

20 Plaintiff,

21 v.

22 ZILLOW GROUP, INC., a  
23 Washington corporation,

24 Defendant.

25 ) Case No. '24CV1095 DMS VET

26 ) Hon.

27 ) Date:

28 ) Time:

**CLASS ACTION COMPLAINT**

**1. Video Privacy Protection Act,  
18 U.S.C. § 2710 et seq.**

**2. California Invasion of Privacy  
Act, Cal. Penal Code § 630 et  
seq.**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Guillermo Mata brings this Class Action Complaint against  
2 Defendant Zillow Group, Inc. (“Defendant”), on his own behalf and on behalf of  
3 other subscribers to Defendant’s online real estate marketplace, to obtain relief for  
4 Defendant’s knowing disclosure of their personally identifiable information  
5 (“PII”) and prerecorded video viewing activity to third parties in violation of the  
6 Video Privacy Protection Act (“VPPA”), 18 U.S.C. § 2710, as well as the  
7 California Invasion of Privacy Act (“CIPA”), Cal. Penal Code § 630 *et seq.*  
8 (“CIPA”). Specifically, Defendant uses third-party code to track prerecorded  
9 videos its subscribers watch and sends that data to its third-party code vendors  
10 along with subscribers’ PII, all without its subscribers’ valid consent. Plaintiff  
11 alleges as follows based on Plaintiff’s own personal knowledge, acts, and  
12 experiences, and as to all other matters, on information and belief, including an  
13 investigation by his attorneys.

#### 14 NATURE OF THE CASE

15 1. Defendant owns and operates Zillow.com, one of the largest online  
16 real estate marketplaces in the nation. As such, a key element of Defendant’s  
17 business model is to showcase for-sale residential properties and properties  
18 available for lease on its website using photographic and video content.

19 2. For instance, Defendant displays video tour walkthroughs of many  
20 properties listed on its website. These tours consist of prerecorded video  
21 productions with an accompanying audio track.

22 3. In addition, Defendant has knowingly installed pixels and other  
23 tracking technologies developed by third party advertisers. These tracking  
24 technologies capture the PII of Defendant’s subscribers relating to specific videos  
25 that the subscribers have viewed and disclose such PII to the third-party  
26 developers, all without the subscribers’ informed, written consent.





1 changed over the years, we must stay faithful to our fundamental right to privacy  
2 and freedom. Today, social networking, video streaming, the ‘cloud,’ mobile apps  
3 and other new technologies have revolutionized the availability of Americans’  
4 information.”<sup>1</sup>

5 15. The VPPA generally prohibits the knowing disclosure of information  
6 which identifies a consumer as having requested or obtained specific video  
7 materials or services. 18 U.S.C. § 2710(b)(1).

8 16. Defendant owns and operates an online residential real estate  
9 marketplace through its website, Zillow.com, and mobile application.

10 17. Defendant’s business depends on attracting real estate agents or  
11 sellers to showcase their properties on Defendant’s website. Accordingly,  
12 Defendant attempts to distinguish itself from competitors in the residential real  
13 estate market by arming listing agents and owners with the ability to leverage  
14 Defendant’s technology in order to best advertise their properties.

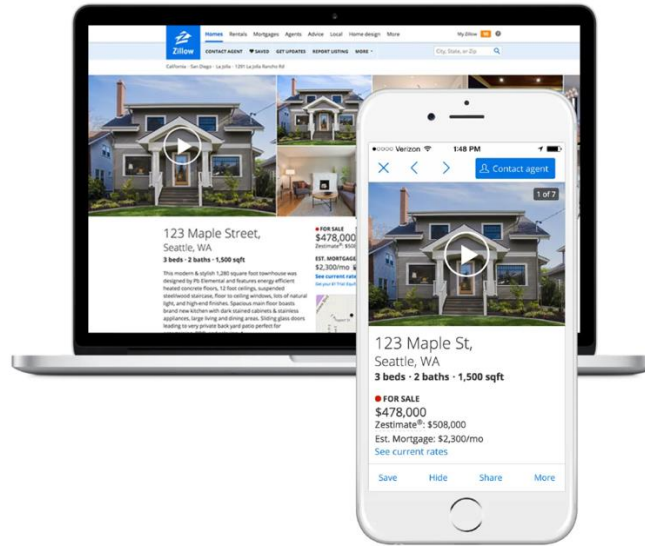
15 18. One of the particular technology offerings which Defendant  
16 highlights is video tour walkthroughs. Defendant tells listing agents and owners to  
17 “Get more views on your listings with a video tour” and that “adding a video  
18 walkthrough to your listing boosts the views it will garner on Zillow.com, which  
19 helps you find an interested buyer more quickly”:<sup>2</sup>

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<sup>1</sup> See Statement of the Honorable Patrick Leahy, United States Senator, January 31, 2012, [https://www.judiciary.senate.gov/imo/media/doc/leahy\\_statement\\_01\\_31\\_12.pdf](https://www.judiciary.senate.gov/imo/media/doc/leahy_statement_01_31_12.pdf) (last visited June 24, 2024).

<sup>2</sup> <https://www.zillow.com/agent-resources/training/dashboard-and-video-walk-through-to-boost-listings/dashboard-and-video-walk-through-to-boost-listings/> (last visited June 24, 2024).



19. As their name suggests, Defendant’s video tour walkthroughs consist of a video presentation of a given real estate listing accompanied by an audio soundtrack. In fact, for videos uploaded directly through Defendant’s video submission portal, Defendant set specific video specifications such as the format, length, and sound requirements for the uploaded content.<sup>3</sup>

20. In addition to such prerecorded video tour walkthroughs, Defendant has also knowingly deployed third-party tracking pixels and other third-party tracking technologies on its Zillow.com webpages. Such tracking technology sends user activity information to third parties including Reddit, Inc., Meta Platforms, Inc. (“Meta”), Microsoft Corporation, Alphabet, Inc., and Snap, Inc. (Snapchat).

<sup>3</sup> See

<https://web.archive.org/web/20221110232607/https://www.zillow.com/z/video-upload/faqs/> (last visited June 24, 2024) (specifying that accompanying music could be “only royalty free music in which you have the necessary license” and that narration by the listing agent or seller is permitted).

1           21. Defendant programmed such third-party tracking technology into its  
2 website for advertising purposes and to increase its profits. Defendant knew that  
3 such tracking technology would transmit site visitors' activity, including records  
4 of which video tours they have watched, as the entire purpose of implementing  
5 such technology is so that Defendant can target advertisements or send marketing  
6 emails through the technology's third-party providers.

7           22. Defendant permits Zillow.com users to subscribe and create a Zillow  
8 account by registering their email with Defendant. Creating an account permits  
9 users to save their real estate searches and easily access Zillow site materials they  
10 previously viewed, including video content.

11           23. When a registered user accesses one of Defendant's video  
12 walkthrough tours, Defendant, through the third-party tracking technologies  
13 Defendant knowingly incorporated into its webpages, discloses such subscribers'  
14 PII, including emails, and/or IDs associated with Defendant's third-party  
15 technology vendors, along with records of the video content the registered user  
16 accessed, to its third-party tracking vendors.

17           24. For example, when a subscriber who is a Facebook user views a video  
18 on Defendant's website, Meta's "Meta Pixel," a tracking technology programmed  
19 into Defendant's website code, transmits that information to Facebook along with  
20 the subscriber's Facebook ID. The Facebook ID is a unique identifier assigned to  
21 each Facebook user. Typing [www.facebook.com/\[subscriber's Facebook ID\]](http://www.facebook.com/[subscriber's Facebook ID]) into  
22 a web browser permits anyone to find that subscriber's Facebook account. A  
23 Facebook account generally contains a wide range of demographic information  
24 about a Facebook user.

25           25. At no time, however, does Defendant inform its subscribers that  
26 records of their viewing activity and PII will be shared with such third parties "in  
27 a form distinct and separate from any form setting forth other legal or financial  
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1 obligations” of the subscriber, as VPPA requires. Nor does Defendant seek or  
2 obtain subscribers’ informed, written consent to those disclosures.

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4 **PLAINTIFF’S EXPERIENCE**

5 26. At all relevant times, Plaintiff has been one of Defendant’s  
6 subscribers after registering his email with Defendant in order to create a Zillow  
7 account.

8 27. At all relevant times, Plaintiff has been a Facebook user.

9 28. While he was one of Defendant’s subscribers, Plaintiff requested  
10 many of Defendant’s video walkthrough tours of real estate properties.

11 29. Whenever Plaintiff requested or obtained such prerecorded videos on  
12 Defendant’s website, Defendant disclosed to third-party tracking vendors,  
13 including Meta, records of which specific videos Plaintiff requested as well as  
14 Plaintiff’s PII in the form of his email address (which includes his last name), and  
15 Facebook ID.

16 30. In fact, Plaintiff’s Facebook profile shows that Defendant has shared  
17 information with Facebook concerning Plaintiff’s Zillow site activity, which  
18 includes specific records of the content Plaintiff viewed,<sup>4</sup> on approximately 20  
19 occasions:

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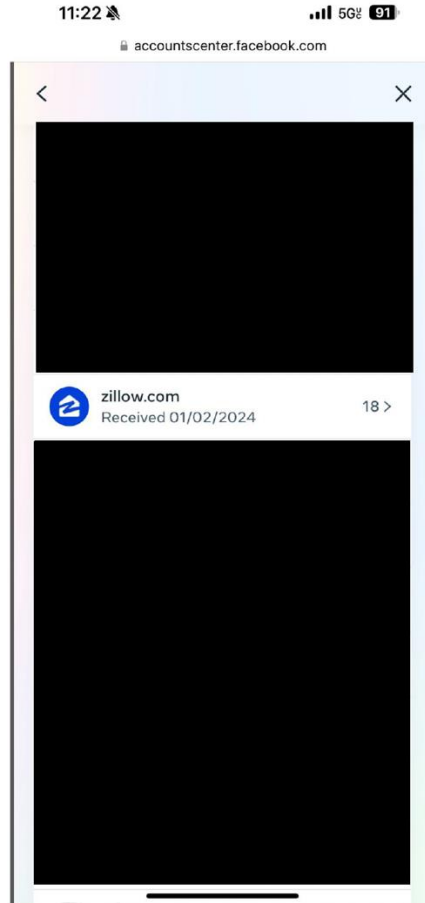
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<sup>4</sup> *Review your activity off Meta technologies*, FACEBOOK,  
<https://www.facebook.com/help/2207256696182627> (interactions include  
“Viewing content” and “Searching for an item”) (last visited June 24, 2024).



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31. Plaintiff has never given his consent, written or otherwise, to Defendant to disclose such information to third parties.

**CLASS ACTION ALLEGATIONS**

32. Pursuant to Fed. R. Civ. P. 23, Plaintiff brings this action on behalf of himself, on behalf of a nationwide Class, and on behalf of a statewide Subclass, defined as follows:

- a) The Class: All persons in the United States with a Zillow account and who requested or viewed a video walkthrough tour on or through Zillow.com during the applicable limitations period.

1           b) The California Subclass: All persons in California with a Zillow  
2           account and who requested or viewed a video walkthrough tour on or  
3           through Zillow.com during the applicable limitations period.

4           33. Subject to additional information obtained through further  
5           investigation and discovery, the above-described Class and California Subclass  
6           may be modified or narrowed as appropriate.

7           34. **Numerosity.** Upon information and belief, there are thousands of  
8           members of both the Class and Subclass such that joinder of all members is  
9           impracticable.

10          35. **Typicality.** Plaintiff's claims are typical of the Class he seeks to  
11          represent. Plaintiff, like all Class members, had his PII knowingly disclosed by  
12          Defendant to third parties without his informed written consent. Plaintiff's claims  
13          arise out of the same conduct and are based on the same legal theories as those of  
14          any absent class member.

15          36. **Adequacy.** Plaintiff will fairly and adequately represent and protect  
16          the interests of the other members of the Class and Subclass. Plaintiff has retained  
17          counsel with substantial experience in prosecuting complex litigation and class  
18          actions, and Plaintiff and his counsel are committed to vigorously prosecuting this  
19          action on behalf of the members of the Class and Subclass and have the financial  
20          resources to do so. Neither Plaintiff nor his counsel have any interest adverse to  
21          those of the other members of the Class and Subclass.

22          37. **Commonality and Predominance.** Numerous common questions of  
23          law and fact exist as to all members of the Class, and such questions predominate  
24          over questions affecting Plaintiff or individual members of the Class. Common  
25          questions for the Class include, but are not limited to, the following:

26           a. Whether Defendant knowingly disclosed Class members' personal  
27           video viewing information to third parties;

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- 1           b.     Whether Defendant knowingly disclosed Class members’ personally-  
2           identifiable information to third parties;
- 3           c.     Whether Class members are entitled to damages and equitable relief  
4           as a result of Defendant’s conduct.

5           38.    **Superiority.** Absent a class action, most members of the Class would  
6 find the cost of litigating their claims to be prohibitive and would have no effective  
7 remedy. The class treatment of common questions of law and fact is also superior  
8 to multiple individual actions or piecemeal litigation in that it conserves the  
9 resources of the courts and the litigants, and promotes consistency and efficiency  
10 of adjudication.

11                                   **FRAUDULENT CONCEALMENT AND TOLLING**

12           39.    The applicable statutes of limitations are tolled by virtue of  
13 Defendant’s knowing and active concealment of the facts alleged above. Plaintiff  
14 and Class members were ignorant of the information essential to the pursuit of  
15 these claims, without any fault or lack of diligence on their own part.

16           40.    At the time the action was filed, Defendant was under a duty to  
17 disclose the true character, quality, and nature of its activities to Plaintiff and the  
18 Class. Defendant is therefore estopped from relying on any statute of limitations.

19           41.    Defendant’s fraudulent concealment is common to the Class.

20                                   **CAUSES OF ACTION**

21                                   **Count I**

22                   **Violations of the Video Privacy Protection Act, 18 U.S.C. § 2710**

23                                   **(On behalf of Plaintiff and the Class)**

24           42.    Plaintiff incorporates by reference all of the foregoing allegations as  
25 if fully set forth herein.

26           43.    The VPPA prohibits a “video tape service provider” from knowingly  
27 disclosing “personally-identifying information” concerning any consumer to a  
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1 third-party without the “informed, written consent (including through an electronic  
2 means using the Internet) of the consumer.” 18 U.S.C. § 2710(b)(1).

3 44. A “video tape service provider” is “any person, engaged in the  
4 business, in or affecting interstate commerce, of rental, sale, or delivery of  
5 prerecorded video cassette tapes or similar audiovisual materials.” Id. § 2710(a)(4).  
6 Defendant is a “video tape service provider” because it is engaged in the business  
7 of delivering prerecorded audiovisual materials that are similar to prerecorded  
8 video cassette tapes and those sales affect interstate or foreign commerce.

9 45. As defined in 18 U.S.C. § 2710(a)(1), a “‘consumer’ means any  
10 renter, purchaser, or subscriber of goods or services from a video tape service  
11 provider.” As alleged above, Plaintiff and the Class members are subscribers to  
12 Defendant’s services, including its services involving the provision of prerecorded  
13 video content. Thus, Plaintiff and the Class members are “consumers” under this  
14 definition.

15 46. As defined in 18 U.S.C. § 2710(a)(3), “‘personally identifiable  
16 information’ includes information which identifies a person as having requested or  
17 obtained specific video materials or services from a video tape service provider.”

18 47. Defendant knowingly disclosed Plaintiff’s and the Class members’  
19 PII, including their email addresses and/or Facebook IDs or other social  
20 networking IDs, to its third-party tracking vendors.

21 48. This information constitutes personally identifiable information under  
22 18 U.S.C. § 2710(a)(3) because it identified Plaintiff and each Class member to  
23 Defendant’s third-party vendors as an individual who requested or obtained  
24 Defendant’s video content, including the specific video materials requested or  
25 obtained on Defendant’s website.

26 49. Under the VPPA, “informed, written consent” must be (1) in a form  
27 distinct and separate from any form setting forth other legal or financial obligations  
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1 of the consumer; and (2) at the election of the consumer, is either given at the time  
2 the disclosure is sought or given in advance for a set period of time not to exceed  
3 two years or until consent is withdrawn by the consumer, whichever is sooner.”*Id.*  
4 § 2710(b)(2)(B). Defendant failed to obtain informed, written consent from  
5 Plaintiff and the Class members under this definition.

6 50. In addition, the VPPA creates an opt-out right for consumers. *Id.* §  
7 2710(2)(B)(iii). It requires video tape service providers like Defendant to also  
8 “provide[] an opportunity for the consumer to withdraw on a case-by-case basis or  
9 to withdraw from ongoing disclosures, at the consumer’s election.” *Id.* Defendant  
10 failed to provide an adequate opportunity to opt out as required by the VPPA.

11 51. Defendant knowingly disclosed Plaintiff’s and the Class members’  
12 personal viewing information to its third-party tracking vendors. Defendant  
13 programmed its third-party vendors’ tracking technology into its website code,  
14 knowing that those third parties would receive records of which videos a subscriber  
15 requested and the subscriber’s PII.

16 52. By disclosing Plaintiffs’ and the Class’s personal viewing  
17 information, Defendant violated Plaintiff’s and the Class members’ statutorily  
18 protected right to privacy in their video-watching habits.

19 53. As a result of the above violations, Defendant is liable to Plaintiff and  
20 the other Class members for actual damages in an amount to be determined at trial  
21 or, alternatively, for “liquidated damages” “not less than \$2,500” per violation. *Id.*  
22 § 2710(c)(2). Under the statute, Defendant is also liable for reasonable attorney’s  
23 fees, and other litigation costs, injunctive and declaratory relief, and punitive  
24 damages in an amount to be determined by a jury, but sufficient to prevent the same  
25 or similar conduct by Defendant in the future. *Id.*

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**Count II**

**Violations of the California Invasion of Privacy Act, Cal. Penal Code §631(a)  
(On behalf of Plaintiff and the California Subclass)**

54. Plaintiff incorporates by reference all of the foregoing allegations as if fully set forth herein.

55. CIPA § 631(a) imposes liability for “distinct and mutually independent patterns of conduct.” *Tavernetti v. Superior Ct.*, 22 Cal. 3d 187, 192-93 (1978). Thus, to establish liability under CIPA § 631(a), a plaintiff need only establish that the defendant, “by means of any machine, instrument, contrivance, or in any other manner,” does any of the following:

Intentionally taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any telegraph or telephone wire, line, cable, or instrument, including the wire, line, cable, or instrument of any internal telephonic communication system,

*Or*

Willfully and without the consent of all parties to the communication, or in any unauthorized manner, reads or attempts to read or learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any wire, line or cable or is being sent from or received at any place within this state,

*Or*

Uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any

1 information so obtained,

2 *Or*

3 Aids, agrees with, employs, or conspires with any person or persons  
4 to unlawfully do, or permit, or cause to be done any of the acts or  
5 things mentioned above in this section.

6 56. § 631(a) is not limited to phone lines, but also applies to “new  
7 technologies” such as computers, the Internet, and email. *See Javier v. Assurance*  
8 *IQ, LLC*, 2022 WL 1744107, at \*1 (9th Cir. May 31, 2022) (“Though written in  
9 terms of wiretapping, Section 631(a) applies to Internet communications.”).

10 57. The third-party activity tracking technologies Defendant programmed  
11 into its website are each a “machine, instrument, contrivance, or ... other manner”  
12 used to read or learn the contents or meaning of messages, reports, or  
13 communications between Plaintiff and the Subclass members and Defendant.

14 58. Defendant’s third-party tracking vendors were third parties to  
15 communications between Plaintiff and the Subclass members and Defendant.

16 59. At all relevant times, Defendant’s third-party tracking vendors  
17 willfully and without the consent of all parties to the communication, or in any  
18 unauthorized manner, read, attempted to read, and/or learned the contents or  
19 meaning of electronic communications between Plaintiff and the Subclass  
20 members, on the one hand, and Defendant, on the other, while the electronic  
21 communications were in transit or were being sent from or received at a place  
22 within California.

23 60. At all relevant times, Defendant aided, agreed with, employed,  
24 permitted, or otherwise enabled its third-party tracking vendors to wiretap Plaintiff  
25 and the Subclass members using their third-party tracking technologies. Defendant  
26 knew that the third-party tracking technology it installed on its website would result  
27 in the disclosure of user communications to third parties, as increasing its  
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1 advertising presence on other platforms was one of Defendant's purposes for  
2 implementing such technology.

3 61. Plaintiff and the Subclass members did not provide their prior consent  
4 to such third parties' access, interception, reading, learning, recording, collection,  
5 and usage of their electronic communications. Nor did Plaintiff and the Subclass  
6 members provide their prior consent to Defendant aiding, agreeing with,  
7 employing, permitting, or otherwise enabling its third-party vendors' conduct.

8 62. The wiretapping of Plaintiff and the Subclass members occurred in  
9 California, where Plaintiff and the Subclass members accessed Defendant's  
10 website.

11 63. Pursuant to Cal. Penal Code § 637.2, Plaintiff and the Subclass  
12 members have been injured by Defendant's violations of § 631(a), and each seeks  
13 statutory damages of \$5,000 for each of Defendant's violations of § 631(a).

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiff, individually and on behalf of the Class and  
16 California Subclass, respectfully prays for the following relief:

- 17 a. An order certifying the Class and Subclass as defined above;  
18 b. An order declaring that Defendant's conduct violates the VPPA and  
19 CIPA;  
20 c. An award of statutory damages under the VPPA to the Class and  
21 under the CIPA to the California subclass;  
22 d. For punitive damages, as warranted, in an amount to be determined at  
23 trial;  
24 e. For prejudgment interest on all amounts awarded;  
25 f. For injunctive relief enjoining Defendant's ongoing misconduct, as  
26 the Court deems appropriate; and  
27 g. For any other relief the Court deems just and proper.



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**DEMAND FOR JURY TRIAL**

64. Plaintiff demands a trial by jury for all issues so triable.

Dated: June 25, 2024

Respectfully submitted,  
GUILLERMO MATA, individually and on  
behalf of similarly situated individuals

By: /s/ Ani Nazaryan

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*Counsel for Plaintiff and the  
Putative Class and Subclass*

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Zillow, Redfin Hit with Video Privacy Lawsuits Over Website User Tracking](#)

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