

1 LATHAM & WATKINS LLP
 Michael H. Rubin (CA Bar No. 214636)
 2 *michael.rubin@lw.com*
 Elizabeth L. Deeley (CA Bar No. 230798)
 3 *elizabeth.deeley@lw.com*
 Melanie M Blunski (CA Bar No. 234264)
 4 *melanie.blunski@lw.com*
 Joseph C. Hansen (CA Bar No. 275147)
 5 *joseph.hansen@lw.com*
 505 Montgomery Street, Suite 2000
 6 San Francisco, California 94111-6538
 Telephone: +1.415.391.0600
 7

8 *Attorneys for Defendant*
 8 *Otonomo Inc.*
 9

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12

13 SAMAN MOLLAEI, individually and on
 14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 OTONOMO INC., a Delaware Corporation,

18 Defendant.
 19

Case No. 3:22-cv-02854

**DEFENDANT OTONOMO INC.'S
 NOTICE OF REMOVAL**

Removed from San Francisco Superior Court
 Complaint Filed: April 11, 2022

1 **TO THE COURT, CLERK, PLAINTIFF, AND COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT,** Defendant Otonomo Inc. (“Otonomo”), through
3 undersigned counsel, hereby removes the above-captioned action—with reservation of all defenses
4 and rights—from the Superior Court of the State of California for the City and County of San
5 Francisco to the United States District Court for the Northern District of California, pursuant to
6 the Class Action Fairness Act (“CAFA”) and 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453. The
7 grounds for removal are as follows:

8 **I. PROCEDURAL BACKGROUND**

9 1. On April 15, 2022, Otonomo was served with the Complaint and Summons for the
10 action filed in the Superior Court of the State of California, City and County of San Francisco,
11 entitled *Saman Mollaei, individually and on behalf of all others similarly situated, v. Otonomo Inc.*
12 *a Delaware Corporation*, Case No. CGC22599118. A copy of the Complaint is attached hereto as
13 **Exhibit A**. A copy of the Summons is attached hereto as **Exhibit B**. Copies of the Notice of
14 Service of Process are attached hereto as **Exhibit C**.

15 2. Pursuant to 28 U.S.C. § 1446(a), copies of all additional process, pleadings, and
16 orders served on Defendant in San Francisco County Superior Court No. CGC22599118 are
17 attached hereto as **Exhibit D**.

18 3. This Notice of Removal is filed within thirty days of Otonomo’s receipt of the
19 Summons and Complaint. *See* 28 U.S.C. § 1446(b); *see also* **Ex. C**.

20 **II. THIS COURT HAS DIVERSITY JURISDICTION PURSUANT TO THE CLASS**
21 **ACTION FAIRNESS ACT**

22 4. Plaintiff purports to represent a class defined as:

23 All California residents who own or lease a vehicle and whose GPS data
24 has been collected by Otonomo. (Compl. ¶ 21.)

25 5. This case is removable, and this Court has original jurisdiction over this action
26 pursuant to CAFA and 28 U.S.C. §§ 1332(d), 1441, and 1453, because (A) this case is a putative
27 class action with more than 100 members in the proposed class; (B) there is minimal diversity,
28 because (i) Plaintiff and Otonomo are citizens of different states, and alternatively and in addition,

1 (ii) at least one of member of the putative class is a citizen of a state other than California; and
2 (C) the Complaint places in controversy an amount that exceeds \$5 million in the aggregate, taking
3 into account all damages and equitable relief sought for all of the purported class members' claims
4 together, exclusive of interests and costs. *See* 28 U.S.C. §§ 1332(d)(2), (d)(5)(B), (d)(6).

5 **A. This Is a Purported Class Action Within the Meaning of CAFA**

6 6. A “class action” under CAFA includes any civil action filed under Federal Rule of
7 Civil Procedure 23 or a “similar State statute or rule of judicial procedure authorizing an action to
8 be brought by 1 or more representative persons as a class action.” *See* 28 U.S.C. § 1332(d)(1)(B).

9 7. This lawsuit meets the definition of a class action because it is brought pursuant to
10 a similar statute as Rule 23—namely, Section 382 of the California Code of Civil Procedure, which
11 authorizes one or more individuals to sue “for the benefit of all” when “the question is one of a
12 common or general interest, of many persons, or when the parties are numerous, and it is
13 impracticable to bring them all before the court.” Cal. Code Civ. Proc. § 382; *see also* 28 U.S.C.
14 §§ 1332(d)(1)(B), (d)(5)(B); Compl. ¶ 33 (Plaintiff brings this action “[o]n behalf of himself and
15 the Class.”).

16 **B. Minimal Diversity Is Satisfied**

17 8. For purposes of establishing federal jurisdiction, CAFA requires only minimal
18 diversity. To establish diversity jurisdiction under CAFA for the purposes of removal, a defendant
19 need only show that “any member of a class of plaintiffs is a citizen of a State different from any
20 defendant.” 28 U.S.C. § 1332(d)(2)(A). “CAFA was intended to strongly favor federal jurisdiction
21 over interstate class actions.” *King v. Great Am. Chicken Corp. Inc.*, 903 F.3d 875, 878 (9th Cir.
22 2018). Removal is, therefore, proper in the first instance where even one purported class member
23 is a citizen of a state different from a defendant’s state of citizenship. *See id.* at 877; *see also*
24 *Broadway Grill, Inc. v. Visa Inc.*, 856 F.3d 1274, 1276 (9th Cir. 2017) (“Under CAFA there is
25 sufficient diversity to establish federal diversity jurisdiction so long as one class member has
26 citizenship diverse from that of one defendant.”).

27 9. As explained in the following paragraphs, that standard is met here because
28 (i) Plaintiff is a citizen of a State different from Otonomo, and, additionally and independently, (ii)

1 the class, as defined by Plaintiff, includes at least one member who is a citizen of a state other than
2 California.

3 i. Defendant Is a Citizen of a State Different Than Plaintiff Is

4 10. A corporation is deemed to be a citizen of every state or foreign state where it has
5 been incorporated and where it has its principal place of business. 28 U.S.C. § 1332(c)(1). A
6 corporation’s principal place of business is its “nerve center.” The nerve center is a “single place”
7 and is the place where “a corporation’s high level officers direct, control, and coordinate the
8 corporation’s activities.” *Hertz Corp. v. Friend*, 559 U.S. 77-78, 92-93 (2010).

9 11. Otonomo is incorporated in Delaware (*see* Compl. ¶ 7) and has its principal place
10 of business in Israel. *See* Declaration of Doron Simon in support of Notice of Removal (“Simon
11 Decl.”), ¶ 4. Otonomo’s corporate headquarters are located in Israel. Simon Decl. ¶ 4. The majority
12 of management team members are based in Israel, and that is where they “direct, control, and
13 coordinate” Otonomo’s operations and activities. Simon Decl. ¶¶ 9-12; *Hertz Corp.*, 559 U.S. at
14 92-93. For example, all significant decisions related to Otonomo’s operations and activities
15 generally are made in Israel, and all Board meetings are held at Otonomo’s Israel headquarters.
16 Simon Decl. ¶ 12. Although certain Otonomo officers live in the United States, those officers work
17 remotely, and their work primarily supports Otonomo’s operations and activities at its Israeli
18 headquarters. Simon Decl. ¶ 10.

19 12. Otonomo has no principal place of business in California. Simon Decl. ¶¶ 4, 7-8.
20 Although Otonomo has a registered address in California, that address is used for mailing purposes
21 only, and there is no physical office space and no employees working in any California office.
22 Simon Decl. ¶ 8; *see Hertz Corp.*, 559 U.S. at 97 (holding that courts should not accept an alleged
23 “nerve center” if that location is “nothing more than a mail drop box, a bare office with a computer,
24 or the location of an annual executive retreat”).

25 13. Thus, at the time of the filing of lawsuit, and at the time of removal, Otonomo is a
26 citizen of Delaware and Israel. *See* 28 U.S.C. § 1332(c)(1).

27 14. Plaintiff states that he is a “natural person and citizen of the State of California.”
28 Compl. ¶ 6.

1 15. Because Plaintiff’s citizenship differs from Otonomo’s citizenship—Plaintiff is a
2 citizen of California, while Otonomo is a citizen of Delaware and Israel—minimal diversity is
3 satisfied.

4 ii. The Class Includes Citizens of States Other than California

5 16. Plaintiff purports to represent a class defined as “[a]ll California residents who own
6 or lease a vehicle and whose GPS data has been collected by Otonomo.” Comp. ¶ 21.

7 17. Residency and citizenship are analytically distinct, and the Complaint makes no
8 mention of *citizenship* with regards to members of the putative class. Thus, there is sufficient
9 “likelihood that some putative class members were legally domiciled in or subsequently relocated
10 to another state” or “were not United States citizens” to support CAFA diversity jurisdiction. *King*,
11 903 F.3d at 879-80; *see id.* at 879 (“A person’s state of citizenship is established by domicile, not
12 simply residence, and a residential address in California does not guarantee that the person’s legal
13 domicile [is] in California.”). For this reason, the Ninth Circuit has held that classes defined as
14 “residents” of one state—like the class here—can still give rise to minimal diversity under CAFA.
15 *Mondragon v. Capital One Auto Fin.*, 736 F.3d 880, 884 (9th Cir. 2013) (“That a [putative class
16 member] may have a residential address in California does not mean that person is a citizen of
17 California.”).¹

18 18. This is particularly true with the class alleged in this case—effectively, California
19 residents with cars containing GPS systems. California individuals who own or lease a vehicle
20 may be California residents, but might also be a citizen of another state. For example, out-of-state
21 students studying at California universities may own or lease a vehicle and be California residents,
22 but they might not be California citizens. Similarly, because proof of California citizenship is not
23 required to purchase or lease a vehicle in California, an individual who purchases or leases a
24 vehicle in California may be a California resident, but does not have to be a California citizen.

25 ¹ *See also, e.g. King*, 903 F.3d at 879 (finding it “not implausible that at least a few” putative class
26 members “were citizens of other states even if they temporarily had a residential address in
27 California, such as an out-of-state student ... attending college in California” and “very likely that
28 some putative class members were not United States citizens”); *McMorris v. TJX Cos.*, 493 F.
Supp. 2d 158, 163 (D. Mass. 2007) (“[T]his putative class that is composed entirely of residents
of Massachusetts, does not, by definition, foreclose the inclusion of non-citizens as well. This
suffices to support the assertion of federal jurisdiction in this case.”).

1 And, of course, citizens of other states can drive their cars into California when changing
2 residences even if they do not change their citizenship.

3 19. Accordingly, upon information and belief, at least one member of the putative class
4 who owns or leases a vehicle and resides in California is a citizen of a state other than California.
5 *See Ehrman v. Cox Comms., Inc.*, 932 F.3d 1223, 1227 (9th Cir. 2019) (“A party’s allegation of
6 minimal diversity may be based on ‘information and belief’” and “need not contain evidentiary
7 submissions.” (citations and internal quotations omitted)). This is sufficient to establish minimal
8 diversity under CAFA. *See, e.g., King*, 903 F.3d at 879.

9 **C. The Putative Class Exceeds 100 Members**

10 20. Plaintiff alleges that the putative class consists of “[a]ll California residents who
11 own or lease a vehicle and whose GPS data has been collected by Otonomo.” Compl. ¶ 21. Plaintiff
12 also alleges that Otonomo “collects and sells real-time GPS location from more than 50 million
13 cars throughout the world, including from *tens of thousands in California.*” *Id.* ¶ 1. (emphasis
14 added). Plaintiff further alleges that “*tens of thousands of unsuspecting California drivers* are
15 being tracked” and that he is “one of *tens of thousands of individuals in California* being tracked”
16 by Otonomo. *Id.* ¶¶ 3, 5 (emphasis added).

17 21. While Otonomo disputes these allegations, the class, as alleged, includes more than
18 100 members. Accordingly, the requirement of 28 U.S.C. § 1332(d)(5) is satisfied.

19 **D. The Amount in Controversy Exceeds \$5 Million**

20 22. CAFA provides that “[i]n any class action, the claims of the individual class
21 members shall be aggregated to determine whether the matter in controversy exceeds the sum or
22 value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(6). The amount in
23 controversy is first determined by reviewing the allegations of the operative complaint.
24 *Lowdermilk v. U.S. Bank Nat’l Ass’n*, 479 F.3d 994, 998 (9th Cir. 2007), *overruled on other*
25 *grounds as stated in Rodriguez v. AT&T Mobility Servs. LLC*, 728 F.3d 975, 981 (9th Cir. 2013)
26 (“Our starting point is ‘whether it is facially apparent from the complaint that the jurisdictional
27 amount is in controversy.’”) (citation omitted). Where a complaint does not state a total dollar
28 amount, a defendant’s notice of removal under CAFA need include “only a plausible allegation

1 that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin*
2 *Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014).

3 23. While Plaintiff does not allege a specific total dollar amount in damages, Plaintiff’s
4 demand exceeds CAFA’s \$5,000,000 jurisdictional threshold.

5 24. Plaintiff seeks “statutory damages of \$5,000 for each violation of [the California
6 Invasion of Privacy Act] pursuant to Cal. Penal Code § 637.2(a), or three times the amount of
7 actual damages, whichever is greater.” *See* Compl. Prayer for Relief § c. Since Plaintiff has
8 claimed that Otonomo allegedly tracked “tens of thousands” of California individuals in violation
9 of California Penal Code § 637.7 (*see* Compl. ¶¶ 3, 5), the potential total amount of statutory
10 damages based on Plaintiff’s demand easily exceeds CAFA’s \$5,000,000 threshold.

11 25. Otonomo denies any and all liability and contends that Plaintiff’s allegations are
12 entirely without merit. For purposes of this Notice of Removal, however, taking Plaintiff’s factual
13 allegations as true and legal allegations as correct, Otonomo believes and alleges that the amount
14 in controversy would exceed \$5,000,000, exclusive of interest and costs, and satisfies the amount
15 in controversy requirements of CAFA. *See* 28 U.S.C. § 1332(d)(2).

16 **III. VENUE AND INTRA-DISTRICT ASSIGNMENT**

17 26. Venue is proper in this District pursuant to 28 U.S.C. § 1441(a) because the
18 Superior Court where the removed case was pending is located within this district.

19 27. Venue is proper in the Oakland or San Francisco Divisions of this Court pursuant
20 to Local Rule 3-2(d), as the original action was file in San Francisco County Superior Court.

21 **IV. REMOVAL PROCEDURE**

22 28. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil
23 Procedure. *See* 28 U.S.C. § 1446(a).

24 29. Otonomo was served with the Complaint and Summons by personal service to its
25 registered service agent on April 15, 2022. *See Ex. C.* Accordingly, this Notice of Removal is
26 timely under 28 U.S.C. § 1446(b) as it is filed within 30 days of service.

27 30. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders are
28 attached hereto. *See Ex. D.*

1 31. Otonomo will serve written notice of the removal of this action upon all adverse
2 parties promptly, and will file such notice with the Clerk of San Francisco Superior Court, as
3 required by 28 U.S.C. § 1446(d).

4 **V. CONCLUSION**

5 32. This Court has original jurisdiction over Plaintiff's claims by virtue of the Class
6 Action Fairness Act, 28 U.S.C. § 1332(d)(2). This action is thus properly removable to federal
7 court pursuant to 28 U.S.C. §§ 1441 and 1453.

8 **WHEREFORE**, Defendant Otonomo Inc. removes the above-captioned action to this
9 Court.

10
11 DATED: May 13, 2022

Respectfully submitted,

LATHAM & WATKINS LLP

13 By: /s/ Melanie M. Blunski
14 Melanie M. Blunski

15 Michael H. Rubin (CA Bar No. 214636)
michael.rubin@lw.com
16 Elizabeth L. Deeley (CA Bar No. 230798)
elizabeth.deeley@lw.com
17 Melanie M Blunski (CA Bar No. 234264)
melanie.blunski@lw.com
18 Joseph C. Hansen (CA Bar No. 275147)
joseph.hansen@lw.com
19 505 Montgomery Street, Suite 2000
20 San Francisco, California 94111-6538
21 Telephone: +1.415.391.0600
22 Facsimile: +1.415.395.8095

23 *Attorneys for Defendant*
24 *Otonomo Inc.*

EXHIBIT A

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/11/2022
Clerk of the Court
BY: JACKIE LAPREVOTTE
Deputy Clerk

1 Rafey S. Balabanian (SBN 315962)
rbalabanian@edelson.com
2 EDELSON PC
3 150 California Street, 18th Floor
San Francisco, California 94111
4 Tel: 415.212.9300
Fax: 415.373.9435
5

6 *Counsel for Plaintiff and the Proposed Class*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

CGC-22-599118

10 SAMAN MOLLAEI, individually and on
behalf of all others similarly situated,

Case No.

11 *Plaintiff,*

CLASS ACTION COMPLAINT FOR:

12 v.

(1) Violation of Cal. Penal Code § 637.7

13 OTONOMO INC., a Delaware corporation,

DEMAND FOR JURY TRIAL

14 *Defendant.*
15

16 Plaintiff Saman Mollaei brings this Class Action Complaint and Demand for Jury Trial
17 against Defendant Otonomo, Inc. for unlawfully tracking automobile drivers' locations and
18 movements without their permission or consent. Plaintiff alleges as follows upon personal
19 knowledge as to himself and his own acts and experiences and, as to all other matters, upon
20 information and belief.

21 **NATURE OF THE ACTION**

22 1. Defendant Otonomo Inc. is a data broker that secretly collects and sells real-time
23 GPS location information from more than 50 million cars throughout the world, including from
24 tens of thousands in California. This data allows Otonomo—and its paying clients—to easily
25 pinpoint consumers' precise locations at all times of day and gain specific insight about where
26 they live, work, and worship, and who they associate with. Not surprisingly, Otonomo never
27 requests (or receives) consent from drivers before tracking them and selling their highly private
28 and valuable GPS location information to its clients.

JURISDICTION AND VENUE

1
2 8. This Court has jurisdiction over this action pursuant to Article VI, Section 10 of
3 the California Constitution.

4 9. This Court has personal jurisdiction over Defendant because it conducts business
5 in this State, and the conduct alleged in this Complaint occurred in, and/or emanated from, this
6 State.

7 10. Venue is proper in this Court because the conduct at issue occurred in, and/or
8 emanated from, this County.

FACTUAL BACKGROUND

9
10 ***The California Invasion of Privacy Act***

11 11. In 1967, the California Legislature declared that “advances in science and
12 technology have led to the development of new devices and techniques for the purpose of
13 eavesdropping upon private communications and that the invasion of privacy resulting from the
14 continual and increasing use of such devices and techniques has created a serious threat to the
15 free exercise of personal liberties and cannot be tolerated in a free and civilized society.” Cal.
16 Penal Code § 630. As a result, the Legislature passed the California Invasion of Privacy Act “to
17 protect the right of privacy of the people of this state.” *Id.*

18 12. In recognition of the dangers posed by the increasing power, sophistication, and
19 availability of modern computer and communications technologies, CIPA expressly prohibits the
20 use of an “electronic tracking device to determine the location or movement of a person” without
21 consent. Cal. Penal Code § 637.7(a). “Electronic tracking device” is defined as “any device
22 attached to a vehicle or other movable thing that reveals its location or movement by the
23 transmission of electronic signals.” *Id.* § 637.7(d).

24 ***Otonomo Secretly Tracks Real-Time Locations and Movements In Violation of CIPA***

25 13. Otonomo is a data broker that collects a multitude of data generated by
26 automobile drivers, including specifically, real-time GPS location data. Though it is not a
27 consumer-facing company and provides no information to drivers about the data it is collecting
28 from them and selling, Otonomo proudly admits that it collects 4.1 *billion* data points per day

1 and has already tracked 330 *billion* miles of travel. See Figure 1 below, showing a screenshot of
 2 the marketing materials Otonomo provides to potential investors and customers.



20 **(Figure 1.)**

21 14. Not only does Otonomo collect enormous amounts of data from unsuspecting
 22 drivers, it also sells the data to various third parties, including software application developers,
 23 insurance companies, and advertisers, among many others.

24 15. To collect the highly private and valuable location data from automobiles without
 25 the drivers knowing, Otonomo partners with automobile manufacturers—such as BMW—to
 26 install electronic tracking devices in their cars. These electronic tracking devices typically take
 27 the form of telematics control units (“TCUs”) that feature persistent internet connections. These
 28 devices collect information from the variety of sensors and radios—including the GPS sensors—

1 to determine the car’s precise physical GPS location. The devices then transmit the data over the
2 persistent cellular data connection to Otonomo, which, in turn, allows Otonomo—and its paying
3 clients—to pinpoint the location and movement of every similarly connected car and driver.

4 16. Unfortunately, Otonomo does not obtain—or even try to obtain—consent from
5 the tens of thousands of California drivers it tracks.

6 **FACTS SPECIFIC TO PLAINTIFF MOLLAEI**

7 17. Plaintiff Mollaei is a California resident that drives a 2020 BMW X3.

8 18. When Plaintiff’s vehicle was delivered to him, it contained an attached electronic
9 tracking device that allowed Otonomo to track its real-time GPS locations and movements, and
10 to transmit the data wirelessly to Otonomo.

11 19. Otonomo has used the attached electronic tracking device to the collect Mollaei’s
12 real-time GPS locations and movements.

13 20. At no time did Otonomo receive—or even seek—Plaintiff’s consent to track his
14 vehicle’s locations or movements using an electronic tracking device.

15 **CLASS ACTION ALLEGATIONS**

16 21. **Class Definition:** Plaintiff Saman Mollaei brings this action on behalf of himself
17 and a class defined as follows:

18 All California residents who own or lease a vehicle and whose GPS data has been
19 collected by Otonomo.

20 The following people are excluded from the Class: (1) any Judge or Magistrate presiding
21 over this action and members of their families; (2) Defendant, Defendant’s subsidiaries, parents,
22 successors, predecessors, and any entity in which the Defendant or its parents have a controlling
23 interest and their current or former officers and directors; (3) persons who properly execute and
24 file a timely request for exclusion from the Class; (4) persons whose claims in this matter have
25 been finally adjudicated on the merits or otherwise released; (5) Plaintiff’s counsel and
26 Defendant’s counsel; and (6) the legal representatives, successors, and assigns of any such
27 excluded persons.

28 22. **Numerosity:** The exact number of Class members is unknown and not available

1 to Plaintiff at this time, but it is clear that individual joinder is impracticable. On information and
2 belief, Defendant has used electronic tracking devices to determine the locations or movements
3 of millions of people who fall into the definition of the Class. Class members can be identified
4 through Defendant's records.

5 23. **Commonality and Predominance:** There are many questions of law and fact
6 common to the claims of Plaintiff and the Class, and those questions predominate over any
7 questions that may affect individual members of the Class. Common questions for the Class
8 include, but are not necessarily limited to the following:

- 9 a) Whether Defendant used an "electronic tracking device" to collect the
10 locations or movements of Plaintiff and the Class; and
11 b) Whether Defendant obtained consent from Plaintiff and the Class.

12 24. **Adequate Representation:** Plaintiff will fairly and adequately represent and
13 protect the interests of the Class and has retained counsel competent and experienced in complex
14 litigation and class actions. Plaintiff has no interests antagonistic to those of the Class, and
15 Defendant has no defenses unique to Plaintiff. Plaintiff and his counsel are committed to
16 vigorously prosecuting this action on behalf of the members of the Class and have the financial
17 resources to do so. Neither Plaintiff nor his counsel have any interest adverse to those of the
18 other members of the Class.

19 25. **Predominance and Superiority:** This case is also appropriate for class
20 certification because class proceedings are superior to all other available methods for the fair and
21 efficient adjudication of this controversy because joinder of all parties is impracticable. The
22 damages suffered by the individual members of the Class will likely be relatively small,
23 especially given the burden and expense of individual prosecution of the complex litigation
24 necessitated by Defendant's actions. Thus, it would be virtually impossible for the individual
25 members of the Class to obtain effective relief from Defendant's misconduct. Even if members
26 of the Class could sustain such individual litigation, it would still not be preferable to a class
27 action because individual litigation would increase the delay and expense to all parties due to the
28 complex legal and factual controversies presented in this Complaint. By contrast, a class action

1 presents far fewer management difficulties and provides the benefits of single adjudication,
2 economies of scale, and comprehensive supervision by a single Court. Economies of time, effort,
3 and expense will be fostered, and uniformity of decisions ensured.

4 **FIRST CAUSE OF ACTION**
5 **Violation of Cal. Penal Code § 637.7**
6 **(On Behalf of Plaintiff and the Class)**

7 26. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

8 27. CIPA prohibits any person or entity in the State of California from using “an
9 electronic tracking device to determine the location or movement of a person” without consent.
10 Cal. Penal Code § 637.7(a)-(b).

11 28. Defendant is a corporation and therefore an “entity” under CIPA.

12 29. Defendant uses “electronic tracking devices” under CIPA to determine the
13 locations or movements of vehicles through TCUs, which are electronic devices attached to
14 automobiles that can transmit the location or movement of such vehicles using electronic
15 signals—here, cellular data connections.

16 30. Defendant therefore uses an electronic tracking device to determine the location
17 or movement of drivers.

18 31. Defendant collects Plaintiff’s and the Class’s location and movement data for its
19 own commercial purposes.

20 32. Defendant did not obtain—or even seek—consent from Plaintiff and the Class
21 before collecting their locations or movements.

22 33. On behalf of himself and the Class, Plaintiff Mollaei seeks: (1) injunctive and
23 equitable relief as is necessary to protect the interests of Plaintiff and the Class by requiring
24 Defendant to comply with CIPA’s requirements for the use of electronic tracking devices in
25 determining the location or movement of a person; and (2) damages of \$5,000 for each violation
26 pursuant to Cal. Penal Code § 637.2.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, Plaintiff Saman Mollaei, on behalf of himself and the Class, respectfully
request that this Court enter an order:

1 A. Certifying this case as a class action on behalf of the Class defined above,
2 appointing Plaintiff Mollaei as class representative of the Class, and appointing his counsel as
3 Class Counsel;

4 B. Declaring that Otonomo's actions, as described above, violate CIPA;

5 C. Awarding statutory damages of \$5,000 for each violation of CIPA pursuant to
6 Cal. Penal Code § 637.2(a), or three times the amount of actual damages, whichever is greater;

7 D. Awarding injunctive and other equitable relief as is necessary to protect the
8 interests of the Class as authorized by Cal. Penal Code § 637.2(b);

9 E. Awarding Plaintiff and the Class their reasonable litigation expenses and
10 attorneys' fees;

11 F. Awarding Plaintiff and the Class pre- and post-judgment interest, to the extent
12 allowable; and

13 G. Awarding such other and further relief as equity and justice may require.

14 **JURY TRIAL**

15 Plaintiff Saman Mollaei requests a trial by jury of all claims that can be so tried.

16 Respectfully submitted,

17 **SAMAN MOLLAEI**, individually and on
18 behalf of all others similarly situated,

19 Dated: April 11, 2022

By: /s/ Rafey S. Balabanian
One of Plaintiff's Attorneys

20 Rafey S. Balabanian (SBN 315962)
21 rbalabanian@edelson.com
22 EDELSON PC
23 150 California Street, 18th Floor
24 San Francisco, California 94111
25 Tel: 415.212.9300
26 Fax: 415.373.9435

27 J. Eli-Wade Scott*
28 ewadescott@edelson.com
Schuyler Ufkes*
sufkes@edelson.com
EDELSON PC
350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
Tel: 312.589.6370

Fax: 312.589.6378

Counsel for Plaintiff and the Proposed Class

**Admission pro hac vice to be sought.*

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EXHIBIT B

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

OTONOMO INC., a Delaware corporation

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

SAMAN MOLLAEI, 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): Civic Center Courthouse
400 McAllister Street
San Francisco, CA 94102

CASE NUMBER: (Número del Caso):

CGC-22-599118

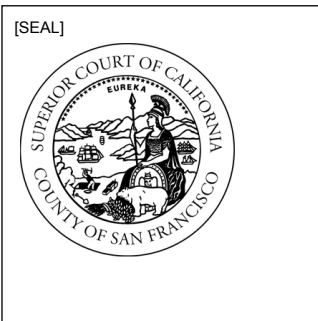
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Rafey S. Balabanian, Edelson PC, 150 California Street, 18th Floor, San Francisco, CA 94111; 415.212.9300

DATE: **04/13/2022** Clerk, by **JACKIE LAPREVOTTE**, Deputy
(Fecha) (Secretario) (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): OTONOMO INC., a Delaware corporation
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Otonomo Secretly Tracks, Sells Real-Time GPS Location Data of California Drivers, Class Action Alleges](#)
