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9 Attorneys for Defendant  
TYLER TECHNOLOGIES, INC.

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

13  
14 JOHN ROE 1, an individual; JANE  
15 ROE 1, an individual; JANE ROE 2  
an individual; JANE ROE 3, an  
16 individual, JOHN ROE 2, on behalf  
of themselves and all others  
17 similarly situated,

18 Plaintiffs,

19 v.

20 THE STATE BAR OF  
CALIFORNIA; TYLER  
21 TECHNOLOGIES, INC.; KEVAN  
SCHWITZER; RICK RANKIN;  
22 and DOES 4 through 10, inclusive,

23 Defendants.

Case No. 8:22-CV-00983

**NOTICE OF REMOVAL OF CLASS  
ACTION COMPLAINT TO  
FEDERAL COURT**

**[28 U.S.C. §§ 1331, 1367, 1441, 1446]**

(Orange County Superior Court  
Case No. 30-2022-01250695-CU-AT-  
CXC)

Complaint Filed: March 18, 2022  
Trial Date: TBD

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS**

2 **PLEASE TAKE NOTICE** that Defendant Tyler Technologies, Inc. (“Tyler”),  
3 with the consent and agreement of all other Defendants, hereby removes the above-  
4 captioned action from the Superior Court of the State of California for the County of  
5 Orange, where the action is now pending, to the United States District Court for the  
6 Central District of California. This civil action is removed on the basis of federal  
7 question jurisdiction and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1367,  
8 1441, and 1446.

9 **PROCEDURAL HISTORY**

10 1. On March 18, 2022, Plaintiffs John Roe 1, Jane Roe 1, Jane Roe 2, and  
11 Jane Roe 3 commenced a civil action in the Superior Court of the State of California  
12 for the County of Orange, entitled *Roe v. The State Bar of California*, Case No. 30-  
13 2022-01250695-CU-AT-CXC, by filing a complaint. All process, pleadings, and  
14 orders served upon defendants are attached hereto. A true and correct copy of the  
15 original complaint is attached hereto as **Exhibit A**.

16 2. As originally filed, the complaint named as defendants the State Bar,  
17 JudyRecords.com, an Employee Doe, and Does 1 through 10. *See* Ex. A at ¶¶5-9.

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1           3.       As originally filed, the complaint, which is styled as a class action,  
2 alleged seven causes of action: (1) violation of the California Information Practices  
3 Act of 1977 against Defendant The State Bar of California (the “State Bar”); (2)  
4 invasion of privacy under article one, section one of the California Constitution  
5 against all Defendants; (3) invasion of privacy under section 1798.53 of the  
6 California Civil Code against Defendant JudyRecords.com and Does 1 to 2; (4)  
7 violation of Plaintiffs’ rights to informational privacy and equal protection under 42  
8 U.S.C. § 1983 against Defendant Employee Doe and Does 3 to 10; (5) violation of  
9 Plaintiffs’ rights to informational privacy under 42 U.S.C. § 1983 against  
10 Defendants State Bar and Does 3 to 10; (6) violation of section two of the Sherman  
11 Antitrust Act against Defendants State Bar, JudyRecords.com and Does 5 to 10; and  
12 (7) violation of section three of the Sherman Antitrust Act against Defendants State  
13 Bar, JudyRecords.com and Does 5 to 10.

14           4.       On March 24, 2022, Plaintiffs amended their complaint to substitute an  
15 incorrectly named defendant, JudyRecords.com, with the true name of the party,  
16 Kevan Schwitzer. A true and correct copy of the notice that effectuated that  
17 amendment, filed with the Superior Court pursuant to section 473 of the California  
18 Code of Civil Procedure, is attached hereto as **Exhibit B**.

19           5.       On March 24, 2022, Plaintiffs served the State Bar with a summons and  
20 the complaint. Plaintiffs filed a proof of service on March 28, 2022. A true and  
21 correct copy of that proof of service is attached hereto as **Exhibit C**.

22           6.       On March 24, 2022, Plaintiffs also purported to serve the Employee  
23 Doe by emailing the State Bar a summons and the complaint. Plaintiffs filed a proof  
24 of service of Employee Doe on March 28, 2022, indicating Plaintiffs’ apparent belief  
25 that emailing the State Bar properly effectuated service on the fictitious defendant  
26 Employee Doe. Defendants disagree that Plaintiffs properly served any such  
27 fictitious individual. A true and correct copy of that proof of service is attached  
28 hereto as **Exhibit D**.

1           7.       On March 25, 2022, Plaintiffs amended their complaint to substitute the  
2 fictitiously named defendant, Doe 1, with the true name of the party, Tyler. A true  
3 and correct copy of the notice that effectuated that amendment, filed with the  
4 Superior Court pursuant to section 474 of the California Code of Civil Procedure, is  
5 attached hereto as **Exhibit E**.

6           8.       On March 28, 2022, Plaintiffs served Tyler with a summons and the  
7 complaint. Plaintiffs filed a proof of service on March 29, 2022. A true and correct  
8 copy of that proof of service is attached hereto as **Exhibit F**.

9           9.       On March 29, 2022, Plaintiffs served Schwitzer with a summons and  
10 the complaint. Plaintiffs filed a proof of service on April 1, 2022. A true and  
11 correct copy of that proof of service is attached hereto as **Exhibit G**.

12           10.      On April 13, 2022, Plaintiffs filed an amended complaint they styled as  
13 the First Amended Class Action Complaint (“FAC”). Among other changes, the  
14 FAC: (1) added an additional anonymous plaintiff, John Roe 2; (2) substituted a  
15 fictitiously named defendant, the Employee Doe, with the true name of an  
16 individual, Rick Rankin; (3) eliminated two causes of action alleging violations of  
17 Plaintiffs’ rights to informational privacy and equal protection under 42 U.S.C.  
18 § 1983; (4) added Tyler to the list of Defendants against whom the Sherman  
19 Antitrust Act claims were asserted; (5) added causes of action for common-law  
20 negligence and negligence *per se*; and (6) altered various other allegations. A true  
21 and correct copy of the FAC is attached hereto as **Exhibit H**.

22           11.      On April 30, 2022, Plaintiffs served Rankin with a summons and the  
23 FAC via email to Rankin’s attorney, along with a Notice and Acknowledgment of  
24 Receipt form. Counsel for Rankin signed the Notice and Acknowledgment of  
25 Receipt and returned it via email on May 3, 2022. A true and correct copy of that  
26 Notice and Acknowledgment of Receipt is attached hereto as **Exhibit I**.

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1 12. Undersigned counsel asserts, pursuant to Rule 11 of the Federal Rules  
2 of Civil Procedure, that all named Defendants who have been properly joined and  
3 served consent to this removal, as required by 28 U.S.C. § 1446(b)(2)(a). *See also*  
4 *Proctor v. Vishay Intertech., Inc.*, 584 F.3d 1208, 1225 (9th Cir. 2009).

5 **TIMELINESS OF REMOVAL**

6 13. This notice of removal is timely because it is filed within thirty (30)  
7 days from April 13, 2022, the date Tyler obtained a copy of the FAC, which  
8 purported to assert, for the first time, claims against Tyler under the Sherman  
9 Antitrust Act. *See* § 28 U.S.C. 1446(b)(1).

10 **SUBJECT MATTER JURISDICTION**

11 14. This Court has subject matter jurisdiction over all claims asserted in  
12 this action.

13 15. A district court shall have original federal question jurisdiction over  
14 “all civil actions arising under the Constitutions, laws, or treaties of the United  
15 States.” 28 U.S.C. § 1331. District courts also have supplemental jurisdiction over  
16 all other claims that form part of “the same case or controversy” as civil actions in  
17 which the courts have original jurisdiction. 28 U.S.C. § 1367.

18 16. Here, Plaintiffs assert two causes of action “arising under” the Sherman  
19 Antitrust Act, a federal statute. 28 U.S.C. § 1331; *see* Ex. H at ¶¶ 81–111.  
20 Accordingly, this Court has federal question jurisdiction over Plaintiffs’ two  
21 antitrust claims. *Id.* This Court also has supplemental jurisdiction over Plaintiffs’  
22 remaining causes of action because they form part of the same “case or controversy”  
23 as Plaintiffs’ federal claims. 28 U.S.C. § 1367; *see* Ex. H at ¶¶ 50–80; 112–29.

24 **VENUE**

25 17. Removal to this judicial district and division is proper under 28 U.S.C.  
26 §§ 1441(a) and 1446(a) because the state-court action was originally pending in this  
27 judicial district; namely, the Superior Court of the State of California for the County  
28 of Orange. *See* 28 U.S.C. § 84(c).

1 **NOTICE TO STATE COURT AND PLAINTIFFS**

2 18. Promptly after filing this notice of removal with this Court, Defendants  
3 will serve the notice on Plaintiffs and file a copy of the notice with the Clerk of the  
4 Orange County Superior Court, as required under 28 U.S.C. §1446(d).

5 **CONCLUSION**

6 19. Based on the foregoing, Tyler, with the express consent and agreement  
7 of all Defendants, removes the civil action filed in the Superior Court of the State of  
8 California for the County of Orange, to the United States District Court for the  
9 Central District of California.

10 **K&L GATES LLP**

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13 Dated: May 13, 2022

By: /s/ Jason N. Haycock

14 BETH W. PETRONIO  
15 JASON N. HAYCOCK

16 Attorneys for Defendant  
17 TYLER TECHNOLOGIES, INC.  
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# EXHIBIT A

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5 Telephone (424)365-0741  
6 Email: lenalbert@InteractiveCounsel.com  
7 Attorney for Plaintiffs, John Roe 1, Jane Roe  
8 1, Jane Roe 2, and Jane Roe 3, *on behalf of*  
9 *themselves and all others similarly situated*

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF ORANGE**

10 JOHN ROE 1, an individual; JANE ROE 1, an  
11 individual; JANE ROE 2 an individual; JANE  
12 ROE 3, an individual, *on behalf of themselves and*  
13 *all others similarly situated,*

14 Plaintiff,

15 vs.

16 THE STATE BAR OF CALIFORNIA;  
17 JUDYRECORDS.COM; EMPLOYEE DOE; and  
18 DOES 1 through 10, inclusive,  
19 Defendants.

CASE NO. 30-2022-01250695-CU-AT-CXC

Assigned For All Purposes  
Assigned to the Honorable:

CX-105 Judge Randall J. Sherman

**CLASS ACTION COMPLAINT**

- 1. Violation of Cal. Information Practices Act of 1977
- 2. Invasion of Privacy (Cal. Const. Art I § 1)
- 3. Invasion of Privacy (Civ. Code § 1798.53)
- 4. 42 U.S.C. § 1983 Invasion of Privacy
- 5. 42 U.S.C. § 1983 Invasion of Privacy
- 6. Antitrust Violation - Sherman Act § 2
- 7. Antitrust Violation - Sherman Act § 3

[DEMAND FOR JURY TRIAL]

25 Plaintiffs John Roe 1, Jane Roe 1, Jane Roe 2 and Jane Roe 3 (referred to collectively as  
26 “Plaintiff” or "Plaintiffs"), by and through their attorney, bring this action against Defendants, the  
27 State Bar of California, the owner of JudyRecords.com, Employee Doe responsible for the data  
28 breach, and Does 1 through 10, and each of them so captioned, (collectively the “Defendants”) and



1 alleges the following on information and belief, except as to those allegations which pertain to the  
2 Plaintiff and are within their personal knowledge:

3 **PARTIES**

4 1. Plaintiff, John Roe 1, at all times mentioned herein relevant to this complaint is employed in and  
5 is a resident of Orange County, California and had filed a confidential Complaint with the State Bar of  
6 California. Plaintiff sues under the pseudonym of “John Roe 1” to protect his legitimate interests in his  
7 privacy.

8 2. Plaintiff, Jane Roe 1, at all times mentioned herein relevant to this complaint was a resident of  
9 Los Angeles County, California, employed in Orange County, California and had filed a confidential  
10 Complaint with the State Bar of California. Plaintiff sues under the pseudonym of “Jane Roe 1” to  
11 protect her legitimate interests in her privacy.

12 3. Plaintiff, Jane Roe 2, at all times mentioned herein relevant to this complaint was a former judge  
13 licensed by the State Bar of California and resident of San Diego County, California and was the subject  
14 of a confidential investigation filed with the State Bar of California. Plaintiff sues under the pseudonym  
15 of “Jane Roe 2” to protect her legitimate interests in her privacy.

16 4. Plaintiff, Jane Roe 2, at all times mentioned herein relevant to this complaint was an attorney  
17 licensed by the State Bar of California and resident of Contra Costa County, California and was the  
18 subject of a confidential Complaint filed with the State Bar of California. Plaintiff sues under the  
19 pseudonym of “Jane Roe 2” to protect her legitimate interests in her privacy.

20 5. Defendant THE STATE BAR OF CALIFORNIA, is a public corporation and has two offices  
21 located in (1) San Francisco, California; and (2) Los Angeles, California. On or about February 24,  
22 2022, the State Bar publicly announced that it released approximately 260,000 confidential disciplinary  
23 records to a third party through one of its ports which displayed those records on a website with the  
24 URL JudyRecords.com.

25 6. Defendant JUDYRECORDS.COM operates a website that publishes information from various  
26 federal and state agencies. 260,000 confidential State Bar of California records were published on this  
27 website. Plaintiff does not know the true name and capacity of Defendant JUDYRECORDS.COM, and,  
28 as such, names said Defendant by such fictitious name. Plaintiff will amend the complaint to state the  
true name and capacity of the DOE Defendant when such information is ascertained.

1 7. Defendant EMPLOYEE DOE is the person employed by the State Bar of California designated  
2 with the responsibility for ensuring the agency complies with all of the provisions of the Information  
3 Practices Act of 1977 (“IPA”) and/or ensure that confidential information in digital form would be  
4 secure from being released to third parties by accessing the internet. Plaintiff does not know the true  
5 name and capacity of the Defendant EMPLOYEE DOE, and, as such, names said Defendant by such  
6 fictitious name. Plaintiff will amend the complaint to state the true name and capacity of the DOE  
7 Defendant when such information is ascertained.

8 8. Third party TYLER TECHNOLOGIES is the vendor that has supplied the software being used  
9 by the State Bar of California where it is reported was exploited due to a porting issue. Plaintiff has no  
10 knowledge that Tyler Technologies is responsible for the harm caused by the Data Breach but reserves  
11 the right to amend this Complaint to add Tyler Technologies upon further investigation and discovery as  
12 to what exactly caused this breach of approximately 260,000 confidential records from the State Bar of  
13 California case management system.

14 9. Plaintiff does not know the true names and capacities of the Defendants DOES 1 through 10,  
15 inclusive, and, as such, names said Defendants by such fictitious names. Plaintiff will amend the  
16 complaint to state the true name and capacity of the DOE Defendant(s) when such information is  
17 ascertained.

18 10. Plaintiff is informed and believes, and alleges thereon, that each Defendant assisted, adopted,  
19 ratified, approved, conspired, or acted in concert therewith with the other Defendant(s).

20 11. Plaintiff is informed and believes, and alleges thereon, that each Defendant is responsible in  
21 some manner for the occurrences alleged in this complaint, and that Plaintiff’s damages were  
22 proximately caused by the Defendants at all times mentioned in this complaint.

### 23 FACTS

24 12. The State Bar of California is a public corporation that collects confidential information from  
25 *both* its members and the public who file State Bar complaints against members of the State Bar. It  
26 maintains a large volume of sensitive private information, which was recently expanded to include  
27 biometric data about members of the State Bar.

28 13. All State Bar complaints and investigations are confidential until public Notice of Disciplinary  
Charges are filed. Some complaints and investigations never end up being prosecuted, others remain  
confidential through prosecution, and still others become confidential after being “expunged.”

1 14. In or about 2019, sometime after March 16, 2018, the State Bar of California intentionally  
2 transferred some or all of their confidential records contained in their AS 400 Case Management System  
3 to a new Case Management System referred to as “Odyssey” which it purchased from Tyler Technologies.

4 15. The State Bar intentionally decided to open its port(s) and publish all of its public records  
5 concerning disciplinary proceedings online, including but not limited to dockets, disciplinary files,  
6 recommendations, and review department opinions. It also created a log in space called “My State Bar  
7 Portal” for all members to provide confidential information in paying their annual fees. Defendant, State  
8 Bar would also use this online site to upload “important communications” such as confidential State Bar  
9 investigation correspondence to the internet for the State Bar member such as Jane Roe 3 to download.

10 16. Plaintiffs are informed and believe and allege thereon that the State Bar has published that the  
11 260,000 confidential records were not published as a result of a breach, but it was through a port used for  
12 third parties to access public records from. It did not publish a warning that prohibited third parties from  
13 obtaining records through the same port.

14 17. In or about October 2021, the owner of JudyRecords.com intentionally connected its database to  
15 the State Bar’s port received an enormous amount of confidential information from the State Bar and  
16 published some or all of the confidential and public disciplinary data it obtained on its website which was  
17 free and open to the public to search.

18 18. The Plaintiffs and all Classes did not authorize the State Bar of California to allow others to gain  
19 access to the confidential information in the custody of the State Bar of California.

20 19. The Plaintiffs and all Classes did not authorize the owner of JudyRecords.com to obtain or  
21 publish confidential information it obtained from the State Bar of California.

22 20. As a direct and proximate result of the intentional conduct by both the State Bar of California and  
23 the owner of JudyRecords.com, details of approximately 100 to 260,000 confidential disciplinary records  
24 or other confidential information was transferred to JudyRecords.com and either all or a portion were  
25 published on JudyRecords.com for about four months.

26 21. Judyrecords.com site is set up to do a search by name wherein one can see the details of the  
27 investigation without having to click on the record. The search results are not uniform, but some level of  
28 detailed information shows up in a general search without having to select and view the actual file. The  
data includes the venue, the names of the parties, a URL to the record, and a case number.

1 22. On or about February 24, 2022 a third-party complainant informed the State Bar of California  
2 that confidential records were being published on a third-party search engine at <https://Judysrecords.com>.

3 23. To date, Defendant State Bar has not notified the members or complainants of the breach or what  
4 confidential information other than disciplinary records were obtained leaving them to guess if they  
5 should do something or what they should do next.

6 24. To date, Defendant State Bar has not reported the breach to the California Attorney General's  
7 office or local law enforcement. Instead, it appears that it is using the time and press to obfuscate,  
8 downplay, and deny against any liability. It has the specter of destroying and/or covering up the evidence  
9 or wrongdoing.

10 25. To date, the California State Bar has only reported the public disclosure of this massive number  
11 of confidential records on its website wherein it further states it is working on trying to identify 1,000 out  
12 of the 260,000 confidential records that have had unique views on the JudyRecords.com website.

13 26. Plaintiff is informed and believes and alleges thereon that approximately 260,000 confidential  
14 records maintained by the State Bar of California were published on <https://Judysrecords.com> website  
15 from October 15, 2021 to on or about February 24, 2022 as reported by Reuters which it has reduced.

16 27. An obscure online report by the Whittier Daily News provided "the confidential documents  
17 published by JudyRecords.com included case number, type, status, file date and respondent and  
18 complaining witness names" which the State Bar has now – reduced.

19 28. Plaintiff is informed and believes and alleges thereon that the State Bar of California's  
20 EMPLOYEE DOE failed to implement and maintain reasonable security procedures and practices  
21 appropriate to the nature of the information such as their port which gave JudyRecords.com the ability to  
22 obtain the confidential information and place it in the public domain which the State Bar now denies any  
23 such duty.

24 29. The State Bar of California has refused to provide Plaintiffs and all Classes any specific  
25 information about the breach, when requested, including but not limited to if their confidential information  
26 was breached, what information was in the breach, and what next steps the individual can take to protect  
27 themselves. They have been merely directed to the Data Breach release on [www.Calbar.ca.gov](http://www.Calbar.ca.gov) website  
28 which does not provide the information required by the Information Practices Act of 1977.

1 30. Members of the State Bar of California and members of the public rely on the State Bar of  
2 California to keep disciplinary records confidential until formal charges are filed for the safety and  
3 protection of everyone involved.

4 31. The delay in providing specific information and steps to take harms the Plaintiffs and all  
5 members of all Classes because the Plaintiffs and all members of all Classes are being prevented from  
6 taking any steps to mitigate the fallout from their information being published for others to see. They  
7 need to know what information was out there so they can mitigate harm. The State Bar could have  
8 released the members fingerprints and social security numbers along with investigation information.  
9 The State Bar could have released the Complainants home address or an investigation of a supervisor.  
10 Not knowing and not getting any specific information when requested is causing anxiety, worry, and  
11 emotional distress.

12 32. Public disclosure of such private facts including the identity of a complainant or member under  
13 investigation can lead to reputation loss, job loss, emotional distress and in extreme cases bodily injury or  
14 loss of life. A complainant may suffer in their employment if they complained about their boss or may  
15 have a chilling effect on finding future representation to their injury. Likewise, an attorney could be  
16 harmed by others knowing the State Bar opened an investigation thus causing a chilling effect where  
17 potential clients will look elsewhere for representation. Additionally, an investigation on a complaint of  
18 stalking or violence leaked out to the public could lead to the respondent prematurely learning of it,  
19 leading to potential bodily harm upon the complaining victim. Likewise, not all investigations or even  
20 most complaints are meritorious; having an unmeritorious complaint land on a public website can lead to  
21 reputational harm, threats of extortion, or even job loss or loss of job opportunities. The reputation of an  
22 attorney is one of the most valuable assets an attorney has, and this can devastate his or her entire  
23 livelihood. It can cost anywhere between \$10,000.00 to \$25,000.00 per year to just try to combat and  
24 repair reputational harm on the internet.

25 33. This is not the first time the State Bar of California has been notified that it has released the  
26 confidential information of complainants or members. There are two decades of complaints by attorneys  
27 and complaining witnesses showing State Bar's reckless conduct in disclosing confidential information  
28 without recourse.

34. This disclosure of approximately 100 to 260,000 confidential records by Defendants and failure  
to notify has caused harm to the Plaintiff and all Classes, including but not limited to, time, expense,

1 worry, anxiety, reputational harm, and emotional distress. Investigation is still continuing, and Plaintiffs  
2 and all members of all Classes reserve the right to amend the factual allegations as more information is  
3 discovered.

4 35. A claim was filed with the State Bar of California even though a private right of action exists  
5 outside the Tort Claims Act which – then the State Bar started to sweep it all under the rug.

6 **CLASS ALLEGATIONS**

7 36. **Class Definition:** Plaintiffs bring this suit as a class action pursuant to California Information  
8 Practices Act of 1977, rights under the California and United States Constitution, and Antitrust laws, on  
9 behalf of themselves and all other similarly situated persons as a member of a Class defined as follows:

10 a. All California residents identified in the approximately 100 to 260,000 confidential  
11 California State Bar records received by the owner/operator of  
12 <https://JudyRecords.com> which include both:

- 13 i. Complainants; and  
14 ii. Members of the State Bar of California

15 37. Excluded from the Class are the Court, Defendants, and their affiliates, subsidiaries, current or  
16 former employees, officers, directors, agents, representatives, and their family members.

17 38. **Numerosity:** The persons who comprise the Plaintiff Class are so numerous that the joinder of  
18 all such persons is impracticable and the disposition of their claims as a class will benefit the parties and  
19 the Court. Class members are so numerous and are dispersed throughout the state that joinder of all  
20 Class members is impracticable. Class members can be identified, *inter alia*, through records  
21 maintained by the Defendants.

22 39. **Common Questions of Fact and Law:** Nearly all factual, legal, statutory, declaratory, and  
23 injunctive relief issues that are raised in this Complaint are common to the Plaintiff Class and will apply  
24 uniformly to every member of the Plaintiff Class:

- 25 a. Whether Defendants violated the California Information Practices Act of 1977.  
26 b. Whether Defendants violated the Plaintiff Classes constitutional rights.  
27 c. Whether Defendants violated antitrust laws.

28 40. Defendants have acted or refused to act on grounds generally applicable to the class.

1 41. A class action is superior to other methods for the fast and efficient adjudication of this  
2 controversy and to avoid the risk of disparate and inconsistent rulings in different courts. A class action  
3 regarding the issues in this case does not create any problems of manageability.

4 42. The nature of notice to the proposed class required and/or contemplated would Defendant's list,  
5 when disclosed, would most likely be notice through email from Defendant's list which already  
6 identifies the complainants and attorney members along with their contact information, including email  
7 is the best practicable method possible. Also, mailing, media, the internet and/or other general notices  
8 are contemplated to ensure notice.

9 **FIRST CAUSE OF ACTION**

10 **Violation of California Information Practices Act of 1977**  
11 **(All Plaintiffs and All Classes Against Defendant State Bar of California)**

12 43. Plaintiffs incorporate herein by reference the allegations made in paragraphs 1 through 42 above  
13 as though fully set forth herein.

14 44. Plaintiffs bring this claim on their behalf and on behalf of all other Class members.

15 45. Defendant, State Bar of California, is a public corporation that owns or licenses computerized  
16 data that includes personal information of California residents. It is therefore subject to the Cal. Civil  
17 Code § 1798.29.

18 46. Defendant, State Bar of California, has a duty under California Civil Code § 1798.24 to not  
19 disclose personal information in a manner that would link the information disclosed to the individual to  
20 whom it pertains.

21 a. As identified herein, Defendant failed to do so with 260,000 records or so.

22 b. As a direct and proximate result of Defendant's acts, Plaintiffs' and class members'  
23 unencrypted confidential information was subjected to unauthorized access and  
24 exfiltration, theft, or disclosure.

25 47. Defendant, State Bar of California, also has a duty under California Civil Code § 1798.29 to  
26 prevent Plaintiffs' and class members' nonencrypted and nonredacted personal information from  
27 unauthorized access and exfiltration, theft, or disclosure.

28 a. As identified herein, Defendant failed to do so with 260,000 records or so.

b. As a direct and proximate result of Defendant's acts, Plaintiffs' and class members'  
unencrypted confidential information was subjected to unauthorized access and  
exfiltration, theft, or disclosure.

1 48. Defendant, State Bar of California, has a duty under California Civil Code 1798.21 to establish  
2 appropriate and reasonable administrative, technical, and physical safeguards to ensure compliance with  
3 the Information Practices Act of 1977 (“IPA”) for it to follow to ensure the security and confidentiality  
4 of records, and to protect against anticipated threats or hazards to their security or integrity which could  
5 result in any injury.

6 a. As identified herein, Defendant failed to do so.

7 b. As a direct and proximate result of Defendant’s acts, Plaintiffs’ and class members’  
8 unencrypted confidential information was subjected to unauthorized access and  
9 exfiltration, theft, or disclosure.

10 49. Defendant, State Bar of California, also has a duty to implement and maintain reasonable  
11 security procedures and practices to protect this personal information.

12 a. As identified herein, Defendant failed to do so.

13 b. As a direct and proximate result of Defendant’s acts, Plaintiffs’ and class members’  
14 unencrypted confidential information was subjected to unauthorized access and  
15 exfiltration, theft, or disclosure.

16 50. Defendant, State Bar of California, also has a duty to disclose any breach of the security of the  
17 system following discovery or notification of the breach in the security of the data to any resident of  
18 California in the most expedient time possible and without unreasonable delay (1) whose unencrypted  
19 personal information was, or is reasonably believed to have been, acquired by an unauthorized person,  
20 or, (2) whose encrypted personal information was, or is reasonably believed to have been, acquired by  
21 an unauthorized person and the encryption key or security credential was, or is reasonably believed to  
22 have been, acquired by an unauthorized person and the agency that owns or licenses the encrypted  
23 personal information has a reasonable belief that the encryption key or security credential could render that  
24 personal information readable or usable.

25 a. As identified herein, Defendant failed to do so.

26 b. As a direct and proximate result of Defendant’s acts, Plaintiffs’ and class members’ have  
27 been left to worry, anxious to know if their information was contained in the breach and  
28 what information that was causing emotional distress. Others still do not know about the  
breach and cannot take steps to protect themselves due to the breach.



1 51. Defendant, State Bar of California, has a duty to issue a security breach notification (1) written  
2 in plain language, shall be titled “Notice of Data Breach,” and shall present the information described in  
3 paragraph (2) under the following headings: “What Happened,” “What Information Was Involved,”  
4 “What We Are Doing,” “What You Can Do,” and “For More Information.”

5 a. As identified herein, Defendant failed to do so.

6 b. As a direct and proximate result of Defendant’s acts, Plaintiffs’ and class members’ have  
7 been harmed.

8 52. Defendant, State Bar of California, also has a duty to report the breach to the California Attorney  
9 General and ensure that a sample copy of a breach notice sent to more than 500 California residents was  
10 provided to the California Attorney General.

11 a. As identified herein, Defendant failed to do so.

12 b. As a direct and proximate result of Defendant’s acts, notice to Plaintiffs and class  
13 members has been further delayed.

14 53. Plaintiffs and Class Members seek injunctive or other equitable relief to ensure Defendant  
15 adequately safeguard all confidential information going forward, by implementing reasonable security  
16 procedures and practices. This relief is particularly important because Defendant continues to hold  
17 Plaintiffs’ and Class Members’ confidential information which includes biometric information of other  
18 members of the State Bar of California.

19 54. Plaintiffs and Class Members have an interest in ensuring that their confidential information is  
20 reasonably protected, and Defendant has demonstrated a pattern of failing to adequately safeguard this  
21 information.

22 55. As a direct and proximate result of Defendant’s conduct alleged above, Plaintiffs and the Class  
23 have been harmed entitling them to injunctive relief. Plaintiffs and all Classes are also entitled to actual  
24 and/or statutory damages, online reputation repair/branding subscription, emotional distress damages  
25 for the worry, delay, anxiety and extreme distress, costs, and an award of attorney fees.

26 56. Plaintiffs and the class are also entitled to exemplary damages due to Defendant’s act(s) of  
27 oppression, malice, or fraud, including but not limited to the events laid out herein showing that  
28 Defendant’s conduct subjected Plaintiff and all Classes to cruel and unjust hardship in conscious  
disregard of their rights.

**SECOND CAUSE OF ACTION**  
**Invasion of Privacy – Cal Constitution**

10

**(All Plaintiffs and All Classes Against All Defendants)**

57. Plaintiffs incorporate herein by reference paragraphs 1 through 56 above in this pleading as though fully set forth herein.

58. This cause of action is being brought on behalf of Plaintiffs and all members of all Classes.

59. Plaintiffs and the class had a legally protected privacy interest in the 260,000 confidential records released from the State Bar of California.

60. Plaintiffs and the class had a reasonable expectation of privacy in the confidential information under the circumstances laid out in the complaint.

61. The Defendants, State Bar of California, JudyRecords.com, Employee Doe and Does 1 through 10's conduct constituted a serious invasion of privacy causing injury to the Plaintiffs and all Classes because those records were confidential and/or the public access to the confidential records would be highly offensive to an objective reasonable person.

62. As such, Plaintiffs and the Class members are entitled to injunctive relief against all Defendants and damages against JudyRecords.com, Employee Doe and Does 1 through 10.

63. Plaintiffs and the Class are entitled to costs and reasonable attorney fees.

**THIRD CAUSE OF ACTION**

**Invasion of Privacy**

**(All Plaintiffs against Defendant JudyRecords.com and Does 1 to 2)**

64. Plaintiffs incorporate herein by reference paragraphs 1 through 63 above in this pleading as though fully set forth herein.

65. This cause of action is being brought on behalf of all Plaintiffs and all members of all Classes.

66. Defendant, JudyRecords.com, and Does 1 to 2, intentionally (1) received information, not otherwise public, (the confidential disciplinary records); and/or (2) released some or all of that information which it knows or should reasonably have known was obtained from personal information maintained by the State Bar of California, invading the privacy of the Plaintiffs and all members of all Classes pursuant to Cal. Civ. Code § 1798.53.

67. Public disclosure of these private facts (the confidential disciplinary records) would be offensive and objectionable to the reasonable person and were not a legitimate public concern.

68. As a direct and proximate cause, JudyRecords.com's conduct and the conduct of Does 1 to 2 harmed the Plaintiffs and all members of all Classes.

1 69. JudyRecords.com and Does 1 to 2's invasion of the Plaintiffs' and class members' privacy has  
2 been a substantial factor in causing shock, fear, mental suffering, anxiety, humiliation, emotional  
3 distress; harm to reputation and/or loss of standing in the community entitling them to damages.

4 70. Plaintiffs and all members of all Classes are entitled to costs and attorney fees.

5 71. Plaintiffs and all members of all Classes are also entitled to exemplary damages of \$2,500.00  
6 each pursuant to Cal. Civ. Code S 1798.53.

7 **FOURTH CAUSE OF ACTION**

8 **42 U.S.C. § 1983 – Violation of Right to Informational Privacy & Equal Protection**  
9 **(All Plaintiffs Against Defendant EMPLOYEE DOE and Does 3 to 10)**

10 72. Plaintiffs incorporate herein by reference paragraphs 1 through 71 above in this pleading as  
11 though fully set forth herein.

12 73. This cause of action is being brought on behalf of Plaintiffs and all members of all Classes.

13 74. Plaintiffs and the Class had a legally protected privacy interest in the 260,000 confidential records  
14 released from the State Bar of California.

15 75. Plaintiff and all members of all Classes had a reasonable expectation of privacy in the  
16 confidential information under the circumstances laid out in the complaint.

17 76. Defendant Employee Doe was acting or purporting to act in the performance of his or her  
18 official duties and Does 3 to 10 were acting in concert therewith.

19 77. Defendant, Employee Doe, breached his or her mandatory duty under Cal Civ Code § 1798.21  
20 and § 1798.22.

21 78. Defendant, Employee Doe and Does 3 to 10, also negligently, recklessly, or intentionally  
22 violated the Plaintiffs' right to informational privacy.

23 79. Defendant Employee Doe and Defendants Does 3 to 10's conduct violated Plaintiffs' and all  
24 members of all Classes right of informational privacy and equal protection under the Fourteenth  
25 Amendment of the U.S. Constitution.

26 80. Plaintiffs and all members of all Classes were harmed.

27 81. Defendant Employee Doe's wrongful act(s) allowed the confidential records to be released to a  
28 third party was a substantial factor in causing harm to the Plaintiffs and all members of all Classes.

82. As a direct and proximate result, Plaintiffs and the Class are entitled to damages.

83. Plaintiff and the Class are entitled to costs and reasonable attorney fees.

1 84. Plaintiffs and the Class are entitled to exemplary and/or punitive damages due to Defendant's  
2 act(s) of oppression, malice, or fraud, including but not limited to the events laid out herein showing  
3 that Defendant's conduct subjected Plaintiff and all Classes to cruel and unjust hardship in conscious  
4 disregard of their rights

5 **FIFTH CAUSE OF ACTION**

6 **42 U.S.C. § 1983 – Violation of Right to Informational Privacy**  
7 **(All Plaintiffs Against Defendant State Bar of California and Does 3 to 10)**

8 85. Plaintiffs incorporate herein by reference paragraphs 1 through 84 above in this pleading as  
9 though fully set forth herein.

10 86. This cause of action is being brought on behalf of Plaintiffs and all members of all Classes.

11 87. The State Bar of California has taken the Plaintiffs data and held it in a fashion outside the  
12 Plaintiffs' control, triggering Due Process Clause protection: it has 'by the affirmative exercise of its  
13 power' taken the data and 'so restrain[ed]' it that the original owner is unable to exert any control  
14 whatsoever over how the government stores or secures it. The government's 'affirmative duty to  
15 protect' the data 'arises ... from the limitation which it has imposed on his freedom to act on his own  
16 behalf' to keep the data secure.

17 88. The State Bar of California and Does 3 to 10 have repeatedly failed to keep this data secure, and  
18 continue to possess the Plaintiffs' confidential information and put it at risk of breach by using unsecure  
19 or reckless methods wherein the information can be accessed through the internet, entitling the Plaintiffs  
20 and all members of all Classes to prospective injunctive relief.

21 89. Second, the State Bar of California and Does 3 to 10 have failed and refused to disclose to the  
22 Plaintiffs and all Classes what confidential information was posted online.

23 90. Without knowing what was disclosed, the Plaintiffs and all Classes have no way to know what  
24 to do to protect their privacy or negate reputational harm that has or may have resulted.

25 91. Plaintiffs' and all members of all Classes are entitled to prospective injunctive relief barring the  
26 Defendant from placing confidential information in a computer system or other relief, costs of suit and  
27 attorney's fees.

28 **SIXTH CAUSE OF ACTION**

**Antitrust Violation Under the Sherman Act § 2**  
**(Attorney Member Plaintiffs Against Defendants State Bar of California, JudyRecords.com and**  
**Does 5 to 10)**

1 92. Plaintiffs incorporate herein by reference paragraphs 1 through 91 above in this pleading as  
2 though fully set forth herein.

3 93. This cause of action is being brought on behalf of the Attorney Member Plaintiffs and all  
4 members of the Attorney Member Class.

5 94. Defendants, the State Bar of California, JudyRecords.com and Does 5 to 10 have violated  
6 Section 2 of the Sherman Act.

7 95. The State Bar of California is a public corporation that has monopoly power over licensed  
8 attorneys in the State of California and the legal profession in California has an effect on interstate  
9 commerce.

10 96. The State Bar of California is controlled by marketplace participants (lawyers).

11 97. The members of the state board of the State Bar and Does 5 to 10 are not entitled to Parker state-  
12 action immunity because they are "market participants" in the very legal field they oversee, and do not  
13 receive active supervision by the State.

14 98. The State Bar of California and Does 5 to 10 joined in anticompetitive behavior to the benefit of  
15 lawyers who had not been investigated by the State Bar.

16 99. The state empowered a group of active market participants (other lawyers) in the State Bar to  
17 decide who can participate in its market (the legal profession), and on what terms.

18 100. Yet, the State does not actively supervise the policymakers and decisionmakers in the State Bar.

19 101. After receiving notice that 260,000 confidential disciplinary records were publicized on  
20 [www.JudyRecords.com](http://www.JudyRecords.com), the Board did nothing to notify the attorney general or the 260,000 members  
21 and complainants in violation of state law.

22 102. Instead, the Board of the State Bar of California decided to leave the complainants and members  
23 under investigation to be castigated by the wiles of the internet and worked with, conspired, partnered,  
24 joined, permitted, or acted in concert with JudyRecords.com to try to obfuscate and minimize what  
25 happened rather than use any of the powers at its disposal that would invoke oversight by a politically  
26 accountable official, including but not limited to, failing to report the breach to the California Attorney  
27 General as required by California law.

28 103. Acquired, enhanced, or maintained monopoly power by the use of exclusionary conduct beyond  
the powers provided in the State Bar Act causing antitrust injury.

1 104. Because the breach only concerned attorneys investigated for disciplinary actions and the  
2 confidential complainants, it appears that the Board's failure to act was due to anticompetitive animus.

3 105. Publication of confidential disciplinary complaints or investigations unreasonably restricts  
4 competition in the legal profession because potential clients are advised not to hire attorneys who have  
5 been disciplined or are being investigated for alleged unethical conduct; and

6 106. Publication of confidential disciplinary complaints or investigations unreasonably restricts  
7 access to justice or legal representation for the complainants because attorneys are advised not to take  
8 clients who have had multiple attorneys or attorneys that have been disciplined.

9 107. As a proximate result, injunctive relief is warranted.

10 108. As a further proximate result, actual damages and treble damages are warranted.

11 **SEVENTH CAUSE OF ACTION**

12 **Sherman Act § 3**

13 **(All Attorney Member Plaintiffs against Defendants State Bar of California, JudyRecords.com,  
14 Does 5-10)**

15 109. Plaintiffs incorporate herein by reference paragraphs 1 through 108 above in this pleading as  
16 though fully set forth herein.

17 110. This cause of action is being brought on behalf of Attorney Member Plaintiffs and all members  
18 of the Attorney Member Class.

19 111. Alternatively, to the Sixth Cause of Action, Defendants, the State Bar of California,  
20 JudyRecords.com and Does 5 to 10 have violated Section 3 of the Sherman Act.

21 112. Defendant, the State Bar of California and Does 5 to 10 unlawfully restrained competition of  
22 lawyers by unduly hindering the lawyers whose confidential information was breached from employing  
23 his or her talents, industry or capital in a lawful undertaking or attempted to do so, thus keeping the  
24 public from receiving legal services as freely as it would without such restraints.

25 113. As a proximate result, injunctive relief is warranted.

26 114. As a further proximate result, actual damages and treble damages are warranted.

27 **PRAYER FOR RELIEF**

28 **WHEREFORE**, Plaintiffs and all members of all Classes pray for judgment against  
Defendants, and each of them, as follows:

**First Cause of Action**

1. Actual damages;
2. General damages;

- 1 3. Costs;
- 2 4. Attorney fees; and
- 3 5. Any further relief the court would deem appropriate and just.

4 **Second Cause of Action**

- 5 1. Injunctive relief;
- 6 2. Costs;
- 7 3. Attorney fees; and
- 8 4. Any further relief the court would deem appropriate and just.

9 **Third Cause of Action**

- 10 1. Actual Damages;
- 11 2. General Damages;
- 12 3. Exemplary Damages of at least \$2,500.00 per Plaintiff and class member;
- 13 4. Costs;
- 14 5. Attorney fees; and
- 15 6. Any further relief the court would deem appropriate and just.

16 **Fourth Cause of Action**

- 17 1. Actual Damages;
- 18 2. General Damages;
- 19 3. Punitive or Exemplary Damages;
- 20 4. Costs;
- 21 5. Attorney fees; and
- 22 6. Any further relief the court would deem appropriate and just.

23 **Fifth Cause of Action**

- 24 1. Injunctive relief;
- 25 2. Costs;
- 26 3. Attorney fees; and
- 27 4. Any further relief the court would deem appropriate and just.

28 **Sixth Cause of Action**

1. Injunctive relief;
2. Actual Damages;

- 3. Treble Damages;
- 4. Costs;
- 5. Attorney fees; and
- 6. Any further relief the court would deem appropriate and just.

**Seventh Cause of Action**

- 1. Injunctive relief;
- 2. Actual Damages;
- 3. Treble Damages;
- 4. Costs;
- 5. Attorney fees; and
- 6. Any further relief the court would deem appropriate and just.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial for all legal claims.

Dated: March 18, 2022

Respectfully Submitted,  
 LAW OFFICES OF LENORE ALBERT  
/s/ Lenore Albert  
 LENORE L. ALBERT, ESQ.  
 Attorney for Plaintiffs, John Roe 1, Jane Roe 1, Jane Roe  
 2, Jane Roe 3, *on behalf of themselves and all others*  
*similarly situated*



# EXHIBIT B



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [State Bar of Calif. Data Breach Caused Confidential Disciplinary Records to Show Up on Third-Party Website, Class Action Says](#)

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