

1 Gregory Keenan (*pro hac vice* pending)
DIGITAL JUSTICE FOUNDATION
2 81 Stewart Street
3 Floral Park, New York 11001
4 (516) 633-2633
Gregory@DigitalJusticeFoundation.org

5 Andrew Grimm (*pro hac vice* pending)
DIGITAL JUSTICE FOUNDATION
6 15287 Pepperwood Drive
7 Omaha, Nebraska 68154
8 (531) 210-2381
Andrew@DigitalJusticeFoundation.org

9 *Attorneys for Plaintiffs*¹

10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 THE ESTATE OF ISABELLA “BELLA”
15 HERNDON, JOHN HERNDON, J.H., *a minor*,
16 T.H., *a minor*,

17 *on behalf of themselves and others similarly*
18 *situated,*

19 *Plaintiffs,*

20 v.

21 NETFLIX INC.,

Defendant.

Case No. 4:21-cv-6561-YGR

**Plaintiffs’ Notice of Appeal & Ninth Circuit
Representation Statement**

Judge: Hon. Yvonne Gonzalez Rogers

22
23
24
25
26
27
28

¹ Additional counsel are listed on the following page.

1 Ryan Hamilton (SBN 291349)
HAMILTON LAW LLC
2 5125 South Durango, Suite C
3 Las Vegas, Nevada 89113
4 (702) 818-1818
Ryan@HamLegal.com

5 Rory Stevens (SBN 338941)
LAW OFFICE OF RORY L. STEVENS
6 4303 Southwest Cambridge Street
7 Seattle, Washington 98136
(206) 850-4444
8 RoryLawStevensEsq@Gmail.com

9 Megan Verrips (*pro hac vice* pending)
INFORMATION DIGNITY ALLIANCE
10 P.O. Box 8684
11 101 Southwest Madison Street
Portland, Oregon 97207
12 (925) 330-0359
Megan@InformationDignityAlliance.org

13 James D. Banker (SBN 317242)
14 DIGITAL JUSTICE FOUNDATION
15 210 Flamingo Road, #424
Las Vegas, Nevada 89169
16 (714) 722-5658
JimBanker@Gmail.com

17 *Attorneys for Plaintiffs*
18
19
20
21
22
23
24
25
26
27
28

1 **NOTICE OF APPEAL**

2 TO THE DEFENDANT IN THIS ACTION (*i.e.*, Netflix, Inc):

3 Pursuant to Federal Rule of Appellate Procedure 3, NOTICE OF APPEAL IS HEREBY

4 GIVEN that

5 (A) all Plaintiffs (*i.e.*, the Estate of Isabella “Bella” Herndon, John Herndon, T.H., and J.H.,
6 on behalf of themselves and others similarly situated), cf. Fed. R. App. P. 3(c)(1)(A),
7 3(c)(3), are appealing

8
9 (B) all appealable orders and judgments of this Court, including but not limited to the
10 following:

11 (i) the Court’s order and judgment dismissing this case, Dkt. 76;

12 (ii) the Court’s order granting Defendant’s motion to strike and to dismiss, Dkt. 74;

13 and

14 (iii) the Court’s order denying Plaintiffs’ motion to remand, Dkt. 45; cf. Fed. R. App.
15 P. 3(c)(1)(B), 3(c)(4), 3(c)(5),

16
17 (C) to the United States Court of Appeals for the Ninth Circuit, cf. Fed. R. App. P.
18 3(c)(1)(C).

19
20
21
22
23
24
25
26
27
28

NINTH CIRCUIT REPRESENTATION STATEMENT

Pursuant to Federal Rule of Appellate Procedure 12(b) and Ninth Circuit Rule 3-2, Plaintiffs hereby submit the following Representation Statement:

- Appellants: The appellants in this appeal are:
 - The Estate of Isabella “Bella” Herndon;
 - John Herndon;
 - T.H., a minor; and
 - J.H., a minor.

- Appellants’ Counsel: Appellants’ counsel are:
 - Mr. Gregory Keenan
DIGITAL JUSTICE FOUNDATION
81 Stewart Street
Floral Park, New York 11001
(516) 633-2633
Gregory@DigitalJusticeFoundation.org

 - Mr. Andrew Grimm
DIGITAL JUSTICE FOUNDATION
15287 Pepperwood Drive
Omaha, Nebraska 68154
(531) 210-2381
Andrew@DigitalJusticeFoundation.org

 - Mr. James Banker
DIGITAL JUSTICE FOUNDATION
210 Flamingo Road, #42
Las Vegas, Nevada 89169
(714) 722-5658
JimBanker@Gmail.com

 - Mr. Rory Stevens
LAW OFFICE OF RORY L. STEVENS
4303 Southwest Cambridge Street
Seattle, Washington 98136
(206) 850-4444
RoryLawStevensEsq@Gmail.com

 - Mr. Ryan Hamilton
HAMILTON LAW LLC
5125 South Durango, Suite C
Las Vegas, Nevada 89113
(702) 818-1818
Ryan@HamLegal.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Appellee: The appellee in this appeal is:
 - Netflix, Inc.

- Appellee's Counsel: Appellee's counsel are:
 - Mr. Kelly Klaus
MUNGER, TOLLES & OLSON LLP
560 Mission Street,
Twenty Seventh Floor
San Francisco, California 94105
(415) 512-4017
(415) 512-4077 (fax)
Kelly.Klaus@MTO.com

 - Ms. Blanca Young
MUNGER, TOLLES & OLSON LLP
560 Mission Street,
Twenty Seventh Floor
San Francisco, California 94105
(415) 512-4019
(415) 512-4077 (fax)
Blanca.Yount@MTO.com

 - Ms. Jennifer Bryant
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
Fiftieth Floor
Los Angeles, California 90071
(213) 683-9100
(213) 687-3702 (fax)
Jennifer.Bryan@MTO.com

 - Ms. Cory M. Batza
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
Fiftieth Floor
Los Angeles, California 90071
(213) 683-9100
(213) 687-3702 (fax)
Cory.Batza@MTO.com.

1 DATED: February 16, 2022

Respectfully submitted,

2 /s/ Rory Stevens

3 Rory Stevens (SBN 338941)
4 LAW OFFICE OF RORY L. STEVENS
4303 Southwest Cambridge Street
5 Seattle, Washington 98136
(206) 850-4444
6 RoryLawStevensEsq@Gmail.com

7 Gregory Keenan (*pro hac vice* pending)
8 DIGITAL JUSTICE FOUNDATION
81 Stewart Street
9 Floral Park, New York 11001
(516) 633-2633
10 Gregory@DigitalJusticeFoundation.org

11 Andrew Grimm (*pro hac vice* pending)
12 DIGITAL JUSTICE FOUNDATION
15287 Pepperwood Drive
13 Omaha, Nebraska 68154
(531) 210-2381
14 Andrew@DigitalJusticeFoundation.org

15 James Banker (SBN 317242)
16 DIGITAL JUSTICE FOUNDATION
210 Flamingo Road, #42
17 Las Vegas, Nevada 89169
(714) 722-5658
18 JimBanker@Gmail.com

19 Megan Verrips (*pro hac vice* pending)
20 INFORMATION DIGNITY ALLIANCE
P.O. Box 8684
21 101 Southwest Madison Street
Portland, Oregon 97207
22 (925) 330-0359
Megan@InformationDignityAlliance.org

23 Ryan Hamilton (SBN 291349)
24 HAMILTON LAW LLC
5125 South Durango, Suite C
25 Las Vegas, Nevada 89113
(702) 818-1818
26 Ryan@HamLegal.com

27 *Attorneys for Plaintiffs*

28

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that I served the foregoing *NOTICE OF APPEAL* on:

Ms. Blanca F. Young
MUNGER, TOLLES & OLSON LLP
560 Mission Street,
Twenty Seventh Floor
San Francisco, California 94105
(415) 512-4019
(415) 512-4077 (fax)
Blanca.Yount@MTO.com

Ms. Jennifer L. Bryant
Ms. Cory M. Batza
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue
Fiftieth Floor
Los Angeles, California 90071
(213) 683-9100
(213) 687-3702 (fax)
Jennifer.Bryant@MTO.com
Cory.Batza@MTO.com

Attorneys for Defendant Netflix, Inc.

via **electronic filing** in CM/ECF.

Dated: February 16, 2022

/s/ Rory Stevens
Rory Stevens