

1 David R. Ongaro (State Bar No. 154698)

2 dongaro@ongaropc.com

3 Glen Turner (State Bar No. 212417)

4 gturner@ongaropc.com

5 ONGARO PC

6 1604 Union St.

7 San Francisco, CA 94123

8 Telephone: (415) 433-3900

9 Facsimile: (415) 433-3950

10 Attorneys for Plaintiff

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

13 Jose Torres, individually and on
14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 SEATGEEK, INC., a Delaware
18 corporation headquartered in New
19 York; and DOES 1 through 25,
20 inclusive.

21 Defendants.

Case No.

CLASS ACTION COMPLAINT FOR:

**1. VIOLATIONS OF THE
CALIFORNIA TRAP AND
TRACE LAW (CAL. PENAL
CODE § 638.51)**

JURISDICTION

1
2 1. This matter charges Defendant Seatgeek, Inc. (“Seatgeek” or “Defendant”) with violation of the California Trap and Trace Law, Section 638.51 of the California Penal Code. Seatgeek violated Section 638.51 by installing multiple “tracers” or “pixels” on its website to capture the phone number, email, routing, addressing and other signaling and site usage information of website visitors. By identifying the source of incoming electronic and wire communications to its website (the “Website”), Seatgeek violated the Trap and Trace device, and without obtaining consent either from Plaintiff or from Class Members.

10 2. This Court has subject matter jurisdiction over this action pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d)(2), because the total matter in controversy exceeds \$5,000,000 and there are well over 100 members of the proposed class. Further, at least one member of the proposed class is a citizen of a State within the United States (California) and at least one defendant is the citizen of a different State or subject of a foreign state (Delaware).

16 3. This Court has personal jurisdiction over Defendant because, on information and belief, Defendant has purposefully directed its activities to the Northern District of California by regularly engaging with individuals in California through its interactive website. Defendant maintains a regular web page to sell event tickets to San Francisco residents and other persons who would like to attend events in San Francisco, as well as one for Los Angeles residents and other persons who would like to attend events in Los Angeles, and another for San Diego residents and other persons who would like to attend events in San Diego. As of July 1, 2025, Seatgeek’s Los Angeles concert page (<https://seatgeek.com/cities/la>) advertised 2895 concerts, sporting events and shows in Los Angeles. As of July 1, 2025, Seatgeek’s San Francisco concert page (<https://seatgeek.com/cities/sf>) advertised 2001 concerts, sporting events and shows in San Francisco. As of July 1, 2025, Seatgeek’s San Diego concert page (<https://seatgeek.com/cities/san-diego>)

1 advertised 826 concerts, sporting events and shows in San Diego.

2 4. Further, on information and belief, in approximately 2013 Seatgeek
3 acquired Palo Alto-based Fansnap, an online aggregator of ticket information and
4 incorporated its capabilities into the current Seatgeek operation.

5 5. Displaying event pages for specific locales *in California* is not the only
6 fashion in which Seatgeek's website is clearly tailored to reach out to California
7 residents. For example, Seatgeek users automatically agree to Seatgeek's terms of
8 use by either signing up with Seatgeek or purchasing event tickets through
9 Seatgeek.¹ Those terms of use specifically target California residents with a
10 paragraph indicating that California residents waive any rights they may have under
11 a specific California statute, Section 1542 of the Civil Code. This provision
12 obviously and specifically targets California and its residents.

13 6. For these and other reasons, Defendant's illegal conduct is directed at and
14 harms California residents, including Plaintiff, and if not for Defendant's contact
15 with the forum, including with TikTok and other California entities, Plaintiff would
16 not have suffered harm.

17 7. Venue is proper in the Northern District of California pursuant to 28 U.S.C.
18 § 1391 because Defendant (1) is authorized to conduct business in this District and,
19 as noted above, has intentionally availed itself of the laws and markets within this
20 District; (2) does substantial business within this District; and (3) is subject to
21 personal jurisdiction in this District because it has purposefully availed itself of the
22 laws and markets within this District and has purposefully directed its activities
23 toward this District.

24 **PARTIES**

25 8. Plaintiff Jose Torres ("Plaintiff" or "Mr. Torres") is, and at all times
26 relevant to the events alleged herein was, a citizen of California residing in
27 California.

28 ¹ Plaintiff did not undertake either of these actions.

1 its platform and deliver more effective targeted ads, thus increasing ad revenue. This
2 data can allow it to place targeted advertisements, increasing brand awareness and
3 sales. SeatGeek uses the trackers to obtain and analyze users' data for its own profit.

4 **The TikTok Pixel**

5 15. SeatGeek shares information with TikTok. The TikTok Pixel is a code
6 snippet implemented by site owners including Seatgeek onto their websites,
7 including the Website. The TikTok Pixel enables Seatgeek to track users'
8 interactions with the Website. Seatgeek maintains control over the data collected and
9 reported by the TikTok Pixel through TikTok Events Manager. By utilizing this tool,
10 website owners can specify the "Events" they want to track and report to TikTok.
11 "Events" refer to specific actions and interactions taken by website visitors to
12 achieve business objectives, such as adding items to a cart, filling out forms, or
13 making purchases.

14 16. Additionally, the TikTok pixel collects and reports supplementary
15 metadata to TikTok, which includes timestamp (when an event on the Website took
16 place), IP address (used to determine the geographic location of an event), unique
17 identifiers (cookies that are assigned to a user's device or browser session that
18 distinguish one user from another) and device details (make, model and operating
19 system of devices accessing the Website), along with browser information.

20 17. The Tiktok Pixel collects information like this automatically on everyone
21 who visits the Website, including Plaintiff, regardless of whether the Website user
22 has a TikTok account. Collecting this information is the sole purpose of the TikTok
23 Software.

24 18. Defendant installed the TikTok Software on its Website software in order
25 to identify website visitors who would otherwise be anonymous. Plaintiff visited
26 Defendant's website after the TikTok Software was installed.

27 19. The TikTok Software acts via a deanonymization process known as
28 "fingerprinting." Put simply, the TikTok Software collects as much data as it can

1 about an otherwise anonymous visitor to the Website and matches it with existing
 2 data TikTok has acquired and accumulated about hundreds of millions of individuals
 3 in California, the rest of the United States and abroad. This allows TikTok to
 4 associate the information it obtained through the Pixel with personally identifying
 5 information.

6 20. The TikTok Software begins to collect information the moment a user
 7 lands on the Website, regardless of whether the user eventually encounters and/or
 8 interacts with the Website's Privacy Notice. TikTok's "AutoAdvanced Matching"
 9 technology scans every website for information, such as name, date of birth, and
 10 address. This information is sent simultaneously to TikTok, so that TikTok can
 11 isolate with certainty the individual to be targeted.

12 21. As explained on TikTok's "Business Help Center"
 13 (<https://ads.tiktok.com/help/article/tiktok-pixel>):

14 The pixel collects information available via standard web browsers, like
 15 Chrome. This includes:

- 16 • **Ad/Event information:** Information about the ad a person on
 17 TikTok has clicked on or an event that was initiated.
- 18 • **Timestamp:** Used to determine when website actions took place,
 19 like when a page was viewed or when a product was purchased.
- 20 • **IP Address:** Used to determine the geographic location of an event.
- 21 • **User Agent:** Used to determine the device make, model, operating
 22 system, and browser information.
- 23 • **Cookies:** Used to help with the measurement, optimization, and
 24 targeting of user campaigns. First-party cookies are optional, but
 25 third-party cookies are on by default with the TikTok Pixel.
 26 Performance is boosted when first- and third-party cookies are
 27 paired with Advanced matching.
- 28 • **Metadata & Button Clicks:** Includes descriptive page metadata,

structured microdata, page performance data, and button clicks. TikTok uses this information to provide recommendations to businesses using the TikTok Pixel on how to enhance their pixel event setup and also to offer automated solutions. This information can also be used to personalize ad campaigns for TikTok users and improve TikTok's ad delivery systems.

22. In addition, in order to accurately associate events collected by the pixel to a specific user, TikTok offers the "AutoAdvanced Matching" feature. This feature works by automatically collecting form data, such as email addresses, phone numbers, and other identifiers in hashed form. This data is then used to enhance the accuracy of matching users to their TikTok profiles, improving the targeting of ads. **When a website asks the user to submit information such as an email or phone number, this data is simultaneously sent to TikTok. This allows TikTok to accurately identify the individual.** The "Automatic Advanced Matching" feature is not enabled by default, and website owners are encouraged to activate it and agree to share their users' phone numbers and email addresses.

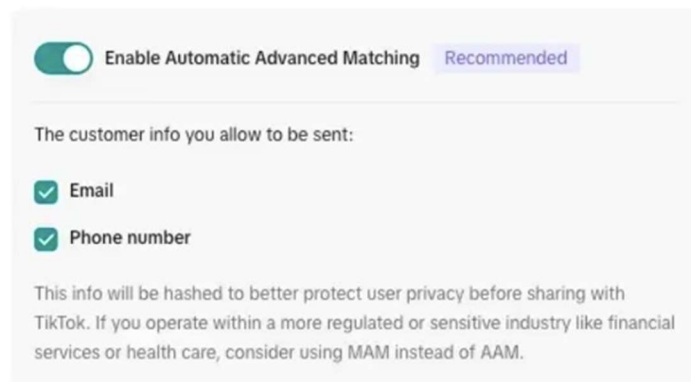
Manage configurations

These are recommended settings that can help you make the most of your pixel.

Increase audience size and attributed conversions

Automatic Advanced Matching (AAM) is used with your pixel to automatically scan customer info on your website to match web events to TikTok users. This helps attribute more conversions to your ads and improve ad targeting. [Learn more](#)

For industries such as financial services or healthcare, it's recommended you also use Manual Advanced Matching (MAM). [Learn more](#)



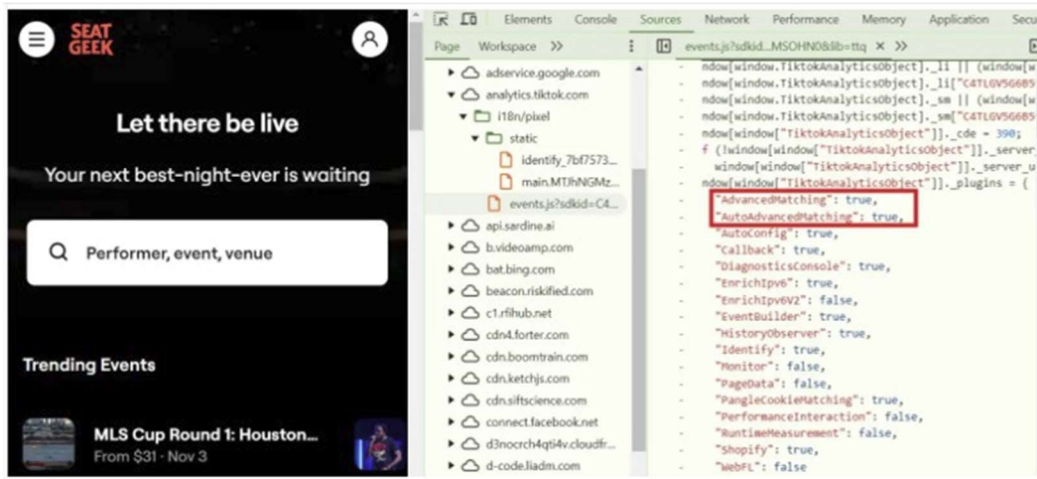
☒ Enable Automatic Advanced Matching Recommended

The customer info you allow to be sent:

- ☒ Email
- ☒ Phone number

This info will be hashed to better protect user privacy before sharing with TikTok. If you operate within a more regulated or sensitive industry like financial services or health care, consider using MAM instead of AAM.

23. Auto Advanced Matching was turned on for pages on the Website during the time period pertinent to this matter.



The Meta (Facebook) Pixel

24. Seatgeek also employs the Meta Pixel, formerly known as the Facebook pixel, a snippet of JavaScript code that loads a small library of functions Seatgeek can use to track Facebook ad-driven visitor activity on the Website. It relies on Facebook cookies, which enable Facebook to “match” Seatgeek’s website visitors to their respective Facebook user accounts.

25. SeatGeek shares each user’s Facebook ID ("FID") and IP address, as well as browsing habits and interactions, with Facebook. An FID **uniquely identifies** an individual’s Facebook user account. **Anyone who possesses an FID can use this identifier to quickly and easily locate, access, and view, the corresponding Facebook profile.** Simply put, anyone who knows how to use Facebook can use the information that the company is disclosing and identify any Facebook user. In addition, the Meta Pixel allows Seatgeek to track the number of times users “convert,” i.e., take actions Seatgeek considers valuable, allowing Seatgeek to measure advertising effectiveness.

26. Once users are “matched” by Pixel functions, Meta can tally their actions on the Website in the Facebook Ads Manager, allowing Seatgeek to use the data to analyze the Website’s conversion flows and optimize its ad campaigns. By default,

1 the Meta Pixel tracks URLs visited, domains visited, the devices the Website's
2 visitors use, and browser data such as the IP address, browser information, page
3 location, document, FID, Pixel ID, Facebook Cookie, buttons clicked, pages visited,
4 and optional custom data. It also allows Seatgeek to define custom audiences, allows
5 the targeting of visitors most likely to "convert," and sets up "Advantage+ catalog
6 advertising campaigns," allowing Seatgeek to display to website users its most
7 relevant offerings based on their interests, intent and actions.

8 27. Using this tool, SeatGeek shares its users' online activity with Meta,
9 including their FIDs, User Agent, IP addresses, and other metadata, despite users
10 having not consented to the sharing of this information.

11 28. Defendant installed the Meta Pixel on its Website in order to identify
12 website visitors who would otherwise be anonymous. Plaintiff visited Defendant's
13 website after the Meta Pixel was installed.

14 **Other Exposures of Private Data**

15 29. When users click on the Sign Up button to register to the Website, they
16 automatically agree to the Website's terms of use and privacy policy.

17 30. SeatGeek's privacy notice indicates that it retains companies to help
18 handle mail and email, market its products and services, handle purchases of tickets
19 to certain events, analyze user behavior, process credit card transactions, and provide
20 customer service. It also indicates that these companies have access to personal
21 information to perform their functions.

22 31. Even though those companies agree not to use the information for any
23 purposes other than to perform functions for Seatgeek, this practice multiplies the
24 number of persons who, at least temporarily, have access to the personal information
25 of Website users.

26 32. The Website instantly sends communications to TikTok and Meta
27 whenever any user lands on the website, including Plaintiff, and every time a user
28 clicks on a page.

1 **These Tracers are Trap and Trace Devices**

2 33. CIPA defines a “trap and trace device” as “a device or process that
3 captures the incoming electronic or other impulses that identify the originating
4 number or other dialing, routing, addressing, or signaling information reasonably
5 likely to identify the source of a wire or electronic communication, but not the
6 contents of a communication.” (Cal. Penal Code § 638.50(c).)

7 34. The TikTok Software and the Meta Pixel are processes to identify the
8 source of electronic communication by capturing incoming electronic impulses and
9 identifying dialing, routing, addressing, and signaling information generated by
10 users, who are never informed that the website is collaborating with TikTok and
11 Meta to obtain their phone number and other identifying information.

12 35. Each of these trackers is “reasonably likely” to identify the source of
13 incoming electronic impulses. In fact, they are specifically designed to meet this
14 objective as well as other objectives pertaining to the sharing of information
15 individual to each Website user.

16 36. The California Invasion of Privacy Act (“CIPA”), California Penal Code
17 § 630 *et. seq.*, imposes civil liability and provides for statutory damages for the
18 installation of trap and trace software without a court order. (*Id.* §§ 637.2, 638.51;
19 *see, e.g., Moody v. C2 Educ. Sys. Inc.*, No. 2:24-CV-04249-RGK-SK, 2024 WL
20 3561367 (C.D. Cal. July 25, 2024) (holding that TikTok Software was properly
21 alleged to be a trap and trace device because it communicates over the internet and
22 the statutory definition of a trap and trace device expressly covers “wire
23 communication” and “electronic communication” and is not limited to telephone
24 lines).)

25 37. Defendant did not obtain Class Members’ express or implied consent to
26 be subjected to data sharing with TikTok, Meta and Pixel for the purposes of de-
27 anonymization and information sharing.

28 ///

CLASS ALLEGATIONS

38. Plaintiff brings this action individually and on behalf of all others similarly situation (the “Class”) defined as follows:

All persons within California whose identifying information was sent to TikTok and Meta as a result of visiting the Website within the limitations period, and who did not register with Seatgeek and/or purchase tickets from Seatgeek.

39. NUMEROSITY: Plaintiff does not know the number of Class Members but believes the number to be at least in the tens of thousands and likely more. The exact identities of Class Members may be ascertained by the records maintained by Defendant.

40. COMMONALITY: Common questions of fact and law exist as to all Class Members and predominate over any questions affecting only individual members of the Class. Such common legal and factual questions, which do not vary between Class members, and which may be determined without reference to the individual circumstances of any Class Member, include but are not limited to the following:

- a. Whether Defendant installed any or all of the Trackers on the Website;
- b. Whether the TikTok Software is a trap and trace process as defined by California law;
- c. Whether Plaintiff and Class Members are entitled to statutory damages; and
- d. Whether Class Members are entitled to injunctive relief.

41. TYPICALITY: As a person who visited Defendant’s Website and whose personal information was fingerprinted and de-anonymized by the TikTok and Meta pixels, Plaintiff is asserting claims that are typical of the Class.

42. ADEQUACY: Plaintiff will fairly and adequately protect the interests of the members of The Class. Plaintiff has retained attorneys experienced in class

1 action litigation. All individuals with interests that are actually or potentially adverse
 2 to or in conflict with the class or whose inclusion would otherwise be improper can
 3 be excluded.

4 43. SUPERIORITY: A class action is superior to other available methods of
 5 adjudication because individual litigation of the claims of each Class Member is
 6 impracticable and inefficient. Even if every Class Member could afford individual
 7 litigation, the court system would be unduly burdened should individual litigation of
 8 numerous cases addressing identical issues proceed.

9 **FIRST CAUSE OF ACTION**

10 **Violations of California Trap and Trace Law Cal. Penal Code § 638.51** 11 **(the “California Trap and Trace Law”)**

12 44. Plaintiff repeats and re-alleges the allegations contained in every
 13 preceding paragraph as if fully set forth herein.

14 45. The California Trap and Trace Law provides that “a person may not install
 15 or use...a trap and trace device without first obtaining a court order...” Cal. Penal
 16 Code § 638.51(a).

17 46. A “trap and trace device” is defined as “a device or process that captures
 18 the incoming electronic or other impulses that identify the originating number or
 19 other dialing, routing, addressing, or signaling information reasonably likely to
 20 identify the source of a wire or electronic communication, but not the contents of a
 21 communication.” *Id.* § 638.50(c).

22 47. Defendant used trap and trace processes by deploying the Trackers on its
 23 Website because the Trackers are designed to capture the phone number, email,
 24 routing, addressing and other signaling information of website visitors. As such, the
 25 Trackers are designed precisely to identify the source of the incoming electronic and
 26 wire communications to the Website in violation of the California Trap and Trace
 27 Law. Defendant also did not obtain consent from Plaintiff or any of the Class
 28 Members before using trap and trace technology to identify visitors of its Website.

1 48. CIPA imposes civil liability including statutory damages for violations of
2 the California Trap and Trace Law. (Cal. Penal Code § 637.2; *see also C2 Educ. Sys.*
3 *Inc.*, 2024 WL 3561367.)

4 **PRAYER**

5 WHEREFORE, Plaintiff prays for the following relief against Defendant:

- 6 1. An order certifying the Class, naming Plaintiff as the representative of
7 the Class and Plaintiff's attorneys as Class Counsel;
- 8 2. An order declaring Defendant's conduct violates CIPA;
- 9 3. An order of judgment in favor of Plaintiff and the Class against
10 Defendant on the cause of action asserted herein;
- 11 4. An order enjoining Defendant's conduct as alleged herein and any
12 other injunctive relief that the Court finds proper;
- 13 5. Statutory damages pursuant to CIPA;
- 14 6. Prejudgment interest;
- 15 7. Reasonable attorneys' fees and costs; and
- 16 8. All other relief that would be just and proper as a matter of law or
17 equity, as determined by the Court.

18
19 Dated: August 21, 2025

ONGARO PC

20
21
22 By: 

23 DAVID R. ONGARO

24 GLEN TURNER

25 Attorneys for Plaintiff Jose Torres
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff Jose Torres hereby demands a trial by jury.

Dated: August 21, 2025

ONGARO PC

By: _____



DAVID R. ONGARO

GLEN TURNER

Attorneys for Plaintiff Jose Torres

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 1604 Union Street, San Francisco, CA 94123.

On August 21, 2025, I served a true copy of the following document described as:

on the interested parties in this action as follows:

BY E-FILING: By electronically serving the document(s) listed above via CM/ECF on the recipients designed on the Transaction Receipt located on the CM/ECF website.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 21, 2025, in San Francisco, California.

/s/ Emily Groleski

Emily Groleski