12-Person Jury

FILED DATE: 9/20/2023 4:43 PM   2023CH08292

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

OLIVIA VAN HOUSEN, STEFAN REBIC, and NATE DLUZAK, individually and on behalf of all others similarly situated, Plaintiffs, *v.* AMAZON.COM, INC. D/B/A JUST WALK OUT and AMAZON WEB SERVICES, INC. Defendants.	Case No. **2023CH08292** CLASS ACTION JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

1

Plaintiffs Olivia Van Housen, Stefan Rebic, and Nate Dluzak, bring this action against Amazon.com, Inc. d/b/a Just Walk Out, and Amazon Web Services, Inc. ("AWS"), (collectively, "Amazon"), individually and on behalf of all others similarly situated, and allege the following based on personal knowledge, the investigation of counsel, and information and belief.

I.   INTRODUCTION

1.   On June 30, 2021, Plaintiff Stefan Rebic entered an Amazon Go store located at 113 South Franklin Street, Chicago, Illinois, 60606, and made a purchase. At other times during the Class Period, Rebic also entered Amazon Go and browsed, but did not make purchases. On May 16, 2023, Plaintiff Nate Dluzak entered an Amazon Go store located at 130 East Randolph Street, Chicago, Illinois, 60601, and made a purchase. On May 28, 2023, Plaintiff Olivia Van Housen entered an Amazon Fresh store located at 6939 Dempster Street, Morton Grove, Illinois, 60053, and made a purchase.

2.   During each of the Plaintiffs' visits, Amazon Go and Amazon Fresh employed JWO technology to collect, use, store, and disseminate their biometric information and identifiers ("biometric data"), to identify them, regardless of whether they made a purchase, and when they did, to charge them for items bought without using a traditional store clerk, cash register, or "self-checkout" machine.

3.   Amazon's JWO technology leverages a complex network of sensors, cameras, machine learning, and artificial intelligence to automatically detect when products are taken from store shelves and keep track of these items in a virtual cart. At the heart of this system is the collection, use, storage, and dissemination of images of shoppers' bodies–including their faces and hands–and their voice prints–which it scans and processes via computer

algorithm to identify shoppers and the products they select– to then process payment upon their exit.

4.   In a rapidly evolving world of technology, the drive for efficiency and convenience comes at the steep price of personal privacy. JWO technology is the exemplar of this conundrum. JWO promises shoppers a frictionless shopping experience while promising its retail customers an increase in profits by substantially decreasing labor costs for their in-store personnel.

5.   JWO presents unparalleled privacy concerns for shoppers: massive amounts of shopper biometric data are being collected and used by the company to train complex surveillance technology that is currently being employed in direct violation of the Illinois Biometric Information Privacy Act ("BIPA") (740 ILCS 14/1, *et seq.*).

A. JWO Technology in Pictures

6.   The images below were taken inside an Amazon Go store that employs JWO

technology. It is representative of technology also employed at Amazon's Fresh grocery

stores. **Graphics A** and **B** show shoppers entering through a store's gates by scanning a code

on the Amazon App or their credit card, **C** shows a customer shopping, **D** shows the store's

ceiling which contains proprietary recognition cameras (black boxes) that collect, use, store,

and disseminate biometric data to Amazon and third-party servers and follow shopper

movements through the store, track the items a shopper picks up, add them to a digital

ledger, and electronically invoice the shopper for the items upon walking out, in **E and F**.
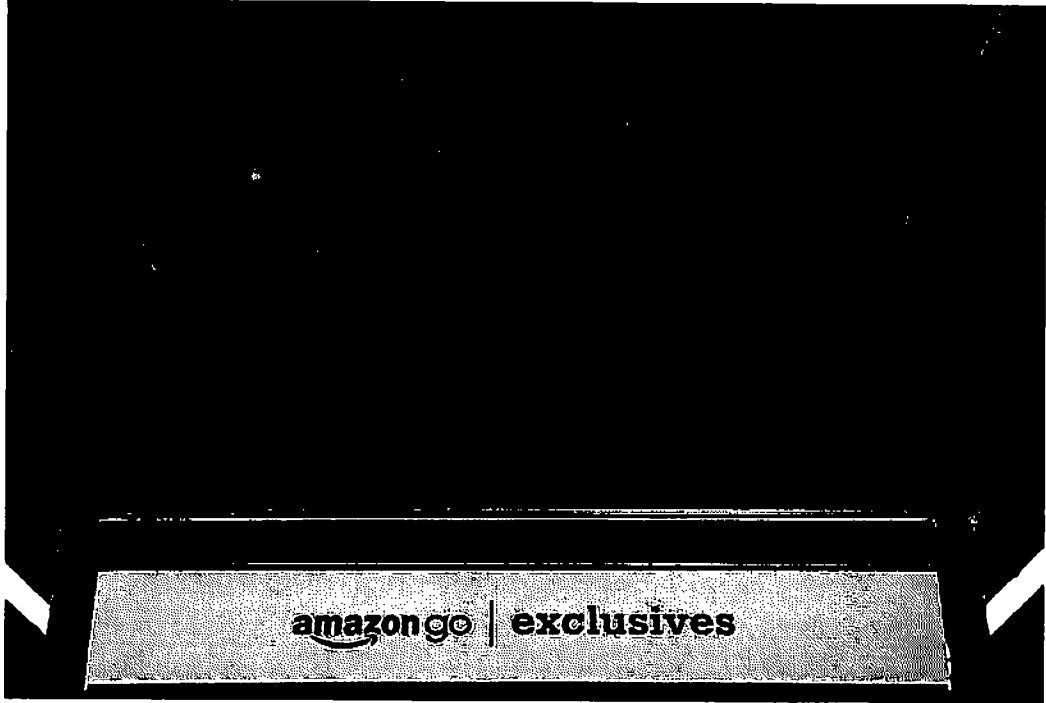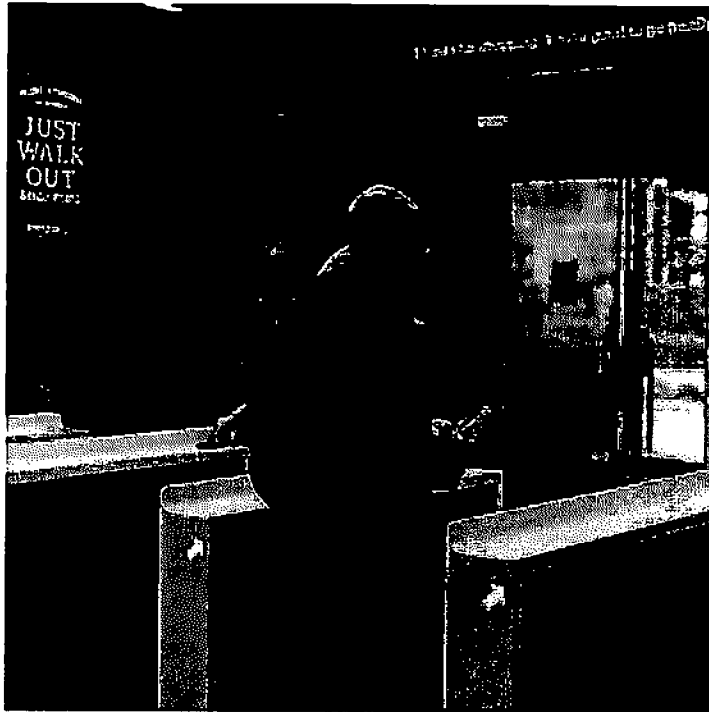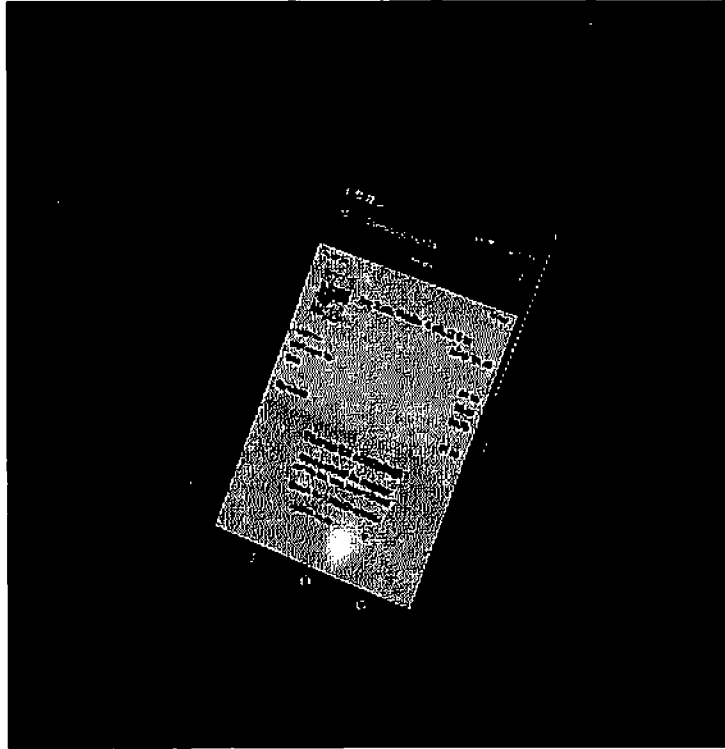
Graphic A
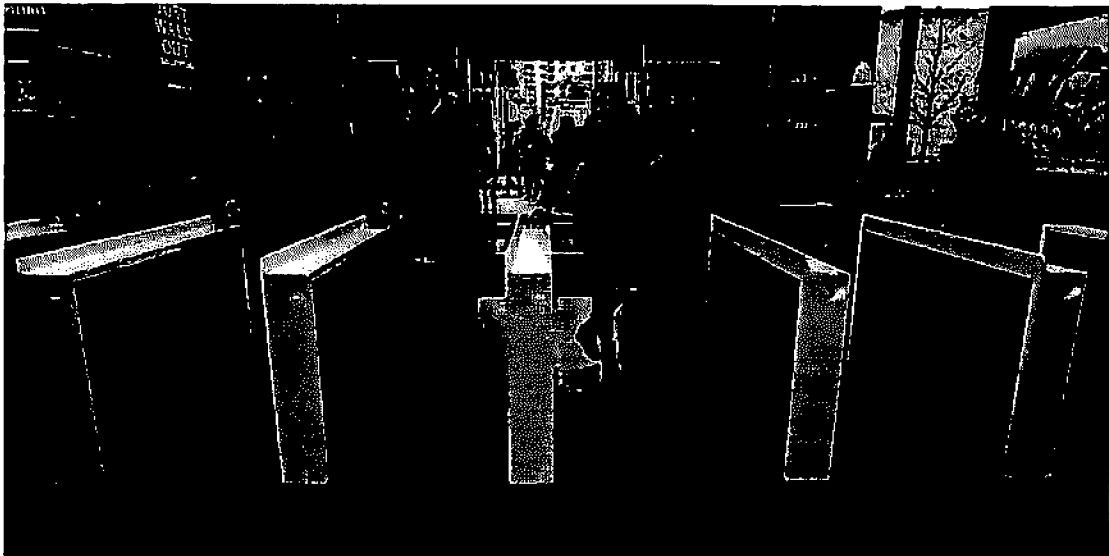
Graphic B
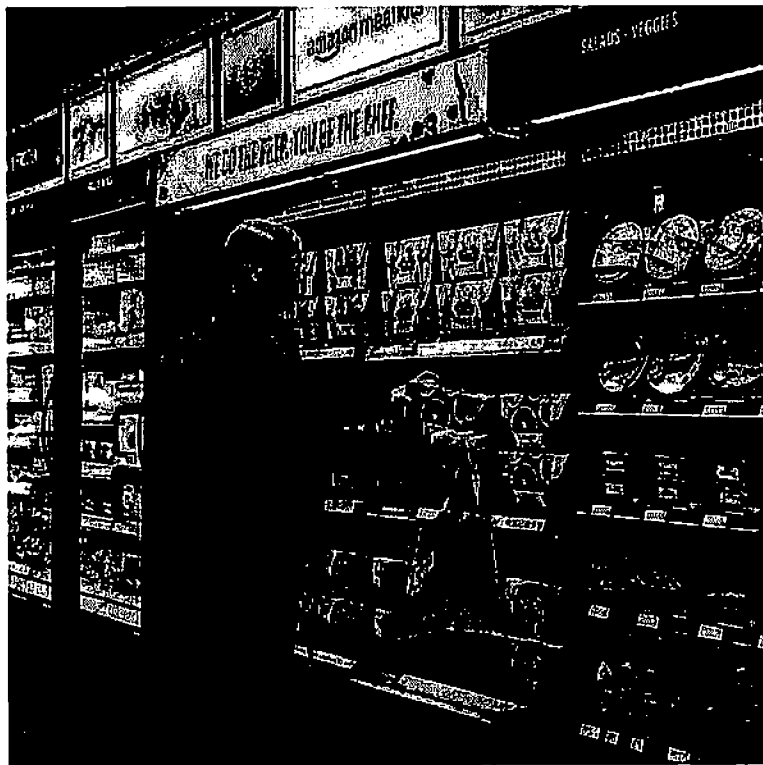
Graphic C

Graphic D

Graphic E

Graphic F

B. JWO Violates BIPA

7.   Consistent with the pictures shown above,[1] the Plaintiffs were not provided

with written disclosures about the collection, use, storage, or dissemination of their

biometric data, nor did they provide Amazon informed written consent, before entering

Amazon Go and Amazon Fresh. In capturing, storing, and disseminating the biometric data

of Plaintiffs and others without proper disclosures and without obtaining their written

consent, Amazon violated and continues to violate BIPA.

---

[1] *See Inside Amazon Go a store of the future*, New York Times, available at:
https://www.nytimes.com/2018/01/21/technology/inside-amazon-go-a-store-of-the-future.html
(last accessed at August 6, 2023); *Amazon Go is finally a go*, Geek Wire, available at:
https://www.geekwire.com/2018/check-no-checkout-amazon-go-automated-retail-store-will-finally-open-public-monday/ (last accessed August 6, 2023); *Amazon Go to Open Third Cashierless Shop on Market Street*, Eater, available at: https://sf.eater.com/2019/3/4/18250121/amazon-go-third-location-market-street-san-francisco (last accessed August 6, 2023).

8.   In 2008, the State of Illinois enacted BIPA to serve "[t]he public welfare,

security, and safety. . . by regulating the collection, use, safeguarding, handling, storage,

retention, and destruction of biometric data"[2]—namely, identifiers such as "a retina or iris

scan, fingerprint, *voiceprint*, or *scan of hand* or *face geometry*," and biometric information

derived from those identifiers.[3] In so doing, the Illinois legislature recognized that "[t]he full

ramifications of biometric technology are not fully known,"[4] and that "[b]iometrics. . . are

biologically unique to the individual; therefore, once compromised, the individual has no

recourse."[5]

9.   BIPA addresses the dangers posed by the mishandling of biometric data by

providing a right of action to any person who is subjected to a violation of the Act within

the State of Illinois.[6]

10.   As relevant here, a private entity in the possession of biometric identifiers or

information violates BIPA when it:

> i.   collects and captures biometric information before first "inform[ing] the
> subject.. . in writing that a biometric identifier or biometric information is
> being collected or stored[,]" "inform[ing] the subject.. . in writing of the
> specific purpose and length of term for which a biometric identifier or
> biometric information is being collected, stored, and used," and then
> "receiv[ing] a written release executed by the subject of the biometric
> identifier or biometric information";[7]

---

[2] 740 ILCS 14/5(g).

[3] 740 ILCS 14/10 (defining "biometric identifier" and "biometric information") (emphasis
added).

[4] 740 ILCS 14/5(f).

[5] 740 ILCS 14/5(c).

[6] 740 ILCS 14/20.

[7] 740 ILCS 14/15(b)(1)-(3).

8

    ii.   fails to obtain a person's consent before "disclos[ing], redisclos[ing], or otherwise disseminat[ing] a person's. . . biometric identifier or biometric information" to a third party;[8] and,

    iii.   fails to establish a publicly available policy "establishing a retention schedule and guidelines for permanently destroying biometric data,"[9] and profits in any way from the use of her biometric data.[10]

11.   As a private entity in the possession of biometric information and identifiers obtained by capturing, using, storing, and sharing them through its JWO hardware and software, Amazon violated and continues to violate § 15(a) of BIPA by failing to establish a publicly available policy establishing a retention schedule and guidelines for permanently destroying biometric data obtained from customers entering establishments that use JWO in Illinois.[11]

12.   Amazon violated and continues to violate § 15(b) of BIPA by collecting this biometric data without first providing written notice and obtaining written informed consent from persons entering stores using JWO technology, including Plaintiffs and Class Members.[12]

13.   Amazon violated and continues to violate § 15(c) of BIPA by wrongfully profiting from the biometric data they collect from shoppers—including the scans of Plaintiffs' and Class Members' facial geometry, hand geometry, and voice print—by using the biometric data they obtain to effectuate purchases, train, and improve JWO software,

---

[8] 740 ILCS 14/15(d).

[9] 740 ILCS 14/15(a).

[10] 740 ILCS 14/15(c).

[11] 740 ILCS 14/15(a).

[12] 740 ILCS 14/15(b) (requiring provision of written disclosure and obtaining written informed consent).

which both companies profit from in their stores. In addition, Amazon profits from selling

the technology to other businesses, like Hudson Nonstop, in the State of Illinois.[13]

14.   Amazon violates and continues to violate § 15(d) by failing to obtain consent

from people before disclosing, redisclosing, and disseminating their biometric identifiers or

biometric information to a third party, in transferring biometric data between individual

JWO stores, AWS servers, Amazon, and third parties, without shoppers' consent.

15.   In sum, Amazon obtained Plaintiffs' and Class Members' facial geometry,

hand geometry, and voice print through its JWO hardware and then stored, used, and

disseminated those data scans through its software. In doing so, Amazon profited from the

Plaintiffs' and Class Members' biometric data and harmed the substantive privacy interests

that BIPA was intended to protect.

---

[13] *See e.g., Hudson Nonstop Arrives In Chicago Using Amazon's Just Walk Out Technology*, Aviation Pros, available at: https://www.aviationpros.com/airports/airport-revenue/concessionaire-retail/press-release/21225887/hudson-hudson-nonstop-arrives-in-chicago-using-amazons-just-walk-out-technology (last accessed August 28, 2023).

II. PARTIES

16.   Plaintiffs Olivia Van Housen, Stefan Rebic, and Nate Dluzak are natural

people residing in the State of Illinois who entered Amazon Fresh and Amazon Go stores in

Cook County, Illinois during the Class Period at least once.

17.   Amazon Fresh and Amazon Go stores are divisions of Amazon.com, Inc.,[14]

that employ JWO technology.

18.   JWO technology was created by Just Walk Out, a division of Amazon.com,

Inc.[15]

19.   JWO technology relies, in part, upon the servers and computing infrastructure

of AWS, Inc., a subsidiary of Amazon, Inc.[16]

III. JURISDICTION AND VENUE

20.   This is a Class action complaint for violations of BIPA (740 ILCS 14/1, *et

seq.*), seeking statutory and actual damages.

21.   No federal question is presented by this complaint. Plaintiffs bring this

complaint solely under state law and not under federal law, and specifically not under the

United States Constitution, nor any of its amendments, nor under 42 U.S.C. § 1981 or 1982,

nor any other federal statute, law, rule, or regulation. Plaintiffs believe and allege that a

cause of action exists under state law for the conduct complained of herein.

---

[14] *CEO Jassy: Amazon Fresh overhaul coming to Southern California,* Winsight Grocery Business News, available at: https://www.winsightgrocerybusiness.com/amazon/ceo-jassy-amazon-fresh-overhaul-coming-southern-california#:~:text=Amazon%20owns%20and%20operates%20more,30%20Amazon%20Go%20convenience%20stores (last accessed September 5, 2023).

[15] *Just Walk Out, technology by Amazon,* Just Walk Out, available: https://justwalkout.com/ (last accessed September 5, 2023).

[16] *Just Walk Out,* FAQs, Amazon Web Services, available at: https://aws.amazon.com/just-walk-out/faqs/ (last accessed September 5, 2023).

22.   This Court has personal jurisdiction over the Plaintiffs and the Class because they submit to the Court's jurisdiction and the events at issue in the complaint took place in Illinois. This Court has personal jurisdiction specifically over Amazon because it deliberately targeted the Illinois market by actively using JWO technology in its own Go and Fresh store. Too, Amazon has marketed, sold, and acquired business customers in the state who have paid it significant sums of money to use JWO technology, i.e., Hudson, and entered into contracts for the use of its hardware and software that captures, uses, stores, and disseminates biometric information and identifiers, from which the company and its business customers, i.e., Hudson, profit.[17] Plaintiffs' claims, therefore, arise out of, or relate to, the Defendants' extensive business contacts and contractual performance within the State of Illinois.

23.   Venue is proper in this County under 735 ILCS 5/1-108 and 2-101 because a substantial part of the acts or omissions giving rise to the claims occurred in Cook County. Specifically, Amazon's collection of Plaintiffs' and many Class Members' biometric information occurred within Cook County.

IV.   FACTS

A. Amazon Collects Biometric Data.

1. Plaintiffs' JWO Experience.

24.   Plaintiffs each visited Amazon Go and Amazon Fresh stores equipped with Amazon's JWO technology. Before the Plaintiffs arrived at the store, they did not receive any disclosures about Amazon's collection, use, or disclosure of her biometric information.

---

[17] 735 ILCS 5/2-209(a)(1) (transaction of any business), (a)(7) (making or performance of any contract connected with this State), (b)(4) (corporation doing business within this State), (c) (jurisdiction on any other basis).

Upon entry, Amazon's hardware technology took numerous images of Plaintiffs through a network of cameras (as shown in **Graphic D**), which captured their body geometry– including their facial geometry (overhead cameras) and hand geometry (cameras embedded in shelves), as well as their voice print (microphones placed throughout the store). Amazon's software then processed this biometric data and tied the data to their Amazon account (or credit card), tracked Plaintiffs' movements through its network of cameras and sensors, and then ran payment for the items they selected upon exit.

2. Plaintiffs' Experience is Reflected in Amazon's JWO Patents.

25.   Amazon's JWO technology and biometric data collection are shown in its various patent filings.[18]

26.   The technological underpinnings for JWO were first published in its 2015 patent, entitled "Transition Items from A Materials Handling Facility," Pub. No. US 2015/0012396 A1 (attached as **Ex. A**). The abstract for the technology pronounces:

> This disclosure describes a system for automatically transitioning items from a materials handling facility without delaying a user as they exit the materials handling facility. For example, while a user is located in a materials handling facility, the user may pick one or more items. The items are identified and automatically associated with the user at or near the time of the item pick. When the user enters and/or passes through a transition area, the picked items are automatically transitioned to the user without affirmative input from or delay to the user.[19]

---

[18] While Plaintiffs have identified patents that appear to relate to JWO technology, Amazon does not specifically confirm which patents underlie the technology employed in Amazon Go and Fresh. In addition to Ex. A (2015–Pub. No. US 2015/0012396 A1) (JWO generally), Plaintiffs have identified other potentially relevant patents as Ex. B (2018–Pub No. US 10,001,402 B1) (Shelf sensors), Ex. C (2021- Pub. No. US 2021/0097547 A1) (Amazon One Palm Scanning for Entry–*Not the subject of this lawsuit*), Ex. D (2022–Pub. No. US 11,393,301 B1) (Adapting JWO to "hybrid" retail environments), Ex. E (2023–Pub. No. US 2023/0098243 A1) (Adapting JWO technology to existing stores), however, they are not further discussed, as Ex. A encompasses the fundamental processes in each proceeding patent.

[19] Ex. A at 1.

The patent broadly defines "materials handling facility" to include various environments like libraries, and warehouses, as well as retail and grocery stores like Amazon Go and Amazon Fresh.[20]

27.   This procedure is succinctly demonstrated in one of the patent's process trees:[21]

---
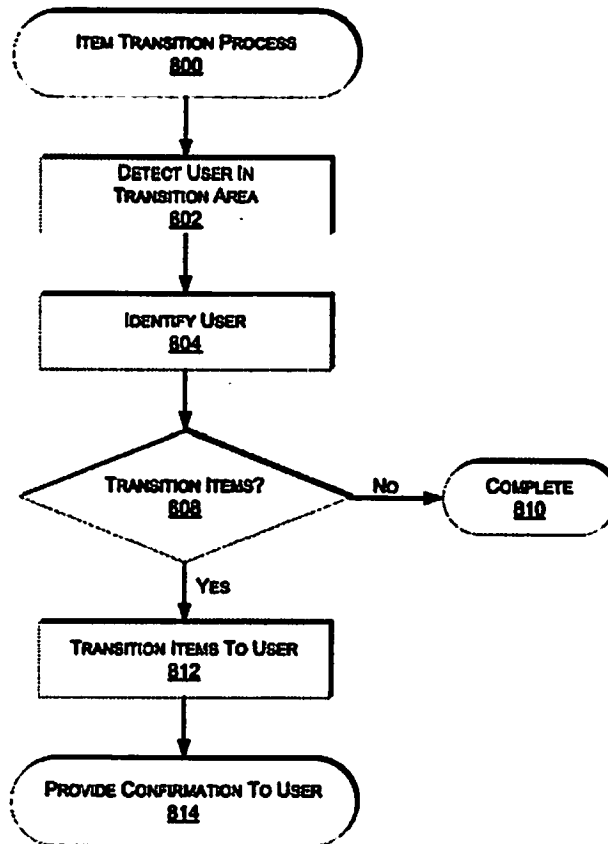
[20] *See e.g.*, Ex. A at 17 ("For example, if the user is a customer at a retail location (materials handling facility). . . .").

[21] *See*, Ex. A at Fig. 8.

On a macro-level, JWO technology tracks shoppers' identities by first imaging them when entering the store (referred to in 802 as "transition area"), employs algorithms to scan the images, which include face geometry, to detect them (802–"detect user in transition area") and then ties that data to their account and/or digital cart in the event they are not an account holder (804–"identify user") to track items they select from shelves (806–"transition[ing] items") and process a payment (814–"provide confirmation to user").

28.   Amazon describes the process at the micro-level in patent **Fig. 2**:[22]

---
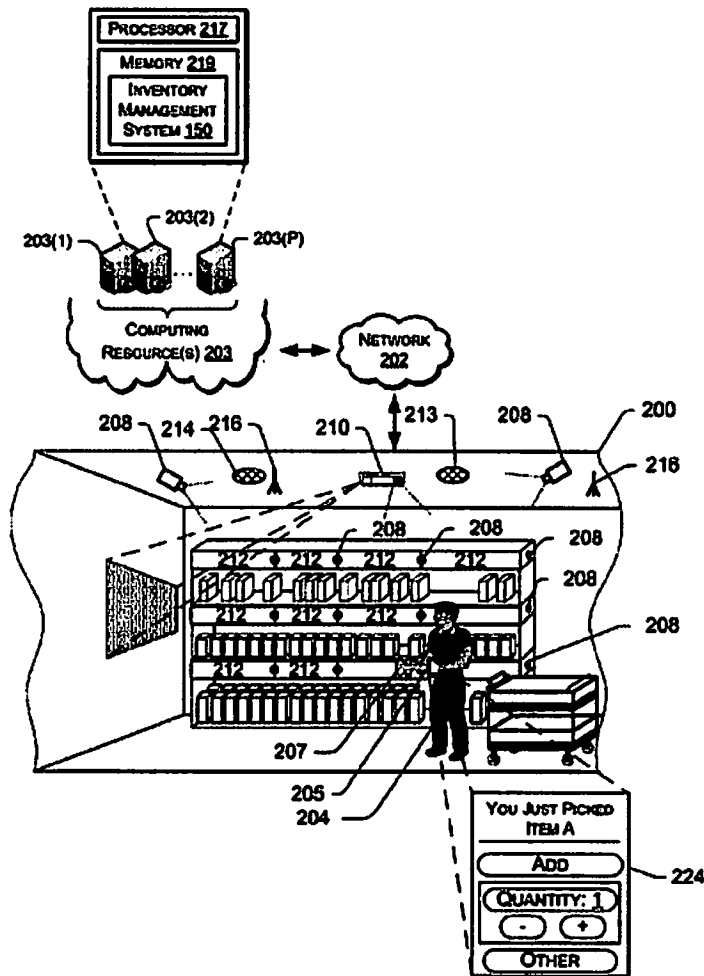
[22] Ex. A at **Fig. 2.**

Cameras, Collection of Facial Geometry, Shopper, and Item Identification

29.   "**Fig. 2 shows additional components of a materials handling facility 200,**[23] according to some implementations. Generally, the materials handling facility 200 may include one or more image capture devices, such as cameras 208. For example, one or more cameras 208 may be positioned in locations of the materials handling facility 200 so that images of locations within the materials handling facility can be captured. In some implementations, the image capture devices 208 may be positioned overhead, such as on the ceiling, to capture images of users and/or locations within the materials handling facility. In addition, in some implementations, one or more cameras 208 may be positioned on or inside of inventory locations. For example, a series of cameras 208 may be positioned on external portions of the inventory locations and positioned to capture images of users and/ or the location surrounding the inventory location."[24] "[C]ameras may also be positioned at or near transition areas to capture images of users as they enter or pass through the transition area."[25]

30.   "Any type of camera and/or configuration of cameras may be used with the implementations described herein. For example, one or more of the cameras may be [red, green, blue] [(]RGB[)]] cameras. In other implementations, one or more of the cameras may be depth sensing cameras. In addition to cameras, other input devices, such as pressure sensors, infrared sensors, a scale, load cells, a volume displacement sensor, a light curtain, etc., may be utilized with the implementations described herein. For example, a pressure

---

[23] The use of numbers, here, and below, such as "200," references individual numbered parts in **Fig. 2**.

[24] Ex. A at 13.

[25] Ex. A at 14.

sensor and/or a scale may be used to detect when an item is added and/or picked from inventory locations. Likewise, an infrared sensor may be used to distinguish between a user's hand and inventory items."[26]

31.   "Various techniques may be used to identify a user. For example, *image capture and facial recognition may be used.* . . . In some implementations, the user has a portable device that may be detected when the user enters the materials handling facility. Alternatively, an application executing on a portable device may be utilized by the user to identify themselves. The portable device and/or application may include a unique identifier that is provided to the inventory management system [i.e. code from Amazon App] 150 and used to identify the user. When the user is identified, a user profile associated with the user and maintained by the inventory management system is determined. In some implementations, a payment instrument (*e.g.,* credit card, debit card, check card, etc.) is associated with the user profile and may be checked to confirm that the payment instrument is valid and may be used by the user to pay for any items picked by the user."[27]

32.   "In addition to identifying the user, the user's location within the materials handling facility and identification of the inventory location within the user's location may also be determined. . . . *In some implementations, imaging devices located within the materials handling facility may be used to capture images within the materials handling facility that are processed by the computing resource(s) 203 to identify the location of the user.*"[28]

---

[26] Ex. A at 14.

[27] Ex. A at 16 (emphasis added).

[28] Ex. A at 16 (emphasis added).

Microphones, Collection of Voice Prints, Shopper Identification

33.   "Likewise, *microphones may record sounds made by the user and the computing resource (s) may process those sounds to determine a location of the user*. For example, based on knowledge of the locations of the microphones within the materials handling facility, a time offset between audio signals received by each microphone can be computed to determine a location of the user. In order to identify the time offsets between signals received by various microphones, in some instances, the computing resource(s) 203 compile each audio signal received by respective audio transducers and then determine the time offsets between the signals by, for instance, using any time difference–of–arrival ("TDOA") technique, or any other suitable technique. After identifying the respective time offsets, the computing resource(s) 203 can determine the direction and/ or source location of the audio. In addition to, or as an alternative to visual and/or audio location determination, the inventory management system 150 may also utilize other techniques, such as triangulation between antennas 216, to determine the location of the user as the user moves through the materials handling facility."[29]

Cameras, Hand Geometry, Shopper, and Item Identification

34.   "*[W]hen the user reaches an inventory location and passes their hand into an inventory location within storage area 130, one or more images may be captured of the user's hand prior to it passing into the inventory location*. Again, when the user's hand is removed from the inventory location, one or more images may be captured of the user's hand as it exits the inventory location. Those images may be compared to determine whether a user has picked an item from the inventory location or placed an item in the inventory location. In some

---

[29] Ex. A at 16 (emphasis added).

18

simple mentions, a simple image analysis may be performed to determine changes between the images. *For example, image analysis may be performed on the first image to determine a skin tone color of the user's hand and pixels including that color, or a range of colors similar to the identified skin tone color, may be identified to represent the users hand.*"[30]

35.   "*Utilizing the skin tone colors, the images of the users hand obtained after the user's hand is removed from the inventory location may be processed to again identify the users hand.* Finally, a comparison of the segments of the images representing the users hand and an area surrounding the users hand may be compared to determine a change between the images to identify whether an item has been picked or placed into the inventory location."[31]

36.   "In another example, item recognition may be performed on both images to identify different items. For example, the image(s) captured prior to the users hand entering the inventory location may only include an item that is in the shape of a hand. In comparison, the image(s) captured after the user's hand is removed from the inventory location may include an object in the shape of the user's hand plus an additional item. It will be appreciated that any image analysis and/or comparison technique may be used to determine if a user has placed and/or picked an item from an inventory location."[32]

Checking Out

37.   "[R]ather than the user having to stop and "check out" with a cashier, teller, or automated check station because the picked items are already known and identified on an item identifier list associated with the user, the user may simply exit the retail location with

---

[30] Ex. A at 13 (emphasis added).

[31] Ex. A at 13 (emphasis added).

[32] Ex. A at 13.

the items. The exit of the user will be detected and, as the user passes through the exit

(transition area), the user, without having to stop or otherwise be delayed, will

automatically be charged a fee for the items (the items are transitioned to the user)."[33]

JWO Is Pervasive in Illinois

38.   Employing JWO technology as described above, Amazon collects the

biometric data of thousands of other Illinois citizens and residents of other states visiting

JWO stores in Illinois. Amazon states that JWO technology is employed at Amazon Fresh

Stores (grocery) in Bloomingdale, Naperville, Oak Lawn, Schaumburg, Westmont, Morton

Grove, Naperville–Ogden, North Riverside Harlem, and Norridge, Illinois.[34]

39.   JWO technology is also employed in Amazon Go Stores (convenience) in

Chicago–Madison Street, Chicago–South Franklin, Chicago–East Randolph, Chicago–

West Merchandise Mart Plaza, Chicago–West Chicago Avenue, Illinois.[35]

---

[33] Ex. A at 12.

[34] *Find Your Store*, Amazon, available at: https://www.amazon.com/find-your-store/b/?node=17608448011 (last accessed August 6, 2023); *see also, What can you expect when shopping at an Amazon Fresh store?*, Amazon, available at https://www.amazon.com/fmc/m/30003175?almBrandId=QW1hem9uIEZyZXNo ("Just Walk Out [-] No more standing in line and scanning items with Just Walk Out. Scan the QR code in your Amazon App, use Amazon One, or connect your Amazon account or credit card to bypass the checkout line at the start of your shopping journey.") (last accessed August 6, 2023).

[35] *Amazon Go is a new kind of corner store*, "Locations," Amazon, available at: https://www.amazon.com/b/ref=s9_acss_bw_cg_FYS_md1_w?node=16008589011&pf_rd_m=AT VPDKIKX0DER&pf_rd_s=merchandised-search-14&pf_rd_r=Y9Z8DEJ80XFTTD5SARW9&pf_rd_t=101&pf_rd_p=97feccda-20df-4695-9a22-3d1ced37ee9b&pf_rd_i=17608448011 (last accessed August 6, 2023).

B. Amazon Fails to Give Citizens Written Disclosures and Obtain Their Written Informed Consent Before Collecting Their Biometric Information and Identifiers.

40. The core function of JWO technology is the collection and use of shoppers'

biometric data to create a "seamless" shopping experience.[36] However, when shoppers enter

No. 1-14-1120

JWO stores, there are no posted written notices inside or outside the store about the

collection of biometric data. Similarly, shoppers prompted to scan a QR code generated from the

Amazon App on their mobile phone before entering the store (or scan a credit card)

IN THE

Amazon provided the Plaintiffs with written disclosures about the collection of their

APPELLATE COURT OF ILLINOIS

FIRST JUDICIAL DISTRICT

biometric data, nor prompted them for their consent to its collection, usage, storage, and

THE PEOPLE OF THE STATE OF ILLINOIS, ded, nor did they review a JWO-specific) Appeal from the
) Circuit Court of

biometric disclosure through their Amazon account, nor provide their written consent

Plaintiff-Appellee,) Cook County.
)

v. through their Amazon account.)
) No. 12 CR 7371

41. The plaintiffs' experience is representative of JWO customers' experience

BRIAN WILLIAMS,)
) Honorable

generally, regardless of which JWO-equipped store they entered, whether an Amazon Go or Neil L. Linehan,

Defendant-Appellant.) Judge Presiding.

Fresh store in Illinois.

JUSTICE DELORT delivered the judgment of the court. JWO shopping experience can be

42. As chronicled in various media outlets, the JWO

Justices Hoffman and Hall concurred in the judgment.

completed in as little as "8 seconds."[37] JWO shopping be completed in mere seconds *only*

ORDER

because Amazon does not provide shoppers with written disclosures about the collection,

¶ 1   *Held:*   The trial court did not commit manifest error when, after holding a preliminary use, storage, and dissemination of their biometric data, nor allow them adequate time to inquiry pursuant to *People v. Krankel*, 102 Ill. 2d 181 (1984), it did not appoint review them before obtaining informed written consent. post-plea motions.

¶ 2   In 2013, defendant Brian Williams entered a negotiated plea of guilty to the offense of

armed habitual criminal and was sentenced to eight years in prison. Defendant, proceeding *pro*

[36] *Just Walk Out*, Just Walk Out, available at: www.justwalkout.com (last accessed August 6, 2023).

se, then filed a motion and a supplemental motion to withdraw the plea alleging, *inter alia,*

[37] "I got a beer in 8 seconds": Testing Amazon's cashierless tech at an NHL game inside Climate Pledge Arena, GeekWire, available at: https://www.geekwire.com/2021/got-beer-8-seconds-testing-amazons-cashierless-tech-nhl-game-inside-climate-pledge-arena/ (last accessed August 6, 2023).

ineffective assistance of counsel. The trial court denied the motions. On appeal, defendant

C. Amazon Discloses and Rediscloses Biometric Data to Third Parties Without Their Written Informed Consent.

43.   In its operation of JWO technology, Amazon regularly discloses and

rediscloses the biometric data of shoppers from cameras, computers, and servers in the JWO

store itself, i.e., inside an Amazon Go, Amazon Fresh, through the internet, and to

computers and servers external to the store, like servers at AWS and Amazon, or other

third-party cloud platforms, whose employees may also have access to the data.

44.   Amazon explains this process, using **Fig. 2**, as a reference in its patent. "As

illustrated [in **Fig. 2**], *the computing resource(s) 203 may be remote from the environment* and

implemented as one or more servers 203(1), 203(2),. . ., 203(P) and may, in some instances,

form a portion of a network-accessible computing platform implemented as a computing

infrastructure of processors, storage, software, data access, and so forth that is

maintained and accessible by components/devices of the inventory management system 150

via a network 302, such as the internet. For example, the computing resources 203 may

process images to determine whether an item has been picked from an inventory location or

placed into an inventory location. *The computing resource(s) 203 do not require end-user*

knowledge of the physical location and configuration of the system that delivers the services.

Common expressions associated for these remote computing resource(s) 203 include 'on-demand

computing,' 'software as a service (SaaS),' 'platform computing,' 'network-accessible platform,'

'cloud services,' 'data centers,' and so forth. Each of the servers 203(1)-(P) include a processor

317 and memory 319, which may store or otherwise have access to an inventory

management system 150, which may include or provide image processing (*e.g.,* for user

22

stopped in a traffic stop. When Bruno arrived, defendant, two other men, and "one or two girls,

identification and/or item identification), inventory tracking, and/or location

maybe," were already outside the van so Bruno did not know who was driving when the van was

determination."[38]

stopped. Based upon the earlier information, Bruno went directly to the spare tire. The record

D. Amazon Fails to Provide a Publicly Available, BIPA-compliant Retention Policy.

on appeal does not contain copies of the photographs.

45.   Amazon is a Delaware corporation and is therefore a private entity under

¶ 6   On redirect examination, Bruno admitted that he had not met the citizen. However, Bruno

BIPA,[39] thus, if they collect biometric information in the course of their business, they are

spoke to him on the telephone and knew his name. The citizen had sent the photographs to the

required to establish a publicly available retention and deletion schedule.[40] However, despite

commander and they were forwarded to Bruno. He did not know when the photographs were

collecting biometric data, Amazon does not provide a JWO-specific retention and deletion

taken.   When asked if he saw a gun in any of the photographs, Bruno pointed out what he

policy on the JWO website, justwalkout.com, the AWS website, AWS.Amazon.com,

believed to be portions of a gun. He believed that one of the photographs showed a man wearing

Amazon's website, Amazon.com, its mobile applications, or anywhere within stores where

a white t-shirt holding a gun, and another photograph showed a man in a black t-shirt holding a

JWO technology is in use.[41]

gun. However, he did not believe that defendant was either of these men. Rather, defendant was

E. Amazon profits from its use of citizens' biometric information.

the man shown in the third photograph reaching under a van. No gun was visible in that

46.   Amazon advertises itself and to potential customers that its JWO technology

photograph.

offers a futuristic and efficient shopping experience. But Amazon's JWO technology is

¶ 7   In denying defendant's motion, the trial court stated that it heard Bruno's testimony and

much more: it is a sophisticated system that captures a customer's most personal biometric

viewed the photographs. The court found no issues with Bruno's identification of defendant in

data, associates that data with purchasing behavior, and integrates that information into its

the photographs. The court then found that the second photograph depicted software or other

vast retail and marketing network. Each interaction Amazon makes possible contributes to

contraband being "palmed" between defendant and another man, and that the third photograph

building its database of information, which the company then utilizes to handle the

clearly showed defendant reaching underneath the van. The court also found that the information

upon which Bruno acted was not provided anonymously and was supported by photographs.

---

[38] Ex. A at 15 (emphasis added).

Ultimately, the trial court concluded that the affiant had probable cause to stop the van based

[39] https://www.investopedia.com/articles/insights/052816/top-4-amazon-shareholders-amzn.asp

upon the photographs. The court further held that that the police did not impermissibly enter the

(last accessed August 6, 2023).

[40] 740 ILCS 14/15(a).

van by reaching under the spare tire because that was not a location where the van's occupants

[41] See generally, Just Walk Out, available at: www.justwalkout.com (last accessed August 6,

2023); see also, Account Holder Privacy Policy, available at:

had a reasonable expectation of privacy. Customer/display.html?nodeId=GX7NJQ4ZB8MHFRNJ (last

https://www.amazon.com/gp/help/customer/display.html?nodeId=GX7NJQ4ZB8MHFRNJ (last

accessed August 6, 2023).

retail strategies and personalized marketing efforts to maximize profits.[42] Too, Amazon

markets and sells the technology to other retailers seeking advanced solutions for in-store

management with minimal human labor costs. Inherently, by using JWO in its stores, and

selling JWO technology, Amazon is profiting from the collection, use, storage, and

dissemination of every JWO shopper's biometric data.

V.   CLASS ACTION ALLEGATIONS

47.   Plaintiffs Van Housen, Rebic, and Dluzak bring this action on behalf of

themselves and under 735 ILCS 5/2-801 as representatives of a Class defined as follows:

> All persons who entered Amazon Fresh Stores in Bloomingdale, Naperville, Oak
> Lawn, Schaumburg, Westmont, Morton Grove, Naperville–Ogden, North Riverside
> Harlem, and Norridge, Illinois, and/or entered Amazon Go Stores in Chicago–
> Madison Street, Chicago–South Franklin, Chicago–East Randolph, Chicago–West
> Merchandise Mart Plaza, and Chicago–West Chicago Avenue, Illinois during the
> relevant Class Period.

48.   For purposes of this action, the Class Period is defined as September 20, 2018,

through the present, to the date of trial.

49.   Excluded from the Class are JWO, AWS, Amazon Inc., and any entity in

which Defendant Amazon has a controlling interest, as well as any of Amazon's legal

representatives, officers, directors, assignees, and successors.

50.   Members of the Class are so numerous that joinder of all Class Members is

impractical. Amazon itself currently boasts approximately 15 JWO retailers in Illinois with

---

[42] *See, Four key physical retail technology takeaways from re:MARS 2022,* Amazon, available at:
https://www.aboutamazon.com/news/retail/in-store-shopping-technology-re-mars-2022 (last
accessed August 9, 2023) ("When my team set out to reimagine the in-store shopping experience for
customers, one challenge we faced was getting diverse training data for our AI models to ensure high
accuracy. To address this challenge, our research teams built millions of sets of synthetic data—
machine-generated photorealistic data—to help build and perfect our algorithms and provide a
seamless customer experience. *Combining real-world and synthetic data* allowed us to build truly
robust and smart algorithms that were ready to take on all types of scenarios in stores.") (emphasis
added).

the driver, and two other persons. Bruno would finally testify that he found a loaded pistol under
the thousands of shoppers each week. Amazon has employed its TWO hardware and software
the vehicle on top of its spare tire. Defense counsel stipulated that Officer Bruno would so
to collect and capture biometric data in the City of Chicago, Illinois, and other cities in
testify.

Illinois, including Bloomingdale, Naperville, Oak Lawn, Schaumburg, Westmont, Morton
¶ 11 Ultimately, the trial court accepted defendant's plea, finding it to be knowingly and
Grove, Naperville–Ogden, North Riverside Harlem, and Norridge.
voluntarily made and to have a factual basis. The trial court then sentenced defendant to eight
51. Plaintiffs' claims are typical of the members of Class Members who were
years in prison.

aggrieved by the same wrongful conduct of Amazon: their substantive privacy interests were
¶ 12 Defendant later filed a *pro se* motion to withdraw his plea, arguing that "I do not believe
harmed (i) by Amazon obtaining their biometric identifiers or information without first
there was any factual basis to support my guilty plea; the facts in the case do[] not support my
providing adequate written notice and their informed written consent,[43] (ii) by Amazon
guilt." He also claimed that he "was not mentally competent to enter a guilty plea" because he
disclosing, redisclosing, or otherwise disseminating their biometric identifiers or information
had learned that his father had been shot to death.
to third parties without obtaining proper consent,[44] (iii) by Amazon failing to establish an
¶ 13 Post-plea, the same assistant public defender appeared for defendant. In October 2013,
adequate publicly available policy regarding the retention of Plaintiffs' and Class Members'
counsel told the court that she "had an opportunity to go over quite a bit of information with"
biometric data,[45] and (iv) by Amazon profiting from their biometric identifiers or
defendant but was awaiting more information from him and wanted to continue the case. In
information.[46]
November 2013, counsel informed the court that she had been trying to contact members of
52. Plaintiffs will fairly and adequately protect and represent the interests of the
defendant's family "to give me the necessary information I needed to support his basis for"
Class. The interests of Plaintiffs are coincident with, and not antagonistic to, those of the
withdrawing his plea, but none of the telephone numbers she tried were valid.
other members of the Class.

¶ 14 On February 6, 2014, counsel informed the trial court that defendant pleaded to add a
53. Plaintiffs are represented by counsel with experience in the prosecution of
claim of ineffective assistance of counsel to his *pro se* motion to withdraw the plea. Defendant
complex Class actions and with particular experience with Class actions raising claims
then filed a *pro se* amendment to the motion in open court stating:
under BIPA.

"I am relying on facts that are not in the guilty plea records, which

are conversations I have had with reliable sources outside of court

[43] 740 ILCS 14/15(b)(1)–(3).

pertaining to additional factual basis to support my defense. I was
[44] 740 ILCS 14/15(d).

unaware of certain information regarding specific elements on
[45] 740 ILCS 14/15(a).

[46] 740 ILCS 14/15(c).

25

-5-

54. Questions of law and fact common to the members of the Class predominate over questions that may affect only individual Class Members because Amazon has acted on grounds generally applicable to the entire Class, thereby making damages concerning the Class as a whole appropriate. Such generally applicable conduct is inherent in Amazon's wrongful actions.

55. Questions of law and fact common to the Class include:

   (a) Whether Amazon established a publicly available policy for retention of biometric data sufficient to satisfy the requirements of § 15(a) of BIPA;

   (b) Whether Amazon provided written notice and obtained the written consent of persons whose biometric data were collected by its JWO hardware, and, if so, whether such notice and consent are sufficient to satisfy the requirements of § 15(b) of BIPA;

   (c) Whether Amazon profited from the use of the biometric data it collected via JWO hardware to improve the JWO software itself uses, profits from, and also sells for profit to other businesses, contrary to § 15(c);

   (d) Whether Amazon obtained requisite consent before disclosing, redisclosing, or otherwise disseminating biometric identifiers or biometric information to a third party to satisfy the requirements of § 15(d);

   (e) Whether persons who had their biometric data captured by Amazon are entitled to damages, and, if so, in what amount;

   (f) Whether Amazon should be enjoined from collecting biometric data illegally through JWO hardware and using them in JWO software.

56. A Class action is a superior method for the fair and efficient adjudication of the controversy. A Class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without the unnecessary duplication of evidence, effort, or expense that numerous individual Class actions would engender. The benefits of proceeding through the Class mechanism, including providing injured persons or entities a method for obtaining redress on claims that

court then noted there was photographic evidence of actual possession, namely the photograph of

defendant reaching under the van with the gun in hand. The court found that counsel had

explained the difference between actual and constructive possession. After determining that the

constructive possession matter was defendant's only issue with counsel, the court ruled that

counsel would continue representing defendant as "nothing indicates [counsel was] ineffective

by any stretch of the imagination." Counsel agreed that she would file a certificate pursuant to

Supreme Court Rule 604(d) (eff. Feb. 6, 2013), and the case was continued.

¶ 17   On that same day, counsel filed a Rule 604(b) certificate. The certificate stated that

counsel consulted with defendant in person to ascertain his claim, reviewed the record including

the transcribed plea proceedings, and "made such amendments to the motion as are necessary for

an adequate presentation of any defect in those proceedings." The record does not include

counsel's amended motion to withdraw plea.

¶ 18   At the March 2014 hearing on defendant's motions to withdraw the plea, defendant

testified that he wanted to withdraw his plea because of further information from outside the

record, but that he could no longer recall this information. After refreshing his recollection with

his *pro se* addendum, defendant said that he was "unaware" that the State had to prove his

knowledge, and immediate and exclusive control of the weapon. During cross-examination,

defendant admitted that counsel discussed the charges with him before he pled and that the court

read the charge to him before he pled. He also attended the hearing on the motion to quash and

heard the State's evidence against him. When shown the photographs, defendant denied that

they depicted him, but admitted that he was present. Defendant was asked if he understood that

constructive possession is not a defense, and he testified that a person who does not have actual

possession of contraband can still be accountable for it if he had knowledge of it and immediate

---

(overlaid text):

could not practicably be pursued individually, substantially outweigh the potential difficulties in the management of this Class action.

57.   Plaintiffs know of no special difficulty to be encountered in the maintenance of this action that would preclude its maintenance as a Class action.

VI.   CLAIMS FOR RELIEF

A.   Claim 1: Violation of Section 15(a) of Illinois's BIPA (740 ILCS 14/15(a)) by Failing to Establish a Publicly Available Policy Governing the Retention of Biometric Data

58.   Plaintiffs repeat and incorporate by reference all preceding paragraphs and allegations.

59.   Section 15(a) of BIPA provides that "[a] private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information . . . ."[47] The biometric data must be permanently destroyed "when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first."[48]

60.   Amazon operates as a Delaware corporation and is therefore a private entity under BIPA.[49]

---

[47] 740 ILCS 14/15(a).

[48] 740 ILCS 14/15(a).

[49] 740 ILCS 14/10.

61.   The facial geometry, hand geometry, and voice print of Plaintiffs and Class

Members are biometric identifiers under the Act, and the information that Amazon derived

from these identifiers is biometric information covered by the Act.[50]

62.   As explained in Paragraph 45 above, Amazon did not properly develop a

publicly available written policy governing the retention of biometric data.

63.   By improperly retaining the biometric information of Plaintiffs and Class

Members, Amazon violated the very privacy interests that BIPA was intended to protect.

64.   On behalf of themselves and the Class, Plaintiffs seek:

   (a) injunctive and equitable relief as is necessary to protect the
       interests of Plaintiffs and the Class by requiring Amazon to
       develop and make publicly available a retention policy that
       complies with BIPA's § 15(a);[51]

   (b) the greater of liquidated damages of $5,000 or actual damages for
       each of Amazon's intentional or reckless violations of § 15(a);[52]

   (c) the greater of liquidated damages of $1,000 or actual damages for
       each of Amazon's negligent violations of § 15(a);[53] and,

   (d) reasonable attorneys' fees and costs and other litigation
       expenses.[54]

   **B. Claim 2: Violation of Section 15(b) of Illinois's Biometric Information Privacy
        Act (740 ILCS 14/15(b)) by Obtaining Biometric Identifiers or
        Biometric Information Without Written Informed Consent**

65.   Plaintiffs repeat and incorporate by reference all preceding paragraphs and

allegations.

---

[50] *Id.*

[51] 740 ILCS 14/20(4).

[52] 740 ILCS 14/20(2).

[53] 740 ILCS 14/20(1).

[54] 740 ILCS 14/20(3).

¶ 22   On appeal, defendant contends that because trial counsel was appointed as post-plea

counsel, she labored under a conflict of interest. He concludes that his cause must be remanded

so that his post-plea claims can be presented by conflict-free counsel. He acknowledges that the

trial court inquired into his *pro se* posttrial claims of ineffective assistance of counsel in

accordance with *People v. Krankel*, 102 Ill. 2d 181 (1984), but contends that the inquiry was

insufficient.

¶ 23   Pursuant to *Krankel* and its progeny, when a defendant makes a *pro se* posttrial allegation

of ineffective assistance of counsel, the trial court must conduct an adequate inquiry into the

factual basis of the claim. *People v. Moore*, 207 Ill. 2d 68, 79 (2003). The court may conduct

this preliminary inquiry by: (1) questioning trial counsel about the facts and circumstances

surrounding defendant's allegations; (2) requesting more specific information from defendant; or

(3) relying on its own knowledge of defense counsel's performance at trial and the insufficiency

of defendant's allegations on their face. *Moore*, 207 Ill. 2d at 78-79. If, following an inquiry, the

court finds possible neglect of the case, new counsel should be appointed. However, if the court

determines that the claim lacks merit or pertains solely to trial strategy it need not appoint

counsel and may deny the defendant's motion. *Moore*, 207 Ill. 2d at 78. Whether the court

properly conducted a preliminary *Krankel* inquiry is a legal question we review *de novo*. *People

v. Robinson*, 2015 IL App (1st) 130837, ¶ 72. When a court holds a preliminary inquiry and

determines the merits of *Krankel* claims, we will reverse only if that determination is manifestly

erroneous. *Id.*

¶ 24   Although defendant contends that there was a conflict of interest in trial counsel

representing him in post-plea proceedings, trial counsel may properly represent a defendant in

post-plea proceedings unless the defendant claims that counsel was ineffective. In such a case,

---

66. Section 15(b) of BIPA makes it unlawful for any private entity to

     collect, capture, purchase, receive through trade, or otherwise obtain

     a person's. . . biometric identifier or biometric information, unless it

     first: (1) informs the subject . . . in writing that a biometric identifier or

     biometric information is being collected or stored; (2) informs the

     subject . . . in writing of the specific purpose and length of term for

     which a biometric identifier or biometric information is being

     collected, stored, and used; and (3) receives a written release executed

     by the subject of the biometric identifier or biometric

     information . . . [55]

67.   The written release required by § 15(b)(3) means "informed written

consent."[56]

68.   As detailed in Paragraphs 24-42 above, Amazon systematically collected,

stored, and used Plaintiffs' and Class Members' biometric data without providing the notice

required by § 15(b)—including notice that their biometric data was being used for the

specific purpose of identifying them, tracking them, and tying their data to their purchases

for payment, and that it would be disseminated to third parties.

69.   Likewise, Amazon never obtained from Plaintiffs nor Class Members the

informed written consent required by BIPA.

70.   By improperly collecting, storing, and using Plaintiffs' and Class Members'

biometric data, Amazon violated their rights to privacy in their biometric data.

71.   On behalf of themselves and the Class, Plaintiffs seek:

     (a) injunctive and equitable relief as is necessary to protect the

     interests of Plaintiffs and the Class by requiring Amazon to

     comply with § 15(b)'s requirement for collecting, storing, and

     using biometric data;[57]

[55] 740 ILCS 14/15(b).

[57] 740 ILCS 14/20(4).

(b) the greater of liquidated damages of $5,000 or actual damages for each of Amazon's intentional or reckless violations of § 15(b);[58]

(c) the greater of liquidated damages of $1,000 or actual damages for each of Amazon's negligent violations of § 15(b);[59] and.

(d) reasonable attorneys' fees and costs and other litigation expenses.[60]

C. Claim 3: Violation of Section 15(c) of Illinois's Biometric Information Privacy Act (740 ILCS 14/15(c)) by Profiting from Biometric Identifiers or Biometric Information Obtained Through Just Walk Out

72.   Plaintiffs repeat and incorporate by reference all preceding paragraphs and allegations.

73.   Section 15(c) of BIPA makes it unlawful for any "private entity in possession of a biometric identifier or biometric information" to "sell, lease, trade, or otherwise profit from a person's or a customer's biometric identifier or biometric information."[61]

74.   As detailed in Paragraph 46 above, Amazon had possession of Plaintiffs' and Class Members' biometric data and, without informing them, profited from their biometric data by using that biometric data to make its JWO software more robust, which the company not only used in its storefronts but marketed and sold to *other* businesses in Illinois, *e.g.*, Hudson, who also profited from JWO.

75.   By profiting from its undisclosed use of Plaintiffs' and Class Members' biometric data, Amazon violated the substantive privacy interests that BIPA protects.

76.   On behalf of themselves and the Class, Plaintiffs seek:

---

[58] 740 ILCS 14/20(2).

[59] 740 ILCS 14/20(1).

[60] 740 ILCS 14/20(3).

[61] 740 ILCS 14/15(c).

(a) injunctive and equitable relief as is necessary to protect the interests of Plaintiffs and the Class by requiring Amazon to cease profiting from the use of their biometric data;[62]

(b) the greater of liquidated damages of $5,000 or actual damages for each of Amazon's intentional or reckless violations of § 15(c);[63]

(c) the greater of liquidated damages of $1,000 or actual damages for each of Amazon's negligent violations of § 15(c);[64] and

(d) reasonable attorneys' fees and costs and other litigation expenses.[65]

D. Claim 4: Violation of Section 15(d) of Illinois's Biometric Information Privacy Act (740 ILCS 14/15(d)) by Disclosing Biometric Identifiers or Biometric Information Obtained Through Amazon Without Written Informed Consent

77.   Plaintiffs repeat and incorporate by reference all preceding paragraphs and allegations.

78.   Section 15(d) of BIPA makes it unlawful to:

Disclose, redisclose, or otherwise disseminate a person's or a customer's biometric identifier or biometric information unless: (1) the subject. . . consents to the disclosure or redisclosure... (4) the disclosure is issued under a valid warrant or subpoena issued by a Court of competent jurisdiction.

79.   As explained in detail in Paragraphs 43-44, Amazon regularly discloses and rediscloses JWO store shoppers' biometric data, from the individual Amazon Fresh or Go stores' cameras, sensors, and servers, to outside AWS servers, Amazon servers, third-party web services, and their employees.

80.   By sharing the Plaintiffs' biometric data, Amazon violated the substantive privacy interests that BIPA protects.

---

[62] 740 ILCS 14/20(4).

[63] 740 ILCS 14/20(2).

[64] 740 ILCS 14/20(1).

[65] 740 ILCS 14/20(3).

31

81.   On behalf of themselves and the Class, Plaintiffs seek:

   (a) injunctive and equitable relief as is necessary to protect the interests of Plaintiffs and the Class by requiring Amazon to cease disclosing and redisclose their biometric data without consent;[66]

   (b) the greater of liquidated damages of $5,000 or actual damages for each of Amazon's intentional or reckless violations of § 15(d);[67]

   (c) the greater of liquidated damages of $1,000 or actual damages for each of Amazon's negligent violations of § 15(d);[68] and,

   (d) reasonable attorneys' fees and costs and other litigation expenses.[69]

VIII. PRAYER FOR RELIEF

82.   Wherefore, on behalf of themselves and the Class, Plaintiffs respectfully request that this Court enter an Order:

   (a) Certifying this case as a Class action under 735 ILCS 5/2-801 on behalf of the Class defined above, appointing Plaintiffs Van Housen, Rebic, and Dluzak, as representatives of the Class, and appointing their counsel as Class Counsel;

   (b) Declaring that Amazon's actions, as set out above, violate § 15(a), (b), (c), and (d) of BIPA;

   (c) Awarding the greater of actual damages or statutory damages of $5,000 per intentional or reckless violation of BIPA, and the greater of actual or statutory damages of $1,000 per negligent violation of BIPA;

   (d) Awarding injunctive and other equitable relief as is necessary to protect the interests of the Class, including, among other things, an Order requiring Amazon to collect, store, and use biometric identifiers in compliance with BIPA;

   (e) Awarding Plaintiffs and the Class their reasonable litigation expenses and attorney's fees;

---

[66] 740 ILCS 14/20(4).

[67] 740 ILCS 14/20(2).

[68] 740 ILCS 14/20(1).

[69] 740 ILCS 14/20(3).

(f) Awarding Plaintiffs and the Class pre-and post-judgment interest, to the extent allowable; and

(g) Awarding such other and further relief as equity and justice may require.

IV. JURY DEMAND

83.   Plaintiffs and Class Members demand a trial by jury on all issues so triable.

Dated: September 20, 2023

/s/ *Justin N. Boley*
Justin N. Boley
Eaghan S. Davis
WEXLER BOLEY & ELGERSMA LLP
311 S. Wacker Drive, Suite 5450
Chicago, Illinois, 60606
Tel: (312) 346-2222
Fax: (312) 346-0022
jnb@wbe-llp.com
esd@wbe-llp.com
Firm ID No. 99616

Ryan F. Stephan
James B. Zouras
Catherine Mitchell
Stephan Zouras, LLP
222 W. Adamas Street, Suite 2020
Chicago, Illinois, 60606
Tel: (312) 233-1550
Fax: (312) 233-1560
rstephan@stephanzouras.com
jzouras@stephaszouras.com
cmitchell@stephanzouras.com

Attorneys for Plaintiffs and the Proposed Class

VERIFICATION

Under penalties as provided by law under 735 ILCS 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements outlined in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he believes the same to be true.

<p style="text-align: right;">/s/ Justin N. Boley
WEXLER BOLEY & ELGERSMA LLP
311 S. Wacker Drive, Suite 5450
Chicago, Illinois, 60606</p>

CERTIFICATE OF SERVICE

I, Justin N. Boley, hereby certify that on September 20, 2023, I electronically filed the Plaintiffs' Class Action Complaint with the Clerk of the Court using the electronic filing system which will send such filing to all attorneys of record.

/s/ *Justin N. Boley*
WEXLER BOLEY & ELGERSMA LLP
311 S. Wacker Drive, Suite 5450
Chicago, Illinois, 60606

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Amazon Hit with Biometric Privacy Class Action Over 'Just Walk Out' Technology](#)