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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHELLE WISE, individually and on behalf  
of all others similarly situated

Plaintiff,

v.

RING LLC, a Delaware limited liability  
company,

Defendant.

No. 2:20-cv-1298

NOTICE OF REMOVAL

**PLEASE TAKE NOTICE** that Defendant Ring LLC (“Ring”), by its undersigned attorneys, pursuant to 28 U.S.C. §§ 1332, 1441, 1446, and 1453, hereby removes to the United States District Court for the Western District of Washington at Seattle the action captioned *Michelle Wise v. Ring LLC*, currently pending in the Superior Court for the State of Washington in and for the County of King as Case No. 20-2-11887-7 SEA. In support of removal, Ring states as follows:

1. On July 29, 2020, Plaintiff Michelle Wise (“Plaintiff”) filed a putative Class Action Complaint alleging that Ring violated Illinois’ Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1 *et seq.*, in connection with its “Video Doorbells” and “Stick-Up Cams” (collectively, “Ring Cameras”), which customers purchase and place outside their homes for remote communication and security purposes. (Compl. ¶ 2.) (A copy of the Complaint and Summons

1 served on Ring is attached hereto as **Exhibit A.**)

2 2. Ring was served on August 12, 2020. (*Id.*) Removal is timely because this notice  
3 is filed within 30 days of service of the Complaint and Summons. *See* 28 U.S.C. § 1446(b)(1).

4 3. Removal to this Court is proper because the United States District Court for the  
5 Western District of Washington at Seattle is the district and division embracing the Superior Court  
6 for the State of Washington in and for the County of King. 28 U.S.C. § 128(b).

7 4. In her Complaint, Plaintiff alleges that Ring Cameras “allow[] homeowners to  
8 automatically receive alerts and high definition, live-video footage of visitors at their home,” that  
9 “[u]sers . . . have the option to store and save video footage of their visitors,” and that Plaintiff  
10 “visited several homes in Illinois at which a Ring Camera was installed and . . . has appeared in  
11 the video footage taken by the Ring Cameras.” (Compl. ¶¶ 2, 26.) Plaintiff further alleges (but  
12 Ring does not concede) that Ring “uses that footage to bolster Ring’s facial recognition  
13 technology,” and that Ring “captured her biometric data by allowing its facial recognition software  
14 to scan her facial features, including the contours of her face, and the distances between her eyes,  
15 nose, and ears.” (*Id.* at ¶¶ 4, 26.)

16 5. Based on these allegations, Plaintiff claims that Ring “collect[s], stor[es], and us[es]  
17 – without providing notice, obtaining informed written consent, or publishing data retention policies  
18 – the biometrics of millions of unwitting individuals whose faces appear in video footage captured  
19 by Ring Cameras and stored by Ring,” in alleged violation of 740 ILCS 14/15(a) and 740 ILCS  
20 14/15(b). (*Id.* at ¶¶ 8–9.) Plaintiff concedes that Ring notified and obtained consent from Ring  
21 customers, but claims that she and other non-customers did not receive notice or provide consent.  
22 (*See id.* at ¶¶ 5, 21, 28–29.)

23 6. Plaintiff seeks to represent a putative class comprised of “[a]ll Illinois residents  
24 who had their biometric identifiers, including scans of their facial geometry, collected, captured,  
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1 received, or otherwise obtained by Ring from videos or other visual media captured by a Ring  
2 Camera.” (*Id.* at ¶ 32.) Plaintiff excludes from the proposed class “any Illinois resident who has  
3 purchased a Ring Camera.” (*Id.*)

4 7. On behalf of herself and the putative class, Plaintiff seeks: (1) injunctive relief in  
5 the form of an order “requiring Ring to comply with the BIPA’s requirements for the collection,  
6 storage, and use” of biometrics; (2) “statutory damages for each intentional and reckless violation  
7 of the BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages pursuant to 740  
8 ILCS 14/20(1) if the Court finds that Ring’s violations were negligent”; and (3) “reasonable  
9 attorneys’ fees, costs, and other litigation expenses pursuant to 740 ILCS 14/20(3).” (*Id.* at ¶ 45.)  
10

11 8. This putative class action is subject to this Court’s jurisdiction under the Class  
12 Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d)(2). Minimal diversity exists, and the amount  
13 in controversy exceeds \$5,000,000.

14 **I. Removal Is Proper Under The Class Action Fairness Act (“CAFA”).**

15 9. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §  
16 1332(d). CAFA amended 28 U.S.C. § 1332 to grant U.S. district courts original jurisdiction over  
17 “any civil action” in which: (a) the aggregate number of members in the proposed class is 100 or  
18 more; (b) the “matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest  
19 and costs”; and (c) “any member of a class of plaintiffs is a citizen of a State different from any  
20 defendant.” 28 U.S.C. § 1332(d)(2), (d)(5)(B).  
21

22 **A. This Matter is a “Class Action” Under CAFA.**

23 10. Plaintiff purports to represent a “class” of individuals pursuant to CR 23. (Compl.  
24 ¶¶ 32–36.) Therefore, this action is properly considered a “class action” under CAFA. *See* 28  
25 U.S.C. § 1332(d)(1)(B).  
26

27 11. The putative class action described in the Complaint satisfies the requirements of

1 CAFA. While the precise number of individuals in the class cannot be determined until discovery,  
2 Plaintiff alleges that “the number of persons within the Class includes essentially all individuals  
3 who have passed by any home with a Ring Camera,” and that Ring collects “the biometrics of  
4 millions of . . . individuals whose faces appear in video footage captured by Ring Cameras and  
5 stored by Ring.” (Compl. ¶¶ 8, 33).

6 **B. Minimal Diversity Exists.**

7 12. Plaintiff is a “resident and citizen of Vernon Hills, Illinois.” (*Id.* at ¶ 13.)

8  
9 13. Ring is a Delaware limited liability corporation. A limited liability company is a  
10 citizen of every state in which a member resides. *See Johnson v. Columbia Properties Anchorage,*  
11 *LP*, 437 F.3d 894, 899 (9th Cir. 2006). Ring’s members are Antonio Masone, a Washington citizen,  
12 Jamie Siminoff, a California citizen, and Michael Deal, a Washington citizen. Thus, Ring is a  
13 citizen of Washington and California for purposes of minimal diversity.

14 14. Therefore, minimal diversity exists under 28 U.S.C. § 1332(d)(2)(A). *See e.g.,*  
15 *Lewert v. P.F. Chang’s China Bistro, Inc.*, 819 F.3d 963, 965–66 (7th Cir. 2016) (minimal  
16 diversity existed under CAFA when the class representatives were citizens of Illinois and the  
17 defendant was a Delaware corporation with its principal place of business in Arizona).

18  
19 **C. The “Matter in Controversy” Aggregated Across All of the Class Members’**  
20 **Claims Meets the CAFA Threshold.**

21 15. The amount in controversy under CAFA is satisfied if “the matter in controversy  
22 exceeds the sum or value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(2).  
23 For purposes of determining the amount in controversy, CAFA expressly requires that “the claims  
24 of the individual class members shall be aggregated.” 28 U.S.C. § 1332(d)(6).

25 16. Ring’s burden to demonstrate the amount in controversy is low and “may rely on  
26 reasonable assumptions.” *Arias v. Residence Inn by Marriott*, 936 F.3d 920, 922 (9th Cir. 2019).  
27

1 17. Ring denies the validity and merit of Plaintiff’s claims, the legal theories upon  
2 which they are based, and that Plaintiff is entitled to any monetary and other relief. Solely for  
3 purposes of removal, however, and without conceding that Plaintiff or the putative class is entitled  
4 to damages, the aggregated claims of the putative class establish, by a preponderance of evidence,  
5 that the amount in controversy exceeds the jurisdictional minimum of \$5,000,000.

6 18. Plaintiff alleges “intentional and reckless” violations of BIPA, (Compl. ¶ 45),  
7 which carry statutory damages of \$5,000 “per violation.” 740 ILCS 14/20. Plaintiff also alleges  
8 two separate BIPA “violations” in Count I: violation of BIPA Sections 15(a) and (b). (Compl. ¶¶  
9 41–43.) Thus, based purely on the Complaint’s allegations (which Ring denies), and assuming an  
10 aggregate class size of only 1,000 (a fraction of the alleged “millions of . . . individuals whose  
11 faces appear in video footage captured by Ring Cameras,”) (Compl. ¶ 8), if each class member is  
12 entitled to recover for two “violations,” recovery of greater than the \$5,000,000 jurisdictional  
13 threshold is not “legally impossible” (i.e., 1,000 class members x \$5,000 statutory damages x 2  
14 violations = \$10,000,000).<sup>1</sup> See *Arias*, 936 F.3d at 925 (9th Cir. 2019) (“[I]n assessing the amount  
15 in controversy, a removing defendant is permitted to rely on ‘a chain of reasoning that includes  
16 assumptions’. . . . An assumption may be reasonable if it is founded on the allegations of the  
17 complaint.”)

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20 **II. Article III Standing Exists In This Court.**

21 19. Standing exists in this case under Article III of the U.S. Constitution. *First*, Plaintiff  
22 alleges that “Ring has created, collected, and stored millions of ‘face templates’” “without  
23 providing notice, obtaining informed written consent, or publishing data retention policies.”  
24 (Compl. ¶¶ 8–9.) The Ninth Circuit has held that the statutory provisions at issue in BIPA are  
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26  
27 <sup>1</sup> Ring includes this amount in controversy based solely on the Complaint’s allegations and does not concede Plaintiff’s allegations are correct.

1 established to protect an individual’s concrete interests in privacy and “that the development of a  
2 face template using facial-recognition technology without consent (as alleged here) invades an  
3 individual's private affairs and concrete interests.” *Patel v. Facebook, Inc.*, 932 F.3d 1264, 1273-  
4 74 (9th Cir. 2019), cert. denied, 140 S. Ct. 937, 205 L. Ed. 2d 524 (2020).

5 20. Second, in *Patel v. Facebook*, “Facebook's relevant conduct, according to the  
6 complaint, [was] the collection, use, and storage of biometric identifiers without a written release,  
7 in violation of section 15(b), and the failure to maintain a retention schedule or guidelines for  
8 destroying biometric identifiers, in violation of section 15(a).” *Id.* at 1274. The Ninth Circuit held  
9 plaintiffs had “alleged a concrete and particularized harm, sufficient to confer Article III standing.”  
10 *Id.* at 1275.

12 21. Likewise, Plaintiff alleges that in “direct violation of each of the foregoing  
13 provisions of § 15(a) and § 15(b) of the BIPA, Ring is actively collecting, storing, and using –  
14 without providing notice, obtaining informed written consent, or publishing data retention policies  
15 – the biometrics of millions of unwitting individuals whose faces appear in video footage captured  
16 by Ring Cameras and stored by Ring.” (Compl. ¶ 8.)

18 22. Pursuant to 28 U.S.C. § 1446(d), Ring promptly will provide written notice of  
19 removal of this action to Plaintiff and promptly will file a copy of this Notice of Removal with the  
20 Clerk of the Superior Court for the State of Washington in and for the County of King.

21 23. Ring submits this Notice of Removal without waiving any defenses to the claims  
22 asserted by Plaintiff and without conceding either the Complaint’s allegations or that Plaintiff  
23 pleads claims upon which relief can be granted.  
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DATED this 28th day of August, 2020.

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendant Ring LLC

By /s/ Jaime Drozd Allen  
Jaime Drozd Allen, WSBA # 35742

By /s/ David Maas  
David Maas, WSBA # 50694

920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610  
Telephone: (206) 757-8039  
Fax: (206) 757-7039  
E-mail: JaimeDrozdAllen@dwt.com  
DavidMaas@dwt.com

MORGAN LEWIS & BOCKIUS  
Attorneys for Defendant Ring LLC

By /s/ Elizabeth Herrington  
Elizabeth B. Herrington, ISBA #6244547  
(admission *pro hac vice* pending)  
77 West Wacker Drive, Suite 500  
Chicago, IL 60601-5094  
Telephone: (312) 324-1188  
E-mail: beth.herrington@morganlewis.com

**CERTIFICATE OF SERVICE**

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I hereby certify that on August 28, 2020, I caused a copy of the foregoing Notice of Removal to be filed through the Court’s CM/ECF System, and served the below Counsel of Record via electronic mail:

Beth E. Terrell  
Adrienne D. McEntee  
Benjamin M. Drachler  
TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Tel. 206.816.6603  
bterrell@terrellmarshall.com  
amcentee@terrellmarshall.com  
bdrachler@terrellmarshall.com

*Counsel for Plaintiff*

Natalie F. Finkelman  
Jayne A. Goldstein  
James C. Shah  
SHEPHERD, FINKELMAN, MILLER & SHAH  
LLP  
1845 Walnut Street, Suite 806  
Philadelphia, Pennsylvania 19103  
Tel. 877.891.9880  
nfinkelman@sfmslaw.com  
jgoldstein@sfmslaw.com  
jshah@sfmslaw.com

*Counsel for Plaintiff*

Katrina Carroll  
Kyle A. Shamberg  
CARLSON LYNCH, LLP  
111 W. Wacker Drive, Suite 1240  
Chicago, Illinois 60602  
Tel. 312.750.1265  
kcarroll@carlsonlynch.com  
kshamberg@carlsonlynch.com

*Counsel for Plaintiff*

/s/ Jaime Drozd Allen  
Jaime Drozd Allen



# **EXHIBIT A**

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MICHELLE WISE, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

RING LLC, a Delaware limited liability  
company,

Defendant.

NO.

**CLASS ACTION COMPLAINT**

Plaintiff, Michelle Wise (“Plaintiff”), individually and on behalf of all others similarly  
situated, brings this class action against Defendant Ring LLC (“Ring”), for violations of the  
Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”), and alleges as  
follows:

**NATURE OF ACTION**

1. Plaintiff brings this action for damages and other legal and equitable remedies  
resulting from the illegal actions of Ring in collecting, storing, and using Plaintiff’s and other  
similarly-situated individuals’ biometric identifiers<sup>1</sup> and biometric information<sup>2</sup> (collectively,  
“biometrics”), without informed written consent, in direct violation of the BIPA.

<sup>1</sup> A “biometric identifier” is any personal feature that is unique to an individual, including fingerprints, iris scans,  
DNA, and “face geometry,” among others.

<sup>2</sup> “Biometric information” is any information captured, converted, stored, or shared based on a person’s biometric  
identifier used to identify an individual.

1           2.           Ring, which was purchased by Amazon in early 2018 for more than \$1 billion,  
2 develops and sells Video Doorbells, which are “smart doorbells” that allow homeowners to  
3 remotely communicate with visitors standing near the doorbell. Homeowners can see, hear,  
4 and speak to visitors from the homeowners’ phone, tablet, and PC. In addition to other  
5 features, the Video Doorbell allows homeowners to automatically receive alerts and high  
6 definition, live-video footage of visitors at their home as soon as the Video Doorbell detects  
7 motion or when visitors press the Video Doorbell. Users also have the option to store and save  
8 video footage of their visitors taken by the Video Doorbell. In addition to Video Doorbells, Ring  
9 develops and sells Stick Up Cams (collectively with Video Doorbells, “Ring Cameras”), which can  
10 be placed inside or outside the home and which allow for real-time mobile notifications, live  
11 HD video, and two-way voice communication between the homeowners and visitors through  
12 the Stick Up Cams.

13           3.           In November of 2018, Ring filed patent application material that describes an  
14 advanced system of facial recognition that police and other law enforcement personnel can  
15 use to match the faces of people walking by Ring Cameras with a photo database of persons  
16 who are deemed “suspicious.”<sup>3</sup> Ring’s described facial recognition technology would also allow  
17 the program to scan anyone passing a home for photos of suspicious people uploaded by a  
18 homeowner and, upon a match, the person’s face could be automatically sent to law  
19 enforcement.<sup>4</sup> Likewise, homeowners can place photographs of other individuals on an  
20 authorized persons list.<sup>5</sup> Moreover, by compiling videos from separate Ring Cameras located  
21 at different angles as visitors walk past, Ring anticipates that its facial recognition software will  
22 even be able to identify faces that are partially obscured.<sup>6</sup> Jacob Snow, a technology and civil

23 \_\_\_\_\_  
24 <sup>3</sup> See *Amazon’s Disturbing Plan to Add Face Surveillance to Your Front Door*, American Civil Liberties Union (2018),  
25 available at <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-disturbing-plan-add-face-surveillance-yo-0> (last visited Mar. 20, 2020) (“ACLU Article”).

26 <sup>4</sup> See *id.*

<sup>5</sup> See *Amazon may want to identify burglars with facial recognition tech*, CNN (2018), available at  
<https://www.cnn.com/2018/11/30/tech/amazon-patent-doorbell-facial-recognition/index.html> (last visited Mar.  
20, 2020) (“CNN Article”).

<sup>6</sup> See ACLU Article.

1 liberties attorney with the American Civil Liberties Union, has referred to Ring's proposed  
2 surveillance system as "Amazon's Disturbing Plan to Add Face Surveillance to Your Front  
3 Door,"<sup>7</sup> and has stated that "[p]eople have the right to go about their daily lives without being  
4 watched and tracked."<sup>8</sup>

5 4. In the context of Ring's subpar security and privacy practices, it has come to  
6 light that Ring shares with its employees the video footage captured from all of its customers'  
7 Ring Cameras and uses that footage to bolster Ring's facial recognition technology. Sources  
8 familiar with Ring's practices have disclosed that Ring stores the video feeds from its  
9 customers' Ring Cameras in unencrypted format and allows staff around the world to have  
10 essentially unfettered access to these videos.<sup>9</sup> In particular, a Ukrainian research team charged  
11 with improving Ring's facial recognition tools as part of its push to turn Ring Cameras into a  
12 private surveillance grid (upon information and belief, the surveillance plan Ring proposed in  
13 its recent patent filing), has had "virtually unfettered" access to every Ring customer's camera  
14 videos.<sup>10</sup> Upon information and belief, Ring has been capturing and using the facial geography  
15 of individuals appearing in these videos for years.<sup>11</sup>

16 5. In response to these allegations, Ring conceded that it viewed and annotated<sup>12</sup>  
17 certain videos from users who have publicly shared the video on a related Ring application and  
18 who have consented to Ring's use of the videos.<sup>13</sup> Regardless of whether Ring received  
19 permission from its users to utilize their biometric information to develop its facial recognition  
20

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21 <sup>7</sup> See *id.*

22 <sup>8</sup> See CNN Article.

23 <sup>9</sup> *Whistleblower: Amazon Ring stores your doorbell and home video feeds unencrypted and grants broad*  
24 *"unfettered" access to them*, BoingBoing.net, available at <https://boingboing.net/2019/01/10/surveillance-a-go-go.html> (last visited April 15, 2019); *For Owners of Amazon's Ring Security Cameras, Strangers May Have Been Watching Too*, TheIntercept.com, available at <https://theintercept.com/2019/01/10/amazon-ring-security-camera/> (last visited March 20, 2020).

25 <sup>10</sup> *Id.*

26 <sup>11</sup> *For Owners of Amazon's Ring Security Cameras, Strangers May Have Been Watching Too*, TheIntercept.com, available at <https://theintercept.com/2019/01/10/amazon-ring-security-camera/> (last visited Mar. 20, 2020) ("TheIntercept Article").

<sup>12</sup> That is, that it drew boxes around or otherwise tagged visitors that appeared in video footage.

<sup>13</sup> See TheIntercept Article.

1 abilities, it never sought – or received – permission from visitors and other non-customer third-  
2 parties who appeared in the videos and whose biometric data was taken and used by Ring.

3 6. The Illinois Legislature has found that “[b]iometrics are unlike other unique  
4 identifiers that are used to access finances or other sensitive information.” 740 ILCS 14/5(c).  
5 “For example, social security numbers, when compromised, can be changed. Biometrics,  
6 however, are biologically unique to the individual; therefore, once compromised, the individual  
7 has no recourse, is at heightened risk for identity theft, and is likely to withdraw from  
8 biometric-facilitated transactions.” *Id.*

9 7. In recognition of these concerns over the security of individuals’ biometrics –  
10 particularly in the City of Chicago, which was recently selected by major national corporations  
11 as a “pilot testing site[] for new applications of biometric-facilitated financial transactions,  
12 including finger-scan technologies at grocery stores, gas stations, and school cafeterias” (740  
13 ILCS 14/5(b)) – the Illinois Legislature enacted the BIPA, which provides, *inter alia*, that a  
14 private entity like Ring may not obtain and/or possess an individual’s biometrics unless it: (1)  
15 informs that person in writing that biometric identifiers or information will be collected or  
16 stored; (2) informs that person in writing of the specific purpose and length of term for which  
17 such biometric identifiers or biometric information is being collected, stored and used; (3)  
18 receives a written release from the person for the collection of his or her biometric identifiers  
19 or information; and (4) publishes publicly-available written retention schedules and guidelines  
20 for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a)-  
21 (b).

22 8. In direct violation of each of the foregoing provisions of § 15(a) and § 15(b) of  
23 the BIPA, Ring is actively collecting, storing, and using – without providing notice, obtaining  
24 informed written consent, or publishing data retention policies – the biometrics of millions of  
25 unwitting individuals whose faces appear in video footage captured by Ring Cameras and  
26 stored by Ring.



**FACTUAL BACKGROUND**

**I. Biometric Technology Implicates Consumer Privacy Concerns**

15. “Biometrics” refers to unique physical characteristics used to identify an individual. One of the most prevalent uses of biometrics is in facial recognition technology, which works by scanning a human face or an image thereof, extracting facial feature data based on specific “biometric identifiers” (*i.e.*, details about the face’s geometry as determined by facial points and contours), and comparing the resulting “face template” (or “faceprint”) against the face templates stored in a “face template database.” If a database match is found, an individual may be identified.

16. The use of facial recognition technology in the commercial context presents numerous consumer privacy concerns. During a 2012 hearing before the United States Senate Subcommittee on Privacy, Technology, and the Law, U.S. Senator Al Franken stated that “there is nothing inherently right or wrong with [facial recognition technology, but] if we do not stop and carefully consider the way we use [it], it may also be abused in ways that could threaten basic aspects of our privacy and civil liberties.”<sup>14</sup> Senator Franken noted, for example, that facial recognition technology could be “abused to not only identify protesters at political events and rallies, but to target them for selective jailing and prosecution.”<sup>15</sup>

17. The Federal Trade Commission (“FTC”) has raised similar concerns, and recently released a “Best Practices” guide for companies using facial recognition technology.<sup>16</sup> In the guide, the FTC underscores the importance of companies’ obtaining affirmative consent

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<sup>14</sup> *What Facial Recognition Technology Means for Privacy and Civil Liberties: Hearing Before the Subcomm. on Privacy, Tech. & the Law of the S. Comm. on the Judiciary*, 112th Cong. 1 (2012), available at [https://www.eff.org/files/filenode/jenniferlynch\\_eff-senate-testimony-face\\_recognition.pdf](https://www.eff.org/files/filenode/jenniferlynch_eff-senate-testimony-face_recognition.pdf) (last visited Mar. 20, 2020).

<sup>15</sup> *Id.*

<sup>16</sup> *Facing Facts: Best Practices for Common Uses of Facial Recognition Technologies*, Federal Trade Commission (Oct. 2012), available at <http://www.ftc.gov/sites/default/files/documents/reports/facing-facts-best-practices-common-uses-facial-recognition-technologies/121022facialechprt.pdf> (last visited Mar. 1, 2016).

1 from consumers before extracting and collecting their biometric identifiers and biometric  
2 information from digital photographs.

3 **II. Illinois's Biometric Information Privacy Act**

4 18. In 2008, Illinois enacted the BIPA due to the "very serious need [for]  
5 protections for the citizens of Illinois when it [comes to their] biometric information." Illinois  
6 House Transcript, 2008 Reg. Sess. No. 276. The BIPA makes it unlawful for a company to, *inter*  
7 *alia*, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a  
8 customer's biometric identifiers<sup>17</sup> or biometric information, unless it first:

9 (1) informs the subject . . . in writing that a biometric identifier or  
10 biometric information is being collected or stored;

11 (2) informs the subject . . . in writing of the specific purpose and  
12 length of term for which a biometric identifier or biometric  
13 information is being collected, stored, and used; and

14 (3) receives a written release executed by the subject of the  
15 biometric identifier or biometric information or the subject's  
16 legally authorized representative.

16 740 ILCS 14/15 (b).

17 19. Section 15(a) of the BIPA also provides:

18 A private entity in possession of biometric identifiers or biometric  
19 information must develop a written policy, made available to the  
20 public, establishing a retention schedule and guidelines for  
21 permanently destroying biometric identifiers and biometric  
22 information when the initial purpose for collecting or obtaining  
23 such identifiers or information has been satisfied or within 3 years  
24 of the individual's last interaction with the private entity,  
25 whichever occurs first.

24 740 ILCS 14/15(a).

26 <sup>17</sup> BIPA's definition of "biometric identifier" expressly includes information collected about the  
geometry of the face (i.e., facial data obtained through facial recognition technology). See 740 ILCS  
14/10.



1           20.     As alleged below, Ring’s practices of collecting, storing, and using individuals’  
2 biometric identifiers and information -- derived from videos taken and uploaded in Illinois  
3 without informed written consent -- violate all three prongs of § 15(b) of the BIPA. Ring’s  
4 failure to provide a publicly-available written policy regarding its schedule and guidelines for  
5 the retention and permanent destruction of individuals’ biometric information also violates §  
6 15(a) of the BIPA.

7 **III.     Ring Violates Illinois’s Biometric Information Privacy Act**

8           21.     Upon information and belief, for years, Ring has been storing and using the video  
9 footage captured from its users’ Ring Cameras. Specifically, Ring has assigned teams to  
10 manually tag individuals appearing in this video footage so that its software can capture  
11 biometric data from the video, including the tagged individual’s facial geography, and use it to  
12 bolster its own facial recognition technology. Ring does so without seeking or receiving consent  
13 of every individual appearing in this video footage.

14           22.     Upon information and belief, unbeknownst to visitors they appear in Ring  
15 Cameras’ video footage, and, in direct violation of § 15(b)(1) of the BIPA, Ring’s facial  
16 recognition technology scans each and every face that has been tagged by its team members,  
17 extracts geometric data relating to the unique points and contours (*i.e.*, biometric identifiers)  
18 of each face, and then uses that data to improve Ring’s facial recognition technology – all  
19 without ever informing anyone of this practice.

20           23.     In direct violation of §§ 15(b)(2) and 15(b)(3) of the BIPA, Ring never informed  
21 Illinois residents who had their face templates collected of the specific purpose and length of  
22 time for which their biometric identifiers or information would be collected, stored, and used,  
23 nor did Ring obtain a written release from any of these individuals.

24           24.     In direct violation of § 15(a) of the BIPA, Ring does not have written, publicly-  
25 available policies identifying their retention schedules, or guidelines for permanently  
26 destroying any of these biometric identifiers or information.

1 **IV. Plaintiff's Experience**

2 25. Plaintiff does not have, and has never had, an account or other sort of  
3 contractual relationship with Ring, nor has Plaintiff ever owned or used a Ring Camera.

4 26. Between January 1, 2019 and March 18, 2020, Plaintiff visited several homes in  
5 Illinois at which a Ring Camera was installed and, on each occasion, has appeared in the video  
6 footage taken by the Ring Cameras. Upon information and belief, Ring has accessed and used  
7 this video footage by identifying Plaintiff as she appears in the videos and has captured her  
8 biometric data by allowing its facial recognition software to scan her facial features, including  
9 the contours of her face, and the distances between her eyes, nose, and ears.

10 27. The resulting biometric data Ring captured, and the process by which its facial  
11 recognition program captured the biometric data, was then used to improve the capabilities of  
12 its facial recognition software.

13 28. Plaintiff never consented, agreed, or gave permission – written or otherwise – to  
14 Ring for the collection or storage of her unique biometric identifiers or biometric information.

15 29. Further, Ring never provided Plaintiff with, nor did she ever sign a written  
16 release, allowing Ring to collect or store her unique biometric identifiers or biometric  
17 information.

18 30. Likewise, Ring never provided Plaintiff with an opportunity to prohibit or  
19 prevent the collection, storage, or use of her unique biometric identifiers or biometric  
20 information, nor does Ring have any guidelines in place for permanently destroying any of her  
21 biometric identifiers or information.

22 31. Nevertheless, when Plaintiff unknowingly appeared before the Ring Cameras,  
23 Ring took that video footage, captured her facial geography, and used it to improve its facial  
24 recognition technology, all in direct violation of the BIPA.

25  
26

**CLASS ALLEGATIONS**

32. **Class Definition:** Pursuant to CR 23, Plaintiff brings this case as a class action on behalf of the Class defined as follows:

All Illinois residents who had their biometric identifiers, including scans of their facial geometry, collected, captured, received, or otherwise obtained by Ring from videos or other visual media captured by a Ring Camera.

The following are excluded from the Class: (1) any Judge presiding over this action and members of his or her family; (2) Ring, its subsidiaries, parents, successors, predecessors, and any entity in which Ring or its parent has a controlling interest (as well as current or former employees, officers and directors); (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel and Ring's counsel; (6) the legal representatives, successors, and assigns of any such excluded persons; and (7) any Illinois resident who has purchased a Ring Camera.

33. **Numerosity:** Given that the number of persons within the Class includes essentially all individuals who have passed by any home with a Ring Camera, that number is undoubtedly substantial. It is, therefore, impractical to join each member of the Class as named plaintiffs. Further, the size and relatively modest value of the claims of the individual members of the Class renders joinder impractical. Accordingly, utilization of the class action mechanism is the most economically feasible means of determining and adjudicating the merits of this litigation.

34. **Commonality and Predominance:** There are well-defined common questions of fact and law that exist as to all members of the Class and that predominate over any questions affecting only individual members of the Class. These common legal and factual questions, which do not vary from Class member to Class member, and which may be

1 determined without reference to the individual circumstances of any Class member include,  
2 but are not limited to, the following:

- 3 (a) whether Ring collected or otherwise obtained Plaintiff's and the Class  
4 members' biometric identifiers or biometric information;
- 5 (b) whether Ring properly informed Plaintiff and the Class members that it  
6 collected, used, and stored their biometric identifiers or biometric  
7 information;
- 8 (c) whether Ring obtained a written release (as defined in 740 ILCS 1410) to  
9 collect, use, and store Plaintiff's and the Class members' biometric  
10 identifiers or biometric information;
- 11 (d) whether Ring developed a written policy, made available to the public,  
12 establishing a retention schedule and guidelines for permanently destroying  
13 biometric identifiers and biometric information when the initial purpose for  
14 collecting or obtaining such identifiers or information has been satisfied or  
15 within three years of their last interaction, whichever occurs first;
- 16 (e) whether Ring used Plaintiff's and the Class members' biometric identifiers  
17 or biometric information to identify them; and
- 18 (f) whether Ring's violations of the BIPA were committed intentionally,  
19 recklessly, or negligently.

20 35. **Adequate Representation:** Plaintiff has retained and is represented by qualified  
21 and competent counsel who are highly experienced in complex consumer class action  
22 litigation. Plaintiff and her counsel are committed to vigorously prosecuting this class action.  
23 Neither Plaintiff nor her counsel have any interest adverse to, or in conflict with, the interests  
24 of the absent members of the Class. Plaintiff is able to fairly and adequately represent and  
25 protect the interests of the Class. Plaintiff has raised viable statutory claims of the type  
26 reasonably expected to be raised by members of the Class and will vigorously pursue those



1 (3) receives a written release executed by the subject of the biometric identifier or biometric  
2 information. . . .” 740 ILCS 14/15(b).

3 39. Ring is a Delaware limited liability company and thus qualifies as a “private  
4 entity” under the BIPA. *See* 740 ILCS 14/10.

5 40. Plaintiff and Class members are individuals who had their “biometric identifiers”  
6 and “biometric information,” including scans of their facial geometry, collected, captured,  
7 received, or otherwise obtained by Ring from videos that were taken Ring Cameras from within  
8 the state of Illinois. *See* 740 ILCS 14/10.

9 41. Ring systematically and automatically collected, used, and stored Plaintiff’s and  
10 Class members’ biometric identifiers and/or biometric information without first obtaining the  
11 written release required by 740 ILCS 14/15(b)(3).

12 42. In fact, Ring failed to properly inform Plaintiff or the Class in writing that their  
13 biometric identifiers and/or biometric information was being “collected or stored” by Ring, nor  
14 did Ring inform Plaintiff or Class members in writing of the specific purpose and length of term  
15 for which their biometric identifiers and/or biometric information was being “collected, stored  
16 and used,” as required by 740 ILCS 14/15(b)(1)-(2).

17 43. In addition, Ring does not publicly provide a retention schedule or guidelines for  
18 permanently destroying the biometric identifiers and/or biometric information of Plaintiff or  
19 Class members, as required by the BIPA. *See* 740 ILCS 14/15(a).

20 44. By collecting, storing, and using Plaintiff’s and the Class members’ biometric  
21 identifiers and biometric information as described herein, Ring violated the rights of Plaintiff  
22 and each Class member to keep private these biometric identifiers and biometric information,  
23 as set forth in BIPA.

24 45. Individually and on behalf of the proposed Class, Plaintiff seeks: (1) injunctive  
25 and equitable relief as is necessary to protect the interests of Plaintiff and the Class by  
26 requiring Ring to comply with the BIPA’s requirements for the collection, storage, and use of

1 biometric identifiers and biometric information as described herein; (2) statutory damages for  
2 each intentional and reckless violation of the BIPA pursuant to 740 ILCS 14/20 (2), or  
3 alternatively, statutory damages pursuant to 740 ILCS 14/20(1) if the Court finds that Ring's  
4 violations were negligent; and (3) reasonable attorneys' fees, costs, and other litigation  
5 expenses pursuant to 740 ILCS 14/20(3).

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, respectfully  
8 requests that this Court enter an Order:

9 A. Certifying this case as a class action on behalf of the Class defined above,  
10 appointing Plaintiff as representative of the Class and appointing her counsel as Class Counsel;

11 B. Declaring that Ring's actions, as set out above, violate the BIPA, 740 ILCS 14/1, *et*  
12 *seq.*;

13 C. Awarding statutory damages for each and every intentional and reckless  
14 violation of the BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages  
15 pursuant to 740 ILCS 14/20(1) if the Court finds that Ring's violations were negligent;

16 D. Awarding injunctive and other equitable relief as is necessary to protect the  
17 interests of the Class, including, *inter alia*, an Order requiring Ring to collect, store, and use  
18 biometric identifiers or biometric information in compliance with the BIPA;

19 E. Awarding Plaintiff and the Class their reasonable litigation expenses and  
20 attorneys' fees;

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

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

24 //

25 //

26 //

1 RESPECTFULLY SUBMITTED AND DATED this 29th day of July, 2020.

2 TERRELL MARSHALL LAW GROUP PLLC

3  
4 By: /s/ Beth E. Terrell, WSBA #26759

5 Beth E. Terrell, WSBA #26759

6 Email: bterrell@terrellmarshall.com

7 Adrienne D. McEntee, WSBA #34061

8 Email: amcentee@terrellmarshall.com

9 Benjamin M. Drachler, WSBA #51021

10 Email: bdrachler@terrellmarshall.com

11 936 North 34th Street, Suite 300

12 Seattle, Washington 98103-8869

13 Telephone: (206) 816-6603

14 Facsimile: (206) 319-5450

15 Katrina Carroll, *pro hac vice forthcoming*

16 Email: kcarroll@carlsonlynch.com

17 Kyle A. Shamberg, *pro hac vice forthcoming*

18 Email: kshamberg@carlsonlynch.com

19 CARLSON LYNCH, LLP

20 111 W. Wacker Drive, Suite 1240

21 Chicago, Illinois 60602

22 Telephone: (312) 750-1265

23 Natalie F. Finkelman, *pro hac vice forthcoming*

24 Email: nfinkelman@sfmslaw.com

25 Jayne A. Goldstein, *pro hac vice forthcoming*

26 Email: jgoldstein@sfmslaw.com

James C. Shah, *pro hac vice forthcoming*

Email: jshah@sfmslaw.com

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

1845 Walnut Street, Suite 806

Philadelphia, Pennsylvania 19103

Telephone: (877) 891-9880

*Attorneys for Plaintiff and the Putative Class*



0300  
GEGEÁRMSÁGJÁFKÁÚT  
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ÔÈÛÒÂKÖÈËFÌÌËÀÛÖÈ

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

MICHELLE WISE, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

RING LLC, a Delaware limited liability  
company,

Defendant.

NO.

**SUMMONS (60 DAY)**

TO: RING LLC:

A lawsuit has been started against you in the above-entitled court by the Plaintiff. The Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 60 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what has been asked for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be

1 entered.

2 You may demand that Plaintiff files this lawsuit with the Court. If you do so, the demand  
3 must be in writing and must be served upon Plaintiff. Within fourteen (14) days after you serve  
4 the demand, Plaintiff must file this lawsuit with the Court, or the service on you of this  
5 Summons and Complaint will be void.

6 If you wish to seek the advice of an attorney in this matter, you should do so promptly  
7 so that your written response, if any, may be served on time.

8 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the  
9 State of Washington.

10 DATED this 29th day of July, 2020.

11 TERRELL MARSHALL LAW GROUP PLLC

12  
13 By: /s/ Beth E. Terrell, WSBA #26759

14 Beth E. Terrell, WSBA #26759  
15 Email: bterrell@terrellmarshall.com  
16 Adrienne D. McEntee, WSBA #34061  
17 Email: amcentee@terrellmarshall.com  
18 Benjamin M. Drachler, WSBA #51021  
19 Email: bdrachler@terrellmarshall.com  
20 936 North 34th Street, Suite 300  
21 Seattle, Washington 98103-8869  
22 Telephone: (206) 816-6603  
23 Facsimile: (206) 319-5450

24 Katrina Carroll, *pro hac vice forthcoming*  
25 Email: kcarroll@carlsonlynch.com  
26 Kyle A. Shamberg, *pro hac vice forthcoming*  
27 Email: kshamberg@carlsonlynch.com  
CARLSON LYNCH, LLP  
111 W. Wacker Drive, Suite 1240  
Chicago, Illinois 60602  
Telephone: (312) 750-1265

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Natalie F. Finkelman, *pro hac vice forthcoming*  
Email: nfinkelman@sfmslaw.com  
Jayne A. Goldstein, *pro hac vice forthcoming*  
Email: jgoldstein@sfmslaw.com  
James C. Shah, *pro hac vice forthcoming*  
Email: jshah@sfmslaw.com  
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP  
1845 Walnut Street, Suite 806  
Philadelphia, Pennsylvania 19103  
Telephone: (877) 891-9880

*Attorneys for Plaintiff and the Putative Class*



## Notice of Service of Process

CHS / ALL  
Transmittal Number: 21880416  
Date Processed: 08/12/2020

**Primary Contact:** Ms. Lynn Radliff  
Amazon.Com, Inc.  
440 Terry Ave N  
Seattle, WA 98109-5210

**Electronic copy provided to:** Rebecca Hartley  
Joell Parks  
Kimberly Thomas  
Stephen Swisher  
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Michelle King  
Theresa Nixon  
Sara Rawson  
Lizette Fernandez  
Marcela Viegas  
Stephanie Habben  
Karen Curtis  
Gianmarco Vairo  
Jesse Jensen  
Lynn Foley-Jefferson  
Vivian Ching  
Rochelle Lewis  
Eugide Matondo  
Maria Catana

---

**Entity:** Ring LLC  
Entity ID Number 3229847

**Entity Served:** Ring LLC

**Title of Action:** Michelle Wise vs. Ring LLC

**Matter Name/ID:** Michelle Wise vs. Ring LLC (10434564)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Class Action

**Court/Agency:** King County Superior Court, WA

**Case/Reference No:** 20-2-11887-7 SEA

**Jurisdiction Served:** Delaware

**Date Served on CSC:** 08/12/2020

**Answer or Appearance Due:** 60 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Beth E. Terrell  
206-816-6603

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
MICHELLE WISE

DEFENDANTS
RING LLC

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Beth E. Terrell, Adrienne D. McEntee and Benjamin M. Drachler
Terrell Marshall Law Group PLLC
936 N. 34th Street, Suite 300, Seattle, WA 98103-8869 (206) 816-6603

Attorneys (If Known)
Jaime Drozd Allen and David Maas
Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300, Seattle, WA 98104
(206) 622-3150

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§ 1332, 1441, 1446, and 1453
Brief description of cause:
Illinois Biometric Information Privacy Act, 740 ILCS 14/1, et seq.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 08/28/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Jaime Drozd Allen

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Ring Captures Facial Scans of Customers' Visitors Without Consent](#)

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