

EXHIBIT 1

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Electronically FILED by
Superior Court of California,
County of Los Angeles
1/03/2024 4:26 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

6 Nicholas A. Coulson, Esq.*
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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 JANE DOE, on behalf of
18 herself and all others similarly situated,

19 Plaintiff,

20 Vs.

21 PHE, INC. and GOOGLE LLC

22 Defendants.

CASE NO. **24STCV00181**

CLASS ACTION COMPLAINT FOR:

- 1. Violation California Invasion of Privacy Act,
Cal. Penal Code §§630-638.55

JURY TRIAL DEMANDED

23 **NOTICE TO DEFENDANTS OF DUTIES TO RETAIN EVIDENCE:**

24 TO ALL DEFENDANTS: Note and adhere to your duties to retain, and not delete or
25 destroy, all documents, emails, databases, electronic records, electronically stored information,
26 and all other evidence that may be pertinent to this lawsuit, and to cease any destruction or deletion
27 of such evidence that might otherwise take place in the ordinary course of your business or affairs.
28

1 Plaintiff Jane Doe, by and through her attorneys, for her Complaint against Defendants
2 PHE, INC. (“PHE”) and GOOGLE LLC (“**Defendants**”) states as follows:

3 **INTRODUCTION**

4 1. Plaintiff, on behalf of herself and all others similarly situated (“**Plaintiff**”), brings
5 this class action due to Defendants’ disclosure and communications regarding Plaintiff’s private
6 and protected sexual information along with her IP addresses without her consent including but
7 not limited to:

- 8 a. Sexual preferences;
- 9 b. Sexual orientation;
- 10 c. Sexual practices;
- 11 d. Sexual fetishes;
- 12 e. Sex toy preferences;
- 13 f. Lubricant preferences; and
- 14 g. Search terms.

15 (collectively, “**Private and Protected Sexual Information**”)

16 2. Specifically, Defendant PHE caused Google to learn the contents of Plaintiff’s
17 Private and Protected Sexual Information along with Plaintiff’s IP address between her and
18 Defendants without consent.

19 3. Plaintiff is a consumer of PHE’s website, www.adameve.com (the “**Website**”)
20 which sells adult products.

21 4. When Plaintiff used Defendant’s Website, information that revealed her Private and
22 Protected Sexual Information and IP address was provided to Google without notifying her and
23 without her consent.

24 5. Defendant PHE violated section 631(a) of the California Invasion of Privacy Act,
25 Cal. Penal Code §§ 630-638.55 (the “**CIPA**”) each time it disclosed Plaintiff’s Private and
26 Protected Sexual Information.

27 6. Defendant Google violated section 631(a) of CIPA each time it read, learned from,
28 and/or utilized Plaintiff’s Protected Sexual Information without Plaintiff’s consent.

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1 7. Both Defendants violated section 631(a) of CIPA by operating under an agreement
2 whereby PHE installed Google Analytics to disclose to Google Plaintiff’s Protected Sexual
3 Information without Plaintiff’s consent in exchange for payment or another form of consideration;

4 8. Pursuant to section 637.2(a)(1) of the CIPA, Defendants are liable to Plaintiff for
5 statutory damages in the amount of \$5,000 for each disclosure of Plaintiff’s Private and Protected
6 Sexual Information.

7 **PARTIES**

8 9. Plaintiff is an individual that is over 18 years old and resides in Los Angeles
9 County, California. Plaintiff is a consumer of Defendant’s Website.

10 10. Defendant PHE, Inc. is a North Carolina corporation with its principal place of
11 business at 302 Meadowlands Dr. Hillsborough, NC 27278. Defendant developed, owns, and/or
12 operates the Website.

13 11. Defendant Google, LLC is a Limited Liability Company organized under Delaware
14 law with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, CA
15 94043.

16 **JURISDICTION AND VENUE**

17 12. Plaintiff is a citizen and resident of California.

18 13. Defendant Google is a citizen of California because it maintains its principal place
19 of business in the State of California.

20 14. Defendant PHE is a North Carolina corporation that does substantial business in
21 California, including but not limited to the acts described herein.

22 15. This court has jurisdiction under California Code of Civil Procedure § 410.10.
23 Plaintiff’s damages exceed the jurisdictional minimum of this Court.

24 16. The Court has subject matter jurisdiction over the claims which all arise under
25 California law.

26 17. Venue is proper in this judicial district, pursuant to California Code of Civil
27 Procedure § 395(a) as the injury sustained by Plaintiff as a result of Defendants’ actions occurred
28 in Los Angeles County.

GENERAL ALLEGATIONS

18. Defendant PHE is the owner of Adam & Eve/the Website¹ which is the largest adult product marketer in the United States.

19. Thousands of California residents visit PHE’s Website each year.

20. Consumers use PHE’s Website to purchase adult products, including sex toys for men and women, bondage equipment, S&M products, lubricants, lingerie, and more.

21. PHE’s Website collects various information about its consumers including, but not limited to Private and Protected Sexual Information relating to the consumers’ sexual life and sexual orientation, along with their IP addresses to Google. An IP address is a number that identifies a specific device connected to the Internet and its geolocation.

Google and Google Analytics

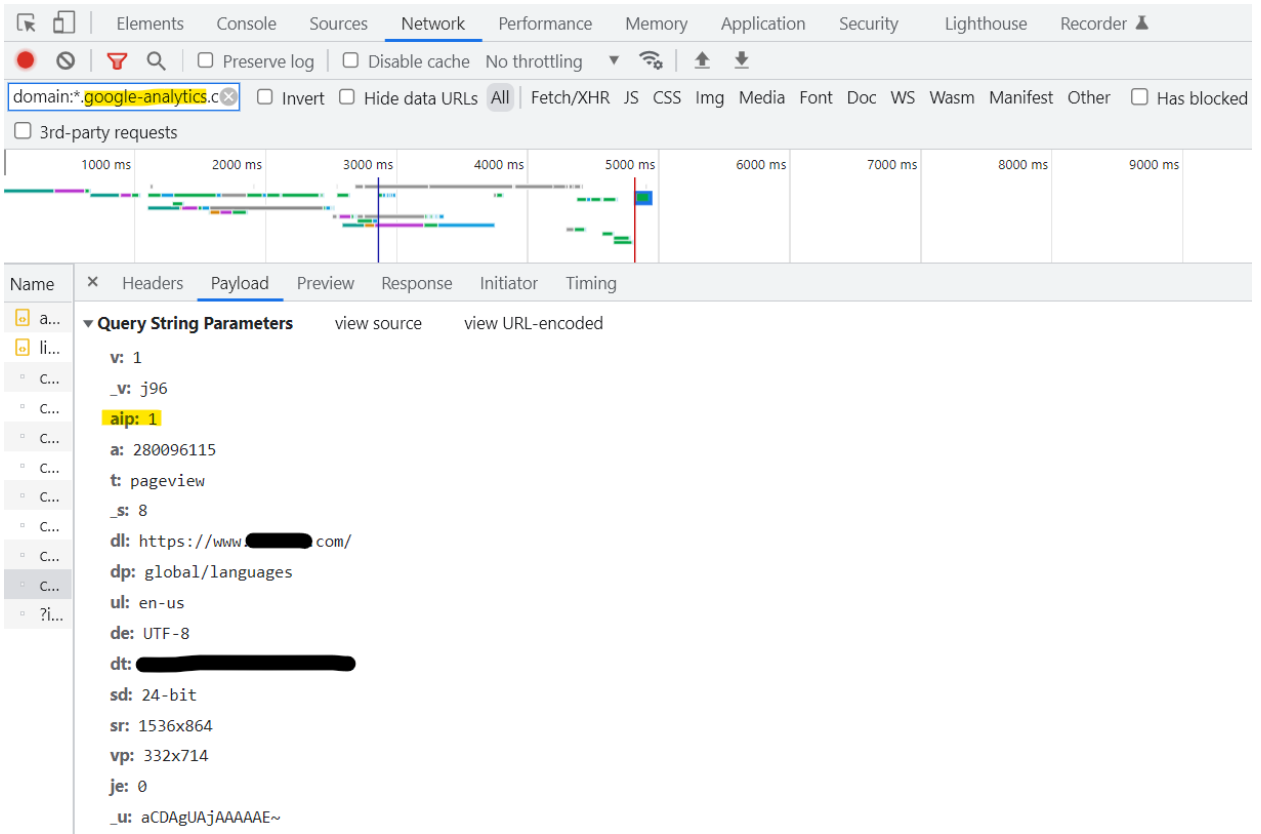
22. PHE’s Website sends Plaintiff’s Private and Protected Sexual Information to Google using “Google Analytics.”

23. Google Analytics is a web analytics service, which allows website owners to track visitor actions on their website in order to target them with personalized advertisements. Google Analytics collects IP addresses of individual internet consumers in order to facilitate and track internet communications. Simply put, Google can use the information that PHE is disclosing in order to identify a specific consumer’s actions on the Website.

24. Google Analytics offered PHE an opt-in IP anonymization feature for the Website. According to Google, this feature is designed to help site owners comply with their own privacy policies and the recommendations of data protection authorities.

25. PHE enabled the opt-in IP anonymization feature, which allowed an additional parameter to be added to the communications between Plaintiff, as the website visitor, and the Google Analytics server defined as aip=1 as shown below:

¹ <https://www.adameve.com/t-privacy.aspx> (accessed May 24, 2023).



26. Accordingly, when the “aip” parameter does not appear, the IP address is not anonymized, enabling Google to identify the consumer’s IP addresses and their online actions.

27. PHE does not enable the IP anonymization feature on its website. This is demonstrated by the absence of the “aip” parameter, as shown in the image below:

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▼ Query String Parameters view source view URL-encoded

v: 1
 _v: j98
 a: 1088890873
 t: event
 ni: 1
 _s: 1
 dl: https://www.adameve.com/shoppingcart.aspx
 ul: en-us
 de: UTF-8
 dt: Adam & Eve Sex Toy Store | #1 Source for Adult Toys Online
 sd: 24-bit
 sr: 2560x1440
 vp: 1362x1289
 je: 0
 ec: Ecommerce
 ea: Checkout Step
 _u: SCCAAAAAIAAAAAAM-
 jjid:
 gjid:
 cid: 1302355991.1671549814
 tid: UA-1283698-9
 _gid: 422031894.1671549814
 gtm: 2wgbu056RXBQ
 cos: 1
 pa: checkout
 pr1id: 319X
 pr1nm: Adam Eve Silicone G-Gasm Rabbit
 pr1pr: 69.95
 pr1br: Adam and Eve
 pr1ca: 1046
 pr1qt: 1
 pr1va: 6200
 pr1cd10: 60
 pr1cd11: In Stock
 pr1cd13: 3.60
 pr2id: 873X
 pr2nm: Vibrator Accessory Kit
 pr2pr: 14.95
 pr2ca: ADDON_KIT
 pr2qt: 1
 pr2va: 0000
 pr2cd10: 50
 pr2cd11: In Stock
 pr2cd13: 4.25
 il1nm: YMAN_CART
 il1piid: 128X
 il1pi1ps: 1
 il1pi1nm: Westinghouse AAA Batteries 4-Pack
 il1pi1pr: 5.95
 il1pi1br: Batteries and Things
 il1pi1ca: Sex Toys/Batteries and Accessories
 il1pi1cd1: 50
 il1pi1cd2: 01
 il1pi1cd5: 0
 il1pi1cd7: In Stock
 il1pi1cm2: 4.4
 il1pi1cd23: 5.95
 il1pi1cm4: 250
 il1pi1cm5: 5.95

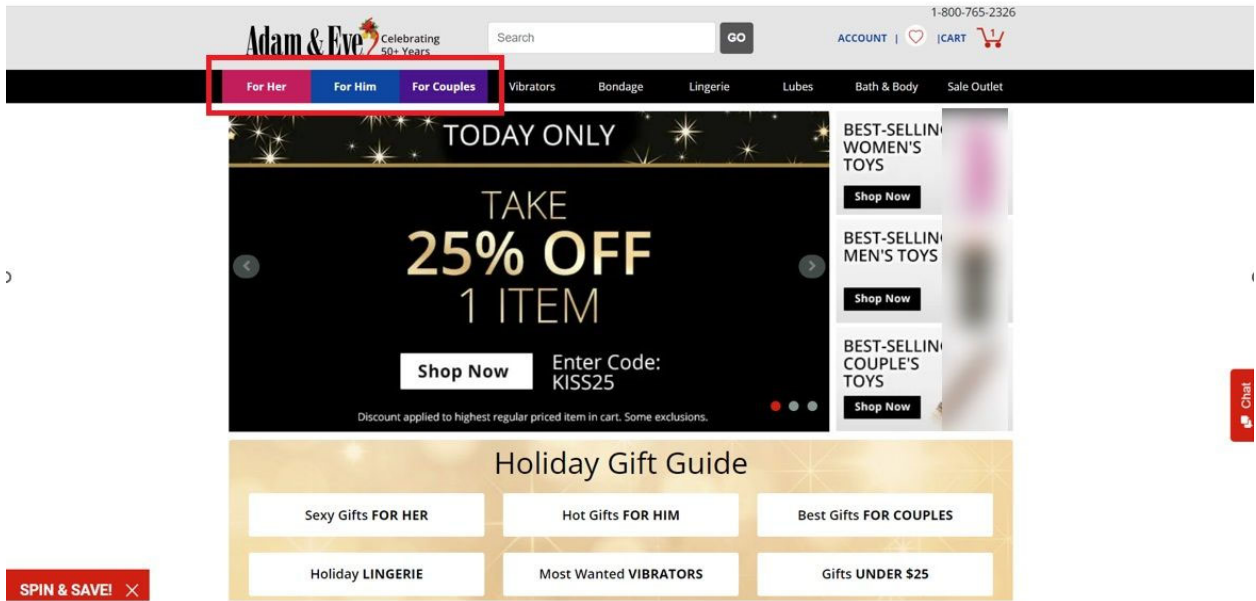
1 28. By using the Google Analytics tool without anonymized IP feature, PHE is sharing
2 with Google Plaintiff's online activity, along with her IP addresses, even when consumers have
3 not shared (nor have consented to share) such information.

4 29. The moment Plaintiff entered PHE's Website, Plaintiff's interaction with the
5 Website is immediately and automatically sent directly to Google as depicted below:

The screenshot shows the Adam & Eve website interface. At the top, there is a navigation bar with categories like 'For Her', 'For Him', 'For Couples', 'Vibrators', 'Bondage', 'Lingerie', 'Lubes', 'Bath & Body', and 'Sale Outlet'. A large promotional banner in the center reads 'TODAY ONLY TAKE 25% OFF 1 ITEM' with a 'Shop Now' button and a code 'KISS25'. Below this is a 'Holiday Gift Guide' section with buttons for 'Sexy Gifts FOR HER', 'Hot Gifts FOR HIM', 'Best Gifts FOR COUPLES', 'Holiday LINGERIE', 'Most Wanted VIBRATORS', and 'Gifts UNDER \$25'. At the bottom of the screenshot, the browser's developer tools are open, showing the 'METHOD: POST' and 'URL' sections. The URL is a Google Analytics tracking link: `https://www.google-analytics.com/g/collect?v=2&tid=G-9EEV2EFZ4>m=2oebu0&p=583548772&cid=725432500.1671554204&ul=en-us&sr=1536x864&uua=x86&uab=64&uafvl=Not%253FA_Brand%3B8.0.0.%7CChromi...m%3B108.0.5359.124%7CGoogle%2520Chrome%3B108.0.5359.124&uamb=0&uam=&uap=Windows&uapv=14.0.0&uaw=0&s=1&uid=2d3039f7-fef4-4bf0-be1a-00d653ad68be&sid=1671554200&sc=1&seg=0&dl=https%3A%2F%2Fwww.adameve.com%2F&dt=Adam%20%26%20Eve%20Adult%20Toy%20Store%20%7C%20Best%20Sex%20Toys%20for%20Men%20%26%20Women&en=page_view&fv=1&_ss=1&up.userID=2d3039f7-fef4-4bf0-be1a-00d653ad68be`. The domain `adameve.com` and the product category `Adam%20%26%20Eve%20Adult%20Toy%20Store` are highlighted with a red box.

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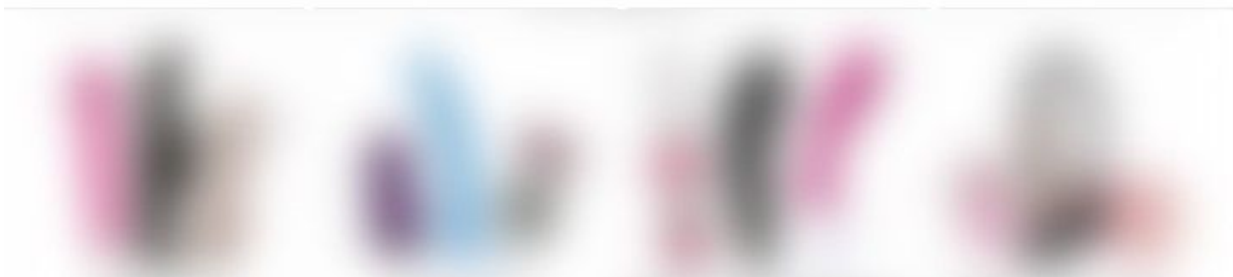
1 30. Consumers are able to choose between different categories and different adult
2 products.



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Top Categories



Vibrators

Clit Vibes, Rabbit Vibes
G-Spot Vibes, Thrusting Vibes
Wand Massagers

Sex Toys

Dildos, Anal Sex Toys,
Bondage, Toy Kits,
Toys For Couples

Women's Sex Toys

Ben Wa Balls, Sex Machines
Nipple Toys, Vibrating Panties
Best Toys For Women

Men's Sex Toys

Masturbators, Penis Rings,
Prostate Toys, Penis Pumps,
Best Toys For Men



Lingerie

Plus Size, Lingerie Sets
Babydolls, Teddies,
Crotchless & Open Cup



Bath & Body

Bath & Shower,
Beauty, Sensual Massage,
Organic, Romance Kits



**Lubes & Sexual
Wellness**

Customer Favorite Lubes,
Water Based, Anal Lube,
Female Enhancers,
Male Enhancers



Bondage

Restraints, Bondage Kits,
Blindfolds, Fetish Wear,
Paddles & Whips

Best Sellers

New Arrivals

Find a Store

Own a Store

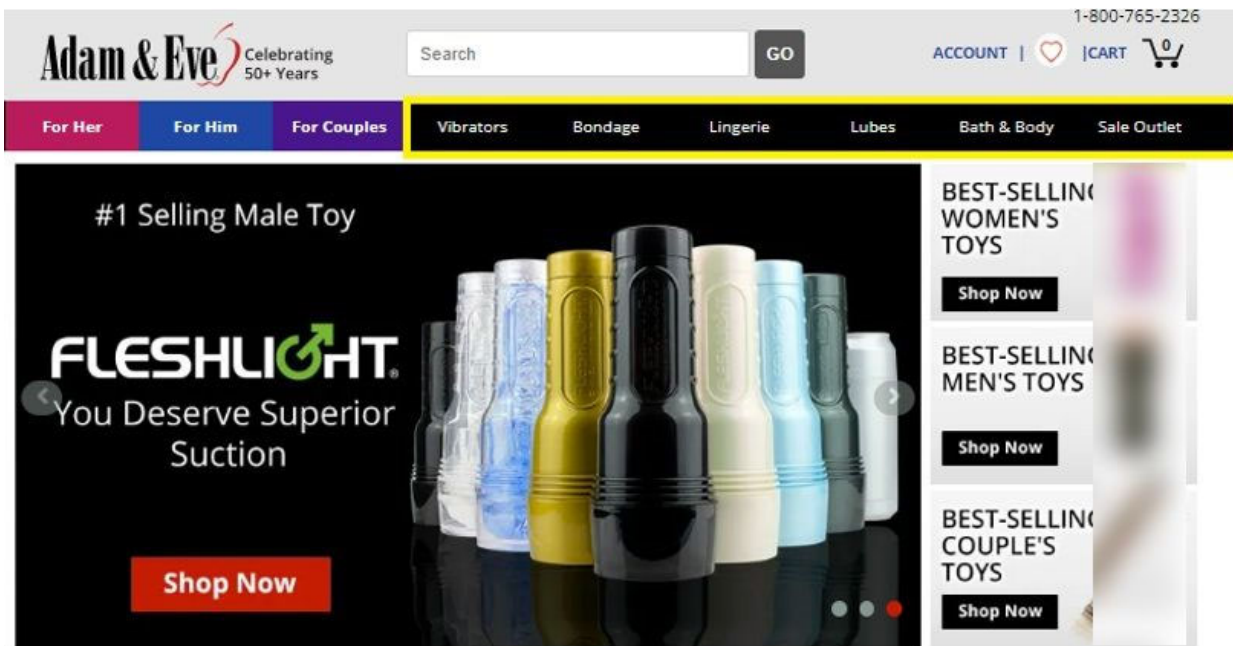
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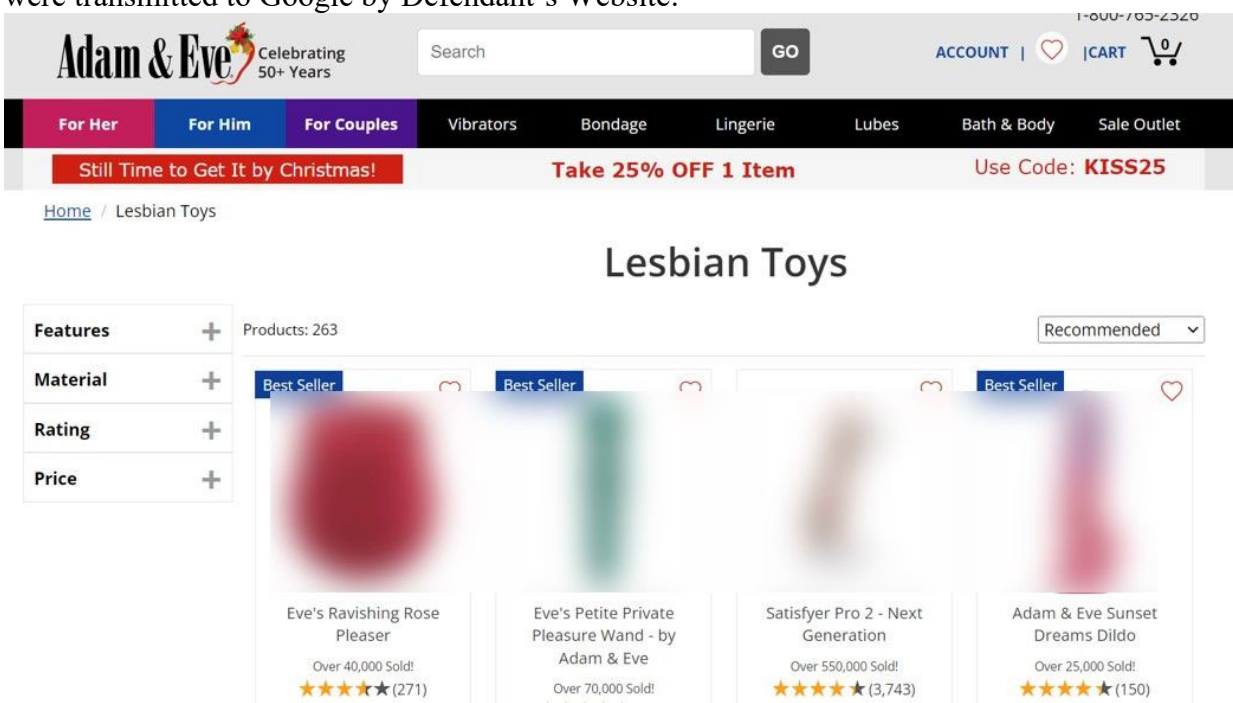
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Adam & Eve empowers people to explore sex and their sexuality in a safe, inclusive, and welcoming environment. We believe sexual pleasure is a healthy and important part of life that should be understood and celebrated. More than a sex toy company, we're your trusted partner in helping you become your sexiest self.

31. As illustrated in the images below, the specific categories the consumer viewed were transmitted to Google by Defendant's Website:



General

Request URL: https://www.google-analytics.com/collect?v=1&v=j98&a=1921779299&t=pageview&s=1&d1=https%3A%2F%2Fwww.adameve.com%2Flanding%2Fpromo%2Flesbian-toys%3Fst%3Dlesbian&ul=en-us&de=UTF-8&dt=Lesbian%20Toys&sd=24-bit&sr=1536x864&vp=536x571&je=0&_u=SCCAAEALAAAAAGgOI~&jid=1630498034&gjid=1331750785&cid=1302355991.1671549814&tid=UA-1283698-1&_gid=422031894.1671549814&r=1&_s1c=1&z=511524782

Request Method: POST

Status Code: ● 200

Adam & Eve Celebrating 50+ Years

Search GO

ACCOUNT |

For Her For Him For Couples Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! Take 25% OFF 1 Item Use Code: **KISS25**

Home / Sex Toys / Women's Sex Toys

Women's Sex Toys

Categories

- Sex Toys (1,010)
- Women's Sex Toys (455)**
- Vibrators (381)
- Men's Sex Toys (273)
- Lesbian Toys (260)
- Sex Toys for Couples (207)
- Dildos (180)
- Anal Toys (142)
- Bondage (115)
- Male Masturbators (103)
- Penis Rings (81)
- Sex Toy Kits (74)
- Strap-Ons (47)
- Gay Sex Toys (41)
- Penis Sleeves and Extensions (31)
- Nipple Toys (29)
- Penis Pumps (23)
- Sex Games and Books (23)
- Fifty Shades of Grey (22)
- Ben Wa Balls (18)
- Oral Sex Toys (14)

THRUSTING VIBRATORS for the Deep

Shop Now

Treat yourself to the perfect sex toy. Adam & Eve carries adult toys for women with a variety of features that are guaranteed to hit all the right spots. Order confidently with fast and discreet shipping, a money back guarantee and free gifts!

Best Toys for Women **Clitoral Vibes (72)** **Vibrators** **Rabbit Vibes (60)**

Dildos (180) **G-Spot Vibes (56)** **Anal Toys (142)**

Try Our Vibrator Wizard
Answer a few questions & find the best vibes for your pleasure.
Get Started

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1 METHOD: POST +

2 URL

3 + https://www.google-analytics.com/j/collect?v=1&v=j98&a=136844
3182&t=pageview&_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fadult-se
4 x-toys%2Fwomens-sex-toys-ch-955.aspx&ul=en-us&de=UTF-8&dt=Sex%20
5 Toys%20For%20women%3A%20vibrators%2C%20Dildos%20%26%20More%20%7
6 C%20Adam%20%26%20Eve&sd=24-bit&sr=1536x864&vp=1519x746&je=0&_u=Q
7 CCAAEABAAAAACgCI~&jid=&gid=&cid=725432500.1671554204&tid=UA-128
8 3698-1&_gid=1002262072.1671554204&_slc=1&z=28688700

7 HEADERS

8 + accept: */*
9 + accept-encoding: gzip, deflate, br
10 + accept-language: en-US,en;q=0.9
11 + connection: keep-alive
12 + content-length: 0
13 + content-type: text/plain
14 + host: www.google-analytics.com
15 + origin: https://www.adameve.com/
16 sec-ch-ua: "Not?A_Brand";v="8", "Chromium";v="108",
17 "Google Chrome";v="108"

18 32. Thereafter, PHE's Website shared with Google the specific sex toys selected by
19 the consumer.

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Categories

- Sex Toys (1,010)
- Dildos (180)**
- Realistic Dildos (92)
- Vibrating Dildos (39)
- G-Spot Dildos (33)
- Glass Dildos (27)
- Anal Dildos (25)
- Huge Dildos (24)
- Double Dildos (14)
- Clone-A-Willy Kits (6)

Popular Searches

- Best Sellers (25)
- New Products (9)
- On Sale (1)
- Clearance (1)

Price +

Features +

Brand +

Rating +

Material +

Length +

VIBRATING DILDOS

The look & feel you crave with buzzing thrills!

Shop Now

The dildo of your dreams is just a click away. Whether you're looking for a huge dildo, realistic rod, glass sex toy, or double dong, Adam & Eve's unmatched selection is sure to satisfy. Shop dildos from top brands like Doc Johnson, Cal Exotics, and Pipedream. 100% discreet shipping.

Realistic Dildos (92) | Vibrating Dildos (39) | Huge Dildos (24) | Glass Dildos (27)

Anal Dildos (25) | G-Spot Dildos (33) | Double Dildos (14)

Try Our
Vibrator Wizard

Answer a few questions & find the best vibes for your pleasure.

Get Started

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1 METHOD: POST +

2 URL

3 + https://www.google-analytics.com/j/collect?v=1&v=j98&a=175759
6143&t=pageview&_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fadult-se
4 x-toys%2Fdildo-sex-toys-ch-1012.aspx&ul=en-us&de=UTF-8&dt=Dildo
s%20%7C%20Buy%20the%20Best%20Dildo%20%7C%20Adam%20%26%20Eve%20Se
5 x%20Toy%20Store&sd=24-bit&sr=1536x864&vp=1519x746&je=0&_u=SCCAE
6 ALAAAAACgOI~&jid=&gid=&cid=725432500.1671554204&tid=UA-1283698-
1&_gid=1002262072.1671554204&_slc=1&z=2081794116

7 HEADERS

8 + accept: */*
9 + accept-encoding: gzip, deflate, br
10 + accept-language: en-US,en;q=0.9
11 + connection: keep-alive
12 + content-length: 0
13 + content-type: text/plain
14 + host: www.google-analytics.com
15 + origin: https://www.adameve.com
16 + referer: https://www.adameve.com/
17 sec-ch-ua: "Not?A_Brand";v="8", "Chromium";v="108",
18 "Google Chrome";v="108"

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Adam & Eve Celebrating 50+ Years

ACCOUNT | CART

For Her For Him For Couples Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! Take 25% OFF 1 Item Use Code: KISS25

Home / Sex Toys / Dildos / Realistic Dildos

Realistic Dildos

Super Size It!
Our Longest & Thickest Realistic Dildos
[Shop Now](#)

Get Customer Favorites at a Great Value!

Categories

- Sex Toys (1,010)
- Dildos (180)
- Realistic Dildos (92)**
- Vibrating Dildos (39)
- G-Spot Dildos (33)
- Glass Dildos (27)
- Anal Dildos (25)
- Huge Dildos (24)
- Double Dildos (14)
- Clone-A-Willy Kits (6)

Popular Searches

- Best Sellers (8)
- New Products (3)

Price +

Features +

Brand +

Rating +

Material +

Length +

Width +

Color +

Products: 92

Adam & Eve Pink Jelly Slim Dildo ★★★★★ \$12.95	Lollicocks 6 Inch Slim Stick ★★★★★ \$17.95	X5 5 Inch Dildo with Suction Cup ★★★★★ \$18.95	Adam & Eve My First Willy ★★★★★ \$19.95
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Recommended

Adam & Eve Sunset Dreams Dildo Over 25,000 Sold!	Adam & Eve Cool Curve Jelly Dildo Over 70,000 Sold!	Adam's Silicone Dildo - by Adam & Eve Over 55,000 Sold!	Adam & Eve Chubby Fun Vibe Stuffer!
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METHOD: POST +

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+ https://www.google-analytics.com/j/collect?v=1&v=j98&a=100310129&t=pageview&s=1&dt=https%3A%2F%2Fwww.adameve.com%2Fadult-sex-toys%2Fdildo-sex-toys%2Frealistic-dildos%2Fsp-adam-eye-pink-jelly-slim-dildo-91011.aspx&ut=en-us&de=UIF-8&dt:Pink%20Jelly%20Slim%20Dildo%20-%20Dildos%20%7C%20Adam%20%26%20Eve&sd=24-bit&sr=1536x864&vp=2278x1118&je=0&_u=QCCAAEABAAAAACgCI~&jid=2138824189&gjid=516105928&cid=725432500.1671554204&tid=UA-1283698-1&_gid=1002262072.1671554204&r=1&_slc=1&z=877039351

HEADERS

+ accept: */*
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ content-length: 0
+ content-type: text/plain
+ host: www.google-analytics.com
+ origin: https://www.adameve.com
+ referer: https://www.adameve.com/
sec-ch-ua: "Not?A_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

33. Additionally, PHE's website shared with Google that the consumer added the sex toy to the cart and checked out.

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Adam & Eve Celebrating 50+ Years

Search **GO** ACCOUNT | |

For Her **For Him** **For Couples** Vibrators Bondage Lingerie Lubes Bath & Body Sale Outlet

Still Time to Get It by Christmas! **Take 25% OFF 1 Item** Use Code: **KISS25**

[Home](#) / [Sex Toys](#) / [Dildos](#) / [Realistic Dildos](#)

Adam & Eve Pink Jelly Slim Dildo

Item #136M

In Stock Over 100,000 Sold!

★★★★★ [821 Reviews](#)

\$12.95

SPECIAL OFFER

Pay only **\$9.71**

When you use code **KISS25** at checkout

[Details](#)

PayPal Pay in 4 interest-free payments on purchases of \$30-\$1,500. [Learn more](#)

Add to Cart

[Add to Wish List](#) [Email This Item](#)

Get a Free Mystery Gift at \$17+
Select in Cart

Adam & Eve 100% Guarantee

[Description](#) [Details](#) [Reviews](#)

Product Description

The Perfect Goes Anywhere, Does Anything Dildo!

Slender, flexible and seductive! It's 6" long and 1" wide for easy vaginal play and anal exploration. Dip it into your favorite love zone! Wide base makes it easier to hold onto. Veined details pop out and stimulate! Molded from super flexible TPR material. Realistic looking! Perfect for anal beginners, be sure to use with water-based lube.

- Adam & Eve Pink Jelly Slim Dildo
- Insertable to 5.5", 1" wide
- Hot phallus shape

Guarantee
Buy with Confidence!

100%
100% Satisfaction

Always Discreet

Customer Service

Learn More

You May Also Like

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22 ///
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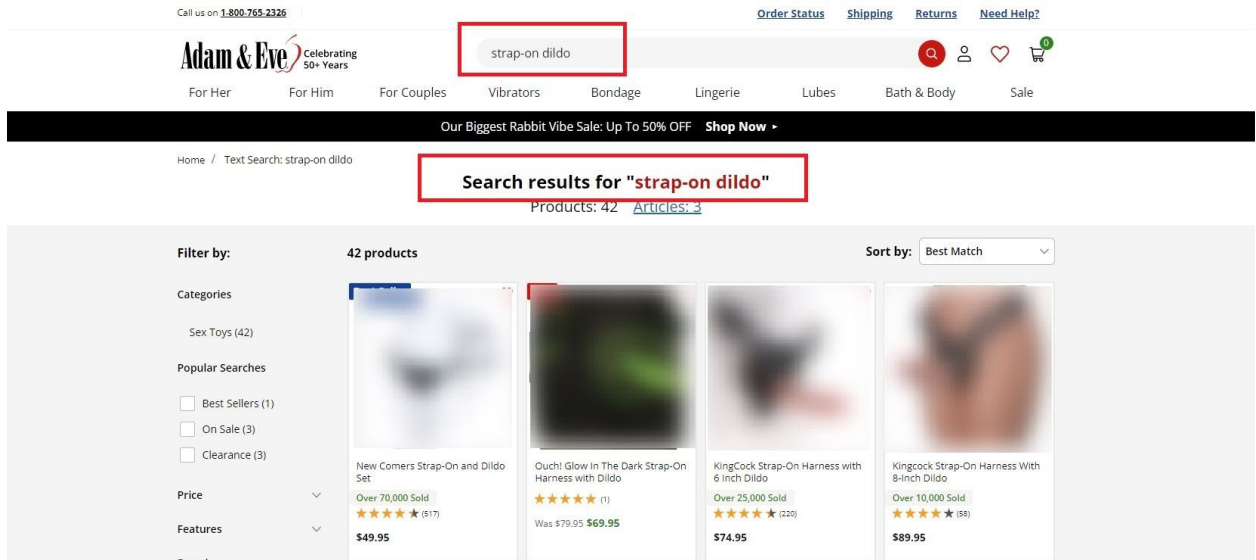
URL

+ https://www.google-analytics.com/g/collect?v=2&tid=G-9EEV2EFZ4>m=2oebuo&_p=1407130527&cid=725432500.1671554204&ul=en-us&sr=1536x864&uaa=x86&uab=64&uafvl=Not%253FA_Brand%3B8.0.0.0%7CChromium%3B108.0.5359.124%7CGoogle%2520Chrome%3B108.0.5359.124&uamb=0&uam=&uap=Windows&uapv=14.0.0&uaw=0&_s=1&uid=2d3039f7-fef4-4bf0-be1a-00d653ad68be&sid=1671554209&sct=1&seg=1&dl=https%3A%2F%2Fwww.adameve.com%2Fsignin.aspx%3Fcheckout%3Dtrue&dr=https%3A%2F%2Fwww.adameve.com%2Fshoppingcart.aspx&dt=Adam%20%26%20Eve%20Sex%20Toy%20Store%20%7C%20%231%20Source%20for%20Adult%20Toys%20Online&n=page_view&up.userID=2d3039f7-fef4-4bf0-be1a-00d653ad68be

HEADERS

+ accept: */*
+ accept-encoding: gzip, deflate, br
+ accept-language: en-US,en;q=0.9
+ connection: keep-alive
+ content-length: 0
+ host: www.google-analytics.com
+ origin: https://www.adameve.com
+ referer: https://www.adameve.com/
sec-ch-ua: "Not?A_Brand";v="8", "Chromium";v="108", "Google Chrome";v="108"

34. Also notable, any information submitted by consumers through the search bar on the site's homepage is shared with Google, as demonstrated in the images below:



Request URL: https://www.google-analytics.com/j/collect?v=1&_v=j99&a=746418084&t=page view&_s=1&dl=https%3A%2F%2Fwww.adameve.com%2Fsearch.aspx%3Fst%3Dstrap-on%2520dildo&ul=he-il&de=UTF-8&dt=Sex%20Toys%20by%20adameve.com%20-%20Adult%20Sex%20Toys%20E2%80%93%20Sex%20Toys%20for%20Couples%20-%20strap-on%20dildo&sr=1536x864&vp=712x697&je=0&_u=SCCAAEALAAAAACgOI~&jid=&gjid=&cid=1132847793.1678209859&tid=UA-1283698-1&_gid=106492676.1680425479&_slc=1&z=567301132





Request Method: POST

Status Code: 200

Remote Address: 142.250.190.142:443

Referrer Policy: strict-origin-when-cross-origin

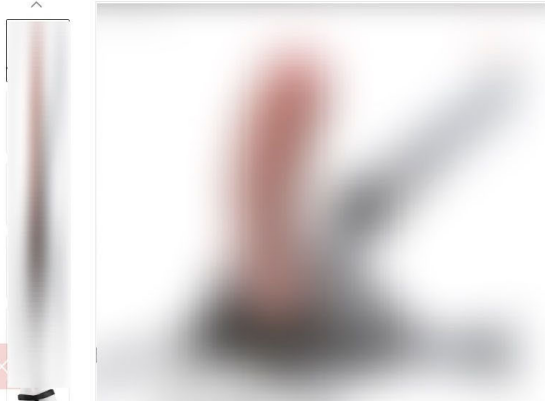
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Request Method: GET

Status Code: 200

Remote Address: 142.250.190.142:443

Referrer Policy: strict-origin-when-cross-origin

1 of any communications set by wire in California without the consent of all
2 parties to the message, report or communication.

3 41. Internet communications pass over a wire, line, and/or cable.

4 42. Using a website and entering information on a website are messages, reports, and/or
5 communications between the website user and website developer, owner, and/or operator.

6 43. Such messages, reports, and/or communications are transmitted or passed over a
7 wire, line, or cable.

8 44. Where a website user or a website developer, owner, or operator is based in
9 California, the message, report, or communication is sent from and/or received in California.

10 45. When someone uses a website and enters information on that website, the sole
11 parties to that message, report, or communication are the website user and the website developer,
12 owner, or operator.

13 46. It is a violation of section 631 of the CIPA to allow someone other than the website
14 user or website developer, owner, or operator to read or learn the contents of messages, reports, or
15 communications between those parties without the consent of all parties.

16 47. It is a violation of section 631 of the CIPA to read or learn the contents of messages,
17 reports, or communications between website users and developers, owners or operators without
18 the consent of all parties.

19 48. It is a violation of section 631 of the CIPA to use information contained in
20 messages, reports, or communications between website users and developers, owners or operators
21 without the consent of all parties.

22 49. It is a violation of section 631 of the CIPA to aid, agree with, employ or conspire
23 with another to unlawfully read, learn or use information contained in messages, reports, or
24 communications between website users and developers, owners or operators without the consent
25 of all parties.

26 50. When someone violates section 631 of the CIPA, the aggrieved party may bring a
27 civil action for \$5,000 per violation pursuant to section 637.2(a)(1) of the CIPA.
28

- 1 c. Questions of law and fact such as those enumerated below, which are all common
- 2 to the class, predominate over any questions of law or fact affecting only individual
- 3 members of the class;
- 4
- 5 d. A class action is superior to any other type of action for the fair and efficient
- 6 adjudication of the controversy;
- 7
- 8 e. The relief sought in this class action will effectively and efficiently provide relief
- 9 to all members of the class; and,
- 10
- 11 f. There are no unusual difficulties foreseen in the management of this class action;
- 12 and
- 13
- 14 g. Plaintiff, whose claim is typical of those of the Class, through her experienced
- 15 counsel, will zealously and adequately represent the Class.
- 16

17 **B. Numerosity**

18 3. There are thousands of individuals who have used the Website and have searched
19 for adult products in California. Accordingly, the Class Members are so numerous that joinder of
20 all parties is clearly impracticable.

21 4. The prosecution of separate lawsuits by Class Members would risk inconsistent or
22 varying adjudications. Class-wide adjudication of these claims is, therefore, appropriate.

23 **C. Commonality**

24 5. These numerous common questions of law and fact predominate over any
25 individual questions affecting Class Members, including, but not limited to the following:

- 26 a. Whether PHE collected information about Class Members who used the Website;
- 27
- 28

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- b. Whether that information constitutes messages, reports, or communications under CPA § 631;
- c. Whether PHE disclosed the messages, reports, or communications between PHE and the Class Members who accessed the Website;
- d. Whether PHE and Google had an agreement whereby PHE installed Google Analytics to disclose Class Members’ search history and other information in exchange for payment or another form of consideration;
- e. Whether Google read, learned, and/or utilized the information it obtained about Class Members’ use of PHE’s Website from PHE;
- f. How Class Members’ messages, reports, communications, and Private and Personal Sexual Information was disclosed and to whom; and
- g. Whether Defendant obtained consent or authorization before disclosing Class Members’ messages, reports, communications or Private and Personal Sexual Information.

D. Typicality

6. Plaintiff has the same interests in this matter as all the other members of the Class and her claims are typical of all members of the Class. If brought and prosecuted individually, the claims of each Class Member would require proof of many of the same material and substantive facts, utilize the same complex evidence including expert testimony, rely upon the same legal theories and seek the same type of relief.

7. The claims of Plaintiff and the other Class Members have a common cause and their damages are of the same type. The claims originate from the synonymous disclosure, reading, learning of, and utilizing messages, reports, or communications by Defendants without consent.

1 8. All Class Members have been aggrieved by Defendants’ disclosure, reading,
2 learning and utilizing the information contained within their messages, reports, or communications
3 without consent and are entitled to, *inter alia*, statutory damages.

4 **E. Adequacy of Representation**

5 9. Plaintiff’s claims are sufficiently aligned with the interests of the absent Class
6 Members to ensure that the Class’ claims will be prosecuted with diligence and care by Plaintiff
7 as representative of the Class. Plaintiff will fairly and adequately represent the interests of the
8 Class and does not have interests adverse to the Class.

9 10. Plaintiff has retained the services of counsel who are experienced in complex class
10 action litigation and in particular class actions stemming from data privacy claims. Plaintiff’s
11 counsel will vigorously prosecute this action and will otherwise protect and fairly and adequately
12 represent Plaintiff and all absent Class Members.

13 **F. Class Treatment Is the Superior Method of Adjudication**

14 11. A class action is superior to other methods for the fair and efficient adjudication of
15 the controversies raised in this Complaint because:

- 16 a. Individual claims by the Class Members would be impracticable as the costs of
17 pursuit would far exceed what any one Class Member has at stake;
- 18 b. Little or no individual litigation has been commenced over the controversies alleged
19 in this Complaint and individual Class Members are unlikely to have an interest in
20 separately prosecuting and controlling individual actions;
- 21 c. The concentration of litigation of these claims in one action will achieve efficiency
22 and promote judicial economy; and
- 23 d. The proposed class action is manageable.

24 12. The prosecution of separate actions by or against individual members of the Class
25 would create the risk of (i) inconsistent or varying adjudications with respect to individual
26
27
28

1 members of the Class, which could establish incompatible standards of conduct for the party
2 opposing the Class; and (ii) adjudications with respect to individual members of the Class
3 which would as a practical matter be dispositive of the interests of the other members not parties
4 to the adjudications or substantially impair or impede their ability to protect their interests.

5 13. Notice can be provided to members of the Class by U.S. Mail and/or publication.

6 14. Class treatment of Plaintiffs' claims is appropriate and necessary.

7
8 **I. CAUSES OF ACTION I**

9 **AGAINST DEFENDANT PHE, INC.**

10 **VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT**

11 1. Plaintiff restates all allegations of this Complaint as if fully restated herein.

12 2. The Plaintiff and/or Class are located in California.

13 3. Defendant PHE, through its Website, is engaged in the business of selling adult
14 products to the Plaintiff and Class.

15 4. The Plaintiff and Class used Defendant's Website to search for and/or purchase
16 adult products.

17 5. When Plaintiff and the Class used the Website, they were messaging, reporting,
18 and/or communicating with PHE.

19 6. Those messages, reports, and/or communications were transmitted or passed over
20 a wire, line, or cable, and were sent and/or received within California.

21 7. Defendant PHE willfully disclosed the messages, reports, and/or communications
22 with Google via Google Analytics.

23 8. By doing so, PHE willfully aided and permitted Google, a third-party, to read and
24 learn of the messages, reports, and/or communications between the Plaintiff/Class and PHE.

25 9. The Plaintiff and Class were not aware that PHE was disclosing their messages,
26 reports, and/or communications to Google.

27 10. The Plaintiff and Class did not consent to PHE sending or permitting Google to
28 read or learn about the messages, reports, or communications between them and PHE.

1 11. PHE is liable to the Plaintiff and Class for statutory damages of \$5,000 for each
2 time it disclosed a message, report, or communication to Google without consent.

3 **II. CAUSE OF ACTION II**

4 **AGAINST DEFENDANT GOOGLE LLC**

5 **VIOLATION OF THE CALIFORNIA INVASION OF PRIVACY ACT**

6 15. Plaintiff restates the allegations set forth in all previous paragraphs of this
7 Complaint as if fully rewritten herein.

8 16. The Plaintiff and/or Class are located in California.

9 17. Defendant Google is the owner/operator of Google Analytics, a platform that
10 collects data from websites and apps to create reports that provide insights into a website's
11 business.

12 18. The Plaintiff and Class used PHE's Website to search for and/or purchase adult
13 products.

14 19. PHE and Google had an agreement whereby Google Analytics was installed onto
15 PHE's Website in exchange for payment or some other consideration.

16 20. When Plaintiff and the Class used PHE's Website, they were communicating with
17 Defendant PHE, but were unaware and never consented to those communications being shared
18 with Defendant Google LLC.

19 21. Defendant Google willfully obtained the messages, reports, and/or communications
20 of Plaintiff's and the Class's via Google Analytics without their knowledge and consent.

21 22. Defendant Google read, learned from, and utilized the messages, reports, and/or
22 communications of Plaintiff's and the Class's to PHE via Google Analytics without their
23 knowledge and consent.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, prays for
26 judgment as follows:

- 27 A. Certification of the proposed Class pursuant to California Code of Civil Procedure
28 § 382 and California Rules of Court Rule 3.764;

ARIAS SANGUINETTI WANG & TEAM LLP

- B. Designation of Plaintiff as representative of the proposed Class and designation of her counsel as Class Counsel;
- C. Judgment in favor of Plaintiff and the Class Members and against Defendants;
- D. An award, to Plaintiff and each Class Member for statutory damages of \$5,000 for each time Defendant PHE, Inc. disclosed a message, report, or communication to a third party without consent, pursuant to the CIPA;
- E. An award, to Plaintiff and each Class Member for statutory damages of \$5,000 for each time Defendant Google LLC read, learned the contents of, and/or utilized information obtained from a message, report, or communication between PHE and the Class without consent, pursuant to the CIPA;
- F. An award of attorney fees and costs, including pre- and post-judgment interest;
- G. An Order holding that Defendant PHE’s disclosure of the Plaintiff’s and Class’s messages, reports, and/or communications was in violation of the CIPA;
- H. An Order holding that Defendant Google’s review of the Plaintiff’s and Class’s messages, reports, and/or communications was in violation of the CIPA; and
- I. Such further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury.

Dated: January 3, 2024

**ARIAS SANGUINETTI WANG
& TEAM LLP**

By:



MIKE ARIAS, ESQ.
ARNOLD C. WANG, ESQ.
M. ANTHONY JENKINS, ESQ

LIDDLE SHEETS COULSON P.C.

NICHOLAS A. COULSON, ESQ.*
JULIA G. HAGHIGHI, ESQ.*

** Pro Hac Vice applications to be submitted*

Attorneys for Plaintiffs and the Putative Class