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8	UNITED STATE	S DISTRICT COURT
9	CENTRAL DISTR	RICT OF CALIFORNIA
10		
11	JESSE CANTU, individually and on	Case No. 2:22-cv-07977
12	behalf of all others similarly situated,	
13	Plaintiff,	
14	V.	CLASS ACTION COMPLAINT
15	WW.COM, LLC, a Delaware limited liability company; WW	
16	liability company; WW INTERNATIONAL INC., a Virginia corporation; and DOES 1 through 25,	
17	inclusive,	
18	Defendants.	
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I. **INTRODUCTION**

Whenever someone watches a video on www.weightwatchers.com (the "Website"), Defendants WW.com, LLC and WW International Inc. ("Defendants") 3 secretly report all the details to Facebook: the visitor's identity, the titles watched, and 4 more. Why? So Facebook can bombard the person with more ads urging the person to buy products from Defendants. 6

As shown below, Defendants' actions violate the Video Privacy Protection Act 7 ("VPPA"). As such, Defendants are liable to each class member for \$2,500 and related 8 relief. 9

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II. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 11 U.S.C. § 1331 because it arises under the Video Privacy Protection Act ("VPPA"), a 12 federal law. 13

2. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of 14 the acts and events giving rise to the claims occurred in this District. 15

3. Defendants are subject to personal jurisdiction because they have sufficient 16 minimum contacts with California and do business with California residents. 17

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III. PARTIES

4. Plaintiff Jesse Cantu ("Plaintiff") is a resident and citizen of California.

Defendant WW.com, LLC is a Delaware entity and Defendant WW 5. International, Inc., is a Virginia entity that owns, operates, and/or controls the Website.

The above-named Defendants, along with their affiliates and agents, are 6. 22 collectively referred to as "Defendants." The true names and capacities of the Defendants 23 sued herein as DOE DEFENDANTS 1 through 25, inclusive, are currently unknown to 24 Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants 25 designated herein as a DOE is legally responsible for the unlawful acts alleged herein. 26 Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and 27 capacities of the DOE Defendants when such identities become known. 28

7. Plaintiff is informed and believes that at all relevant times, every Defendant
 was acting as an agent and/or employee of each of the other Defendants and was acting
 within the course and scope of said agency and/or employment with the full knowledge
 and consent of each of the other Defendants, and that each of the acts and/or omissions
 complained of herein was ratified by each of the other Defendants.

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IV. FACTUAL ALLEGATIONS

A. THE FACEBOOK TRACKING PIXEL

8 8. Facebook is a social networking company where users are required to
9 identify themselves by "the name they go by in everyday life."¹ To create a Facebook
10 account, a user must provide first name, last name, date of birth and gender.²

9. Facebook generates revenue by selling advertising space on its website
based upon its ability to identify user interests.³ Facebook can identify user interests by
monitoring "offsite" user activity, which allows Facebook to judge user interests beyond
what users freely disclose.⁴

10. Facebook enables advertisers to identify "people who have already shown
interest in [their] business", which Facebook calls "Custom Audiences."⁵ The Custom
Audiences tool requires advertisers to supply user data to Facebook, and most do so via
the Facebook Tracking Pixel.⁶

https://www.facebook.com/communitystandards/integrity_authenticity (last visited October 31, 2022).

FACEBOOK, SIGN UP, https://www.facebook.com/ (last visited October 31, 2022).
 FACEBOOK, WHY ADVERTISE ON FACEBOOK, https://www.facebook.com/business/help/20502906038706 (last visited October 31, 2022).

²³ ⁴ FACEBOOK, AD TARGETING: HELP YOUR ADS FIND THE PEOPLE WHO WILL LOVE

YOUR BUSINESS, https://www.facebook.com/business/ads/ad-targeting (last visited October 31, 2022).

²⁵ FACEBOOK, ABOUT EVENTS CUSTOM AUDIENCE, https://www.facebook.com/business/help/366151833804507?id=300360584271273 (last visited October 31, 2022).

 ⁶ FACEBOOK, CREATE A CUSTOMER LIST CUSTOM AUDIENCE, https://www.facebook.com/business/help/170456843145568?id=2469097533764 94
 (last visited October 31, 2022); FACEBOOK, CREATE A WEBSITE CUSTOM AUDIENCE, Continued on the next page

11. The Facebook Tracking Pixel is a device included programming code that 1 advertisers can integrate into their website. Once activated, the Facebook Tracking Pixel 2 "tracks the people and type of actions they take."⁷ When the Facebook Tracking Pixel 3 captures an action, it sends a record to Facebook, which Facebook then assimilates into 4 the Custom Audiences dataset. 5

12. Advertisers control what actions—or, as Facebook calls it, "events"— the 6 Facebook Tracking Pixel will collect, including the website's metadata, along with what 7 pages a visitor views.⁸ 8

Advertisers control how the Facebook Tracking Pixel identifies visitors. The 13. 9 Facebook Tracking Pixel is configured to automatically collect "HTTP Headers" and 10 "Pixel-specific Data." HTTP Headers collect "IP addresses, information about the web browser, page location, document, referrer and persons using the website."¹⁰ Pixel-12 specific Data includes "the Pixel ID and cookie."¹¹ 13

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B.

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WEIGHTWATCHERS.COM AND THE FACEBOOK PIXEL

14. Defendants' business plan involves persuading potential customers to try 15 their products via the use of persuasive "before and after" videos.¹² As such, Defendants 16 are "video tape service providers" under the VPPA because, as part of their business, 17 they deliver "prerecorded video" content or other "similar audio visual materials." 18

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15. Weightwatchers.com hosts and delivers content including videos.

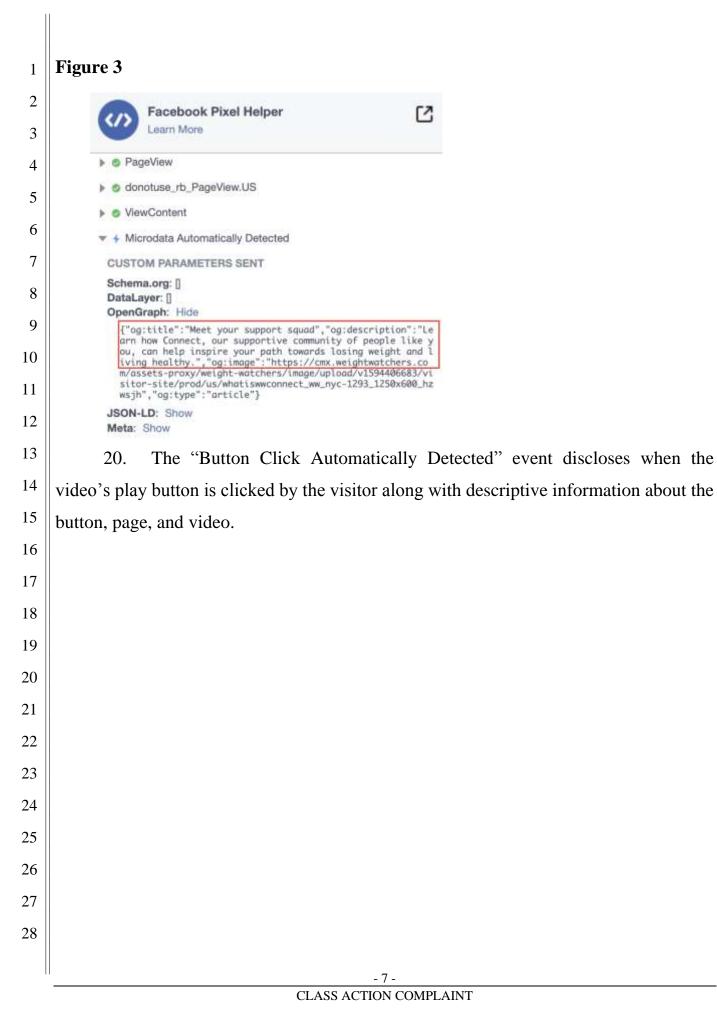
- 22 https://www.facebook.com/business/help/1474662202748341?id=2469097953376494 23
- (last visited October 31, 2022). ⁷ FACEBOOK, RETARGETING, https://www.facebook.com/business/oals/reta getting. ⁸ See FACEBOOK, FACEBOOK PIXEL, ACCURATE EVENT TRACKING, TRAČKING. 24 ADVANCED, https://developers.facebook.com/docs/facebook-pixel/advanced/; see also FOR FACEBOOK. BEST PRACTICES FACEBOOK PIXEL SETUP. 25 https://www.facebook.com/business/help/218844828315224?id=1205376682832142 (last visited October 31, 2022). 26
- FACEBOOK, FACEBOOK PIXEL, https://developers.facebook.com/docs/facebookpixel/ (last visited October 31, 2022). 27 Id.
- ¹¹ *Id*. 28
 - ¹² A google search for "Weightwatchers before and after videos" conducted November 1, 2022 returned over 180,000 results.

1 16. Weightwatchers.com hosts the Facebook tracking Pixel and transmits
 2 numerous distinct events to Facebook.¹³

]]]	Figure 1	
	Facebook Pixel Helper Learn More	Ľ
	2 pixels found on www.weightwatchers.com	
	 Facebook Pixel Pixel ID: 510658909750012 click to copy PageView 	Troubleshoot Pixel View Analytics
	 Facebook Pixel Pixel ID: 518819145173597 click to copy PageView 	Troubleshoot Pixel View Analytics
	ø donotuse_rb_PageView.US	
	ViewContent	
	 Microdata Automatically Detected Button Click Automatically Detected 	
	17. Defendants have config	gured the PageV
t	the category of content selected.	

¹³ This data is derived from a tool created and offered by Facebook. -5-

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¢/				l Helper)				
10	Page	View								
6				3597 click to	сору					
	Page	View								
	dono	tuse_rb	_PageView	.US						
- 0	View	Content								
DA	TA PR	OCES	SING PAR	AMETERS S	ENT					
dp	ost: 0									
						n conversions or				
	tent&c -works 900&v= 700368	fl=http: %2Fcon 2.9.89 it=166	s%3A%2F%2F nect&rl=&i &r=stable& 7150572458	www.weightw f=false&ts= ec=2&o=30&f &coo=false&	atchers 1667150 bp=fb.1 dpo=LDU	.com%2Fus%2Fhow 572610&sw=14408 .1666972102994. &dpoco=0&dpost=	-it sh= 704			
18.	In	the	above	figure,	for	example,	Defen	dants	disclose	a webpage
rsal R	Reso	urce	Locato	r ("URL	.").					
						eo's title ar	nd othe	r desc	riptors.	
	dp dp dp Sir cat EV Se UF (18.	Page Page Page Page Page Page Page o Page view DATA PF dpo: LDU dpost: 0 dpoc: 0 Since Da catalog fr EVENT II Setup M URL Call https: fent&d works 900&	Learn M Pageview Pageview Pixel ID: 518 Pixel I	Learn More PageView Facebook Pixel Pixel ID: 51881914517 PageView PageView PageView PageView Ontouse_rb_PageView Ontouse_rb	 Pageview Facebook Pixel Pixel ID: 518819145173597 dick to 4 PageView odonotuse_rb_PageView.US odonotuse_rb_PageView.US ViewContent DATA PROCESSING PARAMETERS S dpo: LDU dpost: 0 dpoco: 0 Since Data Processing Options are sent catalog feedback may not work. Learn EVENT INFO Setup Method: Manual URL Called: Hide https://www.forebook.com/tr/?id=S tent&d1=https%3A%2F%2Fwww.weightw -works%2Fconnect&r1=&if=false&ts= 90036⁢=1667156572458&coo=false& qm=GET&dt=?f8cy2a303gyc&vyn61xqy1 In the above figure, rsal Resource Locator ("URL 	 Pageview Pageview Facebook Pixel Pixel ID: 518819145173597 click to copy PageView Odonotuse_rb_PageView.US Odonotuse_rb_PageView.US ViewContent DATA PROCESSING PARAMETERS SENT dpo: LDU dpost: 0 dpoco: 0 Since Data Processing Options are sent, custor catalog feedback may not work. Learn more EVENT INFO Setup Method: Manual URL Called: Hide https://www.facebook.com/tr/?id-51881914 tent&d1=https%3A%2F%2Fwww.weightwatchers -works%2Fconnect&r1=&if=false&ts=1667150 90004x:2.9.89%-stable&cc=2&o=30&fbp=fb.1 70036&if=166715057245&&co=false&dpo=LDU qm=GET&dt=7f&cy2a303gyc&vyn61xqy1cqytx6x In the above figure, for In the above figure, for 	 Pageview Facebook Pixel Pixel ID: 518819145173597 click to copy PageView Onotuse_rb_PageView.US ViewContent DATA PROCESSING PARAMETERS SENT dpost: 0 dpost: 0 Since Data Processing Options are sent, custom conversions or catalog feedback may not work. Learn more EVENT INFO Setup Method: Manual URL Called: Hide https://www.facebook.com/tr/?id=518819145173597&eve/view works%2Fconnect&r1=&if=false&ts=1667150572610&sw=1440& 9008xv=2, 9.89&r=stable&ec=2&o=30&fbp=fb.1.166697210294, 70036⁢=16671505772458&coo=1018edpon=DU&dpoce=0&dpost= qm=GET&dt=7f&cy2a303gyc&vyn61xqy1cqytx6xdu In the above figure, for example, rsal Resource Locator ("URL"). 	 Learn More PageView Facebook Pixel Pixel ID: 518819145173597 dilek to copy PageView PageView donotuse_rb_PageView.US ViewContent DATA PROCESSING PARAMETERS SENT dpo: LDU dpost: 0 dpoc: 0 Since Data Processing Options are sent, custom conversions or catalog feedback may not work. Learn more EVENT INFO Setup Method: Manual URL Called: Hide https://www.facehook.com/tr/?id=5188191451735972eee_View2Fnor_ tent8d1=https:Si382FN2Fwww.weightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.veightwatchers.com/Stpiss2F04Fww.teightwatchers.com/Stpiss2F04Fwwt.teightwatchers.com/Stpiss2F04Fwwt.teightwatchers.com/Stpiss2	Learn More PageView PageView<	 Pageview Pageview Pageview Pageview Pageview Pageview Pageview Pageview Pageview In the above figure, for example, Defendants disclose resal Resource Locator ("URL").



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1	
2	Figure 4
3	Facebook Pixel Helper
4	Learn More
5	
_	CUSTOM PARAMETERS SENT
6	formFeatures: [] buttonText: Play Video
7	buttonFeatures: Show pageFeatures: Show
8	parameters: []
0	DATA PROCESSING PARAMETERS SENT
9	dpost: 0 dpoco: 0
10	Since Data Processing Options are sent, custom conversions or
11	catalog feedback may not work. Learn more EVENT INFO
12	URL Called: Hide
12	<pre>https://www.facebook.com/tr/?id=518819145173597&ev=Subscri edButtonClick&dl=https%34%2F%2Fwww.weightwatchers.com%2Fu</pre>
13	X2Fhow-it-works%ZFconnect&rl=&if=false&ts=1667153156678&c x58buttonFeaturesx50=x76x22classList%22%3A%22vjs-blg-play
14	-button%22%2C%22destingtion%22%3A%22%22%2C%22id%22%3A%22%2 2%2C%22imageUrl%22%3A%22%22%2C%22innerText%22%3A%22Play%20
14	VideoN22%2C%22numChildButtons%22%3A0%2C%22tagN22%3A%22butt on%22%2C%22type%22%3A%22button%22%2C%22name%22%3A%22%22%2
15	C%22value%22%3A%22%22%7D&cd%SBbuttonText%5D=Play%20Video&c d%S8formFeatures%5D-%58%5D&cd%S8pageFeatures%SD=%78%22titl
	e%22%3A%22Al1%20About%20WW%20(Weight%20Watchers)%20Connec t%20%26%26%20%70xps%20%7C%20WW%20USA%22%7D%cd%58pgrameters%5D
16	<pre>%58%50&sw=1440&sh=900&v=2.9.89&r=stable&c=12&o=30&fbp=f b.1.1667151206067.1863760072⁢=1667152701970&cco=folse&dp c.10864aact.08</pre>
17	o=LDU&dpoco=0&dpost=0&es=automatic&tm=3&rqm=GET&dt=82ehy7c v3m6vorzemnkmjwhcuj4jxg9w
18	
19	21. The aggregate pixel events (Page View, Microdata Automatically Detected,
	and Button Click Automatically Detected) permit an ordinary person to identify a video's
20	
21	content, title, and location.
<i>4</i> 1	22. When a visitor watches a video on Weightwatchers.com while logged into
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22. When a visitor watches a video on Weightwatchers.com while logged into Facebook, Defendants compel a visitor's browser to transmit the c user cookie to Facebook. The c user cookie contains that visitor's unencrypted Facebook ID. When accessing the above video, for example, Defendants compelled the browser to send ten cookies:

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Figure 5		
Name	Value	Domain
presence	C%7B%22t3%22%3A%5B%5D%2C%22utc3%22%3A1	.facebook.com
fr	0ALyYNpDKdejzTzxL.AWX3Kk183LF7dadGp0WEclFdrYs	.facebook.com
usida	eyJ2ZXIiOjEsImIkijoiQXJra3RoaDFvZXRsNWYiLCJ0aW1IIJ	.facebook.com
datr	XJTiYrKgWBI7LJvxjx0xldMt	.facebook.com
XS	3%3A4EH9S1ewrg_PBQ%3A2%3A1667150228%3A-1%	.facebook.com
wd	1440x721	.facebook.com
dpr	2	.facebook.com
sb	uu3jYpzue5zJSGhNf-gKsR3n	.facebook.com
c_user	100087271304389	.facebook.com
locale	en_US	.facebook.com
lame	Value	Domain
fr	0iLmxmGApZkrtQX6FBjXrVn.48.AAA.0.0.BjXrcr.AWU_dh	.facebook.com
datr	ErdeY8DwZw6OUY5T3qHVChfr	.facebook.com
		.facebook.com .facebook.com
datr	ErdeY8DwZw6OUY5T3qHVChfr	
datr sb	ErdeY8DwZw6OUY5T3qHVChfr Z7VeY5082dzpP0ecvF3j2thu	.facebook.com
datr sb dpr wd 24. The datr co	ErdeY8DwZw6OUY5T3qHVChfr Z7VeY5082dzpP0ecvF3j2thu 2	facebook.com facebook.com facebook.com
datr sb dpr wd 24. The datr co	ErdeY8DwZw6OUY5T3qHVChfr Z7VeY5082dzpP0ecvF3j2thu 2 1440x721 The fr cookie contains an encrypted Fac pokies also identifies a browser. ¹⁵ Facebool	facebook.com facebook.com facebook.com
datr sb dpr wd 24. The datr co o identify ⁴ DATA F DF RE-AU	ErdeY8DwZw6OUY5T3qHVChfr Z7VeY5082dzpP0ecvF3j2thu 2 1440x721 The fr cookie contains an encrypted Factorial bookies also identifies a browser. ¹⁵ Facebook particular users. ¹⁶ PROTECTION COMMISSIONER, FACE UDIT (Sept. 21, 2012), http://www.europe-	facebook.com facebook.com rebook ID and browser ident k, at a minimum, uses the fr
datr sb dpr wd 24. The datr co o identify ⁴ DATA F OF RE-AU last visited ⁵ FACE	ErdeY8DwZw6OUY5T3qHVChfr Z7VeY5082dzpP0ecvF3j2thu 2 1440x721 The fr cookie contains an encrypted Factories also identifies a browser. ¹⁵ Facebool particular users. ¹⁶	facebook.com facebook.com rebook ID and browser ident k, at a minimum, uses the fr BOOK IRELAND LTD, RE v facebook.org/ODPC_Revi STORAGE TECHNOLC

25. The fbp cookie contains, at least, an unencrypted value that uniquely 1 identifies a browser.¹⁷ As with the fr cookie, Facebook uses the _fbp cookie to identify 2 users. 3

Domain

weightwatchers.com

Figure 7 4

Name

fbp

Value

fb.1.1667151325949.962025875

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7 26. The Facebook Tracking Pixel uses both first- and third-party cookies. A 8 cookie is "created by the website the user is visiting"—i.e., first-party 9 Weightwatchers.com.¹⁸ A third-party cookie is "created by a website with a domain name 10 other than the one the user is currently visiting"—i.e., Facebook.¹⁹ The _fbp cookie is 11 always transmitted as a first-party cookie. A duplicate _fbp cookie is sometimes sent as 12 a third-party cookie, depending on whether the browser has recently logged into 13 Facebook.

27. Facebook, at a minimum, uses the fr, _fbp, and c_user cookies to link to Facebook IDs and corresponding Facebook profiles.

16 28. A Facebook ID is personally identifiable information. Anyone can identify 17 a Facebook profile—and all personal information publicly listed on that profile—by 18 appending the Facebook ID to the end of Facebook.com.

19 29. Through the Facebook Tracking Pixel's code, these cookies combine the 20 identifiers with the event data, allowing Facebook to know, among other things, what Weightwatchers.com videos a user has watched.²⁰

23 17 **CONVERSION** FACEBOOK, API. https://developers.facebook.com/docs/marketingapi/conversions-api/parameters/fbp-24 and-fbc/ (last visited October 31, 2022). MAG. FIRST-PARTY COOKIES. 25 https://www.pcmag.com/encyclopedia/term/first-party-cookie (last visited October 31, 2022). This is confirmable by using developer tools to inspect a website's cookies and 26 track network activity. MAG. PC THIRD-PARTY COOKIES. 27 https://www.pcmag.com/encyclopedia/term/third-party-cookie (last visited October 31, 2022). This is also confirmable by tracking network activity. 28 FACEBOOK, GET STARTED, https://developers.facebook.com/docs/meta-pixel/getstarted (last visited October 31, 2022). - 10 -

30. By compelling a visitor's browser to disclose the c user cookie alongside 1 event data for videos, Defendants knowingly disclose information sufficiently permitting 2 an ordinary person to identify a specific individual's video viewing behavior. 3

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31. By compelling a visitor's browser to disclose the fr and fbp cookies alongside event data for videos, Defendants knowingly disclose information sufficient to permit an ordinary person to identify a specific individual's video viewing behavior.

32. By compelling a visitor's browser to disclose the fr cookie and other browser 7 identifiers alongside event data for videos, Defendants knowingly disclose information 8 sufficiently permitting an ordinary person to identify a specific individual's video 9 viewing behavior. 10

33. Facebook confirms that it matches activity on Weightwatchers.com with a user's profile. Facebook allows users to download their "off-site activity," which is a "summary of activity that businesses and organizations share with us about your interactions, such as visiting their apps or websites."²¹ The off-site activity report confirms Defendants identify an individual's video viewing activities.

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EXPERIENCE OF PLAINTIFF

34. Plaintiff is a consumer privacy advocate with dual motivations for watching a video on Defendants' Website. First, Plaintiff was genuinely interested in learning 18 more about the goods and services offered by Defendants. Second, Plaintiff is a "tester" 20 who works to ensure that companies abide by the privacy obligations imposed by federal law. As someone who advances important public interests at the risk of vile personal attacks, Plaintiff should be "praised rather than vilified." Murray v. GMAC Mortgage *Corp.*, 434 F.3d 948, 954 (7th Cir. 2006).

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In enacting the VPAA, Congress intentionally chose to extend its 35. protections to all persons who watch videos, not simply those who purchase them or

²¹ See https://www.facebook.com/help/2207256696182627 (Off-Facebook Activity is only a "summary" and Facebook acknowledges "receiv[ing] more details and activity than what appears in your Facebook activity." What is more, it omits "information we've 27 28 received when you're not logged into Facebook, or when we can't confirm that you've previously used Facebook on that device.") (last visited October 31, 2022). . 11 .

claim pecuniary loss. As such, statutes like the VPPA are largely enforced by civic minded "testers" such as Plaintiff. *See Tourgeman v. Collins Fin. Servs., Inc.*, 755 F.3d
 1109 (9th Cir. 2014) (explaining why testers have Article III standing and generally
 discussing value and importance of testers in enforcement of consumer protection and
 civil rights statutes).²²

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36. During the relevant time period, Plaintiff visited Weightwatchers.com and watched a video.

37. When Plaintiff watched videos on Weightwatchers.com, Defendants
disclosed event data, which recorded and disclosed the video's title and URL, along with
every time Plaintiff clicked a button to pause or play the video. Alongside this event data,
Defendants also disclosed identifiers for Plaintiff, including the c_user and fr cookies. In
other words, Defendants did exactly what the VPPA prohibits: they disclosed Plaintiff's
vido viewing habits to a third party.

38. Given the nature of Defendants' business, the content of videos that visitors
watch is highly sensitive. Visitors would be shocked and appalled to know that
Defendants secretly disclose to Facebook all of key data regarding a visitors' viewing
habits."

39. Defendants' conduct is illegal, offensive, and contrary to visitor
expectations: indeed, a recent study conducted by the Electronic Privacy Information
Center, a respected thought leader regarding digital privacy, found that: (1) nearly 9 in
10 adults are "very concerned" about data privacy, and (2) 75% of adults are unaware of
the extent to which companies gather, store, and exploit their personal data.

²² Civil rights icon Rosa Parks was acting as a "tester" when she initiated the Montgomery Bus Boycott in 1955, as she voluntarily subjected herself to an illegal practice to obtain standing to challenge the practice in Court. *See* https://www.naacpldf.org/pressrelease/ldf-pays-tribute-to-rosa-parks-on-the-sixtieth-anniversary-of-her-courageousstand-against-segregation/ "(Contrary to popular myth, Rosa Parks was not just a tired seamstress who merely wanted to sit down on a bus seat that afternoon. She refused to give up her seat on principle. Parks had long served as the secretary of the Montgomery branch of the NAACP [and] challenging segregation in Montgomery's transportation system was on the local civil rights agenda for some time.") (last downloaded November 2022). 40. By disclosing his event data and identifiers, Defendantx disclosed Plaintiff's
 personally identifiable information ("PII") to a third-party.

41. Plaintiff discovered that Defendants surreptitiously collected and
transmitted his personally identifiable information in October 2022.

CLASS ALLEGATIONS

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6 42. Plaintiff brings this action individually and on behalf of all others similarly
7 situated (the "Class") defined as follows:

All persons in the United States who watched video content on Weightwatchers.com and whose PII was disclosed by Defendants to Facebook during the Class Period.

43. Numerosity (Fed. R. Civ. P. 23(a)(1)): At this time, Plaintiff does not know the exact number of members of the aforementioned Class. However, given the popularity of Defendant's website, the number of persons within the Class is believed to be so numerous that joinder of all members is impractical.

44. **Commonality and Predominance (Fed.R.Civ.P. 23(a)(2), 23(b)(3)):** There is a well-defined community of interest in the questions of law and fact involved in this case. Questions of law and fact common to the members of the Class that predominate over questions that may affect individual members of the Class include:

a) whether Defendants collected Plaintiff's and the Class's PII;

b) whether Defendants unlawfully disclosed and continues to disclose their users' PII in violation of the VPPA;

c) whether Defendants' disclosures were committed knowingly; and

d)whether Defendants disclosed Plaintiff's and the Class's PII without consent.

45. Typicality (Fed. R. Civ. P. 23(a)(3)): Plaintiff's claims are typical of those
of the Class because Plaintiff, like all members of the Class, used Weightwatchers.com
to watch videos, and had PII collected and disclosed by Defendants.

46. Adequacy (Fed. R. Civ. P. 23(a)(4)): Plaintiff has retained and is
 represented by qualified and competent counsel who are highly experienced in complex
 consumer class action litigation. Moreover, Plaintiff is able to fairly and adequately
 represent and protect the interests of the Class.

Superiority (Fed. R. Civ. P. 23(b)(3)): A class action is superior to other 47. 5 available methods for the fair and efficient adjudication of this controversy because 6 individual litigation of the claims of all members of the Class is impracticable. Even if 7 every member of the Class could afford to pursue individual litigation, the court system 8 could not. It would be unduly burdensome to the courts in which individual litigation of 9 numerous cases would proceed. Individualized litigation would also present the potential 10 for varying, inconsistent, or contradictory judgments, and would magnify the delay and 11 expense to all parties and to the court system resulting from multiple trials of the same 12 factual issues. By contrast, the maintenance of this action as a class action, with respect 13 to some or all of the issues presented herein, presents few management difficulties, 14 conserves the resources of the parties and of the court system and protects the rights of 15 each member of the Class. Plaintiff anticipates no difficulty in the management of this 16 action as a class action. 17

CAUSE OF ACTION

VIOLATION OF THE VIDEO PRIVACY PROTECTION ACT 18 U.S.C.§ 2710, et seq.

48. Defendants are a "video tape service provider" because it creates, hosts, and delivers videos on its website, thereby "engag[ing] in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual materials." 18 U.S.C. § 2710(a)(4). Defendants also use the videos to collect and disclose viewers' PII so it can later retarget them for advertisements.

49. Plaintiff and members of the Class are "consumers" because they have
watched videos on Weightwatchers.com. 18 U.S.C. § 2710(a)(1).

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50. Defendants disclosed to a third party, Facebook, Plaintiff's and the Class
 members' personally identifiable information. Defendants utilized the Facebook
 Tracking Pixel to compel Plaintiff's web browser to transfer Plaintiff's identifying
 information, like his Facebook ID, along with Plaintiff's event data, like the title of the
 videos he viewed.

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51. Plaintiff and the Class members viewed videos using Weightwatchers.com.

52. Defendants knowingly disclosed Plaintiff's PII because it used that data to build audiences on Facebook and retarget them for its advertising campaigns.

9 53. Plaintiff and Class members did not provide Defendants with any form of
10 consent—either written or otherwise—to disclose their PII to third parties.

54. Defendant's disclosures were not made in the "ordinary course of business" as the term is defined by the VPPA because they were not necessary for "debt collection activities, order fulfillment, request processing, [or] transfer of ownership." 18 U.S.C. § 2710(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment against Defendant, individually and on behalf of all others similarly situated, as follows:

18	a.	For an order certifying the Class under Rule 23 of the Federal Rules of Civil
19		Procedure, naming Plaintiff as representative of the Class;
20	b.	For an order declaring that Defendant's conduct violates the VPPA;
21	c.	For an order finding in favor of Plaintiff and the Class on all counts asserted
22		herein;
23	d.	An award of statutory damages under the VPAA;
24	e.	An award of punitive damages;
25	f.	For prejudgment interest on all amounts awarded;
26	g.	For injunctive relief to stop the illegal conduct; and
27	h.	For an order awarding Plaintiff and the Class their reasonable attorneys'
28		fees, expenses and costs of suit.

Dated: November 1, 2022 PACIFIC TRIAL ATTORNEYS, APC rell By: Scott. J. Ferrell Attorneys for Plaintiff - 16 -