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14
15 **UNITED STATES DISTRICT COURT**
16
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 BRAYDEN STARK, JUDD OOSTYEN,
19 KEVIN BLACK, and MARYANN OWENS,
20 individually and on behalf of all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 PATREON, INC.,

25 Defendant.

Case No. 3:22-cv-03131-JCS

**FIRST AMENDED CLASS ACTION
COMPLAINT**

JURY TRIAL DEMANDED

Hon. Joseph C. Spero

1 Plaintiffs, on behalf of themselves and all others similarly situated, allege as follows against
2 Defendant Patreon, Inc. (“Patreon”):

3 **INTRODUCTION**

4 1. This is a consumer privacy action against Patreon for disclosing its digital subscribers’
5 identities and video-viewing preferences to Meta Platforms Inc. (“Meta”), which owns the social
6 networking website and app Facebook, in violation of the Video Privacy Protection Act (“VPPA” or
7 “the Act”) and state law.

8 2. The VPPA prohibits “video tape service providers,” such as Patreon, from knowingly
9 disclosing a consumer’s personally identifiable information (“PII”)—in particular, “information which
10 identifies a person as having requested or obtained specific video materials or services from a video tape
11 provider”—unless the consumer expressly consented to the disclosure in a standalone consent form.

12 3. Patreon collects and shares users’ personal information with Meta using a “Meta Pixel”
13 or “Pixel”—a snippet of programming code that, once installed on a webpage, sends information to
14 Meta.¹ The Meta Pixel sends information to Meta in a data packet containing PII, such as the users’ IP
15 address, name, email, or phone number. Meta then stores this data on its own servers.

16 4. The information that Patreon shares with Meta includes the user’s unique Facebook ID
17 (“FID”) and the titles of prerecorded videos that Patreon delivered to the user for viewing. A user’s FID
18 is linked to their Facebook profile, which generally contains a wide range of demographic and other
19 information about the user, including pictures, personal interests, work history, relationship status, and
20 other details.

21 5. Patreon discloses the user’s FID and viewing content to Meta together in a single
22 transmission. Because the user’s FID uniquely identifies an individual’s Facebook account, Meta—and
23 any other ordinary person—can use the FID to quickly and easily locate, access, and view the user’s
24 corresponding Facebook profile. In simplest terms, the Pixel allows Meta to know what video content
25 one of its users viewed on Patreon’s website.

26
27
28 ¹ While Plaintiffs’ prior Class Action Complaint used the term “Facebook Pixel,” Meta refers to this
code sequence as the “Meta Pixel.” See <https://developers.facebook.com/docs/meta-pixel/> (last visited
Oct. 24, 2022).

1 members; (2) the combined claims of Class members exceed \$5,000,000, exclusive of interest,
2 attorneys' fees, and costs; and (3) Defendant and at least one Class member are domiciled in different
3 states.

4 17. This Court has personal jurisdiction over Patreon because its principal place of business
5 is within this District and it has sufficient minimum contacts in California to render the exercise of
6 jurisdiction by this Court proper and necessary.

7 18. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of
8 the events or omissions giving rise to Plaintiffs' claims occurred in this District.

9 **PLAINTIFF-SPECIFIC ALLEGATIONS**

10 **Brayden Stark**

11 19. Plaintiff Stark is a Patreon member and a Facebook user. He has been a Patreon member
12 since 2019 and is therefore a "subscriber" to Patreon under the VPPA.

13 20. Mr. Stark's Facebook profile includes his name and other personal details.

14 21. Mr. Stark has consistently paid Patreon approximately \$15.00 per month in subscription
15 fees.

16 22. When he initially subscribed to Patreon, Mr. Stark watched prerecorded video content on
17 patreon.com daily. He continues to watch prerecorded video content on the Patreon website, though not
18 as frequently as before.

19 23. Mr. Stark visited Patreon's website to request and watch prerecorded video content using
20 the same browser that he uses to log in to Facebook, including while he was logged in to Facebook. He
21 also uses the same device to request and watch prerecorded videos on Patreon that he uses for Facebook.

22 **Judd Oostyen**

23 24. Plaintiff Oostyen is a Patreon member and a Facebook user. He has been a Patreon
24 member since 2021 and is therefore a "subscriber" to Patreon under the VPPA.

25 25. Mr. Oostyen's Facebook profile includes his name and other personal details.

26 26. Mr. Oostyen has consistently paid Patreon approximately \$5.00 per month in subscription
27 fees.

1 information may reveal even more sensitive personal information—for instance, posted photos may
 2 disclose the identity of family members, and written posts may disclose religious preferences, political
 3 affiliations, personal interests and more.

4 50. Just as Meta can easily identify any individual on its Facebook platform with only their
 5 unique FID, so too can any ordinary person who comes into possession of a FID. Facebook admits as
 6 much on its website. Thus, equipped with a FID and the video content name and URL—all of which
 7 Patreon knowingly provides to Meta without appropriate consent from its subscribers—any ordinary
 8 person could determine the identity of the Patreon subscriber and the specific video or media content
 9 they viewed on Patreon’s website.

10 51. Patreon transmits the FID and video title to Meta in a single transmission, through an
 11 invisible tracking tool called a “Meta Pixel.” A Meta Pixel is a snippet of a programming code that, once
 12 installed on a webpage, sends information to Meta. This transmission occurs when a User views a
 13 prerecorded video on Patreon’s website.

14 52. The transmission is shown in the screenshots below:

Structure	Sequence	Overview	Contents	Summary
>	https://www.patreon.com	Name	Value	
∨	https://www.facebook.com	sb	B94DY39qbDogJixdWh42po6Y	
∨	tr	datr	B94DY_VS2Ld738DZLz9uluEP	
	?id=267568703576098&ev=Page	c_user	100084957787778	
	?id=267568703576098&ev=Micro	xs	8%3AtPEvZCHswExVMA%3A2%3,	
	?id=267568703576098&ev=Page	fr	0dNuR6PV8TANcr0tB.AWWc9YQ	
	/			
	?id=267568703576098&ev=Page			
	/			

Structure	Sequence	Overview	Contents	Summary	Chart	Notes
>	https://www.patreon.com	Name	Value			
∨	https://www.facebook.com	id	267568703576098			
∨	tr	ev	Microdata			
	?id=267568703576098&ev=Page	dl	https://www.patreon.com/posts/nra-conference-67314328			
	?id=267568703576098&ev=Micro	rl	https://www.patreon.com/channel5/posts			
	?id=267568703576098&ev=Page	if	false			
	/	ts	1661204397807			
	?id=267568703576098&ev=Page	cd[DataLayer]	[]			
	/	cd[Meta]	{"title":"NRA Conference (Uvalde) Channel 5 on Patreon"}			

1 53. In the exemplar scenario above, when a Patreon subscriber visits the Patreon page of a
2 local news channel and requests and watches a prerecorded video, the Pixel transmits both the title of the
3 video and the subscriber’s FID (highlighted in the red boxes) to Meta.

4 54. The Pixel is an advertising tool that allows website owners to track visitor actions on
5 their websites for purposes of sending the corresponding information to Meta; websites use the Pixel in
6 hopes of better targeting their products and services on Facebook to interested consumers. Thus, a
7 business such as Patreon chooses to install the Pixel on its website in order to increase its profits.

8 55. According to Meta’s website, the Pixel allows it “to match your website visitors to their
9 respective Facebook User accounts” and that “[o]nce matched, we can tally their actions in the Facebook
10 Ads Manager so you can use the data to analyze your website’s conversion flows and optimize your ad
11 campaigns.”²

12 56. Patreon knew that by installing the Pixel on its website, the Pixel would send Meta
13 information identifying its Users and their video-watching habits.

14 57. Meta’s website explains that, to begin using the Meta Pixel, a business must first “install”
15 the Pixel “by placing the Meta Pixel base code on all pages of your website[.]”³ Patreon made the
16 conscious decision to undertake this installation process.

17 58. Further demonstrating that Patreon knowingly placed the Pixel in its website code,
18 Meta’s website states that “[d]evelopers and marketers can *optionally choose* to send information about”
19 a visitor’s activity on its website. (Emphasis added).⁴

20 59. Meta offers its Pixel tool to websites across the internet. As of January 2022, more than
21 30 percent of popular websites have an embedded Facebook Pixel.

22 60. Meta benefits from websites like Patreon installing its Pixel. When the Pixel is installed
23 on a business’s website, the business has a greater incentive to advertise through Facebook or other
24 Meta-owned platforms, like Instagram. In addition, even if the business does not advertise with
25 Facebook, the Pixel assists Meta in building more fulsome profiles of its own users, which in turn allows
26 Meta to profit from providing more targeted ads. The Pixel is installed on websites all over the internet

27 ² <https://developers.facebook.com/docs/meta-pixel/get-started> (last visited October 24, 2022).

28 ³ *Id.*; <https://www.facebook.com/business/tools/meta-pixel/get-started> (last visited October 24, 2022).

⁴ <https://developers.facebook.com/docs/meta-pixel> (last visited October 24, 2022).

1 and, accordingly, provides Meta with information about its users’ preferences, other distinguishing
2 traits, and web-browsing activities outside of Meta-owned platforms.

3 61. Using the Meta Pixel likewise benefits Patreon’s business by improving its ability to
4 promote its content and services to its Users, thereby increasing its profits.

5 62. Through use of the Meta Pixel, Patreon discloses to Meta the full name of each video a
6 User watched, together with the User’s FID, thus linking Users’ viewing content choices and
7 preferences to their Facebook profiles. In other words, this single transmission connects a User’s
8 viewing content with their FID.

9 63. Patreon violates and invades the privacy rights of Users with its practice of sending their
10 FIDs, together with their viewing content, to Meta. Plaintiffs and Class members neither knew of nor
11 authorized, nor otherwise consented to, Patreon’s disclosure of their prerecorded video and video-
12 services requests and their identities to Meta.

13 **B. Patreon’s Terms of Use, Privacy Policies, and Data Practices Do Not Disclose**
14 **Patreon’s Use of the Facebook Pixel.**

15 64. Patreon’s website includes its Terms of Use, a Privacy Policy, Data Practices, and a
16 Cookie Policy. None of these informs Users of Patreon’s use of the Meta Pixel or its practice of sharing
17 Users’ personal information and video content choices with Meta in a way that allows Meta to identify
18 their specific video-watching preferences.

19 65. The VPPA requires that consent be obtained in a form “distinct and separate from any
20 form setting forth other legal or financial obligations of the consumer.” 18 U.S.C. § 2710. At no point
21 were Plaintiffs or other Patreon Users given a standalone or any consent form disclosing Patreon’s
22 practices at issue and requesting User consent. Hence, no User knew of or consented to Patreon’s
23 offending practice of sharing video preferences with third parties.

24 **C. Plaintiffs and the Class Were Harmed by Patreon’s Privacy Invasions.**

25 66. Patreon shared with Meta the personal information of Plaintiffs and Class members,
26 including their video-viewing histories and associated FIDs, which they reasonably expected would be
27 kept private.

1 67. The personal information Patreon obtained from Plaintiffs and Class members constitutes
2 valuable data in the digital advertising-related market for consumer information. Patreon’s wrongful
3 acquisition and use of their personal and private information deprived Plaintiffs and Class members of
4 control over that information, and prevented them from realizing its full value for themselves.

5 68. Patreon’s conduct caused economic harm to Plaintiffs and Class members who were
6 Patreon subscribers during the Class Period in that they have paid subscription fees to Patreon for
7 services that they reasonably did not expect would subject them to the practices described herein,
8 thereby diminishing the value of services for which they paid Defendant, and constituting loss. Plaintiffs
9 and Class members didn’t get what they paid for.

10 69. Plaintiffs and Class members paid for access to Patreon’s website, and not another
11 competitor’s website, because they trusted that Patreon’s privacy practices comported with their privacy
12 preferences.

13 70. If Plaintiffs and Class members had known that Patreon discloses to Meta the personal
14 information of its Users, including their video-viewing histories and associated FIDs, Plaintiffs and
15 Class members would not have subscribed for Patreon’s services or would have paid less for the
16 subscription.

17 71. Patreon’s practice of sharing Users’ personal information and prerecorded video content
18 with Facebook without their consent, and its failure to disclose this practice, caused Patreon to profit
19 from membership fees it would otherwise not have received.

20 72. Plaintiffs and Class members’ experiences and injuries are consistent with and borne out
21 by research showing that consumers prefer to transact with online retailers that better protect their
22 privacy, and are willing to pay a premium to purchase goods and services from websites that afford
23 greater privacy protection. *See* J. Tsai, S. Egelman, L. Cranor & A. Acquisiti [Carnegie Mellon Univ.],
24 “The Effect of Online Privacy Information on Purchasing Behavior: An Experimental Study” (June
25 2007), Information Systems Research, Vol. 22 at 254–268, available at:

26 [https://www.researchgate.net/publication/220079706_The_Effect_of_Online_Privacy_Information_on](https://www.researchgate.net/publication/220079706_The_Effect_of_Online_Privacy_Information_on_Purchasing_Behavior_An_Experimental_Study)
27 [Purchasing_Behavior_An_Experimental_Study](https://www.researchgate.net/publication/220079706_The_Effect_of_Online_Privacy_Information_on_Purchasing_Behavior_An_Experimental_Study).

- 1 d. Whether Patreon’s conduct violates the Video Privacy Protection Act, 18 U.S.C.
2 § 2710, *et seq.*;
- 3 e. Whether Patreon’s conduct violates California consumer protection law;
- 4 f. Whether Patreon’s acquisition and transmission of Plaintiffs and Class members’
5 personal information resulted in harm; and
- 6 g. Whether Patreon should be enjoined from engaging in such conduct in the future.

7 79. **Typicality:** Plaintiffs’ claims are typical of the claims of the Class members in that
8 Plaintiffs, like all Class members, have been injured by Patreon’s misconduct at issue—i.e., disclosing
9 Users’ PII and viewing content to Meta without appropriate consent.

10 80. **Adequacy of Representation:** Plaintiffs will fairly and adequately represent and protect
11 the interests of the Class. Plaintiffs have retained counsel with substantial experience in prosecuting
12 complex litigation and class actions, including privacy protection cases. Plaintiffs do not have any
13 interests antagonistic to those of the Class.

14 81. **Superiority:** A class action is superior to other available methods for the fair and
15 efficient adjudication of this controversy. Class-wide damages are essential to induce Patreon to comply
16 with applicable law. Moreover, because the amount of each individual Class member’s claim is small
17 relative to the complexity of the litigation, and because of Patreon’s financial resources, Class members
18 are unlikely to pursue legal redress individually for the violations detailed in this Complaint. A class
19 action will allow these claims to be heard where they would otherwise go unheard because of the
20 expense of bringing individual lawsuits, and provides the benefits of adjudication, economies of scale,
21 and comprehensive supervision by a single court.

22 82. **Injunctive relief:** Patreon has acted or refused to act on grounds generally applicable to
23 the Class, thereby making appropriate final injunctive relief and corresponding declaratory relief with
24 respect to the class as a whole.

FIRST CAUSE OF ACTION

**Violation of the Electronic Communications Privacy Act (Video Privacy Protection Act),
18 U.S.C. § 2710, *et seq.*
(On Behalf of the Nationwide Class)**

83. Plaintiffs incorporate and reallege the above factual allegations by reference.

84. The VPPA prohibits a “video tape service provider” from knowingly disclosing “personally-identifying information” concerning any consumer to a third-party without the “informed, written consent (including through an electronic means using the Internet) of the consumer.” 18 U.S.C. § 2710.

85. As defined in 18 U.S.C. § 2710(a)(4), a “video tape service provider” is “any person, engaged in the business, in or affecting interstate commerce, of rental, sale, or delivery of prerecorded video cassette tapes or similar audiovisual materials.” Patreon is a “video tape service provider” as defined in 18 U.S.C. § 2710(a)(4) because it engaged in the business of delivering audiovisual materials—including the prerecorded videos that Plaintiffs viewed—through its online platform that are similar to prerecorded video cassette tapes and those sales affect interstate or foreign commerce.

86. As defined in 18 U.S.C. § 2710(a)(3), “personally identifiable information” is defined to include “information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider.”

87. Patreon knowingly caused personal viewing information, including FIDs, concerning Plaintiffs and Class members to be disclosed to Meta. This information constitutes personally identifiable information under 18 U.S.C. § 2710(a)(3) because it identified each Plaintiff and Class member to Meta as an individual who viewed Patreon’s video content, including the specific prerecorded video materials each such individual watched on Patreon’s website. This information allowed Meta to identify each Plaintiff and Class members’ specific individual video-viewing preferences and habits.

88. As defined in 18 U.S.C. § 2710(a)(1), a “consumer” means “any renter, purchaser, or subscriber of goods or services from a video tape service provider.” As alleged above, Plaintiffs are subscribers to Patreon’s services providing video content to Users on its website and viewed prerecorded videos provided on Patreon’s platform. Hence, Plaintiffs are “consumers” under this definition.

1 89. As set forth in 18 U.S.C. § 2710(b)(2)(B), “informed, written consent” must be (1) in a
 2 form distinct and separate from any form setting forth other legal or financial obligations of the
 3 consumer; and (2) at the election of the consumer, is either given at the time the disclosure is sought or
 4 is given in advance for a set period of time not to exceed two years or until consent is withdrawn by the
 5 consumer, whichever is sooner. Patreon failed to obtain informed, written consent under this definition.

6 90. Additionally, the VPPA creates an opt-out right for consumers in 18 U.S.C.
 7 § 2710(2)(B)(iii). The Act requires video tape service providers to “provide[] an opportunity, in a clear
 8 and conspicuous manner, for the consumer to withdraw on a case-by-case basis or to withdraw from
 9 ongoing disclosures, at the consumer’s election.” Patreon failed to provide an opportunity to opt out as
 10 required by the Act.

11 91. Patreon was aware that the disclosures to Meta that were shared through the Pixel
 12 identified Plaintiffs and Class members. Patreon also knew that Plaintiffs’ and Class members’ personal
 13 viewing content was disclosed to Meta because Patreon programmed the Meta Pixel into its website
 14 code, knowing that Meta would receive video titles and the subscriber’s FID when a user watched a
 15 prerecorded video.

16 92. By knowingly disclosing Plaintiffs’ and Class members’ personal viewing content,
 17 Patreon violated Plaintiffs’ and Class members’ statutorily protected right to privacy in their prerecorded
 18 video-watching habits. *See* 18 U.S.C. § 2710(c).

19 93. As a result of the above violations, Patreon is liable to Plaintiffs and Class members for
 20 actual damages related to their loss of privacy in an amount to be determined at trial or, alternatively, for
 21 “liquidated damages not less than \$2,500 per plaintiff.” 18 U.S.C. § 2710(c)(2)(A). Under the Act,
 22 Patreon also is liable for reasonable attorney’s fees, other litigation costs, injunctive and declaratory
 23 relief, and punitive damages in an amount to be determined by a jury and sufficient to prevent and deter
 24 the same or similar conduct by Patreon in the future.

25 **SECOND CAUSE OF ACTION**

26 **Violation of California’s Unfair Competition Law (the “UCL”)**
 27 **Cal. Bus. & Prof. Code § 17200, *et seq.***
 28 **(On Behalf of the California Subclass)**

94. California Plaintiffs incorporate and reallege the above factual allegations by reference.

1 95. The UCL proscribes “any unlawful, unfair or fraudulent business act or practice.” Cal.
2 Bus. & Prof. Code § 17200.

3 **Unlawful**

4 96. A business practice is “unlawful” under the UCL if it violates any other law or regulation.

5 97. Patreon’s business acts and practices are unlawful because they violate the Video Privacy
6 Protection Act as set forth above. They also violate California’s Consumers Legal Remedies Act, for the
7 reasons stated below. Patreon is therefore in violation of the “unlawful” prong of the UCL.

8 **Unfair**

9 98. Patreon’s conduct is unfair in violation of the UCL because it violates California’s and
10 the nation’s legislatively declared public policy in favor of protection of consumer privacy. *See* S. Rep.
11 No. 100-500 at 7-8 (1988) (finding that “the trail of information generated by every transaction that is
12 now recorded and stored in sophisticated record-keeping systems . . . create[s] privacy interests that
13 directly affect the ability of people to express their opinions, to join in association with others, and to
14 enjoy the freedom and independence that the Constitution was established to safeguard.”); California
15 Bill Analysis, A.B. 375 Assem. (June 27, 2017) (noting that “[t]he unregulated and unauthorized
16 disclosure of personal information and the resulting loss of privacy can have devastating effects for
17 individuals, ranging from financial fraud, identity theft, and unnecessary costs to personal time and
18 finances, to the destruction of property, harassment, reputational damage, emotional stress, and even
19 potential physical harm.”).

20 99. Further, Patreon’s conduct is unfair because it is unethical, unscrupulous, offensive, and
21 substantially injurious. The gravity of harm resulting from Patreon’s unfair conduct outweighs any
22 potential utility therefrom. The disclosure of California Plaintiffs’ and Subclass members’ personal
23 information without their express consent raises significant privacy concerns, and any potential utility
24 from these disclosures (such as increased Patreon revenue due to more targeted advertising) is
25 outweighed by their considerable harm to California Plaintiffs and the Subclass.

26 100. Patreon’s unfair business practices include disclosing California Plaintiffs’ and Subclass
27 members’ FIDs and viewing content to Meta without authorization or consent, causing harm to
28 California Plaintiffs and Subclass members.

THIRD CAUSE OF ACTION
Violation of California’s Consumers Legal Remedies Act
Cal. Civ. Code § 1750, *et seq.*
(On Behalf of the California Subclass)

110. California Plaintiffs incorporate and reallege the above factual allegations by reference.

111. Patreon is a “person” within the meaning of Cal. Civ. Code §§ 1761(c) and 1770, and provides “services” within the meaning of Cal. Civ. Code §§ 1671(b) and 1770.

112. California Plaintiffs and Subclass members are “consumers” as defined by Cal. Civ. Code §§ 1761(d) and 1770, and engaged in a “transaction,” as defined by Cal. Civ. Code §§ 1761(e) and 1770.

113. Patreon’s acts and practices, as alleged in this complaint, violate the CLRA, Cal. Civ. Code §§ 1770(a)(5), (7), and (9), because its practice of sharing Users’ FIDs and viewing content with Meta without their consent materially misled California consumers. In describing its services and privacy policies, Patreon misrepresented and/or omitted the true nature of its information-sharing practices.

114. Patreon’s practices implicate significant privacy concerns and caused economic harm to California Plaintiffs and Subclass members as alleged above.

115. Patreon’s misrepresentations and omissions were material. Had California Plaintiffs and Subclass members known that Patreon engages in these business practices, they would not have subscribed for Patreon’s services or would have paid less for the subscription.

116. Patreon’s CLRA violations caused California Plaintiffs and Subclass members to sustain ascertainable losses, to be determined according to proof at trial.

117. California Plaintiffs also seek an order enjoining Patreon from engaging in practices that violate the CLRA.

118. Under California Civil Code section 1782(a), on their own behalf and on behalf of the Class, each California Plaintiff sent a CLRA notice on May 27, 2022 via certified mail, return receipt requested, to Patreon’s principal place of business, advising Patreon that it is in violation of the CLRA and must cease its practice of disclosing Users’ personal information to third parties without appropriate consent, and reimburse subscription fees. Patreon failed to correct its business practices or provide the requested relief within 30 days. Accordingly, Plaintiffs now seek monetary damages under the CLRA.

1 119. Attached as Exhibit A to this Complaint is a declaration of venue and place of trial under
2 California Civil Code section 1780(d).

3 **FOURTH CAUSE OF ACTION**
4 **Unjust Enrichment**
5 **(On Behalf of the Nationwide Class)**

6 120. Plaintiffs incorporate and reallege the above factual allegations by reference.

7 121. Plaintiffs and Class members conferred a benefit on Patreon by paying it membership
8 fees for online subscription services.

9 122. Patreon acted wrongfully by sharing Users' FIDs and viewing content to Meta without
10 their consent.

11 123. Patreon's practice of sharing Users' personal information and viewing content with Meta
12 without their consent, and its failure to disclose this practice, caused Patreon to profit from membership
13 fees it would otherwise not have received.

14 124. Patreon's retention of these ill-gotten gains is unjust and inequitable.

15 125. Plaintiffs, on behalf of themselves and the Class, accordingly seek restitution,
16 restitutionary disgorgement, and all other appropriate relief permitted by the law of unjust enrichment,
17 including reasonable attorneys' fees and costs. There is no adequate remedy at law that would provide
18 redress to Plaintiffs and the Class or ensure that Patreon will not deploy the same data practices in the
19 future.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, respectfully
22 request that the Court:

- 23 A. Certify this case as a class action, and appoint Plaintiffs as Class Representatives
24 and the undersigned attorneys as Class Counsel;
- 25 B. Enter judgment in favor of Plaintiffs and the Class;
- 26 C. Enter injunctive and/or declaratory relief as is necessary to protect the interests of
27 Plaintiffs and Class members, including reformation of practices and an accounting and purging of
28 wrongfully obtained personal information;

1 D. Award all actual, general, special, incidental, statutory, treble, punitive,
2 liquidated, and consequential damages and/or restitution to which Plaintiffs and Class members are
3 entitled;

4 E. Award disgorgement of monies obtained through and as a result of the wrongful
5 conduct alleged herein;

6 F. Award Plaintiffs and Class members pre- and post-judgment interest as provided
7 by law;

8 G. Enter such other orders as may be necessary to restore to Plaintiffs and Class
9 members any money and property acquired by Defendant through its wrongful conduct;

10 H. Award Plaintiffs and Class members reasonable litigation expenses and attorneys'
11 fees as permitted by law; and

12 I. Award such other and further relief as the Court deems necessary and appropriate.

13 **DEMAND FOR JURY TRIAL**

14 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all issues
15 triable as of right.

16
17 Dated: October 27, 2022

Respectfully submitted,

18 By: /s/ Simon S. Grille
19 Adam E. Polk (SBN 273000)
20 Simon Grille (SBN 294914)
21 Trevor T. Tan (SBN 281045)
22 Kimberly Macey (SBN 342019)
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EXHIBIT A

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13 *Attorneys for Plaintiffs*

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15 **UNITED STATES DISTRICT COURT**
16
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 BRAYDEN STARK, JUDD OOSTYEN,
19 KEVIN BLACK, and MARYANN OWENS,
20 individually and on behalf of all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 PATREON, INC.,

25 Defendant.

Case No. 3:22-cv-03131-JCS

**CLRA VENUE DECLARATION OF
SIMON S. GRILLE PURSUANT TO
CALIFORNIA CIVIL CODE SECTION
1780(d)**

Hon. Joseph C. Spero

1 I, Simon S. Grille, declare as follows:

2 1. I am a partner of Girard Sharp, LLP and counsel for Plaintiffs in this action. I am
3 admitted to practice in California and before this Court and am a member in good standing of the
4 State Bar of California.

5 2. This declaration is made pursuant to California Civil Code section 1780(d). I make
6 this declaration based on my research of public records and upon personal knowledge and, if called
7 upon to do so, could and would testify competently thereto.

8 3. I submit this declaration in support of the First Amended Class Action Complaint,
9 which is based in part on violations of the Consumer Legal Remedies Act, California Civil Code
10 section 1750 *et seq.*

11 4. The First Amended Class Action Complaint has been filed in the proper place for
12 trial of this action.

13 5. Defendant Patreon has its principal place of business at 600 Townsend Street, Suite
14 500, San Francisco, California 94103.

15 6. Patreon is headquartered and conducts substantial business within San Francisco
16 County. In addition, a substantial part of the conduct, representations, and omissions giving rise to
17 the violations of law alleged herein occurred in San Francisco County.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct.

20 Executed this 27th day of October 2022 in California.

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22 /s/ Simon S. Grille
23 Simon S. Grille
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