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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SANTA CLARA

10 UNLIMITED

11 GLYNNIS BOHANNON, individually and on
12 behalf of her minor Child I.B.,

13 Plaintiff,

14 v.

15 FACEBOOK, INC.,

16 Defendant.

Case No. 112C V 219256

COMPLAINT

JURY TRIAL DEMANDED

BY FAX

FILED Santa Clara Co
02/23/12 1:27pm
David H. Yamasaki
Chief Executive Office
By: Italamas DTSCIVO
R#201200018908
CK \$395.00
TL \$395.00
Case: 1-12-CV-219256

L. Takahira

17 Plaintiff Glynnis Bohannon, individually and on behalf of her minor child I.B., by their
18 attorneys, make the following allegations pursuant to the investigation of counsel and based
19 upon information and belief, except as to allegations specifically pertaining to Plaintiff, which
20 are based on personal knowledge.

21 I. JURISDICTION AND VENUE

22 Defendant is a California corporation, has its principal place of business in Palo Alto,
23 California, transacts business in this County, has subjected itself to this Court's jurisdiction
24 through such activity, and a substantial part of the events and omissions giving rise to the claim
25 occurred in this District. Accordingly, venue is proper in this county.

26 1. The amount in controversy here exceeds the jurisdictional minimum of Superior
27 Court and is less than \$75,000.

28 Complaint

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II. PARTIES

2. Plaintiff Glynnis Bohannon resides in Phoenix, Arizona with her son I.B. I.B. joined Facebook on or about July 11, 2011. I.B. was then, and is still now, a minor.

3. Defendant Facebook is a California corporation with its principal place of business in Palo Alto, California.

III. FACTUAL ALLEGATIONS

4. In October 2011, I.B. (the minor child of Plaintiff Glynnis Bohannon) asked his mother Glynnis Bohannon for permission to spend \$20 on his Facebook account using Glynnis Bohannon's Wells Fargo Master Card. I.B. gave his mother \$20 in cash in exchange. He purchased Facebook Credits from Facebook for use in "Ninja Saga." Subsequently, without any notice that his mother's credit card information had been stored by Facebook and the Facebook Credits system, or that his mother's credit card information was being used again after the initial \$20 purchase, I.B. made in-game purchases in which he thought he was expending virtual, in-game currency. In fact, Glynnis' credit card was charged repeatedly, and the charges totaled several hundred dollars.

5. Upon learning of these charges, Glynnis attempted to find a mechanism to contact Facebook to dispute the charges. After several hours of searching, Glynnis finally found a phone number at Facebook, and she left a message about her problem, to which she has to date received no reply. She was never able to find an email address for someone at Facebook who could process her complaint. Glynnis has still not received a refund.

FIRST CAUSE OF ACTION

(Unjust Enrichment)

6. Plaintiff repeats and re-alleges herein the foregoing allegations.

7. Plaintiff has conferred benefits on Facebook by paying for virtual goods and in-App purchases her minor children purchased from Facebook without their authorization.

8. Facebook knowingly and willingly accepted those monetary benefits from Plaintiff.

1 9. Under the circumstances alleged herein, it is inequitable for Defendant to retain
2 such benefits at the expense of Plaintiff.

3 10. Facebook has been unjustly enriched at the expense of, and to the detriment of,
4 Plaintiff by wrongfully collecting and retaining money to which Facebook, in equity, is not
5 entitled.

6 11. Plaintiff is entitled to recover from Facebook all amounts wrongfully collected
7 and improperly retained by Facebook, plus interest thereon.

8 12. As a direct and proximate result of Facebook's unjust enrichment, Plaintiff has
9 suffered injury and is entitled to reimbursement, restitution and disgorgement from Facebook
10 of the benefits conferred by Plaintiff.

11 13. As a direct and proximate result of Facebook's misconduct as set forth herein,
12 Facebook has been unjustly enriched.

13 **WHEREFORE**, Plaintiff, individually and on behalf of her minor child I.B. prays for
14 an Order as follows:

- 15 A. Entering judgment in favor of Plaintiff and against Facebook;
- 16 B. Awarding Plaintiff attorneys' fees and allowing costs, including interest
17 thereon; and/or restitution and equitable relief; and
- 18 G. Granting such further relief as the Court deems just.

19 **VIII. JURY DEMAND**

20 Plaintiff demands a trial by jury on all issues so triable.

21
22 Dated: February 23, 2012

Respectfully submitted,

23 KERSHAW, CUTTER & RATINOFF, LLP

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25 By: _____

John R. Parker, Jr.