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NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

ADR

14 ROCHELLE WILLIAMS, individually and on)
15 behalf of all others similarly situated,)

CASE NO.: C10-02509

PVT

16 Plaintiff,

CLASS ACTION COMPLAINT

17 v.

DEMAND FOR JURY TRIAL

18 GOOGLE, INC.,

Defendant.

GO 44 SEC. N
NOTICE OF ASSIGNMENT
TO MAGISTRATE JUDGE SENT

4 Plaintiff ROCHELLE WILLIAMS ("Plaintiff Williams"), by and through her attorneys,

5 alleges on personal knowledge as to all facts related to herself and on information and belief as

26 to all other matters, which are based upon, among other things, the investigation made by

27 Plaintiff through her counsel and personal knowledge, as follows:

28 PRELIMINARY STATEMENT

1 1. This is a class action lawsuit, brought by, and on behalf of, a nationwide class of
2 individuals whose privacy rights were violated by the actions of Google Inc. ("Google") through
3 its Buzz program.

4 2. Google automatically added the Google Buzz ("Buzz") service to the accounts of all
5 users of Google's "Gmail" service.

6 3. Buzz made private data belonging to Gmail users publicly available
7 without the users' knowledge or authorization. This information included some or all of the
8 following: personal contact information, place of residence, occupation, and a list of the users'
9 frequent email contacts.

10 4. Buzz searched for and acquired pictures, video, text and other data that
11 users had posted to websites such as Picasa and YouTube. Buzz automatically sent those posts
12 to the email accounts of the users' frequent email contacts without the users' knowledge or
13 authorization.

14 5. When launching its Buzz service, Google failed to provide users with clear
15 information detailing the nature of the new service, including the automatic application of the
16 Buzz program and its provisions for default disclosure of personal information and default
17 sharing of posts previously made to other websites.

18 6. Google has publicly admitted that its Buzz program presents privacy concerns,
19 and Google has made several waves of modifications to the program. However, Google's
20 modifications do not go far enough to address the problem. Furthermore, Google's actions have
21 already caused damage because the Buzz program disclosed private user information the moment
22 Google launched the service. The bell of breached privacy cannot be un-rung.

23 7. Google's public disclosure of private user data violates users' rights under the
24 Federal Wiretap Act, the Federal Computer Fraud and Abuse Act, the Federal Stored
25 Communications Act, and California common law.

26 **JURISDICTION AND VENUE**

27 8. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 for
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1 deprivation of rights guaranteed under the Wiretap Act, 18 U.S.C. § 2510 *et seq.*, the Stored
2 Communications Act, 18 U.S.C. § 2701 *et seq.*, and the Computer Fraud and Abuse Act, 18
3 U.S.C. § 1030 *et seq.* This Court also has jurisdiction pursuant to 28 U.S.C. § 1367(a) over
4 Plaintiff's state common law claims. Jurisdiction is also founded upon 28 U.S.C. § 1332(d) in
5 that this is a putative class action with more than 100 class members, more than \$5 million in
6 controversy, and minimal diversity of citizenship.

7 9. Venue is appropriate pursuant to 28 U.S.C. § 1391(b) and (c). A substantial
8 portion of the events and conduct giving rise to the violations alleged in this complaint occurred
9 in this District. Defendant Google resides here as it maintains its principle office and
10 headquarters in this District.

11 PARTIES

12 10. Plaintiff Rochelle Williams is a user of Google's "Gmail" email service. She is a
13 citizen of Alameda County, California. Google automatically activated the Buzz program on
14 Plaintiff Williams' email account, as a result of which Buzz broadcast her personal information
15 to other Gmail users and/or made this information publicly viewable on the Internet.

16 11. Defendant Google Inc. is a Delaware corporation headquartered at 1600
17 Amphitheatre Parkway, Mountain View, CA 94043. Google provides a variety of Internet
18 related services, including email service through its "Gmail" program. Google does business
19 throughout the United States, and in particular, does business in the State of California and in
20 this district.

21 STATEMENT OF COMMON FACTS

22 12. Google launched the Buzz program on or about Tuesday, February 9,
23 2010. Buzz enables users of Google's "Gmail" service to share written posts, photos,
24 hyperlinks, and other information with other Gmail users. It is Google's attempt to compete
25 with social networking programs such as Facebook, Myspace and or Twitter.

26 13. To jump-start that competition, Google, without any authorization by Gmail users,
27 automatically added Buzz to the accounts of all Gmail users.
28

1 14. When Buzz was first rolled out on or about February 9, 2010, Gmail users who
2 accessed their mail accounts were initially given two options: (1) set up Buzz; or (2) continue to
3 Gmail inbox. Regardless of which option the user chose, Google automatically activated the
4 Buzz program on that user's Gmail account. Option (2) therefore deceptively implied that by
5 selecting it, and not the "set up Buzz" option, the user was not activating Buzz. In fact Google
6 activated Buzz even if the user did not elect to "set up" the program.

7 15. Buzz automatically created a list of "followers" for each Gmail user.

8 16. Buzz also automatically created a list of persons whom the user was
9 automatically "following."

10 17. Buzz "posted" to Buzz any information that was previously posted to
11 certain other websites, some of which are owned by Google, including but not limited to Picasa,
12 YouTube, Google Reader, and Twitter.

13 18. Google created the "follower" and "following" lists by using an algorithm that
14 selected those email contacts with whom a Gmail user communicated most frequently. This
15 meant that Google shared information about a Gmail user with the users' frequent mail contacts.
16 By contrast, a social networking program such as Facebook shares information with "Friends"
17 only after both parties have agreed to become Friends. An individual's email contacts may be a
18 different group of people (for example, professional contacts) than the group with whom a user
19 would want to be in a *social* network. By implementing the Buzz program, Google forced upon
20 its Gmail users Google's own definition of an appropriate social network, all in an effort to
21 jump-start Google's entry into a new consumer market.

22 19. When Google automatically activated Buzz in a user's Gmail account,
23 Google's unilateral actions had significant privacy consequences, including but not limited to:

24 • the "following" and "follower" lists of each user were made publicly available on the
25 web;

26 • the "following" and "follower" lists of each user were made available to persons
27 following that user;

28 • followers could view any information posted on Buzz by someone they were following;

1 • for Gmail users who had created a “Google Profile,” the contents of the profile became
2 visible to all persons who were “following” the user. A user’s Google Profile may contain
3 information such as the user’s occupation, place of residence, and contact information;

4 • for Gmail users who had created a “Google Profile,” the “following” and “follower”
5 lists of the user became visible to all persons who were “following” the user, and were made
6 publicly available to be searched and viewed by any person on the Internet.

7 20. Google's own privacy policy confirms these points:

8 When you first enter Buzz, to make the startup experience easier, we may automatically select
9 people for you to follow based on the people you email and chat with most. Similarly, we may
10 also suggest to others that they automatically follow you . . . Your name, photo, and the list of
11 people you follow and people following you will be displayed on your Google profile, which is
12 publicly searchable on the Web. Google Buzz Privacy Policy, February 11, 2010, available at
13 <http://www.google.com/buzz/help/intl/en/privacy.html>.

14 21. The procedures by which Gmail users could opt-out of Buzz were either
15 unavailable or difficult to understand and execute.

16 22. Google’s automatic sharing of user contact information, profile information, and
17 postings had the effect of revealing to the public confidential and sometimes highly sensitive
18 information. This means that, for example, the names of a doctor's patients or a lawyer's clients
19 were made public in contravention of the privileges that attach to those relationships. Private
20 contacts - for instance, the contacts of a gay person who was struggling to come out of the closet
21 and had contacted a gay support group - could be revealed to the world. Sensitive personal
22 information might be exposed to an employer, or an ex-spouse.

23 23. The media reported the following exemplary accounts:

24 • A woman whose contact information was made available to her abusive ex-boyfriend
25 because Google Buzz automatically selected him as one of her “followers” in Google Buzz. See
26 Miguel Helft, *Critics Say Google Invades Privacy With a New Service*, N.Y. Times, February
27 13, 2010.
28

1 • Lawyers and journalists concerned that Buzz might reveal confidential client and
2 contact lists. Don Cruse, *Lawyers (or journalists) with Gmail Accounts: Careful with the*
3 *Google Buzz*, February 11, 2010, available at [http://www.scotxblog.com/legal-tech/lawyer-](http://www.scotxblog.com/legal-tech/lawyer-privacy-on-google-buzz)
4 [privacy-on-google-buzz](http://www.scotxblog.com/legal-tech/lawyer-privacy-on-google-buzz).

5 • A political commentator concerned that authoritarian governments might “check
6 on Google Buzz accounts for political activists and see if they have any connections that were
7 previously unknown to the government.” Evgeny Morozov, *Wrong Kind of Buzz Around Google*
8 *Buzz*, February 11, 2010, available at [http://neteffect.foreignpolicy.com/posts/2010/02/11/](http://neteffect.foreignpolicy.com/posts/2010/02/11/wrong_kind_of_buzz_around_google_buzz)
9 [wrong_kind_of_buzz_around_google_buzz](http://neteffect.foreignpolicy.com/posts/2010/02/11/wrong_kind_of_buzz_around_google_buzz).

10 24. A Google spokesperson confirmed to one blogger that Buzz automatically makes
11 user contact lists public:

12 [B]efore you change any settings in Google Buzz, someone could go into your profile
13 and see the people you email and chat with most. A Google spokesperson asked us to phrase this
14 claim differently. Like this: "In other words, after you create your profile in Buzz, if you don't
15 edit any of the default settings, someone could visit your profile and see the people
16 you email and chat with most (provided you didn't edit this list during profile creation).”

17 Nicholas Carson, *WARNING: Google Buzz has Huge Privacy Flaw*, February 10, 2010, available
18 at <http://www.businessinsider.com/warning-google-buzz-has-a-huge-privacy-flaw-2010-2>.

19 **Google Admits to Privacy Problems with Buzz**

20 25. On Thursday, February 11, 2010, Google reacted to the stream of negative press and
21 blog postings by changing some of the default settings in Buzz.

22 26. Also on February 11, Google issued an official blog posting in which the company
23 admitted that many users had concerns that Buzz violated their privacy. Todd Jackson, *Millions*
24 *of Buzz Users, and Improvements Based on Your Feedback*, February 11, 2010, available at
25 <http://gmailblog.blogspot.com/>.

26 27. Despite ongoing modifications, Google has not sufficiently altered the Buzz
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1 program to remedy the ongoing privacy violations caused by Buzz. For example, the
2 information sharing features of the Buzz program continue to operate unless the user
3 affirmatively opts out of these features.

4 28. Google's official Privacy Policy assures customers that, because "[p]eople have
5 different privacy concerns and needs. . . . Google strives to offer [its users] *meaningful and*
6 *fine grained choices* over the use of their personal information." Google Privacy Policy,
7 <http://www.google.com/privacy.html>.

8 29. By automatically sharing user information without user authorization or
9 knowledge, Buzz does precisely the opposite. Far from granting its customers a well tuned
10 controls by which users can control the use of their personal data, the Buzz program is an
11 indiscriminate bludgeon, forcing all Gmail users to share their personal data in a public forum
12 without their consent or knowledge.

13 CLASS ALLEGATIONS

14 30. Plaintiff bring this complaint on behalf of herself and the class of all Gmail users
15 who reside in the United States and to whose accounts Google added the Buzz social networking
16 application.

17 31. The putative class members are so numerous that joinder of individual
18 claims is impracticable. In January of 2009, Gmail had 31.2 million users in the United States.
19 Anthony Ha, *Zimbra Tops 40M Paid Users: More Popular Than Gmail?*, March 5, 2009,
20 available at [http://venturebeat.com/2009/03/05/zimbra-tops-40m-paid-users-more-popular-](http://venturebeat.com/2009/03/05/zimbra-tops-40m-paid-users-more-popular-thangmail/)
21 [thangmail/](http://venturebeat.com/2009/03/05/zimbra-tops-40m-paid-users-more-popular-thangmail/). Google automatically added the Buzz program to most or all of these accounts.

22 32. There are significant questions of fact and law common to the members of the
23 class. These issues include: whether the Buzz program publicly shared user information and if
24 so, what user information Google shared and how; whether Google failed to provide adequate
25 information and opt out procedures for its Gmail users; whether by committing these acts and or
26 omissions Google violated federal and state laws; and whether class members are entitled to
27 injunctive, declarative and monetary relief as a result of Google's conduct.
28

1 33. Plaintiff's claims are typical of the claims of the putative class. Plaintiff and all
2 putative class members have been adversely affected and damaged in that Google publicly
3 shared their private information without the class members' knowledge or consent.

4 34. The proposed class representatives will fairly and adequately represent the
5 putative class because they have the class members' interest in mind, their individual claims are
6 co-extensive with those of the class, and because they are represented by qualified counsel
7 experienced in class action litigation of this nature.

8 35. A class action in this instance is superior to other available methods for the fair and
9 efficient adjudication of these claims because individual joinder of the claims of all putative class
10 members is impracticable. Many members of the class are without the financial resources
11 necessary to pursue this matter. Even if some members of the class could afford to litigate their
12 claims separately, such a result would be unduly burdensome to the courts in which the
13 individualized cases would proceed. Individual litigation increases the time and expense of
14 resolving a common dispute concerning Google's actions toward an entire group of individuals.
15 Class action procedures allow for far fewer management difficulties in matters of this type and
16 provide the unique benefits of unitary adjudication, economy of scale and comprehensive
17 supervision over the entire controversy by a single court.

18 36. The putative class may be certified pursuant to Rule 23(b)(2) of the Federal Rules of
19 Civil Procedure because Google has acted on grounds generally applicable to the putative class,
20 thereby making final injunctive relief and corresponding declaratory relief appropriate with
21 respect to the claims raised by the class.

22 37. The putative class may be certified pursuant to Rule 23(b)(3) of the Federal Rules of
23 Civil Procedure because questions of law and fact common to class members will predominate
24 over questions affecting individual members, and a class action is superior to other methods for
25 fairly and efficiently adjudicating the controversy and causes of action described in this
26 Complaint.

27 **COUNT ONE**

28 **(Stored Communications Act, 18 U.S.C. § 2701 *et seq.*)**

1 38. Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1
2 through 37 above.

3 39. Defendant Google provides an electronic communications service to the public via
4 its "Gmail" email program. 18 U.S.C. § 2510(15).

5 40. A user's contact list is an electronic communication within the meaning of 18
6 U.S.C. § 2510(12).

7 41. As part of its Gmail service, Google holds its users' contact lists in electronic
8 storage on its servers. 18 U.S.C. § 2510(17).

9 42. The Buzz program automatically creates for each user a list of "followers" and
10 "persons following" the user. Buzz creates the follower/following list by selecting the most
11 frequent contacts on the user's contact list.

12 43. A user's follower/following list is an electronic communication within the
13 meaning of 18 U.S.C. § 2510(12).

14 44. Google holds its users' follower/following lists in electronic storage. 18 U.S.C.
15 §2510(17).

16 45. By sharing users' follower/following lists with the users' "followers" and making
17 follower/following lists publicly searchable on the Internet, Defendant Google knowingly
18 divulges the contents of communications while those communications are in electronic storage in
19 violation of 18 U.S.C. §2702(a)(1).

20 46. A Gmail user's Google Profile is created by the user and contains information that
21 the user chooses to place in her Profile, such as the user's contact information, likes and dislikes,
22 occupation, etc.

23 47. A user's Google Profile is an electronic communication within the meaning of 18
24 U.S.C. § 2510(12).

25 48. Google holds its users' Google Profiles in electronic storage. 18 U.S.C. §
26 2510(17).

27 49. By sharing users' Google Profiles with the users' "followers" without consent
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1 from its users, Defendant Google knowingly divulges the contents of communications while
2 those communications are in electronic storage in violation of 18 U.S.C. §2702(a)(1).

3 50. Pictures, videos, and text that individuals post on public websites such as Picasa and
4 YouTube are electronic communications with the meaning of 18 U.S.C. § 2510(12).

5 51. Google holds information that individuals have posted to Picasa, YouTube, and other
6 public websites owned by Google in electronic storage. 18 U.S.C. § 2510(17).

7 52. Without authorization or consent from its users, the Buzz program
8 searches for and collects information that its users have posted on various public websites owned
9 by Google, including but not limited to Picasa and YouTube. The Buzz program then sends the
10 collected information to the user's "followers."

11 53. By sharing with the users' "followers" posts that users had placed on You Tube,
12 Picasa, and other websites, Defendant Google knowingly divulges the contents of
13 communications while those communications are in electronic storage in violation of 18 U.S.C.
14 §2702(a)(1).

15 54. Google provides remote computing services to the public because it provides
16 computer storage and processing services by means of an electronic communications system. 18
17 U.S.C. § 2711(2).

18 55. Google carries and maintains its users' contact lists, follower/following lists,
19 Google Profile information, and Picasa, YouTube, and other website posts solely for the purpose
20 of providing storage and computer processing services to its users. Google is not authorized to
21 access this information for purposes other than providing storage and computer processing. 18
22 U.S.C. § 2702(a)(2).

23 56. By engaging in the foregoing acts and omissions, Google knowingly divulges the
24 contents of communications that are carried and maintained by Google on behalf of, and
25 received by transmission from, users of Google's Gmail service in violation of 18 U.S.C. §
26 2702(a)(2).

27 57. By engaging in the foregoing acts and omissions, Google divulges its users'
28

1 electronic communications to persons who are not the intended addressees or recipients. 18
2 U.S.C. § 2702(b)(1).

3 58. Google engages in the foregoing acts and or omissions without obtaining the lawful
4 consent of either the originators or the intended addressees or recipients. 18 U.S.C. §
5 2702(b)(3).

6 59. For some Gmail users, Google activates the information-divulging features of the
7 Buzz program if the user fails to affirmatively opt-out of those features. A user's failure to
8 affirmatively opt-out does not constitute consent within the meaning of 18 U.S.C. § 2702(b)(3).

9 60. For some Gmail users, Google activated the information-divulging features of the
10 Buzz program automatically, without providing the user any opportunity to opt-out and without
11 obtaining any consent and or authorization from the user.

12 61. None of the foregoing acts and or omissions taken by Google are necessarily incident
13 to Google's rendition of its Gmail service or to the protection of Google's rights or property. 18
14 U.S.C. § 2702(b)(5).

15 62. Because of the foregoing violations, Plaintiff on behalf of the class is entitled to
16 appropriate relief, including preliminary and other equitable or declaratory relief as this court
17 may deem appropriate. 18 U.S.C. § 2707(b)(1).

18 63. Plaintiff on behalf of the class is entitled to a reasonable attorney's fee and other
19 litigation costs reasonably incurred as provided by 18 U.S.C. § 2707(b)(3).

20 64. Defendant Google profits from the information-divulging aspects of the Buzz
21 program. Google makes money by providing targeted advertising to persons who use its
22 services. Google introduced the Buzz program in an effort to draw traffic from "pure" social
23 networking sites such as Facebook, Myspace and or Twitter. By inducing users to spend more
24 time using services provided by Google, and thus viewing advertisements provided by Google,
25 Buzz increases Google's revenue.

26 65. The Buzz program also increases the amount of information Google knows about
27 each user, thus allowing Google to provide more narrowly tailored advertisements and increasing
28 Google's revenue.

1 66. Plaintiff on behalf of the class is entitled to recover monetary damages
2 including actual damages, profits made by Google as described above, and statutory damages in
3 the amount of not less than \$1,000 per class member as provided by 18 U.S.C. § 2707(c).

4 67. Because Google's violations were willful and intentional, Plaintiff on behalf of the
5 class is entitled to recover punitive damages as provided by 18 U.S.C. § 2707(c).

6 **COUNT TWO**

7 **(Wiretap Act, 18 U.S.C. §2510 et seq.)**

8 68. Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1
9 through 67 above.

10 69. Gmail users' contact lists, follower/following lists, Google Profiles, Picasa
11 photographs, YouTube videos, and posts to other similar websites are electronic communications
12 with the meaning of 18 U.S.C. § 2510(12).

13 70. By sharing users' follower/following lists with the users' "followers" and making
14 follower/following lists publicly searchable on the Internet, Defendant Google intentionally
15 intercepts and discloses electronic communications in violation of 18 U.S.C. § 2511(1)(a) & (c).

16 71. By sharing users' follower/following lists with the users' "followers" and making
17 follower/following lists publicly searchable on the Internet, Defendant Google intentionally
18 divulges the contents of communications while in transmission on Google's Gmail service to
19 persons other than the intended recipients in violation of 18 U.S.C. § 2511(3)(a).

20 72. By sharing users' Google Profiles with the users' "followers" without consent
21 from its users, Defendant Google intentionally intercepts and discloses electronic
22 communications in violation of 18 U.S.C. § 2511(1)(a) & (c).

23 73. By sharing users' Google Profiles with the users' "followers" without consent
24 from its users, Defendant Google intentionally divulges the contents of communications while in
25 transmission on Google's Gmail service to persons other than the intended recipients in violation
26 of 18 U.S.C. § 2511(3)(a).

27 74. By collecting users' public website posts and sending those posts to the users'
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1 “followers,” Google intentionally intercepts and discloses electronic communications in violation
2 of 18 U.S.C. § 2511(1)(a) & (c).

3 75. Google is not a party to any of the above-mentioned communications, nor have any
4 of the parties to the communications given prior consent to Google’s interception or divulging of
5 those communications. 18 U.S.C. § 2511(2)(d).

6 76. For some Gmail users, Google activates the information-divulging features of the
7 Buzz program if the user fails to affirmatively opt-out of those features. A user’s failure to
8 affirmatively opt-out does not constitute prior consent within the meaning of 18 U.S.C.
9 §2511(2)(d).

10 77. For some Gmail users, Google activated the information-divulging features of the
11 Buzz program automatically, without providing the user any opportunity to opt-out and without
12 obtaining any consent and or authorization from the user.

13 78. Google does not obtain prior consent from Gmail users who have posted video,
14 pictures, or text on public websites such as Picasa and YouTube before sending these posts to the
15 users’ “followers.”

16 79. None of the foregoing acts and or omissions taken by Google are necessarily
17 incident to Google’s rendition of its Gmail service or to the protection of Google’s rights or
18 property. 18 U.S.C. § 2702(b)(5).

19 80. Because of the foregoing violations, Plaintiff on behalf of the class is entitled to
20 appropriate relief, including preliminary and other equitable or declaratory relief as this court
21 may deem appropriate. 18 U.S.C. § 2520(b)(1).

22 81. Plaintiff on behalf of the class is entitled to a reasonable attorney’s fee and other
23 litigation costs reasonably incurred as provided by 18 U.S.C. § 2520(b)(3).

24 82. Plaintiff on behalf of the class is entitled to recover monetary damages in
25 amounting to the greater of: (a) the sum of actual damages and any profits made by Google as a
26 result of the violations of law caused by its introduction of Buzz; or (b) statutory damages in the
27 amount of \$100 per day of violation per class member, up to a maximum amount of \$10,000 per
28 class member. 18 U.S.C. § 2520(c)(2).

1 **COUNT THREE**

2 **(Computer Fraud and Abuse Act, 18 U.S.C. § 1030 et seq.)**

3 83. Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1
4 through 82 above.

5 84. The servers on which Gmail users store their contact lists, other account
6 information, and backup copies of previously transmitted emails are protected computers
7 because they are used in and affect interstate and foreign commerce and communication. 18
8 U.S.C. §1030(e)(2)(B).

9 85. The servers on which users of websites such as Picasa and YouTube store their
10 videos, photographs, text and other information are protected computers because they are used in
11 and affect interstate and foreign commerce and communication. 18 U.S.C. § 1030(e)(2)(B).

12 86. By taking stored user contact lists and using them to create follower/following
13 lists, Defendant Google intentionally accessed a protected computer in excess of its authorization
14 and obtained information from that computer in violation of 18 U.S.C. § 1030(a)(2)(C).

15 87. By sharing users' follower/following lists with the users' "followers" and making
16 follower/following lists publicly searchable on the Internet, Defendant Google intentionally
17 accessed a protected computer in excess of its authorization and obtained information from that
18 computer in violation of 18 U.S.C. § 1030(a)(2)(C).

19 88. By collecting users' Google Profile information and public website posts and
20 sending this information to the users' "followers," Defendant Google intentionally accessed a
21 protected computer in excess of its authorization and obtained information from that computer in
22 violation of 18 U.S.C. § 1030(a)(2)(C).

23 89. By engaging in the foregoing acts and omissions, Defendant Google caused
24 economic damage to its users including but not limited to loss caused by the misappropriation of
25 the economic value of Plaintiff's personality.

26 90. Defendant Google has caused loss to one or more persons during a one-year
27 period aggregating to at least \$5,000 in value. 18 U.S.C. § 1030(c)(4)(A)(i)(I).

1 91. Because of the foregoing violations, Plaintiff on behalf of the class are entitled to
2 compensatory damages, injunctive relief, and any other equitable relief this court deems
3 appropriate as provided by 18 U.S.C. § 1030(g).

4 **COUNT FOUR**

5 **(Public Disclosure Tort)**

6 92. Plaintiff repeats and reaffirms the assertions of fact contained in paragraphs 1
7 through 91 above.

8 93. By engaging in the forgoing acts and omissions, defendant Google committed the
9 common law tort of Public Disclosure of Private Facts as recognized by California common law.
10 The Buzz program resulted in the public disclosure of private facts which would be offensive
11 and objectionable to a reasonable person, and which facts are not of legitimate public concern.

12 **PRAYER FOR RELIEF**

13 94. **WHEREFORE** Plaintiff, on behalf of herself and all others similarly
14 situated, hereby demand judgment against defendant Google as follows:

15 a. For an order certifying the Class proposed herein and appointing Plaintiff and
16 her counsel to represent the Class;

17 b. For a declaration that Google's acts and or omissions constitute a knowing and
18 unauthorized invasion of its users' privacy rights in violation of the laws of the United States and
19 the State of California;

20 c. For preliminary and permanent injunctive relief enjoining and preventing Google from
21 continuing to operate its Buzz program without appropriate safeguards, default provisions and or
22 opt-in mechanisms to ensure the private data of its users is not improperly disclosed,
23 compromised and or transmitted in the future;

24 d. For an award of damages, including without limitation damages for actual harm,
25 profits made by Google in the operation of its Buzz program, and statutory damages where
26 applicable;

27 e. For an award of reasonable attorneys' fees and costs incurred by Plaintiff and the
28 putative class members in prosecuting this matter; and

1 f. For an award of such other relief in law and equity which Plaintiff and the
2 putative members class may be entitled.

3 DATED: June 4, 2010

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff Williams hereby demands a trial by jury on all claims so triable.

6 Respectfully submitted,

7
8 Dated: June 4, 2010

THE TERRELL LAW GROUP
AMAMGBO & ASSOCIATES

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