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NORTHERN DISTRICT OF CALIFORNIA

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

<p>19 SHARON AND SALVATORE SEDITA, 20 on behalf of themselves and all others 21 similarly situated, 22 23 Plaintiffs 24 25 GOOGLE, INC., 26 Defendant.</p>	<p>Civil Action No. CV 10-3286 27 28 CLASS ACTION COMPLAINT JURY TRIAL DEMANDED</p>
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1 **COMPLAINT**

2 Plaintiffs Sharon and Salvatore Sedita, through their attorneys, individually and on behalf
3 of the below-described class allege the following:

4 **I. INTRODUCTION**

5 1. This class action arises from the systematic misappropriation by Google of private
6 electronic information belonging to tens of thousands of individuals throughout the United States.
7 In operating its service called Street View, which allows users of Google Maps and Google Earth
8 to view actual photos of addresses throughout the United States and the world, Defendant Google
9 outfitted vehicles with specially-designed equipment that, in addition to taking millions of photos
10 of homes and buildings, collected information sent over open WiFi networks, including
11 passwords, credit card numbers and email communications. As a result, Plaintiffs Sharon and
12 Salvatore Sedita, on behalf of themselves and all others similarly situated, seek recovery of
13 monetary damages, penalties, attorneys' fees, and other relief based on Google's conduct in
14 wrongfully acquiring personal and private information without permission or consent. Such
15 conduct was committed in violation of Title III of the Omnibus Crime Control and Safe Streets
16 Act of 1968, as amended by the Electronic Communications Privacy Act of 1986, 18 U.S.C. §
17 2511, *et seq.* (the "Wiretap Act").

18 **II. PARTIES**

19 2. Plaintiffs Sharon and Salvatore Sedita ("Plaintiffs" or the "Seditas"), recently
20 moved to and currently reside in Elkton, Maryland, as of June 2010. Prior to moving to
21 Maryland, Plaintiffs resided at 14 Robin Drive, Hockessin, Delaware, 19707, during all times
22 relevant herein. Plaintiffs' previous residence in Hockessin, Delaware is viewable on Google
23 Street View. The images available on Street View confirm that Plaintiffs lived at their previous
24 residence in Delaware while Google Street View vehicles photographed their home.

25 3. During all times relevant herein, Plaintiffs used and maintained an open,
26 unencrypted wireless internet connection at their home. Plaintiffs used their Wi-Fi connection to
27 access the internet and to transmit and receive personal and private data. Upon information and
28 belief, Google has collected and stored private Wi-Fi data from the Seditas.

1 4. Defendant Google, Inc. (“Google”) is a Delaware corporation with its principal
2 place of business in Mountain View, California. Google develops and operates a variety of
3 Internet-based services, including the world’s most-visited website, www.google.com. Google’s
4 self-described mission is to organize the world’s information and make it universally accessible.
5 One of Google’s services is Google Street View. Google does business across the United States.

6 III. JURISDICTION AND VENUE

7 5. Jurisdiction of this Court arises under 28 U.S.C. § 1331, as this case involves
8 violations of the Wiretap Act.

9 6. Venue is proper in this District because Defendant Google conducts business in
10 this District and the conduct complained of took place, in part, within this District.

11 IV. FACTS

12 7. On May 25, 2007, Google launched an enhanced technology to its Google Maps
13 and Google Earth programs known as Google Street View.

14 8. Google Street View provides panoramic views of streets and surrounding areas
15 along many streets across the United States and around the world. Upon entering a specific
16 location or address into Street View, users can pan and zoom so as to view exactly how the
17 particular location or address appears.

18 9. Google Street View captured these images with the use of a fleet of vehicles that
19 were specially equipped with nine directional cameras that record continual and connected 360
20 degree views of streets traveled. Notably, Google also equipped these vehicles with devices and
21 antennas for scanning and collecting Wi-Fi network data.

22 10. On April 23, 2010, Peter Schaar, the German Commissioner for Data Protection
23 and Freedom of Information, discovered that Google Street View vehicles, in addition to taking
24 pictures, were scanning Wi-Fi networks to compile a database of networks and their physical
25 locations for use in “location-aware” advertising services.

26 11. Upon requests for information, Google admitted that its Street View vehicles
27 throughout the world, including the United States, were actually capturing payload data over
28 wireless internet connections.

1 12. "Payload data" refers to the actual data being carried by a network, such as the
2 content of websites, passwords entered, and the contents of emails. In short, it is the content an
3 individual views and uses online.

4 13. Google acknowledged that it had developed the methods for collecting payload
5 data before the May 2007 launch of Street View.

6 14. The payload data that Google collected is not reasonably accessible by the general
7 public. Payload data is not readable without sophisticated decoding and processing technology.

8 15. The Seditas and other wireless internet users did not give their consent to Google
9 to collect the data transmitted on their Wi-Fi internet connection, nor did they have knowledge
10 that Google Street View vehicles have been collecting this payload data.

11 16. On May 19, 2010, while speaking to the Google I/O conference, Google co-
12 founder Sergey Brin admitted that Google's actions were wrong: "In short, let me just say that we
13 screwed up. I'm not going to make any excuses about it... First, we do have a lot of internal
14 controls in place, but obviously, they didn't prevent this error from occurring." Tom Krazit,
15 *Google's Brin on Wi-Fi spying: 'We screwed up'*, May 19, 2010, [http://news.cnet.com/8301-](http://news.cnet.com/8301-30684_3-20005439-265.html)
16 [30684_3-20005439-265.html](http://news.cnet.com/8301-30684_3-20005439-265.html).

17 17. Having knowingly equipped its Google Street View vehicles with devices capable
18 of intercepting wireless communications over wireless networks it secretly mapped, Google
19 stored the information it intercepted on its servers where, on information and belief, Google
20 employees, vendors and contractors have access to the intercepted data maintained on Google's
21 servers.

22 **V. CLASS ACTION ALLEGATIONS**

23 18. Plaintiffs bring this action individually and as a class action, pursuant to Rules
24 23(a) and 23(b) of the Federal Rules of Civil Procedure, on behalf of the following Class:

25 All persons in the United States of America who maintained an open Wi-Fi
26 internet connection through which Google intercepted and collected payload data
27 through its deployment of Google Street View vehicles between May 1, 2007 to
the present.

28 Plaintiffs reserve the right to revise this Class definition based on facts learned in discovery.

1 19. The Class is so numerous that joinder of all members is impracticable. Upon
2 information and belief, Google has continually intercepted the electronic communications and
3 data of tens of thousands of persons throughout the United States. Because the interception
4 practices at issue are a standard and uniform practice employed by Google, numerosity may be
5 presumed.

6 20. Plaintiffs' claim is typical of the claims of all of the other members of the Class,
7 which all arise from the same operative facts and are based on the same legal theories.

8 21. Plaintiffs will fairly and adequately represent and protect the interests of the other
9 members of the Class. Plaintiffs have retained counsel with substantial experience in prosecuting
10 complex litigation and class actions. Plaintiffs and their counsel are committed to vigorously
11 prosecuting this action on behalf of the members of the Class. Neither Plaintiffs nor their counsel
12 have any interest adverse to those of other members of the Class.

13 22. There are questions of law and fact common to the Class which predominate over
14 any questions affecting only individual Class members. The principal question is whether Google
15 illegally intercepted electronic communications in violation of one or more provisions of the
16 Wiretap Act, as amended by the Electronic Communications Privacy Act. Additional questions
17 of law and fact common to the Class include:

- 18 (a) Whether Google acted intentionally in intercepting wireless electronic
19 communications;
20 (b) Whether Defendant should be enjoined from intercepting an electronic
21 communications from any wireless network without the express consent of
22 the owners of such electronic data;
23 (c) The appropriate statutory damages that should be awarded to the Class; and
24 (d) The appropriate punitive damages that should be awarded to the Class.

25 23. This action should be maintained as a class action because the prosecution of
26 separate actions by individual members of the Class would create a risk of inconsistent or varying
27 adjudications with respect to individual members which would establish incompatible standards
28 of conduct for the parties opposing the Class, as well as a risk of adjudications with respect to

1 individual members, which would as a practical matter be dispositive of the interests of other
2 members not parties to the adjudications, or substantially impair or impede their ability to protect
3 their interests.

4 24. Google has acted or refused to act on grounds that apply generally to the Class, so
5 that final injunctive relief or corresponding declaratory relief is appropriate respecting the Class
6 as a whole.

7 25. A class action is a superior method for the fair and efficient adjudication of this
8 controversy. The interest of Class members in individually controlling the prosecution of
9 separate claims against Google is small because the maximum statutory damages available in an
10 individual action are minimal in comparison to the expense and burden and prosecuting
11 individual litigation. Management of the Class claims is likely to present significantly fewer
12 difficulties than those presented in many class claims.

13 VI. CLAIMS FOR RELIEF

14 COUNT I (Wiretap Act)

15 26. Plaintiffs incorporate the foregoing paragraphs as though the same were set forth
16 fully herein.

17 27. As described herein, beginning at least as early as May 25, 2007, and continuing
18 through the present, Google, via its Street View Wi-Fi data collection practices, intentionally
19 intercepted and collected the electronic information and communications contained on the Wi-Fi
20 networks of Plaintiffs and the Class, without their authorization, knowledge, or consent, while the
21 communications were en route.

22 28. The transmission of data by Plaintiffs and the Class members over their Wi-Fi
23 networks between their computers and the Internet constitute "electronic communications" within
24 the meaning of 18 U.S.C. § 2510(12).

25 29. Google's Wi-Fi data collection practices as described herein constitute
26 "interceptions" within the meaning of § 2510(4).

27 30. As a direct and proximate result of such unlawful conduct, Google violated 18
28 U.S.C. § 2511.

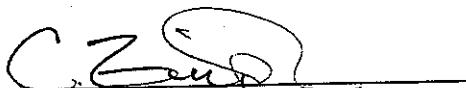
JURY DEMAND

Plaintiffs demand that all issues so triable in the Complaint be tried to a jury.

Dated: July 27, 2010.

Respectfully submitted,

By:



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