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 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 N.D. CALIF. JOSE

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10 ATTORNEYS FOR PLAINTIFF AND THE PUTATIVE CLASS

11  
 12 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FILED BY FAX

13 *W*  
 14 MICHAEL SEVY, individually and on  
 behalf of all others similarly situated,

15 *Plaintiff,*

16 v.

17  
 18 NETFLIX, INC., a Delaware corporation,

19 *Defendant.*

Case No. **CW 11-01309**

**CLASS ACTION**

**COMPLAINT FOR:**

(1) **Violations of the Video Privacy  
 Protection Act, 18 U.S.C. § 2710**

**DEMAND FOR JURY TRIAL**

20 Plaintiff Michael Sevy ("Plaintiff") brings this Class Action complaint against Netflix,  
 21 Inc. ("Netflix") and alleges as follows:

**JURISDICTION AND VENUE**

22  
 23 1. This Court has subject matter jurisdiction over Plaintiff's claims arising under the  
 24 laws of the United States pursuant to 28 U.S.C. § 1331.  
 25  
 26  
 27  
 28

COMPLAINT



1 foreign commerce, of rental, sale, or delivery of prerecorded video cassette tapes or similar audio  
2 visual materials.” 18 U.S.C. § 2710(a)(4).

3 12. Plaintiff is a “consumer,” as defined by the VPPA, because he is a “renter,  
4 purchaser, or subscriber of goods or services from a video tape service provider.” 18 U.S.C. §  
5 2710(a)(1).

6 13. Netflix violates the VPPA by collecting, storing, and maintaining, for an  
7 indefinite period of time, the video rental histories of every customer that has ever rented a DVD  
8 from Netflix, as well as information which identifies the customer as having requested or  
9 obtained specific video materials or services.

10 14. Accordingly, and in violation of 18 U.S.C. § 2710(e), Netflix continues to retain  
11 the “personally identifiable information” of Plaintiff and the putative Class, and Netflix has  
12 failed to destroy its customers’ “personal identifiable information” as soon as practicable after it  
13 was no longer necessary for the purpose for which it was collected.  
14

15 15. As a result, Plaintiff and the Class have suffered injuries. Netflix’s unlawful  
16 conduct should be enjoined, and Plaintiff and the Class should be awarded the maximum  
17 statutory damages available under 18 U.S.C. § 2710(c).  
18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff Michael Sevy, individually and on behalf of the Class, prays for  
21 the following relief:

22 A. Certify the action as a class action on behalf of the Class defined above, appoint  
23 Plaintiff as Class Representative, and designate his counsel as representatives of the Class;

24 B. Declare that Netflix’s conduct violates the Video Privacy Protection Act, 18  
25 U.S.C. §§ 2710, *et seq.*;  
26  
27

1 C. Award statutory damages in the amount of \$2,500 per violation, as allowed under  
2 the Video Privacy Protection Act, 18 U.S.C. § 2710(c) and punitive damages in an amount to be  
3 determined at trial;

4 D. Award Plaintiff and the Class their reasonable attorneys' fees;

5 E. Award Plaintiff and the Class pre- and post-judgment interest, to the extent  
6 allowable; and

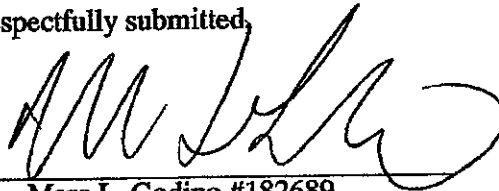
7 F. Award such other and further relief as this Court deems just.  
8

9 **JURY TRIAL**

10 Plaintiff demands a trial by jury for all issues so triable.  
11

12 Dated: March 17, 2011

Respectfully submitted,



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14  
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