

1 **AHDOOT & WOLFSON, PC**
2 Tina Wolfson (SBN 174806)
3 *twolfson@ahdootwolfson.com*
4 1016 Palm Avenue
5 West Hollywood, California 90069
6 Telephone: (310) 474-9111
7 Facsimile: (310) 474-8585

8 *Attorneys for Plaintiffs*
9 *Jose Luis Martinez and Malcolm Neal*

10 *[Additional counsel on signature page]*

11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

FILED
Superior Court of California
County of Los Angeles

MAY 23 2016

Sherri R. Carter, Executive Officer/Clerk
By *[Signature]* Deputy
Shaunya Bolden

13 JOSE LUIS MARTINEZ and
14 MALCOLM NEAL, on behalf of
15 themselves and all others similarly
16 situated,

17 Plaintiffs,

18 vs.

19 SNAPCHAT, INC.,

20 Defendant.

Case No.

CLASS ACTION COMPLAINT

1. Violation of the Illinois Biometric
Information Privacy Act, 740 ILCS
14/1, *et seq.*

[DEMAND FOR JURY TRIAL]

BC 6 21 391

BY FAX

CIT/CASE: BC621391
LEA/DEF#:

RECEIPT #: CCH465980190
DATE PAID: 05/23/16 04:12 PM
PAYMENT: \$435.00
RECEIVED: 310

CHECK: \$435.00
CASH: \$0.00
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CARD: \$0.00

CIT/CASE: BC621391
LEA/DEF#:

RECEIPT #: CCH465980191
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PAYMENT: \$1,000.00
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CLASS ACTION COMPLAINT

05/23/2016

1 Plaintiffs Jose Luis Martinez and Malcolm Neal, individually and on behalf of all
2 others similarly situated, bring this Class Action Complaint for violations of the Illinois
3 Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1 *et seq.*, against Snapchat,
4 Inc. ("Snapchat" or the "Defendant"), and allege as follows based on personal knowledge
5 as to themselves, on the investigation of counsel, and on information and belief as to all
6 other matters, and demand trial by jury:

7 NATURE OF ACTION

8 1. Plaintiffs bring this action for damages and other legal and equitable
9 remedies resulting from the illegal actions of Snapchat in collecting, storing and using
10 Plaintiffs' and other similarly situated Illinois users' biometric identifiers¹ and biometric
11 information² (referred to collectively at times as "biometrics") without informed written
12 consent in violation of the BIPA.

13 2. The Illinois Legislature has found that "[b]iometrics are unlike other
14 unique identifiers that are used to access finances or other sensitive information." 740
15 ILCS 14/5(c). "For example, social security numbers, when compromised, can be
16 changed. Biometrics, however, are biologically unique to the individual; therefore, once
17 compromised, the individual has no recourse, is at heightened risk for identity theft, and
18 is likely to withdraw from biometric-facilitated transactions." *Id.*

19 3. In recognition of these concerns over the security of individuals'
20 biometrics – particularly in the City of Chicago, which was recently selected by major
21 national corporations as a "pilot testing site[]" for new applications of biometric-facilitated
22 financial transactions, including finger-scan technologies at grocery stores, gas stations,
23 and school cafeterias," 740 ILCS 14/5(b) – the Illinois Legislature enacted the BIPA.

24 4. As alleged herein, the BIPA is the result of an expressed fundamental
25 public policy and legislative intent in Illinois to regulate the collection of biometric

26
27 ¹ A "biometric identifier" is any personal feature that is unique to an individual, including
fingerprints, iris scans, DNA and "face geometry," among others.

28 ² "Biometric information" is any information captured, converted, stored or shared based on a
person's biometric identifier used to identify an individual.

1 information. BIPA provides, *inter alia*, that a private entity like Snapchat may not
2 collect, capture, purchase, receive through trade, or otherwise obtain an individual's
3 biometrics unless it: (1) informs that person in writing that biometric identifiers or
4 information will be collected or stored, *see id.*; (2) informs that person in writing of the
5 specific purpose and length of term for which such biometric identifiers or biometric
6 information is being collected, stored and used, *see id.*; (3) receives a written release from
7 the person for the collection of his or her biometric identifiers or information, *see id.*; and
8 (4) publishes publically available written retention schedules and guidelines for
9 permanently destroying biometric identifiers and biometric information, *see* 740 ILCS
10 14/15(a) and (b).

11 5. In direct violation of each of the foregoing provisions of § 15(a) and §
12 15(b) of the BIPA, Snapchat is actively collecting, storing, and using the biometrics of its
13 users without providing notice, obtaining informed written consent or publishing data
14 retention policies.

15 6. Specifically, in connection with providing its services, Snapchat has
16 created, collected and stored tens if not hundreds of millions of "face templates" (or "face
17 prints") – highly detailed geometric maps of the face – from millions of individuals, tens
18 of thousands of whom, at least, reside in the State of Illinois. Snapchat creates these
19 templates using sophisticated facial recognition technology that extracts and analyzes
20 data from the points and contours of users' faces when they use Snapchat's "Lenses"
21 feature.

22 7. Lenses allows users to add real-time special effects and sounds to their
23 "snaps," images sent through the app that "vanish" within 1 to 10 seconds of receipt, and
24 "stories," which, unlike snaps, are available for 24 hours and can be viewed repeatedly
25 until the time limit is up.

26 8. Each face template is unique to a particular individual, in the same way
27 that a fingerprint or voiceprint uniquely identifies one and only one person.
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1 be abused in ways that could threaten basic aspects of our privacy and civil liberties.”³
2 Senator Franken noted, for example, that facial recognition technology could be “abused
3 to not only identify protesters at political events and rallies, but to target them for
4 selective jailing and prosecution.”⁴

5 18. The Federal Trade Commission (“FTC”) has raised similar concerns, and
6 recently released a “Best Practices” guide for companies using facial recognition
7 technology.⁵ In the guide, the FTC underscores the importance of companies obtaining
8 affirmative consent from consumers before extracting and collecting their biometric
9 identifiers and biometric information.

10 19. As explained below, Snapchat failed to obtain consent from users when it
11 introduced facial recognition technology in connection with its services. Not only do the
12 actions of Snapchat contravene the FTC guidelines, they also violate the statutory privacy
13 rights of Illinois residents.

14 **II. Illinois’s Biometric Information Privacy Act**

15 20. In 2008, Illinois enacted the BIPA due to the “very serious need [for]
16 protections for the citizens of Illinois when it [comes to their] biometric information.”
17 Illinois House Transcript, 2008 Reg. Sess. No. 276.

18 21. The BIPA was enacted due to the Legislature’s expressed concerns over the
19 sensitive nature of biometrics, the potential for misuse and the need for regulation.
20 Specifically, the Legislative Intent and purpose of BIPA, as expressly found by the
21 Illinois General Assembly is as follows:
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25 ³ *What Facial Recognition Technology Means for Privacy and Civil Liberties: Hearing Before the*
26 *Subcomm. on Privacy, Tech. & the Law of the S. Comm. on the Judiciary*, 112th Cong. 1 (2012)
(available at https://www.eff.org/files/filenode/jenniferlynch_eff-senate-testimony-face_recognition.pdf).

27 ⁴ *Id.*

28 ⁵ *Facing Facts: Best Practices for Common Uses of Facial Recognition Technologies*, Federal
Trade Commission (Oct. 2012), available at
<http://www.ftc.gov/sites/default/files/documents/reports/facing-facts-best-practices-common-uses-facial-recognition-technologies/121022facialtechrpt.pdf>.

1 Sec. 5. Legislative findings; intent. The General Assembly finds all of the
2 following:

3 (a) The use of biometrics is growing in the business and security screening
4 sectors and appears to promise streamlined financial transactions and
5 security screenings.

6 (b) Major national corporations have selected the City of Chicago and
7 other locations in this State as pilot testing sites for new applications of
8 biometric-facilitated financial transactions, including finger-scan
9 technologies at grocery stores, gas stations, and school cafeterias.

10 (c) Biometrics are unlike other unique identifiers that are used to access
11 finances or other sensitive information. For example, social security
12 numbers, when compromised, can be changed. Biometrics, however, are
13 biologically unique to the individual; therefore, once compromised, the
14 individual has no recourse, is at heightened risk for identity theft, and is
15 likely to withdraw from biometric-facilitated transactions.

16 (d) An overwhelming majority of members of the public are weary of the
17 use of biometrics when such information is tied to finances and other
18 personal information.

19 (e) Despite limited State law regulating the collection, use, safeguarding,
20 and storage of biometrics, many members of the public are deterred from
21 partaking in biometric identifier-facilitated transactions.

22 (f) The full ramifications of biometric technology are not fully known.

23 (g) The public welfare, security, and safety will be served by regulating the
24 collection, use, safeguarding, handling, storage, retention, and destruction
25 of biometric identifiers and information.

26 740 ILCS 14/5.

27 22. The BIPA makes it unlawful for a company to, *inter alia*, "collect, capture,
28 purchase, receive through trade, or otherwise obtain a person's or a customer's biometric
29 identifiers⁶ or biometric information, unless it first:

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2 (1) informs the subject . . . in writing that a biometric identifier
3 or biometric information is being collected or stored;
4 (2) informs the subject . . . in writing of the specific purpose and
5 length of term for which a biometric identifier or biometric
6 information is being collected, stored, and used; and
7 (3) receives a written release executed by the subject of the
biometric identifier or biometric information or the subject's
legally authorized representative."

8 740 ILCS 14/15 (b).

9
10 23. Section 15(a) of the BIPA also provides:

11 A private entity in possession of biometric identifiers or
12 biometric information must develop a written policy, made
13 available to the public, establishing a retention schedule and
14 guidelines for permanently destroying biometric identifiers and
15 biometric information when the initial purpose for collecting or
16 obtaining such identifiers or information has been satisfied or
within 3 years of the individual's last interaction with the private
entity, whichever occurs first.

17 740 ILCS 14/15(a).

18 24. As alleged below, Snapchat's practices of collecting, storing and/or using
19 users' biometric identifiers and information without informed written consent violate all
20 three prongs of §15(b) of the BIPA. Snapchat's failure to provide a publicly available
21 written policy regarding its schedule and guidelines for the retention and permanent
22 destruction of non-users' biometric information also violates §15(a) of the BIPA.

23 **III. Snapchat Violates The Biometric Information Privacy Act**

24 25. Snapchat provides image messaging and multimedia services to its users
25 via its mobile application ("app") that allows users to share images or video clips with
26 other users. To use Snapchat, users download and install a copy of the Snapchat app on
27 their mobile devices and then are able to use Snapchat's services through the app.
28

1 26. In September 2015, Snapchat acquired Lookery, Inc., a San-Francisco-
2 based company and developer of the Lookery application, which uses facial recognition,
3 tracking and modification technologies for transforming a user's face in real time for use
4 in video chats and messages. That same month, Snapchat released Lookery's facial
5 recognition and modification technology under the name "Lenses," which became a
6 feature of Snapchat's services.

7 27. Lookery⁷ describes this technology as follows:

8 Our technology tracks your facial shape and expressions,
9 ultimately giving you the ability to incrementally modify and fully
10 transform your look using a smartphone front and rear- facing and
11 cameras. All in real-time. A wide range of face filters have been
12 developed that can modify your eye color, nose size, facial shape,
13 and skin. Plus fun real-time effects that transform you into a 3D
avatar of a cute animal or even a scary monster if desired. With our
technology, the possibilities are extraordinary.

14 28. When Snapchat launched Lenses in connection with Snapchat's services,
15 Lookery was withdrawn as a stand-alone product.

16 29. Snapchat tells users that they can make snaps "even more fun by adding
17 real-time special effects and sounds with Lenses!"⁸

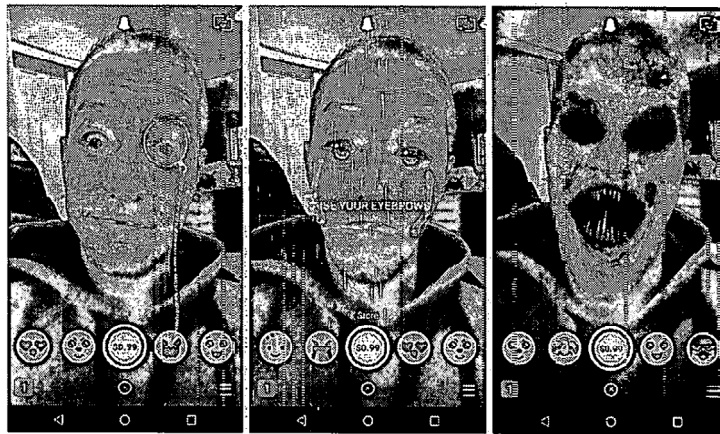
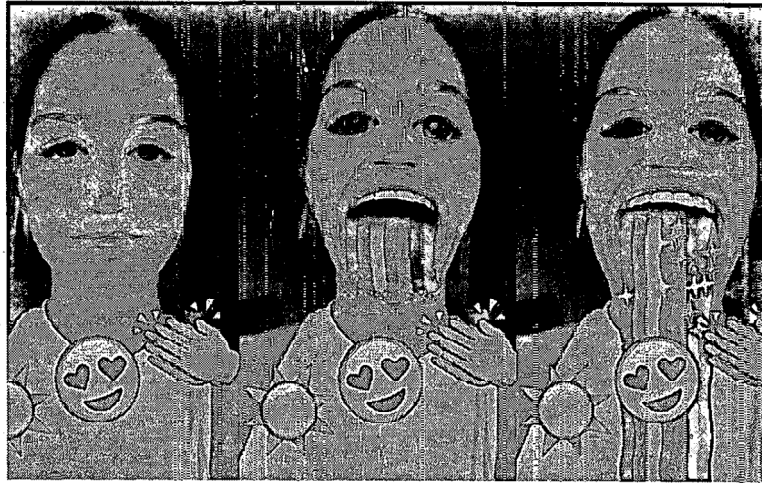
18 30. To use this feature of Snapchat's services, users must:

- 19 1. Go to the Camera screen in Snapchat.
- 20 2. Press and hold on a face! Lens options will appear below.
- 21 3. Swipe left to select the Lens you want to use.
- 22 4. Follow any action prompts that appear, like 'Raise Your Eyebrows.'
- 23 5. Tap the capture button to take a Snap, or press and hold on the
capture button to record a video.

24 31. Through Lenses, users can add animation and other effects to their snaps
25 and stories:

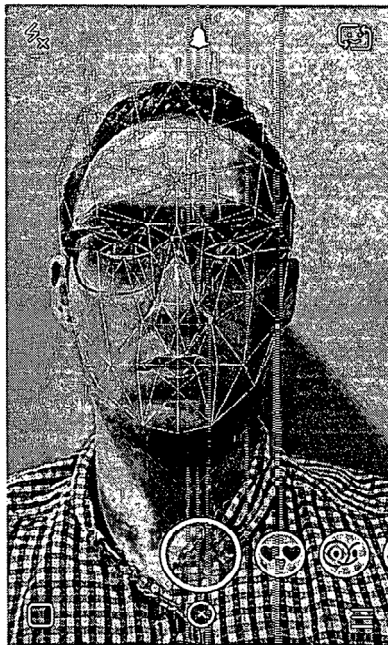
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⁷ <http://www.lookery.com/pr/> (last visited May 17, 2016).

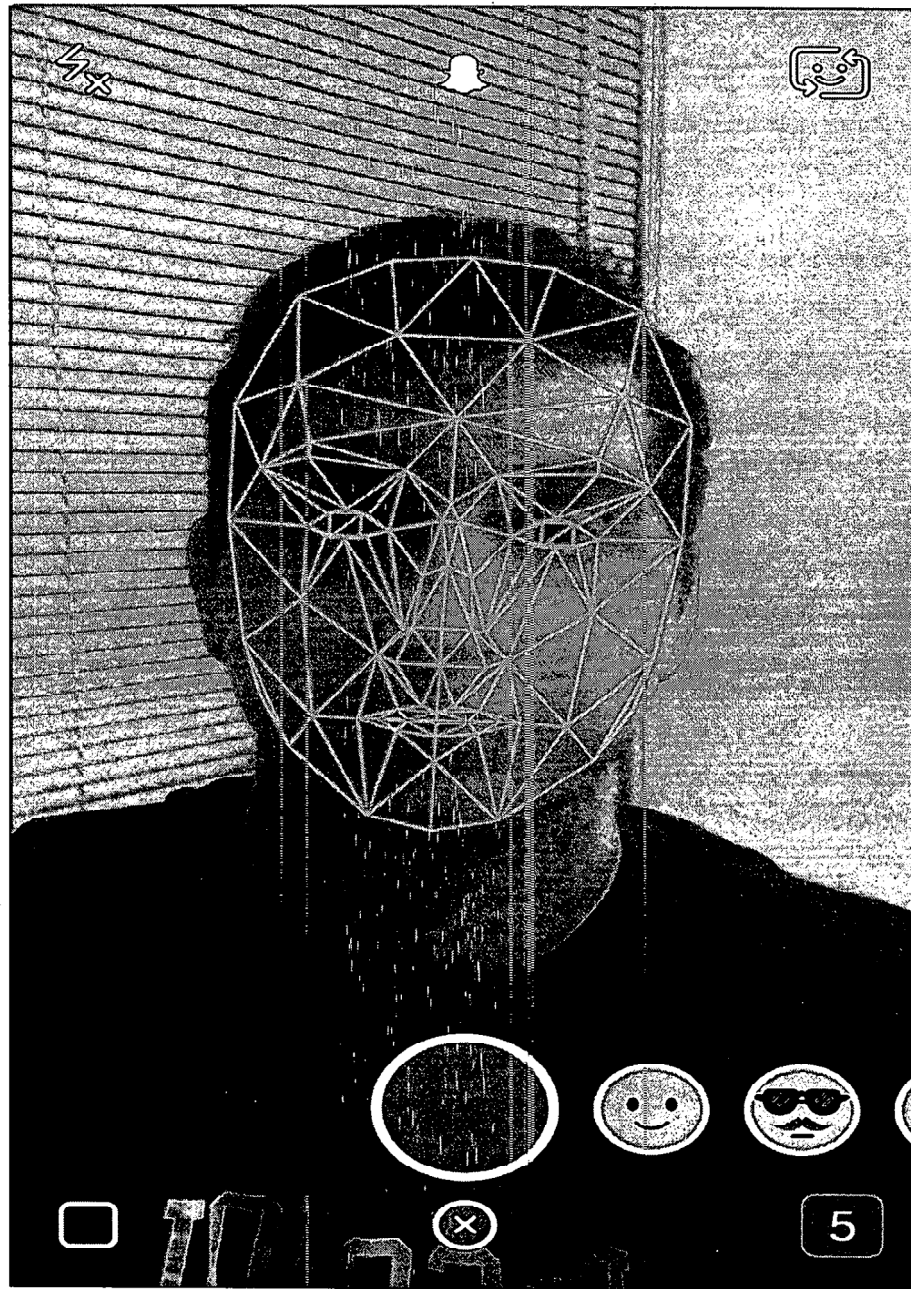
⁸ <https://support.snapchat.com/en-US/ca/lenses> (last visited May 13, 2016).



32. In order to create these animations, Snapchat employs its proprietary facial recognition technology to create a face scan or face template of the user:

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33. In direct violation of § 15(b)(1) of the BIPA, Snapchat's proprietary facial recognition technology scans a user's face each time he or she uses Lenses to send a snap or story and collects, stores and uses, geometric data relating to the unique points and contours (*i.e.*, biometric identifiers) of each face.

1 34. In direct violation of § 15(b)(2) and 15(b)(3) of the BIPA, Snapchat never
2 informed Illinois users, such as Plaintiffs, of the specific purpose and length of term for
3 which their biometric identifiers or information would be collected, stored and used, nor
4 did Snapchat obtain a written consent or release from any of these users.

5 35. Also in direct violation of § 15(a) of the BIPA, Snapchat does not have
6 written, publicly available policies identifying its retention schedules or guidelines for
7 permanently destroying users' biometric identifiers or information.

8 36. Critically, while snaps are typically accessible to users for anywhere from
9 1 to 10 seconds, and stories are accessible to users for 24 hours, this does *not* mean that
10 images sent through Snapchat, and the information contained therein, "vanish" within that
11 timeframe.

12 37. In fact, Snapchat specifically advises users that:

13 Snapchat lets you capture what it's like to live in the moment.
14 On our end, that means that we automatically delete the content
15 of your Snaps (the photo and video messages that you send your
16 friends) from our servers after we detect that a Snap has been
17 opened or has expired. But remember: There are various ways
18 Snapchatters can save your content and also upload it to
19 Snapchat (like as an attachment in Chat). We go into more detail
20 below about how users can save Snapchat content.

21 Outside of Snaps, the rest of our services may use content for
22 longer periods of time, which means those services may follow
23 different deletion protocols. So, for example, we retain your
24 Story content a bit longer than Snaps so that your friends have
25 more time to view your Story. ***Or, if you submit content to one
26 of our inherently public features, such as Live, Local, or any
27 other crowd-sourced service, we may retain the content
28 indefinitely.*** If you have any questions about how a feature
works you can just pop on over to our Support Site.

26 Finally—and this is important—you should understand that
27 users who see the content you provide can always save it using
28 any number of techniques: screenshots, in-app functionality, or
any other image-capture technology. It's also possible, as with

1 any digital information, that someone might be able to access
2 messages forensically or find them in a device's temporary
3 storage. *Keep in mind that, while our systems are designed to*
4 *carry out our deletion practices automatically, we cannot*
5 *promise that deletion will occur within a specific timeframe.*
6 *And we may also retain certain information in backup for a*
7 *limited period of time or as required by law.*⁹

8 38. Moreover, in May of 2013, the Federal Trade Commission filed a
9 Complaint against Snapchat alleging "deceptive business practices," claiming, *inter alia*,
10 that Snapchat:

- 11 • Stored video snaps unencrypted on the recipient's device
12 in a location outside the app's "sandbox," meaning that
13 the videos remained accessible to recipients who simply
14 connected their device to a computer and accessed the
15 video messages through the device's file directory; and
- 16 • Deceptively told its users that the sender would be
17 notified if a recipient took a screenshot of a snap when, in
18 fact, any recipient with an Apple device that had an
19 operating system pre-dating iOS 7 could use a simple
20 method to evade the app's screenshot detection, and the
21 app will not notify the sender.¹⁰

22 39. In its "Law Enforcement Guide" published in October 2015, Snapchat
23 further represents that it may, under certain circumstances, have the ability to provide the
24 "content of sent messages" to U.S. governmental and law enforcement agencies, noting
25 that if a snap remains unopened by the recipient it will be stored on Snapchat's servers for
26 30 days before it is deleted.¹¹

27 ⁹ <https://www.snapchat.com/privacy> (last visited May 13, 2016) (emphases added).

28 ¹⁰ <https://www.ftc.gov/news-events/press-releases/2014/05/snapchat-settles-ftc-charges-promises-disappearing-messages-were> (last visited May 13, 2016). The FTC and Snapchat ultimately settled the dispute.

¹¹ https://www.snapchat.com/static_files/lawenforcement.pdf (last visited May 17, 2016).

40. And, according to Snapchat’s current Privacy Policy, it collects a wealth of information from its users including, *inter alia*, “information about the content you provide . . . and the metadata that is provided with the content” as well as “images and other information from your device’s camera and photos.” Snapchat has been collecting, capturing and storing such user information for years.¹²

41. Accordingly, Snapchat is collecting, capturing, storing, and/or using its users' biometric identifiers and/or biometric information in direct violation of the BIPA.

CLASS ALLEGATIONS

42. **Class Definition:** Plaintiffs bring this action pursuant to California Code of Civil Procedure § 382 on behalf of a class of similarly situated individuals, defined as follows (the “Class”):

All Snapchat users who, while citizens of the State of Illinois, had their biometric identifiers or biometric information, including “face templates” (or “face prints”), collected, captured, purchased, received through trade, or otherwise obtained by Snapchat.

The following are excluded from the Class: (1) any Judge presiding over this action and members of his or her family; (2) Snapchat, Snapchat's subsidiaries, parents, successors, predecessors, and any entity in which Snapchat or its parent has a controlling interest (as well as current or former employees, officers and directors); (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released;

¹² <https://web.archive.org/web/20130322041747/http://www.snapchat.com/privacy> (Privacy Policy dated February 20, 2013) (“Snapchat collects the following information about its users: . . . uploaded videos and images When you send or receive messages using the Snapchat services, we temporarily process and store your images and videos in order to provide our services. Although we attempt to delete image data as soon as possible after the message is received and opened by the recipient (and after a certain period of time if they don’t open the message), we cannot guarantee that the message contents will be deleted in every case”).

1 (5) Plaintiffs' counsel and Snapchat's counsel; and (6) the legal representatives,
2 successors, and assigns of any such excluded persons.

3 43. **Numerosity:** The number of persons within the Class is substantial and is
4 believed to amount to thousands of people. It is, therefore, impractical to join each
5 member of the Class as a named Plaintiff. Further, the size and relatively modest value of
6 the claims of the individual members of the Class renders joinder impractical.
7 Accordingly, utilization of the class action mechanism is the most economically feasible
8 means of determining and adjudicating the merits of this litigation.

9 44. **Commonality and Predominance:** There are well-defined common
10 questions of fact and law that exist as to all members of the Class and that predominate
11 over any questions affecting only individual members of the Class. These common legal
12 and factual questions, which do not vary from Class member to Class member, and which
13 may be determined without reference to the individual circumstances of any class
14 member include, but are not limited to, the following:

- 15 (a) whether Snapchat collected or otherwise obtained Plaintiffs' and the
16 Class's biometric identifiers or biometric information;
- 17 (b) whether Snapchat properly informed Plaintiffs and the Class that it
18 collected, used, and stored their biometric identifiers or biometric
19 information;
- 20 (c) whether Snapchat obtained a written release (as defined in 740 ILCS
21 1410) to collect, use, and store Plaintiffs' and the Class's biometrics
22 identifiers or biometric information;
- 23 (d) whether Snapchat developed a written policy, made available to the
24 public, establishing a retention schedule and guidelines for permanently
25 destroying biometric identifiers and biometrics information when the initial
26 purpose for collecting or obtaining such identifiers or information has been
27 satisfied or within 3 years of their last interaction, whichever occurs first;
- 28 (e) whether Snapchat's violations of the BIPA were committed
intentionally, recklessly, or negligently.

1 45. **Adequate Representation:** Plaintiffs have retained and are represented by
2 qualified and competent counsel who are highly experienced in complex consumer class
3 action litigation. Plaintiffs and their counsel are committed to vigorously prosecuting this
4 class action. Neither Plaintiffs nor their counsel have any interest adverse to, or in
5 conflict with, the interests of the absent members of the Class. Plaintiffs are able to fairly
6 and adequately represent and protect the interests of such a Class. Plaintiffs have raised
7 viable statutory claims of the type reasonably expected to be raised by members of the
8 Class, and will vigorously pursue those claims. If necessary, Plaintiffs may seek leave of
9 this Court to amend this Class Action Complaint to include additional Class
10 representatives to represent the Class or additional claims as may be appropriate.

11 46. **Superiority:** A class action is superior to other available methods for the
12 fair and efficient adjudication of this controversy because individual litigation of the
13 claims of all Class members is impracticable. Even if every member of the Class could
14 afford to pursue individual litigation, the Court system could not. It would be unduly
15 burdensome to the courts in which individual litigation of numerous cases would proceed.
16 Individualized litigation would also present the potential for varying, inconsistent or
17 contradictory judgments, and would magnify the delay and expense to all parties and to
18 the court system resulting from multiple trials of the same factual issues. By contrast, the
19 maintenance of this action as a class action, with respect to some or all of the issues
20 presented herein, presents few management difficulties, conserves the resources of the
21 parties and of the court system and protects the rights of each member of the Class.
22 Plaintiffs anticipate no difficulty in the management of this action as a class action. Class
23 wide relief is essential to compel compliance with the BIPA.

24 **CAUSE OF ACTION**
25 **Violation of 740 ILCS 14/1, *et seq.***
26 **(On Behalf of Plaintiff and the Class)**

27 47. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.
28

1 48. The BIPA makes it unlawful for any private entity to, among other things,
2 “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a
3 customer’s biometric identifiers or biometric information, unless it first: (1) informs the
4 subject . . . in writing that a biometric identifier or biometric information is being
5 collected or stored; (2) informs the subject . . . in writing of the specific purpose and
6 length of term for which a biometric identifier or biometric information is being collected,
7 stored, and used; and (3) receives a written release executed by the subject of the
8 biometric identifier or biometric information 740 ILCS 14/15(b) (emphasis added).

9 49. Snapchat is a “private entity” under the BIPA. *See* 740 ILCS 14/10.

10 50. Plaintiffs and the Class members are individuals who had their “biometric
11 identifiers” (in the form of their facial geometries) collected, captured, purchased,
12 received through trade, or otherwise obtained by Snapchat in the course of providing
13 facial recognition technology in connection its services. *See* 740 ILCS 14/10.

14 51. Plaintiff and the Class members are individuals who had their “biometric
15 information” collected by Snapchat in the course of providing its services, through
16 Snapchat’s collection of their “biometric identifiers.”

17 52. Snapchat systematically and automatically collected, captured, purchased,
18 received through trade, or otherwise obtained Plaintiffs’ and the Class members’
19 biometric identifiers and/or biometric information without first obtaining the written
20 release required by 740 ILCS 14/15(b)(3).

21 53. Snapchat failed to properly inform Plaintiffs or the class in writing that
22 their biometric identifiers and/or biometric information was being collected, captured,
23 purchased, received through trade, or otherwise obtained. Nor did Snapchat inform
24 Plaintiffs and the Class members in writing of the specific purpose and length of term for
25 which their biometric identifiers and/or biometric information was being collected,
26 captured, purchased, received through trade, or otherwise obtained, as required by 740
27 ILCS 14/15(b)(1)-(2).
28

1 54. In addition, Snapchat does not publicly provide a retention schedule or
2 guidelines for permanently destroying the biometric identifiers and/or biometric
3 information of Plaintiffs or the Class members, as required by the BIPA. *See* 740 ILCS
4 14/15(a).

5 55. By collecting, capturing, purchasing, receiving through trade, or otherwise
6 obtaining Plaintiffs' and the Class's biometric identifiers and biometric information as
7 described herein, Snapchat violated the right of Plaintiffs and each Class member to keep
8 private these biometric identifiers and biometric information, as set forth in the BIPA,
9 740 ILCS 14/1, *et seq.*

10 56. On behalf of themselves and the proposed Class members, Plaintiffs seek:
11 (1) injunctive and equitable relief as is necessary to protect the interests of Plaintiffs and
12 the Class by requiring Snapchat to comply with the BIPA's requirements for the
13 collection, storage, and use of biometric identifiers and biometric information as
14 described herein; (2) statutory damages of \$5,000 for the intentional and reckless
15 violation of the BIPA pursuant to 740 ILCS 14/20 (2), or alternatively, statutory damages
16 of \$1,000 pursuant to 740 ILCS 14/20(1) if the Court finds that Snapchat's violations
17 were negligent; and (3) reasonable attorneys' fees and costs and other litigation expenses
18 pursuant to 740 ILCS 14/20(3).

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs Jose Luis Martinez and Malcolm Neal, on behalf of
21 themselves and the proposed Class, respectfully request that this Court enter an Order:

22 A. Certifying this case as a class action on behalf of the Class defined above,
23 appointing Plaintiffs as representatives of the Class, and appointing their counsel as Class
24 Counsel;

25 B. Declaring that Snapchat's actions, as set out above, violate the BIPA, 740
26 ILCS 14/1, *et seq.*;

27 C. Awarding statutory damages of \$5,000 for each and every intentional and
28 reckless violation of the BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory

1 damages of \$1,000 pursuant to 740 ILCS 14/20(1) if the Court finds that Snapchat's
2 violations were negligent;

3 D. Awarding injunctive and other equitable relief as is necessary to protect the
4 interests of the Class, including, *inter alia*, an order requiring Snapchat to collect, store,
5 and use biometric identifiers or biometric information in compliance with the BIPA;

6 E. Awarding Plaintiffs and the Class their reasonable litigation expenses and
7 attorneys' fees;

8 F. Awarding Plaintiffs and the Class pre- and post-judgment interest, to the
9 extent allowable; and

10 G. Awarding such other and further relief as equity and justice may require.

11 **JURY TRIAL DEMAND**

12 Plaintiffs demand a trial by jury on all issues so triable.

13
14 Dated: May 23, 2016

AHDOOT & WOLFSON, PC

15
16 /s/ Tina Wolfson

17 Tina Wolfson

18 twolfson@ahdootwolfson.com

19 1016 Palm Avenue

20 West Hollywood, California 90069

21 Telephone: (310) 474-9111

22 Facsimile: (310) 474-8585

23 Katrina Carroll

24 kcarroll@litedepalma.com

25 Kyle A. Shamberg

26 kshamberg@litedepalma.com

27 **LITE DEPALMA GREENBERG, LLC**

28 211 West Wacker Drive, Suite 500

Chicago, Illinois 60606

Telephone: (312) 750-1265

Ryan F. Stephan

rstephan@stephanzouras.com

Jorge Gamboa
jgamboa@stephanzouras.com
STEPHAN ZOURAS, LLP
205 North Michigan Avenue
Suite 2560
Chicago, Illinois 60601
Telephone: (312) 233-1550

ATTORNEYS FOR PLAINTIFFS