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1 Andrew H. Schapiro (*pro hac vice* forthcoming)
andrewschapiro@quinnemanuel.com
2 Stephen A. Swedlow (*pro hac vice* forthcoming)
stephenswedlow@quinnemanuel.com
3 QUINN EMANUEL URQUHART & SULLIVAN, LLP
4 191 N. Wacker Drive, Suite 2700
Chicago, Illinois 60606-1881
5 Telephone: (312) 705-7400
Fax: (312) 705-7401

6 Joseph C. Sarles (Bar No. 254750)
josephsarles@quinnemanuel.com
7 QUINN EMANUEL URQUHART & SULLIVAN, LLP
8 865 South Figueroa Street, 10th Floor
9 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
10 Fax: (213) 443-3100

11 Ashley C. Keller (*pro hac vice* forthcoming)
ack@kellerlenkner.com
12 KELLER LENKNER LLC
13 150 N. Riverside Plaza, Suite 4270
Chicago, IL 60606
14 Telephone: (312) 741-5222
Fax: (312) 970-3502

15 [Additional Counsel Appear on Signature Page]
16 *Attorneys for Plaintiff and the Putative Class*

17
18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF LOS ANGELES
20 CENTRAL DISTRICT

21 R.A., a minor, by and through his
guardian, Steve Altes, individually and
22 on behalf of all others similarly situated.

23 Plaintiff,

24 v.

25 AMAZON.COM, INC., a Delaware
corporation, and A2Z DEVELOPMENT
26 CENTER, INC., a Delaware corporation,

27 Defendants.
28

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 11 2019

Sherri R. Carter, Executive Officer/Clerk
By: Tanya Herrera, Deputy

CASE NO. **19STCV20205**
**CLASS ACTION COMPLAINT
AND DEMAND FOR JURY TRIAL**

1 Millions of Americans use Amazon’s smart-speaker technology (“Alexa”) in their homes.
2 People speak to Alexa-enabled devices such as the Echo or Echo Dot about everything from the
3 mundane (“Alexa, what’s the weather?”) to the deeply personal (“Alexa, what are the symptoms
4 of depression?”).

5 Most people believe that when they speak to an Alexa-enabled device, it converts their
6 voice into a set of digital computer instructions. They expect that this digital query is sent over
7 the internet for processing, that a digital response is returned, and that the device then converts
8 the response into Alexa’s voice. They do not expect that Alexa is creating and storing a
9 permanent recording of their voice. This expectation is reasonable; it would be easy for Alexa to
10 work this way, as numerous other voice-recognition technologies do.

11 But Alexa does something else. After Alexa processes a user’s commands, Amazon
12 saves a permanent recording of the user’s voice to its own servers. It then analyzes and uses
13 these voice recordings for its own commercial benefit. These uses include allowing workers
14 around the world to listen to the voice recordings and creating voiceprints of users, which can be
15 used to identify them when they speak to other devices in other locations. Amazon has thus built
16 a massive database of billions of voice recordings containing the private details of millions of
17 Americans.

18 Amazon purports to obtain consent to record individuals who set up an Alexa-enabled
19 device. But there is a large group of individuals who do not consent to be recorded when using
20 an Alexa-enabled device and who use Alexa without any understanding or warning that Amazon
21 is recording and voiceprinting them: children.

22 Alexa routinely records and voiceprints millions of children without their consent or the
23 consent of their parents. This practice violates California law, which prohibits the recording of
24 oral communications without the consent of all parties to the communication. This prohibition
25 recognizes the unique privacy interest implicated by the recording of someone’s voice. That
26 privacy interest is all the more powerful in light of modern voiceprinting technology and the
27 potentially invasive uses of big data by a company the size of Amazon. It takes no great leap of
28

1 imagination to be concerned that Amazon is developing voiceprints for millions of children that
2 could allow the company (and potentially governments) to track a child's use of Alexa-enabled
3 devices in multiple locations and match those uses with a vast level of detail about the child's
4 life, ranging from private questions they have asked Alexa to the products they have used in their
5 home.

6 Plaintiff R.A. ("Plaintiff"), a minor, by and through his guardian Steve Altes, brings this
7 Class Action Complaint against Defendants Amazon.com, Inc., and a2z Development Center,
8 Inc. d/b/a Amazon Lab126 (collectively "Amazon" or "Defendants") to obtain redress for all
9 California minors who have used Alexa in their home and have therefore been recorded by
10 Amazon, without consent. Plaintiff alleges as follows as to himself, upon personal knowledge of
11 his own acts and experiences, and as to all other matters, upon information and belief, including
12 investigation conducted by his attorneys:

13 **PARTIES**

14 1. Plaintiff R.A. and his parent and guardian Steve Altes are natural persons and
15 citizens of the State of California and residents of the County of Los Angeles.

16 2. Defendant Amazon.com, Inc. is a Delaware corporation with its headquarters and
17 principal place of business at 410 Terry Avenue North, Seattle, Washington.

18 3. Defendant a2z Development Center, Inc., d/b/a Amazon Lab126, is a Delaware
19 corporation with its headquarters and principal place of business located at 1120 Enterprise Way,
20 Sunnyvale, California. Amazon Lab126 employs thousands of individuals, many of whom work
21 on Alexa-enabled devices and software at its Sunnyvale headquarters, and is a subsidiary of
22 Amazon.com, Inc.

23 **JURISDICTION AND VENUE**

24 4. This Court has personal jurisdiction over Defendants because they maintain
25 offices in California and have registered to do business therein. Additionally, Defendants
26 engaged in a substantial part of the events and conduct giving rise to Plaintiff's claims in this
27 State, and have knowingly placed Alexa Devices into California's stream of commerce.

1 5. Venue is proper in this county because Plaintiff and his guardian reside herein,
2 and Plaintiff's injuries were sustained in this county.

3 **FACTUAL BACKGROUND**

4 *Amazon and the Alexa Device*

5 6. After starting as an online book retailer, Amazon has grown into a dominant force
6 in the retail, internet, and technology sectors. Amazon operates the world's leading e-commerce
7 platform, with net sales of \$232 billion in 2018.¹ Amazon is the world's largest provider of
8 cloud computing services. According to some reports, 42% of the internet is powered by
9 Amazon Web Services, which is more than double Microsoft, Google, and IBM combined.² And
10 Amazon also develops technology products including Alexa, the world's leading voice-
11 responsive personal-assistant technology.

12 7. Amazon Lab126, headquartered in Sunnyvale, California, began engineering the
13 Echo "smart speaker" in 2010, eventually leading to Amazon.com, Inc. launching the product
14 and the Alexa voice assistant (also developed by Amazon Lab126) on November 6, 2014, with
15 sales commencing shortly thereafter. Since then, Amazon has launched various additional Echo
16 products, including the Echo Dot, Echo Plus, Echo Sub, Echo Show, and Echo Input. Each Echo
17 device contains a speaker, microphones, a small computer, internet connectivity, and the Alexa
18 program.

19 8. Amazon subsequently added the Alexa program to other Amazon products such
20 as the Amazon Fire TV digital media player. Amazon also allows manufacturers of devices as
21 varied as electrical outlets, lightbulbs, thermostats, and security cameras to offer Alexa
22 integration, allowing users to control those third-party devices through Alexa. And Amazon also

23 _____
24 ¹ Form 10-K, Amazon.com, Inc.,
25 <https://www.sec.gov/Archives/edgar/data/1018724/000101872419000004/amzn-20181231x10k.htm>.

26 ² Matt Ward, *Amazon: The Company Consuming Consumers*, thinkgrowth.org (Jan. 29,
27 2018), <https://thinkgrowth.org/the-big-4-part-one-amazon-the-company-that-consumes-the-world-fb4679f10708> (last visited May 25, 2019).

1 now allows manufacturers to offer devices with Alexa “built-in,” essentially allowing other
2 speakers and devices to offer much of the functionality of an Echo or Echo Dot³ (collectively, all
3 devices featuring Alexa integration or functionality are referred to herein as “Alexa Devices”).⁴

4 9. As of October 2018, Amazon had sold approximately 47 million Echo devices.⁵
5 In January 2019, Amazon reported that over 100 million total devices had been sold with Alexa
6 pre-installed.⁶

7 10. In the years since the Echo launched, Amazon Lab126 has continued to develop
8 Alexa software updates, and has played an integral role in the development of new Alexa
9 devices.⁷

10 11. Alexa is a natural-language processing system. Alexa “listens” to people’s verbal
11 communications and responds to those communications in a simulated human voice. People
12 most frequently interact with Alexa in their homes.

15 ³ Alistair Charleton, *Which Cars Have Amazon Alexa Integration?*, Gearbrain (April 29,
16 2019), <https://www.gearbrain.com/which-cars-have-amazon-alexa-2525958778.html> (last visited
17 June 10, 2019); James Stables, *The Best Amazon Alexa Built-In Speakers*, The Ambient (Apr. 8,
18 2019), <https://www.the-ambient.com/guides/best-alexa-built-in-speakers-1196> (last visited June
19 10, 2019); Dana Kerr and Ben Rubin, *Alexa is Coming to Sony Smart TVs*, CNET (Sept. 20,
20 2018, 11:27 a.m. EST), <https://www.cnet.com/news/alexa-is-coming-to-tvs-well-at-least-sony-smart-tvs/>
(last visited June 10, 2019); Jonathan Vanian, *Amazon Alexa is Now Available on HP,
21 Acer, and Asus Computers*, Fortune (Jan. 8, 2018), <http://fortune.com/2018/01/08/amazon-alexa-hp-acer-asus/>
(last visited June 10, 2019).

21 ⁴ For purposes of this Complaint, the term “Alexa Devices” specifically excludes the
22 Amazon Echo Dot Kids Edition.

22 ⁵ Brian Dumaine, *It Might Get Loud: Inside Silicon Valley’s Battle to Own Voice Tech*,
23 Fortune (Oct. 24, 2018), <http://fortune.com/longform/amazon-google-apple-voice-recognition/>
(last visited June 10, 2019).

24 ⁶ Lucase Matney, *More Than 100 Million Alexa Devices Have Been Sold*, Tech Crunch
25 (Jan. 4, 2019) <https://techcrunch.com/2019/01/04/more-than-100-million-alexa-devices-have-been-sold/>
(last visited June 10, 2019).

26 ⁷ Ry Crist, *Behind the scenes at Alexa’s laboratory*, CNet (Apr. 23, 2018),
27 <https://www.cnet.com/news/behind-the-scenes-at-amazon-alexa-laboratory-lab126/> (last visited
28 June 10, 2019).

1 12. Using Alexa on an Alexa Device, whether an Amazon device such as an Echo, or
2 a third-party device like a Sonos One speaker, is relatively simple. Once an individual has an
3 Alexa Device, the person needs two more things: a WiFi Internet connection, and the Alexa
4 mobile application (the “Alexa App”) installed on his or her smartphone or tablet.

5 13. To use the Alexa App, the individual must have an account with Amazon. The
6 individual must then follow the set-up process on the Alexa Device, which eventually includes
7 pairing the Alexa Device with the Alexa App. For third-party Alexa Devices, the device itself
8 will function even without being paired to the Alexa App, but the Alexa functionality will be
9 disabled.

10 14. Once the individual has paired the Alexa Device to the Alexa App, the Alexa
11 Device is ready for use by anyone, including people who have not set up the Alexa App or
12 consented to being recorded.

13 15. Alexa Devices are designed to record and respond to communications
14 immediately after an individual says a wake word (typically “Alexa” or “Echo”).⁸ Alexa
15 Devices accomplish this by storing a second or two of audio in short-term, random-access
16 memory (RAM), analyzing that temporary audio recording for the presence of a wake word, and
17 then overwriting it if the wake word is not recognized. As a result, no permanent recording is
18 supposed to be made if the wake word is not recognized.⁹

19 16. If the wake word is recognized, the Alexa Device records the ensuing
20 communication and—unlike some other smart devices—transmits the recording to Amazon’s
21 servers for interpretation and processing before receiving the relevant data back in response.

24 ⁸ Matt Day, Giles Turner, and Natalia Drozdiak, *Amazon Workers Are Listening to What*
25 *You Tell Alexa*, Bloomberg (Apr. 10, 2019, 5:34 p.m. CDT),
26 <https://www.bloomberg.com/news/articles/2019-04-10/is-anyone-listening-to-you-on-alexa-a-global-team-reviews-audio> (last visited June 10, 2019).

27 ⁹ Recent news reports, however, have revealed that Alexa devices regularly “inadvertently”
28 record conversations without prompting by a wake word. *See id.*

1 17. Once Alexa has responded to a recording sent by an Alexa Device, Amazon
2 indefinitely stores a copy of that recording on its own servers for later use and analysis.

3 18. Amazon uses machine learning to leverage the massive amount of data collected
4 by Alexa Devices—including these permanent voice recordings—to constantly refine the natural
5 language understanding underlying Alexa’s functionality. Many recordings are individually
6 reviewed by Amazon employees and part-time contractors in locations as far flung as Costa
7 Rica, India, and Romania.¹⁰

8 19. However, Amazon need not permanently store the audio recordings in order for
9 Alexa Devices to function. Although it would not be as cost-effective or commercially
10 advantageous to Amazon, Alexa Devices could process audio interactions locally on the device
11 and send only a digital query, rather than a voice recording, to Amazon’s servers. Indeed,
12 Amazon developed a “Local Voice Control” feature for Alexa Devices that allows individuals
13 “to fulfill a limited set of requests on select [Alexa] devices when the device is not connected to
14 the internet, such as requests to control supported lights, plugs, and switches.”¹¹

15 20. Amazon could also upload audio recordings to short-term memory in the cloud
16 and immediately overwrite those recordings after processing, much like Alexa constantly
17 overwrites the audio it captures prior to a user saying a wake word. If Amazon did that, it would
18 never possess a permanent recording of any user’s communications.

19 21. Many similar “smart speaker” devices are less intrusive than Amazon’s Alexa
20 Devices. Apple’s natural-language processing system, “Siri,” records communications in a
21 similar manner to Alexa, and sends those recordings to Apple’s servers.¹² However, Apple
22

23 ¹⁰ *Id.*

24 ¹¹ *Alexa and Alexa Device FAQs*, Amazon,
25 <https://www.amazon.com/gp/help/customer/display.html?nodeId=201602230> (last visited June
26 10, 2019).

27 ¹² Lisa Eadicicco, *Amazon Workers Reportedly Listen to What You Tell Alexa – Here’s How
28 Apple and Google Handle What You Say to Their Voice Assistants*, Business Insider (Apr. 15,

1 stores those recordings in an identifiable form for only a short period of time, and then deletes
2 the recordings entirely.¹³ Likewise, Mercedes has developed voice recognition technology that
3 allows drivers to ask their car for directions, and that offers substantial functionality even when
4 the vehicle lacks an Internet connection (and, therefore, the vehicle cannot transmit a
5 recording).¹⁴

6 22. Amazon has strong commercial incentives to collect as many Alexa recordings as
7 possible. From the outset, Amazon has been a company built on the relentless acquisition of
8 consumer behavioral data, whether through its ubiquitous AWS offerings, its ever-expanding
9 online storefront, its entertainment platforms, and now the Alexa Devices it uses as its ears in
10 every home.

11 23. The collection of Alexa Device recordings is a natural extension of Amazon's
12 *modus operandi*: collect as much consumer data as possible through any means possible,
13 streamline the process so that consumers cannot or will not stop the collection, and use
14 Amazon's massive size to leverage that data more effectively than any of its competitors.

15 24. Simply put, the more data Amazon collects, the more use Amazon has for each
16 incremental data point Amazon collects.

17 25. Amazon's decision to make Alexa integration available to third-party product
18 manufacturers at no cost is entirely consistent with this scheme. While Amazon might have
19 charged some companies a licensing fee for Alexa integration (which its partners would then be
20 able to pass on to consumers who value the extra functionality), it offers that integration free of
21 charge in order to facilitate the rapid adoption of Alexa Devices, the ubiquitous use of Alexa, and
22 the resulting widespread collection of voice recordings of millions of people.

23
24 2019, 10:39 a.m. EST), <https://www.businessinsider.com/how-amazon-apple-google-handle-alexasiri-voice-data-2019-4> (last visited June 10, 2019).

25 ¹³ *Id.*

26 ¹⁴ Matt Robinson, *In-Car Voice Control Still Isn't Perfect, But I'm Warming To It*, Car
27 Throttle (March 2019), <https://www.carthrottle.com/post/in-car-voice-control-still-isnt-perfect-but-im-warming-to-it/> (last visited June 10, 2019).

1 *Alexa Devices Record Children Without Their Consent*

2 26. Alexa devices respond to any individual who says the wake word. Alexa Devices
3 thus record communications involving individuals who did not purchase the device or install the
4 Alexa App.

5 27. But Alexa has the ability to identify different users based on their voiceprint.
6 Through this functionality, Alexa could determine whether or not the person speaking to it has
7 previously registered as a user and agreed to be recorded. When Alexa detects that a user has not
8 agreed to be recorded, it could inform the user that Amazon will make and keep persistent
9 recordings of the user's voice as a condition of use. Alexa could ask the new user to agree to
10 that recording. Or it could deactivate Amazon's permanent recording functionality for such
11 users. But Alexa does not do this.

12 28. At no point does Amazon warn unregistered users that it is creating persistent
13 voice recordings of their Alexa interactions, let alone obtain their consent to do so.

14 29. When children say a wake word to an Alexa Device, the device records and
15 transmits the children's communications in the same manner that it handles adults'
16 communications. Neither the children nor their parents have consented to the children's
17 interactions being permanently recorded.

18 *Facts Specific to Plaintiff R.A.*

19 30. Plaintiff is a citizen of the State of California.

20 31. Plaintiff is eight years old.

21 32. Plaintiff's father purchased two Echo Dots in November 2018, giving one to
22 Plaintiff as a Christmas gift that year.

23 33. Plaintiff's father set up Plaintiff's Echo Dot shortly after Christmas 2018.

24 34. Plaintiff did not set up his Echo Dot, nor did he install the Alexa App on any
25 smartphone or tablet.

26 35. Although Plaintiff was not an Alexa registered user, he uses the Echo Dot a few
27 times a week. Plaintiff, like many children, uses the Echo Dot to play music, to tell him jokes,
28

1 and to help with math questions. Plaintiff will also ask the Echo Dot random trivia questions and
2 will test it to see if it recognizes movie references.

3 36. Each time that Plaintiff used the Echo Dot, Amazon recorded his communications
4 and stored those recordings on its servers.

5 37. Plaintiff was unaware that when he spoke a wake word, an Alexa Device would
6 record and store the ensuing private communications.

7 38. Because Plaintiff was not a registered Alexa user, he never agreed to having his
8 communications recorded by Amazon. Plaintiff's parents likewise never agreed to Amazon
9 recording Plaintiff's communications.

10 39. Amazon recorded Plaintiff's private communications without his consent, and
11 without the consent of Plaintiff's parents.

12 **CLASS ACTION ALLEGATIONS**

13 40. Plaintiff brings this action pursuant to California Code of Civil Procedure § 382
14 individually and on behalf of the following class of similarly situated individuals:

15 All citizens of the State of California who used a household Amazon Alexa Device while
16 they were minors, but who have not downloaded and installed the Alexa App

17 41. Excluded from each Class are: (1) any Judge or Magistrate presiding over this
18 action and any members of their families; (2) Defendants, Defendants' subsidiaries, parents,
19 successors, predecessors, and any entity in which Defendants or their parents have a controlling
20 interest and their current or former employees, officers, and directors; (3) persons who properly
21 execute and file a timely request for exclusion from the Class; (4) persons whose claims in this
22 matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiff's counsel
23 and Defendants' counsel; and (6) the legal representatives, successors, and assigns of any such
24 excluded persons.

25 42. **Ascertainability:** Membership of in the Class is defined based on objective
26 criteria, and individual members will be identifiable from Defendants' records, which identify
27 home addresses associated with Alexa devices and voiceprints of unique Alexa users.

1 43. **Numerosity:** The exact number of members of the Class is unknown and
2 unavailable to Plaintiff at this time, but individual joinder in this case is impracticable. The
3 Class likely consists of thousands of individuals, and their members can be identified through
4 Defendants' records.

5 44. **Predominant Common Questions:** The Class's claims present common
6 questions of law and fact, and those questions predominate over any questions that may affect
7 individual Class members. Common questions for the Class include, but are not limited to, the
8 following:

- 9 a. Whether Alexa Devices make permanent voice recordings of children who
10 interact with them.
- 11 b. Whether children who use Alexa Devices in their home have an objectively
12 reasonable expectation of confidentiality.
- 13 c. Whether Amazon fails to obtain consent to record children who are not registered
14 users of Alexa Devices.

15 45. **Typicality:** Plaintiff's claims are typical of the claims of the other members of the
16 proposed Class. Plaintiff and Class members suffered invasions of privacy as a result of
17 Defendants' uniform wrongful conduct.

18 46. **Adequate Representation:** Plaintiff has and will continue to fairly and
19 adequately represent and protect the interests of the Class, and has retained counsel competent
20 and experienced in complex litigation and class actions. Plaintiff has no interests antagonistic to
21 those of the Class, and Defendants have no defenses unique to Plaintiff. Plaintiff and his counsel
22 are committed to vigorously prosecuting this action on behalf of the members of the Class, and
23 they have the resources to do so. Neither Plaintiff nor his counsel have any interest adverse to
24 those of the other members of the Class.

25 47. **Substantial Benefits:** This class action is appropriate for certification because
26 class proceedings are available to other available methods for the fair and efficient adjudication
27 of this controversy and joinder of all members of the Class is impracticable. This proposed class
28

1 action presents fewer management difficulties than individual litigation, and provides the
2 benefits of single adjudication, economies of scale, and comprehensive supervision by a single
3 court. Class treatment will create economies of time, effort, and expense and promote uniform
4 decision-making.

5 48. Plaintiff reserves the right to revise the foregoing class allegations and definitions
6 based on facts learned and legal developments following additional investigation, discovery, or
7 otherwise.

8
9 **FIRST CAUSE OF ACTION**
10 **Violation of the California Invasion of Privacy Act**
11 **Cal. Penal Code § 632**
12 **(On Behalf of Plaintiff and the Class)**

13 49. Plaintiff incorporates by reference the foregoing allegations as if fully set forth
14 herein.

15 50. Plaintiff and the Class members used Alexa Devices within their families' homes.

16 51. When Plaintiff and the Class members used the Alexa Devices, Amazon created a
17 recording of their device interactions, transmitted those recordings to Amazon's cloud servers,
18 and retained copies of those recordings indefinitely.

19 52. Amazon did not warn or otherwise notify Plaintiff and the Class members that
20 Amazon would create persistent recordings of their Alexa interactions.

21 53. Plaintiff and the Class members did not expect, and had no reason to expect, that
22 Amazon would create persistent recordings of their Alexa interactions.

23 54. Plaintiff and the Class members reasonably expected that their Alexa interactions
24 would remain private.

25 55. Plaintiff and the Class members never provided Amazon with consent to record
26 their Alexa interactions, nor did Amazon even attempt to seek such consent. Plaintiff's and the
27 Class members' parents likewise never consented to Amazon recording their children's Alexa
28 interactions.

1 56. Amazon created the recordings of Plaintiff and the Class intentionally, as Amazon
2 has publicly admitted that Alexa Devices are programmed to record every Alexa interaction.

3 57. By creating persistent recordings of Plaintiff's and the Class members' Alexa
4 interactions, Amazon "intentionally and without the consent of all parties to a confidential
5 communication" used an "electronic amplifying or recording device to ... record the confidential
6 communication."

7 58. Amazon's intentional and unlawful recording violated Plaintiff's and the Class
8 members' right to privacy in their confidential communications, as protected by Cal. Penal Code
9 § 632.

10 59. Amazon is able, and the Court should require it, to destroy the recordings of
11 Plaintiff's and the Class members' interactions with Alexa Devices, and to implement
12 functionality sufficient to prevent unauthorized recordings in the future.

13 60. Plaintiff, individually and on behalf of the Class, seeks: (1) an injunction
14 requiring Amazon to obtain consent prior to recording minors' Alexa interactions and to delete
15 those recordings already made, and to implement functionality sufficient to prevent unauthorized
16 recordings in the future; (2) damages of \$5,000 per violation under Cal. Penal Code § 637.2; and
17 (3) costs and reasonable attorneys' fees under Cal. Penal Code § 637.2.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff R.A. on behalf of himself and the proposed Class respectfully
20 requests that the Court enter an order:

21 A. Certifying this case as a class action on behalf of the Class defined above,
22 appointing Plaintiff as representative of the Class, and appointing his counsel as class counsel;

23 B. Declaring that Amazon's actions, as set out above, violate the state privacy laws
24 cited herein;

25 C. Requiring Amazon to delete all recordings of the Class members, and to
26 implement functionality to prevent further recording of the Class members without prior consent;
27
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1 D. Awarding damages, including nominal, statutory, and punitive damages where
2 applicable, to Plaintiff and the Class in an amount to be determined at trial;

3 E. Awarding Plaintiff and the Class their reasonable litigation expenses and
4 attorneys' fees;

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

7 G. Awarding such other further injunctive and declaratory relief as is necessary to
8 protect the interests of Plaintiff and the Class; and

9 H. Awarding such other and further relief as the Court deems reasonable and just.


10 **DEMAND FOR JURY TRIAL**

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

12 Respectfully submitted,

13 Dated: June 11, 2019

14 **Plaintiff R.A.**, individually and on behalf
15 of all others similarly situated,

16 
17 By: _____
18 Joseph C. Sarles

19 Andrew H. Schapiro (*pro hac vice* forthcoming)
20 andrewschapiro@quinnemanuel.com
21 Stephen A. Swedlow (*pro hac vice* forthcoming)
22 stephenswedlow@quinnemanuel.com
23 QUINN EMANUEL URQUHART & SULLIVAN,
24 LLP
25 191 N. Wacker Drive, Suite 2700
26 Chicago, Illinois 60606-1881
27 Telephone: (312) 705-7400
28 Fax: (312) 705-7401

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28

Joseph C. Sarles (Bar No. 254750)
josephsarles@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN,
LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017-2543
Telephone: (213) 443-3000
Fax: (213) 443-3100

Ashley C. Keller (*pro hac vice* forthcoming)
ack@kellerlenkner.com
Travis D. Lenkner (*pro hac vice* forthcoming)
tdl@kellerlenkner.com
J. Dominick Larry (*pro hac vice* forthcoming)
nl@kellerlenkner.com
KELLER LENKNER LLC
150 N. Riverside Plaza, Ste. 4270
Chicago, IL 60606
Telephone: (312) 741-5220
Fax: (312) 971-3502

Warren D. Postman (*pro hac vice* forthcoming)
wdp@kellerlenkner.com
KELLER LENKNER LLC
1300 Street N.W., Suite 400E
Washington, D.C.
Telephone: (202) 749-8334
Fax: (312) 971-3502

Attorneys for Plaintiff and the Putative Class