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*Attorneys for Defendant Meta Platforms, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PHYLLIS NICHOLS, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

CASE NO. 3:24-cv-2914

**DEFENDANT META PLATFORMS,  
INC.'S NOTICE OF REMOVAL**

(San Mateo County Superior Court  
Case No. 24CV02124)

Action Filed: April 9, 2024

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
2 DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HER COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE THAT defendant Meta Platforms, Inc. (“Meta”) respectfully  
4 removes to the United States District Court for the Northern District of California the above-captioned  
5 state court action, originally filed as Case No. 24-CIV-02124 in the Superior Court of the State of  
6 California, County of San Mateo. Removal is proper for the reasons set forth below.

7 **TIMELINESS OF REMOVAL**

8 1. On April 9, 2024, plaintiff Phyllis Nichols filed a complaint on behalf of a putative class  
9 against Meta in the Superior Court of the State of California, County of San Mateo. Under 28 U.S.C.  
10 § 1446(a), true and correct copies of the complaint, summons, civil case cover sheet, order and notice  
11 of case assignment, and register of actions are attached as Exhibits A–E to the Declaration of Elizabeth  
12 McCloskey filed concurrently with this Notice of Removal.

13 2. Plaintiff served Meta with the summons and complaint on April 15, 2024. *See*  
14 McCloskey Decl. Exs. A, B. This notice of removal is therefore timely under 28 U.S.C. § 1446(b)  
15 because it is filed within 30 days after service was completed. *See Murphy Bros. v. Michetti Pipe*  
16 *Stringing, Inc.*, 526 U.S. 344, 347–48 (1999) (holding time to remove is triggered by service of the  
17 complaint and summons).

18 **SUMMARY OF ALLEGATIONS AND GROUNDS FOR REMOVAL**

19 3. Plaintiff’s complaint alleges that Meta “compelled disclosure” of the identities of  
20 individuals who were “subjected to genetic tests and related other personally identifying information  
21 (collectively, ‘Private Information’)” that was entrusted to a genetic services company,  
22 GEDmatch.com, through Facebook’s Conversions Application Programming Interface (“CAPI”) and  
23 the Facebook Pixel, pieces of computer code that are allegedly embedded on thousands of websites  
24 such as GEDmatch.com. Decl. Ex. A (“Compl.”) ¶¶ 1–3, 15–19, 49. In her sole cause of action,  
25 plaintiff alleges that Meta violated the Illinois Genetic Information Privacy Act, 410 ILCS 513/1, *et*  
26 *seq.* (“GIPA”), by compelling the disclosure of the identities of plaintiff and other Illinois resident  
27 putative class members, who had been the subject of genetic tests. *Id.* ¶¶ 89–100. She seeks statutory  
28 damages under GIPA and injunctive relief. *Id.* at 19.

1           4.       Plaintiff and the members of the putative class she purports to represent are “[a]ll Illinois  
2 individuals who, during the applicable statute of limitations period, (i) had a Facebook account; and  
3 (ii) whose Private Information [provided to GEDmatch.com] was transmitted by the Facebook Pixel  
4 and other related technology without their authorization,” and a subclass of “[a]ll Illinois individuals  
5 who, during the applicable statute of limitations, (i) had a Facebook account; and (ii) whose Private  
6 Information was transmitted by the Facebook Pixel and other related technology from GEDmatch’s  
7 Website without their authorization.” *Id.* ¶ 81. Plaintiff alleges that “there are thousands of individuals  
8 in the Class and Subclass.” *Id.* ¶ 84.

9           5.       As explained below, removal is proper under the Class Action Fairness Act of 2005  
10 (CAFA), 28 U.S.C. § 1332(d).

11                   **THIS COURT HAS SUBJECT MATTER JURISDICTION UNDER CAFA**

12           6.       Removal is proper under CAFA because plaintiff and Meta are citizens of different  
13 states, there are at least 100 alleged putative class members, and the combined claims of all alleged  
14 putative class members exceed \$5 million, exclusive of interest and costs. 28 U.S.C. § 1332(d).

15           7.       To be clear, Meta denies any liability in this case, both as to plaintiff’s individual claim  
16 and as to the claims she seeks to pursue on behalf of the putative class. Meta also denies that plaintiff  
17 or the putative class are entitled to any relief or amount of alleged damages. Meta intends to oppose  
18 class certification and expressly reserves all rights to oppose class certification, to object to the scope  
19 of the class, and to contest the merits of the claim asserted in the complaint. Nevertheless, for purposes  
20 of the jurisdictional requirements only, the allegations in plaintiff’s complaint identify a putative class  
21 of more than 100 members and put in controversy, in the aggregate, an amount that exceeds \$5 million.  
22 *See* 28 U.S.C. § 1332(d)(6).

23           **A.       The Proposed Class Consists of More Than 100 Members**

24           8.       Based on plaintiff’s allegations, this action satisfies CAFA’s requirement that the  
25 putative class contain at least 100 members. *See* 28 U.S.C. § 1332(d)(5)(B). Plaintiff notes that “[t]his  
26 case concerns the compelled disclosure of the identities of thousands of individuals.” Compl. ¶ 1.  
27 Plaintiff seeks to represent a “class” consisting of “[a]ll Illinois individuals who, during the applicable  
28 statute of limitations, (i) had a Facebook account; and (ii) whose Private Information was transmitted

1 by the Facebook Pixel and other related technology without their authorization,” *id.* ¶ 81, and a  
2 “subclass” consisting of “[a]ll Illinois individuals who, during the applicable statute of limitations (i)  
3 had a Facebook account; and (ii) whose Private Information was transmitted by the Facebook Pixel  
4 and other related technology from GEDmatch’s Website without their authorization,” *id.* Plaintiff  
5 estimates “there are thousands of individuals in the Class and Subclass.” *Id.* ¶ 84. Accordingly, while  
6 Meta denies that class treatment is permissible or appropriate, as alleged, the proposed class consists  
7 of more than 100 members.

8 **B. Meta and Plaintiff Are Not Citizens of the Same State**

9 9. Under CAFA’s minimum diversity of citizenship requirement, the plaintiff or any  
10 member of the putative class must be a citizen of a different state from any defendant. *See* 28 U.S.C.  
11 § 1332(d)(2)(A). For purposes of CAFA, the plaintiff’s citizenship is determined “as of the date of  
12 filing of the complaint or amended complaint.” 28 U.S.C. § 1332(d)(7).

13 10. A person is a citizen of the state in which he or she is domiciled. *Kantor v. Wellesley*  
14 *Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). The complaint alleges that plaintiff “is a natural  
15 person and a resident of the State of Illinois.” Compl. ¶ 29. Therefore, based on information and belief,  
16 plaintiff is domiciled in Illinois for purposes of removal under CAFA. *See Ehrman v. Cox Commc’ns,*  
17 *Inc.*, 932 F.3d 1223, 1227 (9th Cir. 2019) (holding that defendant’s “short and plain statement alleging  
18 that [plaintiff] and the putative class members were citizens of California” was “sufficient” to establish  
19 jurisdiction for removal under CAFA because “allegations of citizenship may be based solely on  
20 information and belief”).

21 11. A corporation is a citizen of its state of incorporation and the state of its principal place  
22 of business. 28 U.S.C. § 1332(c)(1). Meta is a corporation organized under the laws of Delaware. *See*  
23 *Corporate Disclosure Statement* (Dkt. 3).

24 12. The Supreme Court has interpreted the phrase “principal place of business” in 28 U.S.C.  
25 § 1332(c)(1) and (d)(2)(A) to mean “the place where a corporation’s officers direct, control, and  
26 coordinate the corporation’s activities,” *i.e.*, its “nerve center”; this “should normally be the place  
27 where the corporation maintains its headquarters—provided that the headquarters is the actual center  
28 of direction, control, and coordination.” *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93 (2010). Meta’s

1 headquarters, which are located in Menlo Park, California, *see* Dkt. 3, constitute its “nerve center”  
2 under *Hertz*. Plaintiff agrees, as she alleges in her complaint that Meta “maintains its headquarters [in]  
3 Menlo Park, California.” Compl. ¶ 28. Thus, Meta is a citizen of Delaware and California. See U.S.C.  
4 § 1332(c)(1).

5 13. Accordingly, Meta and plaintiff are citizens of different states, and CAFA’s minimal  
6 diversity requirement is met. 28 U.S.C. § 1332(d)(2)(A).

### 7 **C. The Amount in Controversy Exceeds \$5 Million**

8 14. CAFA requires that the amount in controversy in a class action exceed \$5 million,  
9 exclusive of interest and costs. 28 U.S.C. § 1332(d)(2). In calculating the amount in controversy, a  
10 court must aggregate the claims of all individual purported class members. 28 U.S.C. § 1332(d)(6).

11 15. “[A] defendant’s notice of removal need include only a plausible allegation that the  
12 amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co. v.*  
13 *Owens*, 574 U.S. 81, 89 (2014). In assessing whether the amount in controversy requirement has been  
14 satisfied, “a court must assume that the allegations of the complaint are true and assume that a jury will  
15 return a verdict for the plaintiff on all claims made in the complaint.” *Campbell v. Vitran Express,*  
16 *Inc.*, 471 F. App’x 646, 648 (9th Cir. 2012) (internal quotation marks and citation omitted). In other  
17 words, “[t]he ultimate inquiry is what amount is put ‘in controversy’ by the plaintiff’s complaint, not  
18 what a defendant will actually owe.” *Fong v. Regis Corp.*, 2014 WL 26996, at \*2 (N.D. Cal. Jan. 2,  
19 2014) (quoting *Korn v. Polo Ralph Lauren Corp.*, 536 F. Supp. 2d 1199, 1205 (E.D. Cal. 2008)).

20 16. Again, Meta denies that plaintiff’s action has any merit. But for the purposes of meeting  
21 the jurisdictional requirements for removal *only*, if plaintiff were to prevail on every claim and  
22 allegation in her complaint on behalf of the putative class, the recovery would exceed \$5 million. Here,  
23 plaintiff seeks “statutory damages of \$15,000 for each intentional and/or reckless violation of GIPA . .  
24 . or, in the alternative, statutory damages of \$2,500 for each negligent violation of GIPA pursuant to  
25 410 ILCS 513/40(a)(1).” Compl. ¶ 100. This statutory damages amount, combined with plaintiff’s  
26 allegation that there are “thousands” of class members, *id.* ¶ 84, means that the alleged amount in  
27 controversy exceeds CAFA’s \$5 million threshold (i.e., \$15,000 per violation multiplied by  
28 “thousands” alleged violations associated with putative class members).

**THIS COURT HAS JURISDICTION AND REMOVAL IS PROPER**

17. Based on the foregoing facts and allegations, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(d) because:

(a) This is a civil action which is a putative class action within the meaning of § 1332(d)(1)(b);

(b) Plaintiff alleges that the action involves a putative class of at least 100 persons as required by § 1332(d)(5)(B);

(c) The alleged amount in controversy exceeds \$5 million, exclusive of interest and costs as required by § 1332(d)(2); and

(d) A member of the proposed class is a citizen of a state different from any defendant as required by § 1332(d)(2)(A).

18. Accordingly, this action is properly removable.

19. The United States District Court for the Northern District of California is the federal judicial district that encompasses the Superior County of California for the County of San Mateo, where the suit was originally filed. *See* 28 U.S.C. § 84(a); 28 U.S.C. § 1441(a).

20. Upon filing this Notice of Removal, Meta furnished written notice to plaintiff's counsel and filed and served a copy of the Notice with the Clerk of the Superior Court of California for the County of San Mateo, pursuant to 28 U.S.C. § 1446(d).

Defendant Meta therefore properly removed this action from the Superior Court of California for the County of San Mateo.

DATED: May 14, 2024

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Elizabeth K. McCloskey  
Elizabeth K. McCloskey

*Attorney for Defendant Meta Platforms, Inc.*

# EXHIBIT A

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Electronically  
**FILED**  
by Superior Court of California, County of San Mateo  
ON **4/9/2024**  
By /s/ Hessen Ladcani  
Deputy Clerk

*Attorneys for Plaintiff and the Class  
(Additional Counsel listed in signature block)*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO**

PHYLLIS NICHOLS, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC., a Delaware  
corporation,

Defendant.

Case No.: 24-CIV-02124

Assigned to:  
Department:  
Complaint Filed:

**CLASS ACTION COMPLAINT - JURY  
TRIAL DEMANDED**

**1. VIOLATION OF ILLINOIS GENETIC  
INFORMATION PROTECTION ACT,  
410 ILCS 513/1 et seq.**



1 Plaintiff Phyllis Nichols brings this Class Action Complaint on behalf of herself and all others  
2 similarly situated individuals against Meta Platforms, Inc. (“Meta” “Facebook” or “Defendant”), for its  
3 violations of the Illinois Genetic Information Privacy Act, 410 ILCS 513/1, *et seq.* (“GIPA”), and to  
4 obtain redress for persons injured by its conduct. Plaintiff alleges the following based on personal  
5 knowledge as to Plaintiff’s own experiences, and as to all other matters, upon information and belief,  
6 including an investigation conducted by Plaintiff’s attorneys.

7 **NATURE OF THE ACTION**

8 1. This case concerns the compelled disclosure of the identities of thousands of individuals  
9 who were subjected to genetic tests and related other personally identifying information (collectively,  
10 “Private Information”) by Defendant Meta Platforms, Inc.

11 2. Plaintiff Phyllis Nichols brings this lawsuit on behalf of all similarly situated persons to  
12 address Defendant’s forced compulsion of her Private Information that was specially entrusted to a  
13 genetic services company, GEDmatch.com (“GEDmatch”), and yet was intercepted by Defendant.

14 3. Defendant’s forced compulsion of Plaintiff’s and Class members’ confidential Private  
15 Information was not accidental. Rather, Defendant actively chose to compel the disclosure of Private  
16 Information contained in Plaintiff’s and Class members’ private communications, through its  
17 sophisticated online tracking technologies and the agreements it entered into with third parties, including  
18 GEDmatch.

19 4. Genetic information about a person, including the fact that someone took a genetic test, is  
20 among the most confidential and sensitive information in our society, and the mishandling of such  
21 information can have serious consequences, including heightened risks for discrimination in the  
22 workplace, denial of insurance coverage, and data exposures leading to irreversible privacy harms.

23 5. In enacting GIPA, the Illinois legislature recognized that “[d]espite existing laws,  
24 regulations, and professional standards which require or promote voluntary and confidential use of  
25 genetic testing information, many members of the public are deterred from seeking genetic testing  
26 because of fear that test results will be disclosed without consent in a manner not permitted by law or  
27 will be used in a discriminatory manner.” See 410 ILCS 513/5(2).

1           6.       Recognizing these concerns, Illinois implemented the Genetic Information Privacy Act  
2 (“GIPA”), 410 ILCS 513/1, *et seq.*, to protect the privacy of individuals’ genetic testing information.

3           7.       GIPA provides that genetic testing and information derived from genetic testing is  
4 confidential and privileged and may be released only to the individual tested and to persons specifically  
5 authorized in writing by that individual to receive the information. See 410 ILCS 513/15(a).

6           8.       GIPA further provides that no person may disclose or be compelled to disclose the identity  
7 of any person upon whom a genetic test is performed or the results of a genetic test in a manner that  
8 permits identification of the subject of the test. See 410 ILCS 513/30(a).

9           9.       In other words, GIPA’s requirements bestow a right to privacy to not be identified for  
10 having a genetic test performed, a right to privacy to their genetic information, and a right to prevent the  
11 disclosure of such information without their consent.

12          10.      Defendant owns and controls Facebook, a social networking site, and Facebook Business  
13 Tools, a suite of analytical tools used to generate highly targeted online advertising.

14          11.      Defendant’s Facebook Pixel (“Pixel”), a piece of tracking code, is embedded on thousands  
15 of websites, including that of non-party GEDmatch. GEDmatch is an online database that collects genetic  
16 information and other personal information and allows users to analyze and compare such data from  
17 thousands of users.

18          12.      Plaintiff and other Class members who used GEDmatch and uploaded their DNA files  
19 thought they were communicating only with GEDmatch. Unbeknownst to Plaintiff and Class members,  
20 however, Defendant’s Pixel surreptitiously intercepts GEDmatch visitors’ communications, including  
21 Private Information consisting of the identities of individuals who have been subjected to genetic tests—  
22 information that is protected under GIPA. In other words, Defendant compelled the disclosure of  
23 GEDmatch visitors’ information, including protected Private Information.

24          13.      Operating as designed by Defendant, the Pixel allows the Private Information that Plaintiff  
25 and Class members submit to GEDmatch to be unlawfully obtained by Defendant alongside the  
26 individual’s unique and persistent Facebook ID (“FID”) and IP address.<sup>1</sup>

27 <sup>1</sup> The Pixel forces the website user to share the user’s FID for easy tracking via the “cookie” Facebook  
stores every time someone accesses their Facebook account from the same web browser. “Cookies are  
small files of information that a web server generates and sends to a web browser.” “Cookies help inform

1           14.     A pixel is a piece of code that “tracks the people and [the] type of actions they take”<sup>2</sup> as  
2 they interact with a website, including how long a person spends on a particular web page, which buttons  
3 the person clicks, which pages they view, and the text or phrases they type into various portions of the  
4 website (such as a general search bar, chat feature, or text box), among other things.

5           15.     By default, the Facebook Pixel uses both first-party and third-party cookies to transmit  
6 website visitors’ information to Facebook, and Facebook’s Conversions Application Programming  
7 Interface (“CAPI”) is automatically implemented when websites—such as GEDmatch—install the Pixel  
8 on their Website servers.<sup>3</sup> Thus, Defendant used first-party cookies, third-party cookies, and CAPI to  
9 intercept GEDmatch users’ Private Information.

10           16.     Unlike the Facebook Pixel, which co-opts a website user’s browser and forces it to  
11 transmit information to Facebook via the user’s web browser, CAPI does not transmit any information  
12 via the web browser. Instead, CAPI tracks the user’s website interactions and communications, records  
13 and stores that information on the website owner’s servers, and then transmits the data to Facebook  
14 directly from the website owner’s servers.<sup>4, 5</sup> Indeed, Facebook markets CAPI as a “better measure [of]  
15 ad performance and attribution across your customer’s full journey, from discovery to conversion. This  
16 helps you better understand how digital advertising impacts both online and offline results.”<sup>6</sup>

17  
18  
19  
20           websites about the user, enabling the websites to personalize the user experience.”  
<https://www.cloudflare.com/learning/privacy/what-are-cookies/> (last visited March 29, 2024).

21           <sup>2</sup> *Retargeting*, FACEBOOK, <https://www.facebook.com/business/goals/retargeting> (last visited March 20, 2024).

22           <sup>3</sup> “CAPI works with your Facebook pixel to help improve the performance and measurement of your  
23 Facebook ad campaigns.” *See How to Implement Facebook Conversions API*, FETCH&FUNNEL,  
<https://www.fetchfunnel.com/how-to-implement-facebook-conversions-api-in-shopify/> (last visited  
24 March 20, 2024).

25           <sup>4</sup> *What is the Facebook Conversions API and how to use it*, [https://revealbot.com/blog/facebook-](https://revealbot.com/blog/facebook-conversions-api/)  
26 [conversions-api/](https://revealbot.com/blog/facebook-conversions-api/) (last visited March 20, 2024).

27           <sup>5</sup> “Server events are linked to a dataset ID and are processed like events sent via the Meta Pixel.... This  
means that server events may be used in measurement, reporting, or optimization in a similar way as  
other connection channels.”, *Conversions API*, META FOR DEVELOPERS, [https://developers.](https://developers.facebook.com/docs/marketing-api/conversions-api)  
[facebook.com/docs/marketing-api/conversions-api](https://developers.facebook.com/docs/marketing-api/conversions-api) (last visited March 20, 2024).

<sup>6</sup> *About Conversions API*, META BUSINESS HELP CENTER [https://www.facebook.com/business/help/](https://www.facebook.com/business/help/2041148702652965?id=818859032317965)  
[2041148702652965?id=818859032317965](https://www.facebook.com/business/help/2041148702652965?id=818859032317965) (last visited March 20, 2024).

1 17. Because CAPI is located on the website owner's servers and not the website user's  
2 browser, it allows Defendant to collect website users' information even if the user employs ad blockers  
3 or other denials of consent.

4 18. Meta routinely uses the Facebook Pixel and CAPI to collect data, including Private  
5 Information, to build profiles for the purposes of retargeting and future marketing. Meta uses Plaintiff's  
6 and Class members' Private Information to create targeted advertisements based on the information  
7 Plaintiff and the Class members shared with GEDmatch.

8 19. The Private Information that Defendant compelled via the Facebook Pixel and CAPI on  
9 GEDmatch's servers included statutorily protected information of the Plaintiff and the Class members  
10 that they had been subjected to a genetic test as set forth by the GIPA.

11 20. Specifically, Defendant Meta compelled the disclosure of Plaintiff's and Class members'  
12 Private Information when it entered into contracts with its customers (i.e. GEDMatch) which required  
13 them to disclose web traffic and user information, including the disclosure of all actions taken on the  
14 customers' website in exchange for such customers' ability to use its Facebook Pixel technology. As a  
15 result of the communications compelled by Defendant via its Facebook Pixel and CAPI, Meta and its  
16 other advertising customers are better able to target individuals with advertisements. Thus, Defendant's  
17 use of Facebook Pixel, and the information compelled from individuals through its use, permits  
18 Defendant's customers, in this case GEDmatch, to better target individuals with ads on Facebook (or  
19 other Meta products like Instagram). In exchange, Meta and subsidiary Facebook receive more  
20 advertisement dollars since they're better able to target individuals.

21 21. Reasonable persons simply do not anticipate that their confidential information will be  
22 intercepted by an unauthorized third party – let alone Meta, which has a sordid history of privacy  
23 violations in pursuit of ever-increasing advertising revenue when they are interacting with a completely  
24 different company. Meta's creativity with respect to collection of confidential information, including the  
25 Private Information described herein, has only increased since Apple tightened its iOS privacy settings.<sup>7</sup>

26  
27 <sup>7</sup> Facebook says Apple iOS privacy change will result in \$10 billion revenue hit this year, <https://www.cnbc.com/2022/02/02/facebook-says-apple-ios-privacy-change-will-cost-10-billion-this-year.html> (last visited March 23, 2024).

1 Neither Plaintiff nor any other Class member signed a written authorization permitting Meta to collect  
2 their Private Information.

3 22. And as recently noted by the Hon. William J. Orrick in a decision concerning the use of  
4 the Facebook Pixel by healthcare organizations,

5 “[o]ur nation recognizes the importance of privacy in general and health  
6 information in particular: the safekeeping of this sensitive information is  
7 enshrined under state and federal law. The allegations against Meta are  
troubling: plaintiffs raise potentially strong claims on the merits and their  
alleged injury would be irreparable if proven.”<sup>8</sup>

8 23. Consequently, Plaintiff brings this action for legal and equitable remedies to address and  
9 rectify the illegal conduct and actions described therein.

10 24. Despite willfully and intentionally inserting the Facebook Pixel and CAPI into various  
11 websites and servers including those of GEDmatch, Defendant never disclosed to Plaintiff or Class  
12 members that it obtained their sensitive and confidential communications including their Private  
13 Information. Plaintiff and the members of the Class were unaware that their Private Information was being  
14 surreptitiously compelled and intercepted by Facebook so it could be used for targeted advertising and  
15 marketing purposes.

16 25. As a result of Defendant’s conduct, Plaintiff seeks to remedy these harms and brings a  
17 cause of action for violations of GIPA, 410 ILCS 513/1, *et seq.*

18 **JURISDICTION AND VENUE**

19 26. This Court has subject-matter jurisdiction over this action pursuant to Cal. Code Civ. Proc.  
20 § 410.10 and Article VI, § 10 of the California Constitution.

21 27. Plaintiff has standing to bring this action pursuant to the Illinois Genetic Information  
22 Privacy Act, 410 ILCS 513/1, *et seq.* (“GIPA”).

23 28. This Court has personal jurisdiction over Defendant and venue is proper in this Court  
24 because Defendant maintains its headquarters Menlo Park, California and thus resides in this County,  
25 and because and a substantial part of the events giving rise to Plaintiff’s claims occurred in this County.  
26

27 <sup>8</sup> *In re Meta Pixel Healthcare Litig.*, No. 22-CV-03580-WHO, 2022 WL 17869218, at \*1 (N.D. Cal. Dec. 22, 2022).

1 **THE PARTIES**

2 29. Plaintiff Phyllis Nichols is a natural person and a resident of the State of Illinois.

3 30. Meta Platforms, Inc. (“Meta”) is a corporation organized under the laws of Delaware with  
4 its principal place of business located at 1601 Willow Road, Menlo Park, California 94025.

5 **FACTUAL ALLEGATIONS**

6 **A. Illinois’ Genetic Information Privacy Act (GIPA)**

7 31. The genomic revolution of recent decades has brought with it great advancements in  
8 biological sciences and medicine. Modern genomic technologies allow individuals to gather genealogical  
9 information about themselves and their relatives, to discover their genetic predisposition(s) for diseases  
10 before any symptoms manifest, and in some cases to prevent and treat such diseases.

11 32. These and other benefits of genomic science have coincided with a rapid decline in the  
12 cost of genetic testing. Since the turn of the 21st century, the cost of collecting and analyzing a complete  
13 individual human genome has fallen from more than \$100,000,000 in 2001 to less than \$1,000 in 2022.<sup>9</sup>  
14 Despite the benefits to science and health care that could be gained from increased access to genetic  
15 testing, the Centers for Disease Control (“CDC”) expressed counterbalancing concerns related to genetic  
16 privacy as early as 1996.<sup>10</sup>

17 33. As recognized by the CDC and the Illinois Legislature, progress in the field of genomics  
18 does not come without risk, and as the benefits and accessibility of genetic testing have grown, so too  
19 has the potential for abuse and discrimination. To address these and other concerns related to the misuse  
20 of genetic information, Illinois and other states regulate the collection, use, and disclosure of such  
21 information.

22 34. The Illinois Legislature enacted GIPA because “[t]he public health will be served by  
23 facilitating voluntary and confidential nondiscriminatory use of genetic testing information.” 410 ILCS  
24 513/5(3).

25  
26  
27 <sup>9</sup> [www.genome.gov/about-genomics/fact-sheets/DNA-Sequencing-Costs-Data](http://www.genome.gov/about-genomics/fact-sheets/DNA-Sequencing-Costs-Data).

<sup>10</sup> Board on Biology National Research Council. *Privacy Issues in Biomedical and Clinical Research: Proceedings of Forum on November 1, 1997* (Washington D.C., National Academy Press, 1997) 1.

1           35.     The Illinois General Assembly cautioned, however, that “a key component of health  
2 information privacy” is “[l]imiting the use or disclosure of, and requests for, protected health information  
3 to the minimum necessary to accomplish an intended purpose.” 410 ILCS 513/5(5).

4           36.     GIPA defines "genetic information" as information pertaining to: (i) the individual's  
5 genetic tests; (ii) the genetic tests of family members of the individual; (iii) the manifestation of a disease  
6 or disorder in family members of such individual; or (iv) any request for, or receipt of, genetic services,  
7 or participation in clinical research which includes genetic services, by the individual or any family  
8 member of the individual.

9           37.     GIPA provides that genetic testing and information derived from genetic testing is  
10 “confidential and privileged and may be released only to the individual tested and to persons specifically  
11 authorized.” 410 ILCS 513/15(a).

12           38.     GIPA further provides that no person may disclose or be compelled to disclose the identity  
13 of any person upon whom a genetic test is performed or the results of a genetic test in a manner that  
14 permits identification of the subject of the test. See 410 ILCS 513/30(a).

15           39.     In other words, GIPA’s requirements bestow a right to not be identified for having a  
16 genetic test performed, a right to privacy to their genetic information, and a right to prevent the disclosure  
17 of such information without consent.

18           40.     Under GIPA, persons such as Defendant, may not compel the disclosure of the identity of  
19 any person upon whom a genetic test is performed (“Private Information”) or information derived from  
20 genetic testing, unless specifically authorized in writing by the individual whose personal identity and/or  
21 genetic information is being disclosed. *See* 410 ILCS 513/15(a), 410 ILCS 513/30(a).

22           41.     As alleged herein, the illegal compulsion of thousands of Illinois residents’ Private  
23 Information via the Meta Pixel and CAPI without informed written consent violated 410 ILCS 513/30(a)  
24 of GIPA.

25           **B.     The GEDmatch.Com Website**

26           42.     GEDmatch is a company that provides DNA comparison services and tools, and operates  
27 the website GEDmatch.com.

1 43. GEDmatch advertises that GEDmatch.com is “the place to explore your family history by  
2 matching DNA data you can get from a genetic DNA testing kit company like 23andMe or  
3 AncestryDNA.”<sup>11</sup>

4 44. To use GEDmatch.com, users take a genetic test (from a variety of companies or  
5 providers) and download the results of that test to a standard DNA file—*i.e.*, a compressed ZIP file  
6 containing a full description of the user’s genetic information.<sup>12</sup> Next, users upload the DNA file to the  
7 GEDmatch website for processing. Within 24 hours, users can access analytical tools that compare their  
8 own genetic information to other DNA files within the GEDmatch database.<sup>13, 14</sup>

9 45. GEDmatch tells its users that “your privacy and security are paramount.”<sup>15</sup> To reassure  
10 users about the privacy of information submitted on its site, GEDmatch encourages users to use aliases  
11 and anonymous email addresses when using the site.<sup>16</sup>

12 46. However, unbeknownst to GEDmatch users, Defendant’s Facebook Pixel operates on  
13 GEDmatch.com in the background pursuant to an undisclosed written agreement between Defendant and  
14 GEDmatch. By virtue of such agreement Meta compelled the disclosure of users’ identities and the fact  
15 that they were subjected to genetic tests. Not only that, such information is also associated with all other  
16 Personally Identifiable Information in Defendant’s possession.

### 17 C. Defendant’s Facebook Pixel and Business Tools

18 47. Meta operates Facebook, the world’s largest social media company, and generates most  
19 of its revenue by selling advertising space. Unlike traditional media where advertisements must appeal  
20 to broad demographics, Meta emphasizes that its advertising space can be targeted to specific Facebook  
21 users.

22 <sup>11</sup> <https://www.GEDmatch.com/why-join/> (last visited Mar. 20, 2024).

23 <sup>12</sup> *See, e.g.*, Downloading DNA Data, Ancestry.com, [https://support.ancestry.com/s/article/Downloading-DNA-Data?language=en\\_US](https://support.ancestry.com/s/article/Downloading-DNA-Data?language=en_US) (last visited Mar. 20, 2024).

24 <sup>13</sup> “Introduction to GEDmatch: How to Get Started, Upload Your DNA, Find Relatives, Find Matches,”  
25 GEDmatch, [https://www.youtube.com/watch?v=\\_NduRUO1GMw&t=53s](https://www.youtube.com/watch?v=_NduRUO1GMw&t=53s) (last visited Mar. 20, 2024).

26 <sup>14</sup> “How it Works, Find Family Members From Around the World Using DNA Matching:  
<https://www.gedmatch.com/how-it-works/> (last visited March 23, 2024).

27 <sup>15</sup> *Is GEDmatch Safe?*, GEDmatch, <https://www.GEDmatch.com/privacy-security/> (last visited Mar. 21, 2024).

<sup>16</sup> *Id.*



1           48. To support its targeted advertising business, Meta encourages and promotes entities and  
2 website owners, such as GEDmatch, to utilize “Business Tools” to gather, identify, target, and market  
3 products and services to individuals. Advertisers can also build “Custom Audiences,” which helps them  
4 reach “people who have already shown interest in [their] business, whether they’re loyal customers or  
5 people who have used [their] app or visited [their] website.” With Custom Audiences, advertisers can  
6 target existing customers directly and they can also build “Lookalike Audiences,” which “leverages  
7 information such as demographics, interests, and behavior from your source audience to find new people  
8 who share similar qualities.” Unlike Core Audiences, Custom Audiences and Lookalike Audiences are  
9 only available if the advertiser has sent its underlying data to Facebook. This data can be supplied to  
10 Facebook by manually uploading contact information for customers or by utilizing Facebook’s “Business  
11 Tools.”

12           49. Facebook’s Business Tools, including the Facebook Tracking Pixel (“Pixel” or “Facebook  
13 Pixel”) and Conversions API (CAPI), are bits of code that web developers can integrate into their  
14 webpages, mobile applications, and servers, and which allow Facebook to intercept website visitors’  
15 activity and collect information, including sensitive Private Information.

16           50. Meta’s Facebook Business Tools are configured to automatically capture certain data, like  
17 when a user visits a webpage, that webpage’s Universal Resource Locator (“URL”) and metadata, or  
18 when a user downloads a mobile application or uploads a file. Facebook Business Tools can track  
19 additional events, including the content a visitor views or purchases they make, and Facebook’s menu of  
20 “standard events” allows advertisers to choose which types of content are tracked.<sup>17</sup>

21           51. One such Business Tool is the Pixel, which is a piece of code that advertisers or website  
22 operators like GEDmatch can integrate into their website (hereinafter “Website”). As the name implies,  
23 the Facebook Pixel “tracks the people and type of actions they take.” When a user accesses a website  
24 hosting the Facebook Pixel, Facebook’s software script surreptitiously directs the user’s browser to send  
25 a separate message to Facebook’s servers. This second, secret transmission contains the original GET  
26 request that was sent to the host website and any additional data that the Facebook Pixel is configured to

27 <sup>17</sup> *About Standard and Custom Webpage(s) Events*, FACEBOOK, <https://www.facebook.com/business/help/964258670337005?id=1205376682832142>; see also *F App Events API*, META FOR DEVELOPERS, <https://developers.facebook.com/docs/marketing-api/app-event-api/>. (Last visited March 20, 2024).

1 collect. Facebook’s code initiates this second transmission simultaneously as communications occur with  
2 the host website. Thus, two sets of code are automatically created as part of the browser’s attempt to load  
3 and read GEDmatch’s Website—GEDmatch’s own code, and Meta’s embedded code.

4 52. The Pixel tracks users as they navigate through the Website and simultaneously transmits  
5 to Facebook the users’ communications with the Website, including Private Information. For example,  
6 specific actions taken on the Website are tracked and the fact that GEDMatch’s users uploaded their  
7 DNA file to GEDMatch is recorded by Defendant. The Pixel also sends Facebook identifying information  
8 including a user’s IP address and their unique Facebook ID (“FID”).<sup>18</sup>

9 53. To further illustrate the point in more detail, take an individual who navigates to the  
10 GEDmatch website and uploads his DNA file. When that site function is activated, the individual’s  
11 browser sends a GET request to GEDmatch’s server requesting that server to load the particular webpage.  
12 Because GEDmatch utilizes the Facebook Pixel, Meta’s embedded code, written in JavaScript, sends  
13 secret instructions back to the individual’s browser, without alerting the individual that this is happening.  
14 Meta’s code instructs the browser to secretly duplicate the unwitting individual’s communication with  
15 GEDmatch, and to transmit it to Meta’s Facebook servers, alongside additional information that  
16 transcribes the communication’s content and/or action taken and the individual’s identity.

17 54. After collecting and intercepting this information, Defendant processes it, analyzes it, and  
18 assimilates it into datasets for advertisers Core Audiences and Custom Audiences.

19 55. Additionally, Meta’s Conversion API tool works in conjunction with Facebook Pixel, and  
20 it allows a second set of information to be transmitted via the GEDmatch server.

21 **D. Defendant Compelled Plaintiff’s and Class Members’ Private Information For Its**  
22 **Business Purposes.**

23 56. Unsurprisingly, Defendant does not offer its Pixel to companies like GEDmatch solely for  
24 that companies’ benefit. “Data is the new oil of the digital economy,”<sup>19</sup> and Facebook has built its more-  
25 than \$300 billion market capitalization on mining and using that ‘digital oil’. Thus, the large volumes of

26 <sup>18</sup> *Meta Pixel*, META FOR DEVELOPERS, <https://developers.facebook.com/docs/meta-pixel/> (last visited  
27 March 20, 2024)

<sup>19</sup> Joris Toonders, *Data Is the New Oil of the Digital Economy*, WIRED, <https://www.wired.com/insights/2014/07/data-new-oil-digital-economy/> (last visited March 20, 2024).

1 Private Information Defendant captured from GEDmatch are actively viewed, examined, analyzed,  
2 curated, and used by the company. Facebook compels and acquires the raw data to transform it into a  
3 monetizable commodity, just as an oil company acquires crude oil to transform it into gasoline. Indeed,  
4 Facebook offers the Pixel free of charge<sup>20</sup> and the price that website owners pay for the Pixel is the data  
5 that it allows Facebook to collect.

6 57. Defendant Meta achieves such compulsion of mass data through its contracts with  
7 companies like GEDMatch. Such contracts require that all web traffic data, including all user information  
8 and actions taken on GEDMatch, be tracked by the Facebook Pixel and transmitted to Defendant.

9 58. This is worrying because such compelled data often includes or is associated with personal  
10 identities. Facebook describes itself as a “real identity platform,”<sup>21</sup> meaning users are allowed only one  
11 account and must share “the name they go by in everyday life.”<sup>22</sup> To that end, when creating an account,  
12 users must provide their first and last name, date of birth, and gender.<sup>23</sup> Facebook’s history of  
13 surreptitiously gathering other irreplaceable “identity” information like biometrics is also well  
14 documented.<sup>24</sup>

15 59. This is crucial to Facebook, because it sells its advertising space by emphasizing its ability  
16 to target users.<sup>25</sup> Facebook is especially effective at targeting users because it surveils user activity both  
17 on and off its own site.<sup>26</sup> This allows Facebook to make inferences about users beyond what they  
18 explicitly disclose, including their “interests,” “behavior,” and “connections.”<sup>27</sup> Facebook compiles this

19 <sup>20</sup> *Facebook Pixel: What It Is and Why You Need It*, <https://seodigitalgroup.com/facebook-pixel/> (last  
20 visited March 20, 2024).

21 <sup>21</sup> Sam Schechner and Jeff Horwitz, *How Many Users Does Facebook Have? The Company Struggles to  
Figure It Out*, WALL. ST. J. (Oct. 21, 2021).

22 <sup>22</sup> *Community Standards, Part IV Integrity and Authenticity*, META TRANSPARENCY CENTER  
[https://www.facebook.com/communitystandards/integrity\\_authenticity](https://www.facebook.com/communitystandards/integrity_authenticity) (last visited March 20, 2024).

23 <sup>23</sup> *Sign Up*, FACEBOOK, <https://www.facebook.com/> (last visited March 20, 2024).

24 <sup>24</sup> *Facebook’s \$650M BIPA settlement ‘a make-or-break moment*, [https://iapp.org/news/a/facebook-  
650m-bipa-settlement-a-make-or-break-moment/](https://iapp.org/news/a/facebook-650m-bipa-settlement-a-make-or-break-moment/) (last visited March 23, 2024).

25 <sup>25</sup> *Why Advertise on Facebook, Instagram, and Other Meta Technologies*, META BUSINESS HELP  
CENTER, <https://www.facebook.com/business/help/205029060038706> (last visited March 20, 2024).

26 <sup>26</sup> *About Meta Pixel*, META BUSINESS HELP CENTER, [https://www.facebook.com/  
business/help/742478679120153?id=1205376682832142](https://www.facebook.com/business/help/742478679120153?id=1205376682832142) (last visited March 20, 2024).

27 <sup>27</sup> *Ad Targeting: Help your ads find the people who will love your business*, META ADS  
<https://www.facebook.com/business/ads/ad-targeting> (last visited March 20, 2024).

1 information into a generalized dataset called “Core Audiences,” which advertisers use to apply highly  
2 specific filters and parameters for their targeted advertisements.<sup>28</sup>

3 60. Advertisers can also build “Custom Audiences,”<sup>29</sup> which helps them reach “people who  
4 have already shown interest in [their] business, whether they’re loyal customers or people who have used  
5 [their] app or visited [their] website.”<sup>30</sup> With Custom Audiences, advertisers can target existing  
6 customers directly. They can also build “Lookalike Audiences,” which “leverages information such as  
7 demographics, interests, and behavior from your source audience to find new people who share similar  
8 qualities.”<sup>31</sup>

9 61. Facebook does not merely collect information gathered by the Pixel and store it for  
10 safekeeping on its servers without ever viewing or accessing the information. Instead, in accordance with  
11 the purpose of the Pixel to allow Facebook to create Core, Custom, and Lookalike Audiences for  
12 advertising and marketing purposes, Facebook viewed, processed, and analyzed Plaintiff’s and Class  
13 members’ confidential Private Information. Upon information and belief, such viewing, processing, and  
14 analyzing was performed by computers and/or algorithms programmed and designed by Facebook  
15 employees at the direction and behest of Facebook.

16 62. Facebook receives over 4 petabytes<sup>32</sup> of information every day and must rely on analytical  
17 tools designed to view, categorize, and extrapolate the data to augment human effort.<sup>33</sup> This process is  
18 known as “data ingestion” and allows “businesses to manage and make sense of large amounts of data.”<sup>34</sup>

19 <sup>28</sup> *Easier, More Effective Ways to Reach the Right People on Facebook*, META CORE AUDIENCES,  
20 <https://www.facebook.com/business/news/Core-Audiences> (last visited March 20, 2024).

21 <sup>29</sup> *About Custom Audiences*, META BUSINESS HELP CENTER, <https://www.facebook.com/business/help/744354708981227?id=2469097953376494> (last visited March 20, 2024).

22 <sup>30</sup> *Ad Targeting, Help your ads Find the People Who Will Love Your Business*, META ADS,  
<https://www.facebook.com/business/ads/ad-targeting> (last visited March 20, 2024).

23 <sup>31</sup> *About Lookalike Audiences*, META BUSINESS HELP CENTER, <https://www.facebook.com/business/help/164749007013531?id=401668390442328> (last visited March 20, 2024).

24 <sup>32</sup> A petabyte is equal to one million gigabytes (1,000,000 GB).

25 <sup>33</sup> <https://medium.com/@srank2000/how-facebook-handles-the-4-petabyte-of-data-generated-per-day-ab86877956f4>. Facebook employees would not be able to view each piece of data individually – millions  
26 of them per second – without the aid of technology. Just as a microscope or telescope allows the user to  
27 see very small or very distant objects by zooming in, however, Facebook’s big data management software  
allows the company to see all this data at once by zooming out.

<sup>34</sup> <https://scaleyourapp.com/what-database-does-facebook-use-a-1000-feet-deep-dive/>. Facebook uses  
ODS, Scuba, and Hive to manage its massive data stores. These technologies are not traditional

1           63. By using data ingestion tools, Facebook can rapidly translate the information it receives  
2 from the Pixel to display relevant ads to consumers. For example, if a consumer visits a retailer's webpage  
3 and places an item in their shopping cart without purchasing it, the next time the shopper visits Facebook,  
4 an ad for that item will appear on the shopper's Facebook page.<sup>35</sup> This evidences the fact that Facebook  
5 views and categorizes data as they are received from the Pixel.

6           64. Moreover, even if Facebook eventually deletes or anonymizes sensitive information that  
7 it receives, it must first view that information to identify it as containing sensitive information suitable  
8 for removal. Accordingly, there is a breach of confidentiality the instant the information is disclosed or  
9 received without authorization. As described by the HHS Bulletin:

10                   It is insufficient for a tracking technology vendor to agree to remove PHI  
11 from the information it receives or de-identify the PHI before the vendor  
12 saves the information. Any disclosure of PHI to the vendor without  
13 individuals' authorizations requires the vendor to have a signed BAA in  
14 place **and** requires that there is an applicable Privacy Rule permission for  
15 disclosure.

16 (emphasis in original).

17           **E. Plaintiff's and Class Members' Intercepted Private Communications were Linked**  
18 **to their Individual Facebook Profiles.**

19           65. The user information that Defendant compelled and intercepted from GEDmatch and  
20 other companies was transmitted alongside other information that reveals a particular user's identity.

21           66. Every Facebook user has a unique and persistent Facebook ID ("FID") that is associated  
22 with their Facebook profile and individual account, and Facebook places a cookie containing the user's  
23 FID ("c\_user" cookie) on their device when they log into Facebook.

24           67. The FID is categorized as a third-party cookie, and it identifies a particular person and  
25 their actions or communications with a website, such as www.GEDmatch.com, whenever the owner of  
26 that website has installed the Facebook Pixel.

27           \_\_\_\_\_ databases; they are specialized databases for big data designed to process data specifically for analysis—  
"such as [viewing] hidden patterns, correlations, market trends and customer preferences."

<sup>35</sup> *A Complete Guide to Facebook Tracking for Beginners*, OBERLO, Oct. 5, 2021, <https://www.oberlo.com/blog/facebook-pixel>.

1           68.     When a person visits a website that is hosting the Pixel, the Pixel begins “listening in,”  
2 much like a traditional wiretap, as soon as the website loads. The Pixel lies hidden within the page,  
3 waiting to be triggered.

4           69.     Thus, the Pixel was triggered each time Plaintiff and Class members communicated with  
5 GEDmatch, in the form of HTTP Requests to the GEDmatch server. Upon triggering of the Pixel, the  
6 Facebook Pixel secretly intercepted the user’s communications at the same time the message was  
7 dispatched to GEDmatch. Thus, two simultaneous communications originate from a user’s browser once  
8 the user initiates an action GEDmatch: one, as intended, to GEDmatch, and a second, undetectable to and  
9 unknown by the user, to Facebook.

10          70.     Defendant did not inform Plaintiff and Class members that it would intercept and compel  
11 the disclosure of information communicated to GEDmatch, including their Private Information.

12           **F.     Plaintiff Phyllis Nichols’s Private Information Was Compelled by Defendant’s Tools**  
13           **on the GEDmatch Website**

14          71.     In 2021, Plaintiff Nichols uploaded her DNA file to the GEDmatch Website. In doing so,  
15 Plaintiff communicated information relating to her identity and, crucially, the fact that she had been the  
16 subject of a genetic test—all of which consist of Private Information and is protected under GIPA.  
17 Without her knowledge or permission, Defendant compelled the disclosure of this Private Information  
18 from GEDMatch and thus received the contents of those communications.

19          72.     Plaintiff reasonably expected that her communications with GEDmatch via the Website  
20 were confidential, solely between herself and GEDmatch, and that such communications would not be  
21 compelled and transmitted to or intercepted by any third party.

22          73.     Plaintiff has an active Facebook account that she accesses through her phone and desktop  
23 computer. Plaintiff’s Facebook account contains information that can personally identify her, including  
24 her name.

25          74.     Because the GEDmatch Website utilizes the Facebook Pixel, the Website’s Source Code  
26 sent a secret set of instructions back to Plaintiff’s browser—which effectively acted as a wiretap—  
27

1 causing the Pixel to send Plaintiff's FID, and the webpage's URL, and the contents of her  
2 communications to Defendant (including Private Information contained within those communications).

3 75. Specifically, when Plaintiff Nichols uploaded her DNA file to the GEDmatch Website,  
4 and by operation of Facebook's agreement with GEDmatch and through the Pixel, Defendant compelled  
5 the disclosure of Plaintiff's communications with GEDmatch, including the fact that she uploaded her  
6 DNA file and her identity.

7 76. Stated differently, Meta surreptitiously intercepted Plaintiff's Private Information as she  
8 used the GEDmatch Website. Additionally, the information intercepted by Facebook via the Pixel  
9 included Plaintiff's Facebook ID, linking her communications with her Facebook profile.

10 77. Defendant facilitated these compulsions and interceptions without Plaintiff's knowledge,  
11 consent, or express written authorization. By failing to receive the requisite consent, Defendant breached  
12 its obligations under GIPA.

13 78. Upon information and belief, Facebook also received Plaintiff's information directly  
14 through the Conversions API, which established a server-to-server data transmission from GEDmatch's  
15 Website server.

16 79. Plaintiff has a continuing interest in ensuring that future communications with GEDmatch  
17 are protected and safeguarded from future unauthorized compulsions and disclosures, and that Defendant  
18 ceases its practice of forcing the disclosure of Private Information from GEDmatch.

19 80. Thus, as a result of Defendant compelled the disclosure of the identities of thousands of  
20 Illinois consumers who had a genetic test performed without their written consent, including that of  
21 Plaintiff and the other Class members, in violation of GIPA.

### 22 CLASS ACTION ALLEGATIONS

23 81. Plaintiff brings this action on behalf of a Class and Subclass of similarly situated  
24 individuals, pursuant to Cal. Code Civ. Proc. § 382, defined as follows:

25 **Illinois Class:** All Illinois individuals who, during the applicable statute of  
26 limitations, (i) had a Facebook account; and (ii) whose Private Information  
27 was transmitted by the Facebook Pixel and other related technology without  
their authorization.

1           **GEDmatch Subclass:** All Illinois individuals who, during the applicable  
2 statute of limitations, (i) had a Facebook account; and (ii) whose Private  
3 Information was transmitted by the Facebook Pixel and other related  
4 technology from GEDmatch's Website without their authorization.

5           82. Plaintiff reserves the right to modify the class definitions or add sub-classes as necessary  
6 prior to filing a motion for class certification.

7           83. Excluded from the Class and Subclass are Defendant; any affiliate, parent, or subsidiary  
8 of Defendant; any entity in which Defendant has a controlling interest; any officer director, or employee  
9 of Defendant; any successor or assign of Defendant; anyone employed by counsel in this action; any  
10 judge to whom this case is assigned, his or her spouse and immediate family members; and members of  
11 the judge's staff.

12           84. Numerosity/Ascertainability. Members of the Class and Subclass are so numerous that  
13 joinder of all members would be unfeasible and not practicable. The exact number of Class and Subclass  
14 members is unknown to Plaintiff currently. However, it is estimated that there are thousands of  
15 individuals in the Class and Subclass. The identity of such membership is readily ascertainable from  
16 Defendant's records and non-party records, including the records of GEDmatch.

17           85. Typicality. Plaintiff's claims are typical of the claims of the Class and Subclass because  
18 Plaintiff used the GEDmatch Website and had her Private Information intercepted by Defendant's  
19 Facebook Pixel and disclosed to third-party advertisers without her express written authorization or  
20 knowledge. Plaintiff's claims are based on the same legal theories as the claims of other Class and  
21 Subclass members.

22           86. Adequacy. Plaintiff is fully prepared to take all necessary steps to represent fairly and  
23 adequately the interests of the Class and Subclass members. Plaintiff's interests are coincident with, and  
24 not antagonistic to, those of the Class and Subclass members. Plaintiff is represented by attorneys with  
25 experience in the prosecution of class action litigation generally and in the emerging field of digital  
26 privacy litigation specifically. Plaintiff's attorneys are committed to vigorously prosecuting this action  
27 on behalf of the Class and Subclass members.

          87. Common Questions of Law and Fact Predominate/Well Defined Community of Interest.  
Questions of law and fact common to the Class and Subclass members predominate over questions that



1 may affect only individual Class members because Defendant has acted on grounds generally applicable  
2 to the Class and Subclass. Such generally applicable conduct is inherent in Defendant's wrongful  
3 conduct. The following questions of law and fact are common to the Class and Subclass:

4 (a) Whether Defendant's conduct is subject to GIPA;

5 (b) Whether Defendant surreptitiously acquired Plaintiff's and the Class and Subclass  
6 members' Private Information;

7 (c) Whether Defendant discloses Private Information to advertisers and/or other third  
8 parties;

9 (d) Whether Defendant obtained written authorization from Plaintiff and the other  
10 Class and Subclass members before disclosing their Private Information;

11 (e) Whether Defendant's violations of GIPA were willful or reckless;

12 (f) Whether Defendant's violations of GIPA were negligent;

13 (g) Whether Plaintiff and the Class and Subclass members are entitled to damages and  
14 injunctive relief.

15 88. Superiority. Class action treatment is a superior method for the fair and efficient  
16 adjudication of the controversy. Such treatment will permit many similarly situated persons to prosecute  
17 their common claims in a single forum simultaneously, efficiently, and without the unnecessary  
18 duplication of evidence, effort, or expense that numerous individual actions would engender. The benefits  
19 of proceeding through the class mechanism, including providing injured persons a method for obtaining  
20 redress on claims that could not practicably be pursued individually, substantially outweighs potential  
21 difficulties in management of this class action. Plaintiff is unaware of any special difficulty to be  
22 encountered in litigating this action that would preclude its maintenance as a class action.

23 **CAUSE OF ACTION**

24 **Violation of the Illinois Genetic Information Privacy Act, 410 ILCS 513/1, et seq.**  
25 **(On behalf of Plaintiff and the Class and Subclass)**

26 89. Plaintiff repeats the allegations contained in the paragraphs above as if fully set forth  
27 herein and bring this count individually and on behalf of the proposed Class and Subclass.

1 90. Defendant Meta Platforms, Inc. is a corporation and, therefore, a “person” under 410 ILCS  
2 513/10.

3 91. The information that Defendant obtained from Plaintiff and the Class and Subclass is the  
4 type of information protected by GIPA. 410 ILCS 513/10.

5 92. GIPA states that no person may disclose or be compelled to disclose the identity of any  
6 person upon whom a genetic test is performed or the results of a genetic test in a manner that permits  
7 identification of the subject of the test. See 410 ILCS 513/30(a).

8 93. Plaintiff and the members of the Class and Subclass are individuals who uploaded their  
9 DNA data to GEDmatch.

10 94. Defendant Meta, through the use of its Facebook Pixel and CAPI, then obtained Plaintiff’s  
11 and Class and Subclass members’ Private Information which consists of the fact that they uploaded their  
12 genetic information and had a genetic test performed and their identities.

13 95. Crucially, this information was compelled by Defendant Meta when it entered into  
14 contracts with its customers (i.e. GEDMatch) to permit the disclosure of all web traffic and all user  
15 information, including the disclosure of all actions taken on their customers’ website, for Defendant’s  
16 analytics and advertising business.

17 96. In other words, Defendant compelled the disclosure of Plaintiff’s and the other Class and  
18 Subclass members’ identities who had been the subject of genetic tests. See 410 ILCS 513/30(a).

19 97. Defendant failed to obtain written authorization from Plaintiff or the members of the Class  
20 and Subclass to obtain their Private Information, as required by 410 ILCS 513/30(a) and 410 ILCS  
21 513/35.

22 98. Plaintiff and the other Class members have been aggrieved by Defendant’s violations of  
23 their statutorily protected rights to privacy in their genetic information as set forth in GIPA when  
24 Defendant compelled the disclosure of their identities without their consent.

25 99. Defendant’s violations of GIPA, as set forth herein, were knowing and willful, or were at  
26 least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to  
27 comply with GIPA.



**DEMAND FOR JURY TRIAL**

Plaintiff, on behalf of herself and the proposed Class, demand a trial by jury for all the claims asserted in this Complaint so triable.

Dated: April 9, 2024

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