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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

WILLIS LAMAR RIDGEWAY, on behalf of)
themselves and all others similarly situated,)
)
) Plaintiffs,)
)
) v.)
)
) **SPOKEO, INC.**)
)
) Defendant.)

Case No.: **23STCV29797**
**CLASS ACTION COMPLAINT AND
DEMAND FOR JURY TRIAL**

Electronically FILED by
Superior Court of California,
County of Los Angeles
12/06/2023 12:33 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By J. Covarrubias, Deputy Clerk

1 Plaintiff Willis Lamar Ridgeway (“Plaintiff”), by and through his attorneys, makes the
2 following allegations against Defendant, Spokeo, Inc. (“Spokeo” or “Defendant”), based on his
3 personal knowledge, the investigation of his counsel, and upon information and belief.

4 **INTRODUCTION**

5 1. Plaintiff brings this class action complaint against Spokeo, for violating the rights
6 of Alabama citizens by using their names, signatures, photographs, images, likenesses, voices,
7 and or similar imitations of those attributes for the commercial purpose of advertising
8 subscriptions to Defendant’s database services without obtaining consent from Plaintiff or the
9 putative class.

10 2. Defendant operates a “people search” website, which offers to display detailed
11 reports about individuals to any user who pays a monthly subscription fee.

12 3. Unlike some of its competitors that rely in part on user submissions to obtain
13 records on individuals, Defendant designed a sophisticated method by which its software scrapes
14 webpages across the internet for vast amounts of information from thousands of data sources.

15 4. Defendant has amassed over 12 billion records containing personal information
16 such as contact information, location and residence history, photographs, social media accounts,
17 court records, and work information for individuals throughout the United States. Defendant
18 uses this information to create profiles on individuals including profiles for Alabama residents,
19 such as Plaintiff, and it hosts their profiles on its database to drive subscriptions.

20 5. A user of Defendant’s website can subscribe to its database by paying a monthly
21 fee of \$24.95, which grants the subscriber unlimited access to detailed records pertaining to any
22 and every individual for which Defendant has records.

23 6. Defendant’s website operates as every meaningful part of its business, meaning
24 the website’s design allows it to operate as the product a subscriber pays for, the administrative
25 method by which a user obtains a subscription (i.e., account creation and payment of
26 subscription fees), and Defendant’s marketing and advertising which it employs to convert
27 website visitors into paying subscribers.

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1 7. One method by which Spokeo advertises and markets its service is by designing,
2 creating, and publishing “teaser profiles” that pertain to everyone included within its database.
3 These “teasers” are used to convince website visitors that people they know are included within
4 the database, and that subscribing to the database will allow them to see additional categories of
5 information that, absent a subscription, would be otherwise unavailable.

6 8. The “teaser profiles” display uniquely identifying information pertaining to the
7 person depicted in the teaser, such as name, age, location, and names of relatives, and expressly
8 represent that the teaser only publishes some of the categories of information Defendant
9 possesses for the person of interest, but more categories exist within its database, such as full
10 contact information, criminal and traffic records, marriage records, and social profiles.

11 9. Critically – the teaser is displayed adjacent to offers to “Unlock Profile” and
12 obtain a “Special Trial Offer” which incentivize the user to subscribe to Defendant’s database.
13 This offer to provide access to the database in exchange for payment of a subscription fee is
14 made more enticing because Defendant represents that the subscription fee not only provides
15 access to all categories of information for the individual profiled in the “teaser” – but for every
16 person contained within its database.

17 10. Defendant’s “teaser profiles” fulfill the dual purposes of (1) confirming for the
18 user that Defendant’s database includes detailed information about the persons the user may find
19 interesting (such as neighbors, family, employers, and potential dating partners), and (2)
20 advertising the capabilities of Defendant’s database – which includes full reports on millions of
21 individuals. To put it more simply, Defendant does not offer to sell independent detailed reports
22 about individuals depicted on its website – rather, Defendant publishes the indicia of their
23 identities *to sell subscriptions to its database services*.

24 11. Plaintiff and the putative class members are not customers of Spokeo – in fact,
25 Plaintiff and the putative class members have taken no action to create a relationship with
26 Spokeo whatsoever.

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1 12. Plaintiff and the class members never consented to Spokeo’s use of the indicia of
2 their identities, such as their names, residence, likenesses, and personas to advertise Defendant’s
3 services and products.

4 13. Despite its lack of consent to use indicia of the Plaintiff’s and the class members’
5 identities, Spokeo does just that, when it creates and publicizes teaser profiles that include their
6 names, ages, current and past cities of residence, emails, phone numbers, other personal
7 information, and on occasion photographs.

8 14. Alabama law protects its citizens from the misappropriation of the indicia of their
9 identities through its Right of Publicity Statute, codified at Ala.Code. 1975 § 6-5-770 *et seq.*, and
10 it requires any private entity to obtain consent from its residents before using indicia of their
11 identities for a commercial purpose.

THE PARTIES

13 15. Plaintiff, Willis Lamar Ridgeway, is a natural person and a resident of
14 Tuscaloosa, Alabama, and he has no relationship with Defendant.

15 16. Defendant Spokeo, Inc. is a Delaware corporation with its headquarters in
16 Pasadena, California, and it owns and operates the people search engine, spokeo.com.

JURISDICTION AND VENUE

18 17. This Court has general jurisdiction over the Defendant because Defendant
19 operates its headquarters in this state, manages the collection and publication of Plaintiff’s and
20 Class Members’ personal information from within this state, and designs the systems which
21 publish Plaintiff’s and Class Members’ personal information for a commercial purpose from
22 within this state.

23 18. Venue is appropriate against the Defendant corporation in this Court pursuant to
24 West’s Ann.Cal.C.C.P. § 395, because Defendant resides in this District.

STATEMENT OF FACTS

Alabama’s Right of Publicity Act

27 19. Alabama codified a Right of Publicity in the indicia of identity for its citizens at
28 Ala.Code. § 6-5-770 *et seq.*

1 20. “Indicia of identity” is defined as “[t]hose attributes of a person that serve to
2 identify that person to an ordinary, reasonable viewer or listener, including, but not limited to,
3 name, signature, photograph, image, likeness, voice, or a substantially similar imitation of one or
4 more of those attributes.” Ala.Code 1975 § 6-5-771(1).

5 21. “Person” is defined as “[a] natural person or a deceased natural person who at any
6 time resided in this state or died while in this state or whose estate is, or was, probated in any
7 county in this state.” Ala.Code 1975 § 6-5-771(2).

8 22. The Alabama Legislature enacted a “Right of Publicity” as follows: “There is a
9 right of publicity in any indicia of identity, both singular and plural, of every person, whether or
10 not famous, which right endures for the life of the person and for 55 years after his or her death,
11 whether or not the person commercial exploits the right during his or her lifetime. The right is
12 freely transferable and descendible, in whole or in part, and shall be considered property of the
13 estate of the decedent unless otherwise transferred.” Ala.Code 1975 § 6-5-771(3).

14 23. Pursuant to the Alabama Right of Publicity Act, “any person or entity who uses or
15 causes the use of the indicia of identity of a person, on or in products, goods, merchandise, or
16 services entered into commerce in this state, or for purposes of advertising or selling, or
17 soliciting purchases of, products, goods, merchandise, or services...without consent shall be
18 liable under this article to that person, or to a holder of that person’s rights.” Ala.Code 1975 § 6-
19 5-772(a).

20 24. Alabama established a private right of action for “[a] plaintiff, who establishes by
21 a preponderance of the evidence that his or her right of publicity has been violated” and makes
22 the plaintiff eligible to receive “[s]tatutory damages in the amount of five thousand dollars
23 (\$5,000) per an action or compensatory damages, including the defendant’s profits derived from
24 such use” as well as “[a]ny other damages available under Alabama law[.]” Ala.Code. 1975 § 6-
25 5-774.

26 *Spokeo’s Violation of Alabamians’ Right of Publicity*

27 25. To increase its subscriber base of Alabama residents, Spokeo uses the indicia of
28 identity of Alabama residents to advertise its product to Alabama users.

1 26. Defendant scrapes information from webpages across the internet to collect and
2 aggregate information of varying public-nature and organize those records into profiles for
3 individuals, including Alabama persons.

4 27. Defendant then publishes the profiles on the internet - including in Alabama.
5 Defendant publishes the teaser profile to entice potential subscribers who are interested in the
6 person reflected in the teaser profile.

7 28. Defendant operates the website *spokeo.com* to make those profiles available to
8 paying subscribers, which serves as a portal for those subscribers to view any information
9 Defendant has collected on persons-of-interest in exchange for payment of their monthly
10 subscription fee.

11 29. Defendant publishes the teaser profiles for the purpose of piquing its users'
12 interest in learning the intimate details of people known to the user, and in whom the user is
13 likely already interested, such as friends, family, acquaintances, old classmates, or even Plaintiff.
14 This advertising scheme relies on the same basis as that of social media – people are interested in
15 others with whom they have a relationship or share the same community.

16 30. Spokeo publishes the teaser profiles to obtain subscribers in as many geographic
17 areas as possible (such as Alabama) and therefore must advertise its services using information
18 on people in which the user is already interested – people that live near the user.

19 *Plaintiff, as represented by Spokeo*

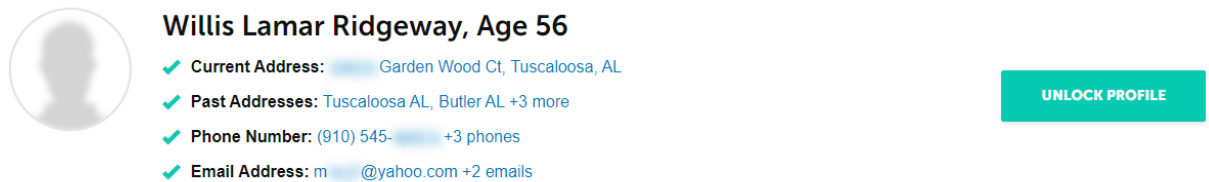
20 31. Plaintiff's "teaser profile" provides uniquely identifying information for Plaintiff,
21 such as city of current and past residence, relatives, and age. The teaser further represents and
22 illustrates that Spokeo's database includes even more information, such as more detailed contact
23 information, and that additional information can be accessed if the user clicks the button to "See
24 Results."

25 32. The teaser provides some additional information, such as a partial phone number
26 and email address, street names of prior and current addresses, and includes various information
27 cards relating to different categories of information, such as "Phone and Email," "Address
28 History," "Family Members," "Social Profiles," "Court Records," and "Additional Details"

1 which may include wealth and work information. The teaser publishes this information so a user
2 can reasonably identify that the person depicted is known to the user.

3 33. The “Results” page further provides multiple user testimonials which suggest
4 Spokeo’s database service provides value and can be used for a myriad of purposes. The page
5 further suggests that the service “has been featured on” CNBC, The New York Times, and
6 HuffPost – all suggesting a subscription to the website is a valuable investment.

7 34. However, the teaser blurs most of Plaintiff’s information, including Plaintiff’s
8 house number, full email address, and last four digits of phone numbers. To access these items
9 of information, the user must click “Unlock Profile” button.



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14 *Figure 3*

15 35. Spokeo offers Plaintiff’s “Full Name Report” for a “Special Price” of \$0.95. But
16 the offer of Plaintiff’s Full Name Report for \$0.95 is not an accurate representation because the
17 fine print informs the user that selecting this option will automatically enroll the user in a 7-Day
18 free trial, which will be automatically renewed as a full subscription at the normal rate of \$24.95
19 per month.

20 **Cancel anytime. After your 7 day free trial, you will be billed \$24.95 per month.*

21
22 *Figure 4*

23 36. Spokeo’s website design operates in such a manner that violates the right of
24 publicity of Plaintiff and other Alabama citizens because it publicly displays indicia of their
25 identities within Alabama adjacent to an offer to provide access to its database in exchange for
26 payment of a monthly subscription fee (and, in fact, Spokeo displays indicia of Plaintiff’s
27 identity *to persuade* the user to purchase a subscription).

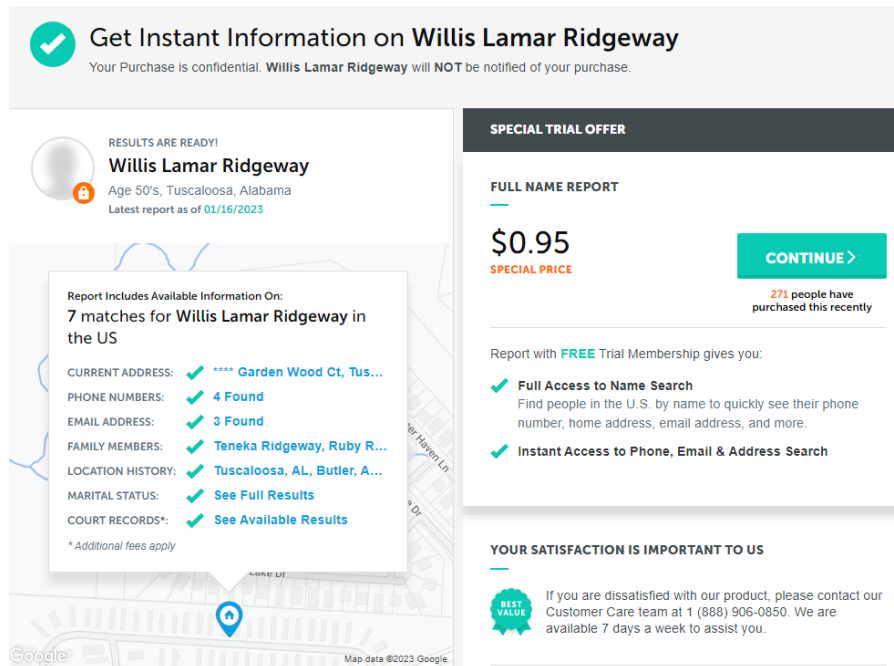


Figure 5

37. Spokeo piques the user’s interest by displaying partial information about Plaintiff and teases the user by representing its database contains even more categories of information about Plaintiff – including salacious types of information such as marriage and divorce records and criminal records (the types of information that a user familiar with Plaintiff would be even more interested in learning). Finally, Defendant ensures the user that records of the same nature are available for each person in its database – and accessible to the user with a subscription.

38. Spokeo displays Plaintiff’s information adjacent to its offers to provide access in exchange for payment of a subscription fee, and Defendant’s purpose in displaying Plaintiff’s information to people that have a pre-existing interest in him is clear – to solicit paid subscription memberships.

39. Thus, Spokeo does not sell Plaintiff’s information independently, but instead sells a subscription-based service which permits a subscriber unlimited access to its database to view profiles for anyone in Spokeo’s database, including Plaintiff.

40. Defendant misappropriated Plaintiff’s and the class members’ indicia of identity (names, photographs, images, likenesses, voices, or other uniquely identifying information) for its own commercial benefit (i.e., to advertise subscriptions to access Defendant’s database).

1 41. Yet Defendant never obtained consent from Plaintiff or the class members to use
2 their indicia of identity for any reason, and Defendant never notified Plaintiff of its use of his
3 information within its database or to advertise its services. In fact, Plaintiff and the class
4 members have no relationship with Spokeo whatsoever.

5 *Plaintiff's Experience*

6 42. Plaintiff Willis Lamar Ridgeway has no account with Spokeo.

7 43. Plaintiff has taken no actions to create a relationship with Defendant in any form
8 – in fact, Plaintiff has never visited Defendant's website.

9 44. Plaintiff does not know how or where Spokeo obtained his personal information.

10 45. Spokeo created a teaser profile using Plaintiff's indicia of identity and published
11 the teaser profile within the state of Alabama for the purpose of converting Alabama users into
12 paying subscribers.

13 46. Plaintiff was unaware information pertaining to him was stored within
14 Defendant's database and published as a means of advertising Defendant's product.

15 47. Defendant used Plaintiff's name, image, and likeness to advertise its products –
16 teasing potential subscribers with Plaintiff's indicia of identity to pique the interest of potential
17 subscribers as it relates to the information they could obtain by subscribing to Defendant's
18 database.

19 48. Plaintiff did not provide consent in any way for Spokeo to use his image and
20 personal information to sell subscriptions to its database or for any other purpose.

21 49. Defendant never sought Plaintiff's consent to use his image and personal
22 information to sell subscriptions to its database or for any other purpose.

23 50. Spokeo published multiple items of information pertaining to Plaintiff in Alabama
24 for a commercial purpose – all of which serve to uniquely identify Plaintiff.

25 51. Defendant's purpose in publishing Plaintiff's teaser profile is to sell subscriptions
26 to its database services.

27 52. Defendant had no need to use Plaintiff's indicia of identity to advertise its
28 product, as it could just as easily (although possibly not as effectively) advertise its product

1 without publishing Plaintiff’s indicia of identity. Plaintiff’s identity and the identities of other
2 class members are deliberately employed by Defendant because they make it more likely a user
3 will pay the monthly subscription fee to view information pertaining to a person with whom the
4 user is familiar.

5 53. Plaintiff has a property interest as well as a privacy interest in the indicia of his
6 identity, which is protected by Alabama law – an interest he has the right to use and protect as he
7 wishes.

8 54. Spokeo injured Plaintiff by taking and misappropriating his indicia of identity
9 without obtaining his consent to use his likeness for a commercial purpose – an indicia of
10 identity Defendant has now deprived Plaintiff of the right to control.

11 **CLASS ALLEGATIONS**

12 55. Plaintiff brings this complaint on behalf of himself and a class of all Alabama
13 residents as follows:

14 56. Class Definition:

15 All Alabama residents whose indicia of identity was used by
16 Spokeo without their consent.

17 57. Excluded from the class are the judge and attorneys in this case, Defendant’s
18 officers, directors, counsel, successors, and assigns, and anyone who subscribes to spokeo.com.

19 58. **Numerosity:** Defendant gathers and publishes records for every Alabama resident
20 it can locate without limitation, and it creates and publishes a teaser profile for every person
21 whose information is contained within its database: as such the members of the proposed class
22 are at least in the tens of thousands and are therefore so numerous that joinder of individual
23 claims is impracticable.

24 59. **Commonality:** There are significant questions of law and fact common to the
25 members of the class. These issues include:

- 26 a. Whether Plaintiff’s and the class members’ names, signature, photograph, image,
27 or likeness as used by Defendant qualify as “indicia of identity” as defined by
28 Ala.Code § 6-5-771;

- 1 b. Whether Spokeo’s collection of personal information about Plaintiff and the class
2 members in the form of marketing information, social media websites, and public
3 records, and the display of that information to sell subscriptions to its database,
4 constitutes the commercial use without written consent of another’s indicia of
5 identity as defined by Ala.Code. § 6-5-770 *et seq.*; and
- 6 c. Whether Spokeo’s use and display of personal information pertaining to Plaintiff
7 and class members, in the form of marketing information, social media websites,
8 and public records, to offer 7-day free trials that automatically convert to paid
9 subscriptions constitutes the commercial use without written consent of another’s
10 indicia of identity as defined by Ala.Code. § 6-5-770 *et seq.*

11 60. **Typicality and Adequate Representation:** Plaintiff’s claims are typical of those
12 of the proposed class. Plaintiff and all members of the proposed class have been harmed by
13 Spokeo’s commercial use of the indicia of their identity in the form of their names, images,
14 photographs, and other personally identifying information. Further, Plaintiff will fairly and
15 adequately represent the proposed class. The class representatives’ claims are co-extensive with
16 those of the rest of the class, and they are represented by qualified counsel experienced in class
17 action litigation of this nature.

18 61. **Superiority:** A class action is superior to all other available methods for the fair
19 and efficient adjudication of these claims because individual joinder of the claims of all members
20 of the proposed class is impracticable. Many members of the class do not have the financial
21 resources necessary to pursue this claim nor an interest sizeable enough to justify the cost of
22 litigating this case. Individual litigation would be unduly burdensome on the courts and would
23 greatly increase the time and expense needed to resolve a dispute concerning Spokeo’s common
24 acts toward the entire group. A class action allows the benefits of unitary adjudication, economy
25 of scale, and comprehensive supervision of the controversy by a single court.

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1 **CAUSE OF ACTION**

2 **Violation of Alabama Code 1975 § 6-5-772**

3 62. Plaintiff incorporates all preceding paragraphs as if fully stated herein.

4 63. Plaintiff and putative class members are “persons” as defined by Ala.Code 1975 §
5 6-5-771(2).

6 64. Defendant is an “entity” subject to § 6-5-772(a) because it is a private enterprise
7 which has a commercial purpose of selling paid subscriptions to its information database which
8 publishes profiles of Alabama residents.

9 65. In exchange for a monthly fee, Defendant offers subscribers access to view
10 information pertaining to any individual whose profile is stored in Defendant’s database.

11 66. Defendant advertises its services to potential subscribers by creating and
12 publishing in Alabama “teasers” – visual illustrations of the type of information stored within its
13 database and available with the purchase of a subscription.

14 67. Defendant displays its teasers to pique the potential subscriber’s interest by giving
15 the user a limited display of a person’s indicia of identity, reflecting what information is
16 available on Defendant’s database, and then represents that additional categories of information
17 exist for the person-of-interest, and those categories will be made available once the visitor
18 purchases a subscription.

19 68. The “teasers” created and published by Defendant are not related to fictitious
20 individuals - they include morsels of data related to actual natural persons, many of whom, like
21 Plaintiff, are citizens of the state of Alabama.

22 69. Defendant’s “teasers” include names, photographs, images, and likeness of
23 Alabama citizens, including Plaintiff and putative class members.

24 70. Defendant did not obtain consent from Plaintiff or putative class members to
25 publish indicia of their identity for purposes of advertising subscriptions to Defendant’s products
26 and services.

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1 Dated: December 6, 2023

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Spokeo.com Unlawfully Uses Alabama Residents' Identities to Advertise Subscriptions, Class Action Claims](#)
