



parking fees that are allegedly owed to it.

4. Defendant is able to obtain such records by taking the data from Automated License Plate Recognition (“ALPR”) technology systems that captures the license plates of each of the drivers who enter its parking lots.

5. Defendant then uses the license plate numbers it acquires to knowingly and unlawfully obtain individuals’ motor vehicle records containing Personal Information to mail them parking citations.

6. The DPPA prohibits entities such as Defendant from knowingly obtaining Personal Information from motor vehicle records. To comply with the DPPA, an entity that wishes to access the information of motor vehicle records can only do so if one of the enumerated fourteen permissible purposes applies, one of which is written consent. Defendant never obtained written consent from Plaintiff or the Class, nor do any of the permissible purposes apply.

7. As such, Defendant knowingly obtained the statutorily protected Personal Information including, *inter alia*, the names and addresses of Plaintiff and the other Class Members from non-public motor vehicle records without their written consent in violation of the DPPA.

8. Plaintiff seeks, on behalf of himself and the members of the proposed Class, statutory damages under the DPPA, actual or liquidated, in an amount no less than \$2,500, reasonable attorney’s fees and other litigation costs reasonably incurred, and such other equitable relief as the court determines appropriate, including injunctive relief in the form of a prohibition on Defendant obtaining and using Personal Information attained from motor vehicle records , including those from the DMV, to send parking citations through the mail.

#### **PARTIES**

9. Plaintiff Ramon Soto is a resident of Illinois, residing in Chicago, Illinois. In

October of 2023, Plaintiff Soto paid and parked in one of Defendant's parking lots in Chicago, Illinois and, subsequently received a parking citation from Defendant in the mail.

10. Defendant Peoples Auto Parking Company is an Illinois Corporation with its principal place of business and corporate offices located in Chicago, Illinois.

### **JURISDICTION & VENUE**

11. This Court may assert personal jurisdiction over Defendant pursuant to 735 ILCS 5/2-209 in accordance with the Illinois Constitution and the Constitution of the United States, because Defendant is doing business within this state and is headquartered in this state, and because Plaintiff's claims arise out of Defendant's unlawful in-state actions, as Defendant's conduct as alleged herein emanated from within this state.

12. Venue is proper in in the Circuit Court of Cook County pursuant to 735 ILCS 5/2-101, because Defendant is doing business in Cook County and has its principal place of business in Cook County and thus resides there under 735 ILCS § 5/2-102(a), and/or because the transactions or occurrences, or some part thereof, out of which a number of Plaintiff's and the putative Class members' claims arose occurred in Cook County.

### **FACTUAL ALLEGATIONS**

#### **A. The DPPA**

13. In 1994, Congress enacted the Driver's Privacy Protection Act, or DPPA, to protect the privacy and safety of licensed drivers, and to limit misuse of the information contained in DMV motor vehicle records. The Act imposed strict rules for collecting Personal Information in driver motor vehicle records and provides for liability in cases where an entity improperly collects, discloses, uses, rediscloses or resells such records. *See generally* 18 U.S. Code § 2721, *et al.*

14. In creating special privacy protections for data with the DPPA, Congress was

responding to concerns over Personal Information captured and retained by motor vehicle Records, including those found with the DMV. Congressional testimony in 1993 highlighted potential threats to privacy and personal safety from disclosure of Personal Information held in state DMV records; “[u]nlike with license plate numbers, people concerned about privacy can usually take reasonable steps to withhold their names and address[es] from strangers, and thus limit their access to personally identifiable information” in other records. *See* 140 Cong. Rec. H2523 (daily ed. Apr. 20, 1994) (statement of Rep. Edwards); *ibid.* (statement of Rep. Moran).

15. “Personal information” protected by the DPPA refers to “information that identifies an individual,” which “include[s] an individual’s photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information . . . ” that is obtained “in connection with a motor vehicle record.” 18 U.S.C § 2725(3); 18 U.S.C § 2721(a)(1). The DPPA also defines “highly restricted personal information” referring to “individual’s photograph or image, social security number, medical or disability information.” 18 U.S.C § 2721(a)(2).

16. “Motor vehicle record” is defined to include “any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles[.]” 18 U.S.C § 2725(1).

17. Under the DPPA, “it shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b)[.]” 18 U.S.C § 2722(a).

18. Further 18 U.S.C § 2724(a) states, “[a] person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains.”

19. The DPPA’s general prohibition on disclosure of Personal Information is subject to fourteen exceptions, or permissible purposes, which allow for the limited disclosure of Personal Information. Those fourteen permitted uses of DMV data are designed to “strick[e] a critical balance between an individual’s fundamental right to privacy and safety and the legitimate governmental and business needs for th[e] information.” 140 Cong. Rec. 7925 (1994) (remarks of Rep. Moran).

20. Notably, the DPPA does not list or identify any specific prohibited uses; rather, it generally prohibits all uses except the fourteen permissible uses enumerated in §2721(b). Thus, a prohibition on obtaining, using, or disclosing motor vehicle records at all is the rule.

21. Additionally, compliance with the DPPA is fairly easy and requires only written consent to perform these functions and lawfully collect Personal Information from motor vehicle records using license plate numbers. 18 U.S.C § 2722(a)(13).

22. The DPPA creates a private right of action for “the individual” whose personal information was knowingly obtained, disclosed, or used “for a purpose not permitted” under § 2721(b). 18 U.S.C. § 2724(a).

**B. Defendant Obtains, Uses & Discloses Personal Information in Violation of the DPPA**

23. Defendant is an operator of several parking lots throughout the downtown Chicago area.

24. In order to monitor its parking lots and aid in maximizing profits, Defendant employs an Automated License Plate Recognition technology (“ALPR”). An ALPR “automatically capture[s] all license plate numbers that come into view, along with the location, date, and time. The data, which includes photographs of the vehicle and sometimes its driver and

passengers, is then uploaded to a central server.”<sup>1</sup>

25. While the use of ALPR, or systems like it, is not inherently in violation of the law, the use of this information to obtain motor vehicle records associated with such license plate numbers is.

26. Plaintiff and the Class were unaware that Defendant used their license plate data to obtain, disclose, and use their motor vehicle records.

27. Instead, Plaintiff and the Class received a mailed citation referring them to either mail payment back or to visit a payment website, to pay for the oftentimes baseless citation.

28. Critically, Defendant does not get express written consent to obtain and use such information from the customers of its clients as required under the DPPA.

29. For years, Defendant or its agents have mined information from state motor vehicle departments to use in their scheme.

#### **PLAINTIFF’S FACTUAL ALLEGATIONS**

30. In or about October 2023, Plaintiff Ramon Soto parked in one of Defendant’s parking lots at 9 E. Balbo Ave in Chicago.

31. Plaintiff paid using a kiosk located in the parking lot and his license plate number was taken using an ALPR.

32. Plaintiff did not at any point provide his phone number or mailing address to Defendant.

33. However, within 1-2 weeks of using the facility, Plaintiff received a letter mailed to his address that included his name, address, license plate number, the make of his motor vehicle, and included a picture of the rear of his motor vehicle taken at the entrance of the parking lot that

<sup>1</sup> “Data Driven: What is an ALPR?”, Electronic Frontier Foundation <https://www EFF.ORG/PAGES/WHAT-ALPR> (last visited 6/11/24).

clearly displayed his license plate and license plate number.

34. Plaintiff never provided Defendant with the personal information needed to identify him by name and address and Defendant was able to reach out to Plaintiff only by obtaining his Personal Information from motor vehicle records.

35. Defendant did not solicit Plaintiff for written consent , nor did Plaintiff provide his express written consent for Defendant to obtain and use his motor vehicle records such that Defendant violated Plaintiff's privacy rights under the DPPA.

### **CLASS ACTION ALLEGATIONS**

36. Pursuant to 735 ILCS 5/2-801, Plaintiff brings this action on his own behalf and on behalf of a Class (the "Class") of similarly situated individuals defined as follows:

All persons residing in the United States who had their personal motor vehicle records obtained, disclosed, used, redisclosed, or resold by Defendant without their written express consent.

37. Expressly excluded from the Class are any members of the judiciary assigned to preside over this matter; Plaintiff's counsel and Defendant's counsel; any officer, director, or employee of Defendant and its affiliates; and any immediate family members of such officers, directors, or employees.

38. On information and belief, there are at least hundreds, if not thousands of members of the Class, making the members of the Class so numerous that joinder of all members is impracticable. Although the exact number of Class members is unknown to Plaintiff, the members can easily be ascertained through Defendant's records.

39. Plaintiff will fairly and adequately represent and protect the interests of the other members of the Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and his counsel are committed to vigorously

prosecuting this action on behalf of the other members of the Class have the financial resources to do so. Neither Plaintiff nor his counsel has any interest adverse to those of the other members of the Class.

40. Plaintiff's claims are typical of the claims of the other members of the Class, in that the factual and legal bases of Defendant's liability to Plaintiff and to the other members of the Class are the same. Plaintiff and the other members of the Class have all suffered similar harms and damages as a result of Defendant's violation of the DPPA.

41. There are many questions of law and fact common to the claims of Plaintiff and the other members of the Class, and those questions predominate over any questions that may affect individual members of the Class. Common questions for the Class include, but are not limited to:

- a. Whether Defendant obtained Plaintiff's and the Class's personal information through a motor vehicle record as alleged herein;
- b. Whether Defendant's actions were done knowingly;
- c. Whether Defendant unlawfully obtained, disclosed, and used Plaintiff's and the Class's personal information in violation of the DPPA as alleged herein;
- d. Whether Defendant obtained express written consent to obtain and use the motor vehicle records of Plaintiff and the other members of the Class;
- e. Whether Plaintiff and the other Class members are entitled to statutory damages, and if so, which;
- f. Whether Defendant should be enjoined from obtaining, disclosing and using the personal information of its customers obtained through motor vehicle records; and
- g. Whether punitive damages are appropriate;

42. This class action is appropriate for certification because class proceedings are

superior to other available methods for the fair and efficient adjudication of this controversy and joinder of all members of the Class is impracticable. This proposed class action presents fewer management difficulties than individual litigation and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court. Class treatment will create economies of time, effort, and expense and promote uniform decision making.

43. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitive and would have no effective remedy.

**COUNT I**  
**Violation of the Drivers Protection Privacy Act**  
**18 U.S.C. § 2721, *et seq.***

44. Plaintiff realleges and incorporates by reference each of the foregoing allegations as though stated herein.

45. The Driver’s Privacy Protection Act, 18 U.S.C. § 2721(a), *et seq.*, prohibits a person or organization from knowingly obtaining, disclosing, or using Personal Information, or highly restricted Personal Information, contained in motor vehicle records for any purpose not specifically permitted under 18 U.S.C. § 2721(b).

46. Defendant, Plaintiff, and Class Members are “persons” within the meaning of 18 U.S.C. §2725(2).

47. The names and addresses and other personal information that Defendant obtained from motor vehicle records pertaining to Plaintiff and Class Members was “Personal Information” as defined under 18 U.S.C. §2725(3).

48. The contents of Plaintiff’s and Class Members’ records obtained by Defendant constitute a “motor vehicle record,” because they contain records that “pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by a

department of motor vehicles,” within the meaning of 18 U.S.C. §2725(1).

49. Defendant knowingly used the Personal Information it obtained from Plaintiff’s and the other Class members’ motor vehicle records to mail parking citations to Plaintiff and the other Class Members’ home addresses in an attempt to collect parking fees and penalties.

50. As such, Defendant violated 18 U.S.C. §2721, *et seq.*, by knowingly obtaining, disclosing and/or using Plaintiff and Class Members’ motor vehicle records without their knowledge, consent or authorization for purposes not specifically permitted under the act.

51. Defendant is not an authorized recipient under 18 U.S.C. § 2721(c).

52. Defendant did not receive express written consent from Plaintiff or the Class Members to obtain, disclose, use, redisclose, or resell their Personal Information for this purpose.

53. As a direct and proximate result of the actions of Defendant, Plaintiff and the other Class Members have sustained injury, including but not necessarily limited to, intrusion upon their seclusion, invasions of their privacy, time wasted reviewing Defendant’s collection mailings.

54. As provided by the DPPA, Plaintiffs and the Class Members seek: (i) declaratory relief; (ii) injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class by requiring Defendant to comply with the DPPA’s requirements; (iii) statutory damages, actual or liquidated, of not less than \$2,500 for each violation of the DPPA pursuant to 18 U.S.C. § 2724(a) and (iv) reasonable attorneys’ fees and costs and other litigation expenses.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, individually and on behalf of all those similarly situated, prays that the Court enter an order:

- A. Certifying the Class proposed above, appointing Plaintiff as Class representative, and appointing the undersigned counsel as Class counsel;

- B. Declaring that Defendant's actions, as set forth in this Complaint, violated the Driver's Privacy Protection Act, 18 U.S.C. §2721, *et seq.*;
- C. Awarding Plaintiff and the other members of the Class all available damages including actual damages, statutory damages, penalties, and remedies available as a result of Defendants' violations of the DPPA, but not less than liquidated damages in the amount of \$2,500 for each Plaintiff and each member of the Class;
- D. Awarding Plaintiff pre- and post-judgment interest;
- E. Awarding Plaintiff their costs of suit, including reasonable attorney's fees and expenses;
- F. Awarding Plaintiff and the Class a permanent injunction to permanently enjoin and restrain Defendant from establishing the same or similar policies or practices as those challenged in this action in the future; and
- G. Awarding such further and additional relief as the Court may deem just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff requests trial by jury of all claims that can be so tried.

Dated: August 21, 2024

By: /s/ William Kingston  
One of Plaintiff's attorneys

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