

12-Person Jury

Law Division Motion Section Initial Case Management Dates for **FILED** (A, B, C, D, E, F, H, R, X, Z) will be heard In Person.

All other Law Division Initial Case Management Dates will be heard via Zoom

For more information and Zoom Meeting IDs go to https://www.cookcountycourt.org/HOME?Zoom-Links?Agg4906_SelectTab/12

Court Date: 1/11/2024 9:30 AM

FILED
11/8/2023 3:09 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2023L011403
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**IN THE COOK COUNTY, ILLINOIS
CIRCUIT COURT
LAW DIVISION**

Docket Number: 23 L

Carlos Aillon, Christian Aillon, Madonna Alvarez,)
Morgan Alvarez, Casey Anthony, Adriana Broderick,)
Brian Broderick, Aaron Camarena, Alexandro Camarena,)
Salome Camarena, Lucy Vera Canas, Robert Canas,)
Roberto Canas, Vincent Clemente, Ruby Dargento,)
Maria de Los Angeles Sanchez, Lauren Deneufbourg, Julian Diaz,)
Ulysses Diaz, Brianna Flores, Angelica Guerrero, Daniel Guerrero,)
David Guerrero, Jaxon Guerrero, Nicholas Guerrero,)
Rafael Guerrero, Eduardo Hernandez, Eva Hernandez,)
Maria Hernandez, Jackie Hernandez, Jessica Hernandez,)
Gaven Juelich, Daniel Marquez, Carina Martinez, Xenia Martinez,)
Erik Medina, Gerardo Medina, Martha Medina, Crystal Merino,)
Andrea Ogden, Melissa Ogden, Tammy Ogden, William Ogden,)
Jose Ortega, Maria Quintana-Diaz, Gavin Roa, Patricia Roa,)
Jason Roque, Roberto Hernandez Roque, Patti Sprague,)
Alyssa Thomson, Alvaro Torres, Alice Vera, Andres Vera,)
Christina Vera, Frank Vera, Guadalupe Vera, Giselle Vera,)
Mariana Vera, and Richard Vera,)
Plaintiffs,)

v.)

Google L.L.C.,)
Defendant.)

COMPLAINT

Plaintiffs, by their counsel, respectfully complain as follows:

Introduction.

1) The Illinois Biometric Information Privacy Act, *inter alia*, prohibits a private entity to collect or disseminate an individual person’s “biometric identifier” without the individual’s consent. In the case at bar, Defendant Google LLC used its “Google Photos” service to disseminate plaintiffs’ biometric identifiers and biometric information without plaintiffs’ consent.

Thus, Defendant Google violated the Illinois B.I.P.A.

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Jurisdiction and Venue.

2) Pursuant to 740 ILCS 14/20, Illinois Circuit Courts have subject matter jurisdiction over this controversy. (“Any person aggrieved by a violation of this Act shall have a right of action in a State circuit court.”). Pursuant to 735 ILCS 5/2-209(b)(2), Illinois courts have personal jurisdiction over Defendant Google LLC because the Defendant committed the instant controversial tortious conduct in Illinois, the Defendant owns real estate in Illinois, the Defendant has employees in Illinois, the Defendant contracts in Illinois, and the Defendant is registered to transact business in Illinois.

3) Pursuant to 735 ILCS 5/2-101(2), Cook County is the proper venue because it is the county in which the transactions occurred out of which this cause of action arises.

Parties.

4) Plaintiffs are all natural persons.

5) Defendant Google LLC is a “private entity” as that term is defined in the Illinois BIPA at 740 ILCS 14/10 (“ ‘Private entity’ means any ... limited liability company. ”).

6) Defendant Google LLC is also a Limited Liability Company registered to transact business in Illinois.

Factual Allegations.

7) The Illinois BIPA prohibits a private entity to collect or disseminate an individual’s “biometric identifier” or “biometric information,” unless the individual consents; and BIPA states that a “ ‘[b]iometric identifier’ means a ... scan of [] face geometry ” and “ ‘[b]iometric information’ means any information ... based on an individual’s biometric identifier. ”

(Emphasis added.)

- 8) Since at least 2015, Defendant Google has marketed and administered its “Google Photos” service, which illegally collects and disseminates individuals’ biometric identifiers and biometric information without the individuals’ consent.
- 9) Through Defendant’s “Google Photo” service, when a Google device takes an individual’s photograph, Google scans that individual’s photo and collects that individual’s biometric identifiers. More specifically, Defendant Google collects information on, *inter alia*, that individual’s unique pigmentation, that individual’s unique face contours, that individual’s unique eyes, nose, & ears features and, importantly, that individual’s unique extremities distances.
- 10) Defendant Google then uses that individual’s unique biometric identifiers to generate that individual’s unique biometric information in the form of that individual’s unique digital template. Defendant Google next uses that individual’s unique digital template to group the first Google photo of that individual with other Google photos of that same individual.
- 11) Defendant Google finally disseminates the Google group of photos of that individual to Google customers; and the Defendant, thereby, profits by increasing its customer numbers.
- 12) Upon information and belief, Defendant Google’s Photo service has scanned each plaintiff’s photo, has collected each plaintiff’s biometric identifiers, has generated each plaintiff’s biometric information, and has disseminated each plaintiff’s biometric information without the plaintiff’s consent.
- 13) Pursuant to the *Rivera, et al. v. Google*, 19 CH 990 (Cook County) April 25, 2022 Order, p. 6, ¶ 10, on or before August 10, 2022, each plaintiff submitted a personally signed request to be excluded from the *Rivera v. Google* Class to the email address established by the Class

Administrator.

Causes of Action.

Count One 740 ILCS 14/15(a)

17) BIPA, at 740 ILCS 14/15(a), provides, in relevant part, that a private entity “in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines.”

18) Defendant Google intentionally violated Subsection 14/15(a) by intentionally possessing biometric identifiers and biometric information of each of the plaintiffs without developing any written policy establishing a retention schedule and guidelines.

Count Two 740 ILCS 14/15(b)

19) BIPA, at 740 ILCS 14/15(b), provides, in relevant part, that no private entity “may collect ... or otherwise obtain a person’s or a customer’s biometric identifier or biometric information, unless it first ... informs the subject ... and receives a written release.”

20) Defendant Google intentionally violated Subsection 14/15(b) by intentionally collecting and obtaining each of the plaintiffs’ biometric identifiers and biometric information without first informing the plaintiffs and receiving their written release.

Count Three 740 ILCS 14/15(c)

21) BIPA, at 740 ILCS 14/15(c), provides, in relevant part, that no private entity “in possession of a biometric identifier or biometric information may ... profit from [such] biometric identifier or biometric information.”

22) Defendant Google intentionally violated Subsection 14/15(b) by intentionally profiting from each of the plaintiffs’ biometric identifiers and biometric information.

Count Four 740 ILCS 14/15(d)(1)

23) BIPA, at 740 ILCS 14/15(d)(1), provides, in relevant part, that no private entity “in possession of a biometric identifier or biometric information may ... disseminate a person’s or a customer’s biometric identifier or biometric information unless ... the subject ... consents.”

24) Defendant Google intentionally violated Subsection 14/15(d)(1) by intentionally possessing biometric identifiers and biometric information of each plaintiff and disseminating each plaintiffs’ biometric identifiers and biometric information even though no plaintiff ever consented.

Prayer for Relief.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court holds a trial by jury and enters judgment in their favor (and against Defendant Google) for Plaintiffs’ actual and statutory damages, including their reasonable attorney’s fees and costs, pursuant to 740 ILCS 14/20(3).

Respectfully submitted,
Plaintiffs’ Counsel

Local Counsel:

Erika Lee Finley, Esq.
Admitted to practice law in IL
417 Des Plaines, Suite 732
Forest Park, IL 60130
(708) 527-8052
erika@efinleylaw.com

Paúl Camarena, Esq.
Admitted to practice law exclusively in NY and before federal courts
Illinois Supreme Court Rule 707 application forthcoming
210 S. Patrick
Alexandria, VA 22314
(312) 493-7494
pcamarena@northsedgwicklaw.com