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Superior Court of California,
County of San Francisco

02/26/2024
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Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

BRENDAN P. BARTHOLOMEW, individually
and on behalf of all other persons similarly
situated,

Plaintiff,

v.

PARKING CONCEPTS, INC. and DOES 1
through 100, inclusive,

Defendants.

Case No.

CGC-24-612624

CLASS ACTION

COMPLAINT

1 Plaintiff Brendan P. Bartholomew (“Plaintiff”) brings this action on behalf of himself, and
2 all others similarly situated against Defendant Parking Concepts, Inc. (“PCI”) and Does 1-100
3 (collectively, the “Does”) (collectively referred to as “Defendants”). Plaintiff makes the following
4 allegations pursuant to the investigation of his counsel and based upon information and belief,
5 except as to the allegations specifically pertaining to himself, which are based on personal
6 knowledge.

7 **NATURE OF THE ACTION**

8 1. This is a putative class action against Defendants for violations of Plaintiff’s and
9 other Class Members’ right to privacy and protection of personally identifiable information (“PII”)
10 under Civil Code § 1798 (“§ 1798”) and other relevant consumer protection statutes and
11 constitutional provisions.

12 2. In response to concerns that “[t]he right to privacy is being threatened by the
13 indiscriminate collection, maintenance, and dissemination of personal information” and that “[t]he
14 increasing use of computers and other sophisticated technology has greatly magnified [that] risk”
15 the California legislature passed § 1798 intending to limit the collection, use, and dissemination of
16 ALPR data. (Civ. Code § 1798.1 (a)—(b).)

17 3. Defendants utilize, without authorization or notice, Automated License Plate
18 Recognition (“ALPR”) systems that captured the license plate information, location, date, and time
19 as Plaintiffs and the Class Members entered and exited the 1635 Divisadero Medical Center
20 Parking Garage (“1635 Divisadero”). ALPR systems are a sophisticated way of tracking drivers’
21 locations and the data from such systems can be aggregated to paint a detailed picture of people’s
22 lives.

23 4. The information collected by the ALPR systems constitutes PII and therefore is
24 entitled to protection under the laws of California.

25 5. Defendants utilize ALPR systems to simplify the parking process for visitors of the
26 parking garage. However, nowhere in the 1635 Divisadero parking garage is notice provided of
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1 Defendants' use of ALPR systems, thereby entitling Plaintiff and the Class Members to damages
2 and injunctive relief.

3 6. Defendants' lack of notice induced reasonable consumers, like Plaintiff
4 Bartholomew, into utilizing the 1635 Divisadero garage. Had Plaintiff Bartholomew, and all other
5 similarly situated consumers, known that Defendant utilized ALPR systems that captured their PII,
6 they would not have parked there at all.

7 7. Plaintiff asserts claims on behalf of himself, and all others similarly situated for: (i)
8 unauthorized access and use of ALPR information, (ii) failure to implement code compliant
9 privacy policy and maintain a record of ALPR data, (iii) violation of the Unfair Competition Law
10 ("UCL"), (iv) negligence, and (v) violation of the California Constitutional right to privacy.

11 **PARTIES**

12 8. Plaintiff Brendan P. Bartholomew is domiciled in Pacifica, California. Plaintiff
13 visited 1635 Divisadero as recently as January 9, 2023, Plaintiff's data was obtained through
14 ALPR devices, and was subsequently collected, stored, and transmitted at the 1635 Divisadero
15 Medical Center Parking Garage located at 1635 Divisadero St., San Francisco, California 94115.

16 9. Defendant Parking Concepts, Inc. is a California corporation with its principal
17 address at 12 Mauchly, Building 1, Irvine, California 92618. Parking Concepts owns and/or
18 operates the parking garage for 1635 Divisadero. Parking Concepts owned and/or operated ALPR
19 equipment and systems that has photographed Plaintiff's and Class Members' license plate
20 numbers at 1635 Divisadero. Parking Concepts is also secondarily liable based on aiding and
21 abetting, agency, conspiracy, "furnishing the means" for another's violations, respondeat superior,
22 and alter ego for the various acts and omissions set forth below, which injured Plaintiff and the
23 Class Members.

24 10. Plaintiff is unaware of the true identities and capacities of fictitiously named
25 defendants designated as Does 1—100 but will amend this complaint or any subsequent pleading
26 when their identities and capacities have been ascertained according to proof. On information and
27 belief, every Doe Defendant is in some way responsible for the acts and conduct of the other
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1 defendants herein, and each Doe was, and is, responsible for the injuries, damages, and harm
2 incurred by Plaintiff. Each reference in this complaint to “Defendants,” or a specifically named
3 defendant, refers also to PCI and those unknown parties sued under fictitious names.

4 **JURISDICTION AND VENUE**

5 11. The Court has personal jurisdiction over PCI because it resides in and does business
6 in the State of California, with its principal places of business in California.

7 12. The Court also has personal jurisdiction over each of the Does, who, upon
8 information and belief, reside in California.

9 13. This is a class action brought pursuant to Code of Civil Procedure § 382, and this
10 Court has subject matter jurisdiction over Plaintiff’s claims because the amount in controversy
11 exceeds the Court’s jurisdictional minimum.

12 14. Venue is proper under Code of Civil Procedure § 395(a), 395.5, and Civil Code §
13 1780(c) because a substantial part of the events or omissions giving rise to the claims asserted
14 herein occurred in this county.

15 **FACTUAL ALLEGATIONS**

16 15. Plaintiff Brendan P. Bartholomew is acting on his own behalf and on behalf of
17 others similarly situated.

18 16. The 1635 Divisadero Medical Center Parking Garage in San Francisco, California
19 offers parking to consumers who pay a fee to utilize their parking structure.

20 17. Defendants utilize, without notice, smart technology, specifically ALPR systems to
21 simplify the parking experience at 1635 Divisadero. This technology utilizes specialized cameras
22 that capture the license plate number, time, date, and location of all drivers that enter or exit the
23 1635 Divisadero Garage.

24 18. ALPR systems are a type of computer-controlled camera system that “automatically
25 capture[s] all license plate numbers that come into view, along with the location, date, and time.
26 The data, which includes photographs of the vehicle and sometimes its driver and passengers, is
27 then uploaded to a central server.” (*Automated License Plate Readers*, Electronic Frontier
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1 Foundation, <https://sls.eff.org/technologies/automated-license-plate-readers-alprs> (last updated Oct.
2 1, 2023).)

3 19. When this data is aggregated, it “can paint an intimate portrait of a driver’s life and
4 even chill First Amendment protected activity. ALPR technology can be used to target drivers who
5 visit sensitive places such as health centers, immigration clinics, gun shops, union halls, protests, or
6 centers of religious worship.” (*Id.*)

7 20. This data is often stored on the ALPR server for years without the person whose
8 data is being stored having any knowledge of the fact.

9 21. Plaintiff and Class Members had no idea such technology would be tracking them
10 because they do not provide authorization to have their license plates photographed when they
11 enter the parking structure, and no meaningful notice is given anywhere inside the structure.

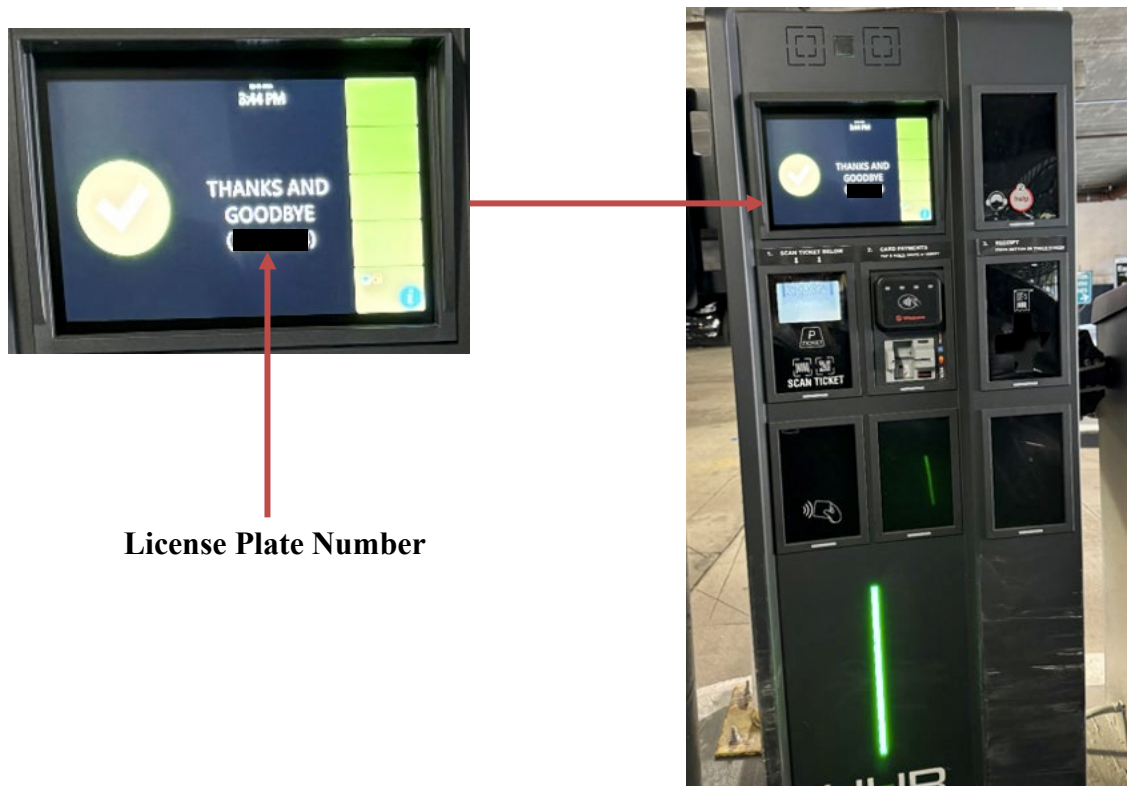
12 22. There were no signs in, on, or around the 1635 Divisadero parking garage indicating
13 that Defendants utilize ALPRs. The only signage near the entrance or exit showed the hourly
14 parking rates and the operating hours of the garage. As of February 9, 2024, Defendants’ ALPR
15 policies were not available on Defendants’ websites.

16 23. When individuals enter the parking structure they pull up to a kiosk and press a
17 button to get a ticket, after which the barrier arm lifts, allowing drivers into the parking lot. The
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1 parking tickets include information such as the date and time of entry and the driver's license plate
2 number. An example of the ticket drivers receive is below:



12 24. After paying for parking, the barrier arm automatically opens, and the parking kiosk
13 displays “Thanks and Goodbye” along with the driver’s license plate number. A photo of the kiosk
14 upon exit is below:



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2 25. At no point upon entering or exiting, do Plaintiff and similarly situated individuals
3 provide authorization to have their license plate information collected, along with their locations,
4 and amount of time they spend at the garage.

5 26. Plaintiff visited 1635 Divisadero multiple times, including December 8, 2022 and
6 January 9, 2023. On those occasions Plaintiff Bartholomew would arrive at the parking garage,
7 press a button on a kiosk, and take a parking ticket. Plaintiff would proceed into the structure to
8 find an open parking space. Plaintiff would park his car. Upon his return, Plaintiff Bartholomew
9 would pay for his parking ticket at a pay station. He would then proceed to his car and drive to an
10 exit where the barrier arm would automatically lift and allow him to exit the structure.

11 27. However, unknown to Plaintiff Bartholomew, at all times upon parking at the
12 facility and upon leaving the facility, Defendants utilized ALPR cameras that transferred to a
13 database Plaintiff's license plate number, location, and amount of time he spent parked in the
14 facility.

15 28. Defendants obtained and continue to maintain Plaintiff Bartholomew's information
16 which includes his license plate number, location at time of entry and exit, and the time he spent
17 parked at the garage. Thus, the ALPR servers operated by Defendants contained PII¹ of Plaintiff,
18 and similarly situated individuals, and Defendants had a legal duty to protect that PII.

19 29. Plaintiff Bartholomew was injured by Defendants' actions because he faced future
20 identity theft via his ALPR data and suffered a loss of value in his PII and ALPR data. The data
21 was misused and collected without authorization.

22 30. Plaintiff Bartholomew, unknowingly, was required to provide his PII in order to
23 receive parking services. If he had known the truth about Defendants' practices, he would not have
24 entrusted his private information to Defendants.

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26 _____
27 ¹ “‘Personal information’ means any information that identifies, relates to, describes, or is capable
28 of being associated with, a particular individual ... ‘Personal information’ does not include
publicly available information that is lawfully made available to the general public from federal,
state, or local government records.” (Civ. Code § 1798.8 (e).)

1 31. Plaintiff Bartholomew is very concerned about potential identity theft and fraud and
2 the corresponding consequences of such theft or fraud because of improper storage or sharing of
3 his PII.

4 32. Plaintiff Bartholomew suffered actual injury from having his PII compromised by
5 Defendants including, but not limited to, (a) damage to and diminution of the value of his property
6 interest in his PII, (b) violation of his right to privacy, and (c) imminent and impending injury
7 arising from an increased risk of identity theft and fraud.

8 33. Additionally, Plaintiff Bartholomew lost value in his PII because he incurred and
9 paid for parking services at 1635 Divisadero despite his PII being illegally obtained.

10 34. Most ALPR data is sent to law enforcement agencies who use the information to
11 locate stolen vehicles and people with outstanding arrest warrants. (*See generally Automated*
12 *License Plate Readers, supra.*) Thus, the ALPR data taken of Plaintiff's vehicle was transmitted to
13 federal and state law enforcement authorities without a search warrant and not for legitimate
14 purposes.

15 35. Defendant PCI encourages using "license plate recognition technology" on its
16 website but does not provide consumers with ample information to discern that such technology
17 utilizes ALPR systems, nor the gravity of the information obtained and the dangers for which it
18 could be used for.

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20 **Enhanced Guest Experience**

21 In addition to offering parking availability information, drivers can also have a convenient parking experience by using mobile apps or
22 web-based platforms. Not only does today's technology allow guests to reserve spots in advance and navigate to their reserved
23 parking spaces from their phones but features like contactless payment options and license plate recognition streamline the payment
24 process. This eliminates the need for physical tickets or cash. These advances save on time and staffing while enhancing customer
25 satisfaction and loyalty.

24 **Optimized Space Utilization**

25 Smart parking systems use analytics to find the best usage of your parking spaces. By collecting and evaluating historical and real
26 time data, systems can see patterns, such as peak parking hours, the popular parking locations, and length of stay. This information
27 enables parking operators to make informed decisions regarding pricing strategies, allocation of spaces, and when planning for
28 capacity. Overall, this leads to better space utilization, higher revenue, and elevated levels of customer satisfaction.

1 **Figure 1²**

2 Advancements in technology and smart parking systems are revolutionizing the way we manage parking spaces. By incorporating
3 sensors, real time information, and data analytics, these systems provide a stress-free parking experience while promoting efficiency,
4 limiting congestion, and incorporating sustainable practices.

5 Let's look at the types of smart parking systems, their benefits, and how they can be used for more efficient parking
6 management!

7 **Parking Enforcement**

8 Smart parking can play a crucial role in effective parking enforcement. Today, sensors can detect vehicles entering restricted areas –
9 or staying beyond the allowed time limit – and trigger automated alerts. Parking attendants, or the proper authorities, can then be
10 notified immediately, allowing them to take the proper action. Integration of license plate recognition technology also simplifies
11 ticketing enforcement processes, ensuring compliance and enhancing overall security.

12 **Figure 2**

13 36. Additionally, Defendant PCI informs customers that they must have a license plate
14 to park at 1635 Divisadero but does not tell customers the reasons for such a requirement; that PCI
15 intends to use ALPR systems that will collect and track PII from visitors.

16 **Hours**






17 Monday - Friday 5:30am - 9:00pm
18 Weekends & Holidays CLOSED

19 Vehicles left after closing may be claimed the next business day.

20 **Posted Rates**

21 **For more information on monthly parking, head to <http://1635divisaderogarage.com/>**

22 **Amenities**

- 23  Covered Parking
- 24  EV Charging Available
- 25  Handicap Accessible
- 26 License Plate Required
- 27  Mobile Pass Accepted
- 28  Self Park

Things You Should Know

There is no height restriction at this facility.
This facility does not allow in/out privileges.

Figure 3³

² Figures 1 & 2 were captured from Defendant Parking Concepts' website accessible at <https://parkingconcepts.com/news/2023/06/parking-technology-efficient-management/>.

³ Figure 3 was captured on Defendant PCI's website.

1 42. **Numerosity:** Members of the Class are so numerous that their individual joinder
2 herein is impractical. On information and belief, the Class includes thousands of consumers. The
3 precise number of Class Members and their identities are unknown to Plaintiff at this time, but it is
4 estimated to be in the thousands. Class Members may be notified of the pendency of this action by
5 mail, email, and/or publication.

6 43. **Ascertainability:** The proposed class is ascertainable and there is a well-defined
7 community of interest in the questions of law or fact alleged herein because the rights of each
8 proposed class member were infringed or violated in the same fashion.

9 44. **Commonality and Preponderance:** Common questions of law and fact exist as to
10 all Class Members and predominate over questions affecting only individual Class Members.
11 These common legal and factual questions include, but are not limited to:

- 12 • whether Defendants captured images of Plaintiff and Class Members without
13 authorization;
- 14 • whether Defendants conduct violated the Civil Code § 1798 and the UCL;
- 15 • whether Defendants have received funds from Plaintiff and Class Members that
16 they unjustly received;
- 17 • whether Plaintiff and Class Members have been harmed and the proper measure
18 of relief; and
- 19 • whether Plaintiffs and the Class are entitled to attorney's fees and costs.

20 45. **Typicality:** Plaintiff's claims are typical of the claims of the proposed Class he seeks
21 to represent because Plaintiff, like all members of the Class, were induced by the Defendants' lack
22 of notice of the utilization of ALPR systems and subsequently did pay Defendants for parking
23 amenities without knowing that Defendants would collect his PII. The representative Plaintiff, like
24 all members of the Class, has been injured by the Defendants' misconduct in the very same way as
25 the members of the Class. Further, the factual bases of the Defendants' misconduct are common to
26 all members of the Class and represent a common thread of misconduct resulting in injury to all
27 members of the Class.
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1 46. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests
2 do not conflict with the interests of the members of the Class, he has retained counsel competent
3 and experienced in prosecuting class actions, and he intends to prosecute this action vigorously.
4 The interests of the members of the Class will be fairly and adequately protected by Plaintiff and
5 his counsel.

6 47. **Superiority:** A class action is superior to other available means for the fair and
7 efficient adjudication of the claims of the members of the Class. Each individual member of the
8 Class may lack the resources to undergo the burden and expense of individual prosecution of the
9 complex and extensive litigation necessary to establish the Defendants' liability. Individualized
10 litigation increases the delay and expense to all parties and multiplies the burden on the judicial
11 system presented by the complex legal and factual issues of this case. Individualized litigation also
12 represents a potential for inconsistent or contradictory judgments. By contrast, the class action
13 device presents far fewer management difficulties and provides the benefits of single adjudication,
14 economy of scale, and comprehensive supervision by a single court on the issue of the Defendants'
15 liability. Class treatment of the liability issues will ensure that all claims and claimants are before
16 this Court for consistent adjudication of the liability issues.

17 48. Defendants have acted or failed to act on grounds generally applicable to the Class,
18 thereby making appropriate final injunctive relief with respect to the Class as a whole.

19 49. Without a class action, Defendant will continue a course of action that will result in
20 further damages to the Plaintiffs and Members of the Class and will likely retain the benefits of
21 wrongdoing.

22 50. Based on the foregoing allegations, Plaintiffs' claims for relief include those set
23 forth below.

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COUNT I
Violation of California Civil Code § 1798.90.54
(Unauthorized Access and Use of ALPR Information)

(By Plaintiff, Individually and on Behalf of All Class Members, Against All Defendants, Including
Does 1—100)

51. Plaintiff hereby incorporates by reference the allegations contained in all proceeding paragraphs of this complaint as though alleged in this Count.

52. Plaintiff brings this claim individually and on behalf of the members of the proposed Class against Defendants.

53. Plaintiff Brendan P. Bartholomew is a natural person and thus, an “individual” pursuant to § 1798.90.54.

54. Defendant PCI is a “person” pursuant to § 1790.90.5(e) because it is a “corporation.”

55. The Does are a “person” pursuant to § 1790.90.5(e) because they are a natural person or a corporation.

56. PCI and the Does *accessed* “ALPR information” pursuant to § 1798.90.5 because they collected Personal Information or data of Plaintiff and the Class through the use of an “ALPR system” at the 1635 Divisadero Parking Garage. Specifically, Defendants owned or operated a computerized database in conjunction with the operation of one or more fixed cameras, utilizing computer algorithms to read and convert images of license plates into computer readable data.

57. PCI and the Does *used* “ALPR information” pursuant to § 1798.90.5 because they collected Personal Information or data of Plaintiff and the Class through the use of an “ALPR system” at the 1635 Divisadero Parking Garage. Specifically, Defendants owned or operated a computerized database in conjunction with the operation of one or more fixed cameras, utilizing computer algorithms to read and convert images of license plates into computer readable data.

58. The California legislature has defined a “harm” as “... including but not limited to, unauthorized access to or use of ALPR information....” (Civ. Code § 1798.90.54(a).)

1 (a) Maintain reasonable security procedures and practices, including operational,
2 administrative, technical, and physical safeguards, to protect ALPR information from
3 unauthorized access, destruction, use, modification, or disclosure.

4 (b)(1) Implement a usage and privacy policy in order to ensure that the collection, use,
5 maintenance, sharing, and dissemination of ALPR information is consistent with respect for
6 individuals' privacy and civil liberties. The usage and privacy policy shall be available to
7 the public in writing, and, if the ALPR operator has an Internet Web site, the usage and
8 privacy policy shall be posted conspicuously on that Internet Web site.

9 (2) The usage and privacy policy shall, at a minimum, include all of the following:

10 (A) The authorized purposes for using the ALPR system and collecting ALPR information.

11 (B) A description of the job title or other designation of the employees and independent
12 contractors who are authorized to use or access the ALPR system, or to collect ALPR
13 information. The policy shall identify the training requirements necessary for those
14 authorized employees and independent contractors.

15 (C) A description of how the ALPR system will be monitored to ensure the security of the
16 information and compliance with applicable privacy laws.

17 (D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR
18 information to other persons.

19 (E) The title of the official custodian, or owner, of the ALPR system responsible for
20 implementing this section.

21 (F) A description of the reasonable measures that will be used to ensure the accuracy of
22 ALPR information and correct data errors.

23 (G) The length of time ALPR information will be retained, and the process the ALPR
24 operator will utilize to determine if and when to destroy retained ALPR information.

25 68. Defendants did not maintain a “record of access” in violation of § 1798.90.52, nor
26 did they require that ALPR information only be used for the authorized purpose described in the
27 usage and privacy policy.

28 69. Plaintiff Brendan P. Bartholomew is a natural person and thus, an “individual”
pursuant to § 1798.90.54.

70. Defendant PCI is an “ALPR Operator” pursuant to § 1798.90.5(c) because it and
those it is comprised of are “involved” in or has some level of “participation” in an ALPR system.

1 77. Plaintiff hereby incorporates by reference the allegations contained in all proceeding
2 paragraphs of this Complaint as though alleged in this Court.

3 78. Plaintiff brings this claim individually and on behalf of the members of the
4 proposed Class against PCI and the Does.

5 79. This claim is brought under the laws of California.

6 80. The UCL prohibits unfair competition in the form of “any unlawful, unfair, or
7 fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any
8 act.” (Bus. & Prof. Code, § 17200.) A practice is unfair if it (1) offends public policy; (2) is
9 immoral, unethical, oppressive, or unscrupulous; or (3) causes substantial injury to consumers.
10 The UCL allows “a person who has suffered injury in fact and has lost money or property” to
11 prosecute a civil action for violation of the UCL. (Bus. & Prof. Code, § 17204.) Such a person
12 may bring such an action on behalf of himself or himself and others similarly situated who are
13 affected by the unlawful and/or unfair business practice or act.

14 81. PCI and the Does violated California’s UCL by engaging in unlawful, fraudulent,
15 and unfair conduct (*i.e.*, violating each of the three prongs of the UCL).

16 ***The Unlawful Prong***

17 82. PCI and the Does engaged in unlawful conduct by violating § 1798 of the Civil
18 Code.

19 ***The Fraudulent Prong***

20 83. As alleged in detail above, PCI and the Does failed to disclose material facts about
21 their services, including by failing to disclose to consumers that the service utilizes ALPR systems
22 in violation of the law.

23 84. Defendants, as owners or operators of the ALPR systems and the parking garage,
24 were in a position to know the true quality and capability of their services but omitted material
25 information that their services collected ALPR data in violation of the law.

1 85. As a result of these false and misleading practices, PCI and the Does induced
2 Plaintiff and the Class into purchasing a service that Plaintiff and the Class Members would not
3 have purchased had Defendant been truthful about the qualities of its service.

4 86. PCI and the Does' scheme is also "fraudulent" because it is knowingly calculated
5 and likely to mislead reasonable consumers. Defendants had actual knowledge of the illegal plan
6 they possessed and concealed from reasonable consumers in order to obtain and misuse their
7 personal and private information. Defendants have continued to perpetuate these practices against
8 reasonable consumers.

9 ***The Unfairness Prong***

10 87. PCI and the Does' conduct was unfair because, by failing to notify consumer that
11 their service would access and collect Plaintiff's ALPR data and PII, Defendant deceived
12 consumers into believing that the service had a different characteristic than it actually did. This is
13 unfair because it led Plaintiff and the Class Members to purchase a service that they otherwise
14 would not have had they known its true capabilities. Defendants' misleading practice is also unfair
15 because it gives Defendants an unfair advantage over its competitors.

16 88. PCI and the Does' conduct is also "unfair" because, among other things, it was
17 designed to deprive Plaintiff and Class Members of their constitutionally protected rights and their
18 property for less than adequate consideration.

19 89. For all prongs, PCI and the Does' omissions were intended to induce reliance, and
20 the Plaintiff and members of the Class reasonably relied on Defendants' omissions about the
21 service. Defendants' deceptive, misleading, and unfair conduct was a substantial factor in Plaintiff
22 and the Class's purchasing decisions.

23 90. PCI and the Does' omissions were a substantial factor and proximately caused the
24 damages and loss to Plaintiff and the Class Members.

25 91. There was no benefit to consumers or competition from omitting the information.

26 92. Plaintiff and the Class Members have suffered an injury in fact as a result of the
27 violations of the UCL because they have incurred charges and/or paid monies they otherwise
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1 would not have incurred or paid. Additionally, there is a market for ALPR data from which several
2 large corporations profit and trade. PCI and the Does' actions have diluted the value of Plaintiff
3 and the Class Members' PII and ALPR data.

4 93. Furthermore, the capture and use of a person's private information invades concrete
5 interests" and thus, confers injury in fact standing. In addition, here there was (1) risk of future
6 identity theft in the manner by which the information was used, (2) there was a loss of value of PII,
7 (3) the PII has already been misused, and (4) each of the Plaintiffs lost the benefit of the bargain.
8 Since consumers reasonably rely on PCI and the Does' advertising, and thus also its omissions,
9 consumers could not have reasonably avoided such injury.

10 94. As a result of PCI and the Does' unfair business practices, they have reaped unfair
11 benefits and profits at the expense of Plaintiff and the Class Members. Plaintiff requests an order
12 require Defendants to disgorge such illegal gains and restore such monies to Plaintiff and the Class.
13 Furthermore, such practices entitle Plaintiff and the Class to obtain injunctive relief, including but
14 not limited to, an order that Defendants cease the alleged practices.

15 95. Plaintiff and Class Members seek all available relief under the UCL.

16 **COUNT IV**
17 **Violation of Article I, § 1 of the California Constitution**
18 **Right to Privacy**

19 (By Plaintiff, Individually and on Behalf of All Class Members, Against All Defendants, Including
20 Does 1—100)

21 96. Plaintiff does hereby incorporate by reference the allegations contained in the
22 proceeding paragraphs.

23 97. Article I, § 1 of the California Constitution ensures an individual's inalienable right
24 to privacy.

25 98. Plaintiff and the Class have a reasonable expectation of privacy because Civil Code
26 § 1798 was enacted to ensure individual protections for the right to privacy.

27 99. Visitors of the 1635 Divisadero parking garage had a reasonable expectation of
28 privacy because a reasonable consumer does not expect that parking in a garage will expose their

1 PII to being collected. A reasonable expectation of privacy implies that there would be notice for
2 photographs to be taken and authorization for such an action as well as an expectation that Plaintiff
3 and Class Members' locations will not be tracked or recorded.

4 100. Furthermore, Plaintiff and Class Members had a reasonable expectation of privacy
5 that, when parking, their PII would not be captured without authorization.

6 101. These privacy rights are serious and are underscored by statutory law, the active
7 participation in Legislative proceedings by the Electronic Frontier Foundation, and the enactment
8 of laws to reflect such privacy concerns. Such privacy rights were invaded by the Defendants'
9 unlawful conduct.

10 102. Defendants invasion of privacy are sufficiently serious in nature, scope, and actual
11 or potential impact to constitute an egregious breach of societal norms. Specifically:

- 12 • ***Nature of Potential Impact:*** As alleged, PCI and the Does accessed data
13 without authorization that affects as significant number of Californians
14 estimated to be in the hundreds if not thousands of persons;
- 15 • ***Scope of Potential Impact:*** The scope affects private data including license
16 plate information, travel pattern, location, and other data that can be used to
17 locate persons and track their movements.

18 103. As such, PCI and the Does have violated the privacy rights of Plaintiff and the Class
19 Members leading them to have suffer a harm entitling Plaintiff and Class Members to seek from
20 Defendants damages, injunctive relief, and require reasonable notice that they are being
21 photographed. Plaintiff and the Class additionally seek attorney's fees and costs.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks
24 judgement against Defendants, as follows:

- 25 (a) For an order certifying the Class and naming Plaintiff's attorneys as Class Counsel
26 to represent the members of the Class;

- 1 (b) For an order declaring that PCI and the Does' conduct violates the statutes
2 referenced herein;
- 3 (c) For compensatory, statutory, and punitive damages in amounts to be determined by
4 the Court and/or jury but no less than \$2,500 for each violation of Civil Code §
5 1798;
- 6 (d) For prejudgment interest on all amounts awarded;
- 7 (e) For punitive and exemplary damages
- 8 (f) For an order of restitution and all other forms of equitable monetary relief;
- 9 (g) For an order requiring PCI and the Does to undertake a corrective action;
- 10 (h) For an order awarding Plaintiff and the Class their reasonable attorneys' fees,
11 expenses, and costs of suit; and
- 12 (i) Granting such other and further relief as may be just and proper.


13 **JURY TRIAL DEMANDED**

14 Plaintiff demands a trial by jury on all claims so triable.

15
16 Dated: February 26, 2024

Respectfully submitted,

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