

Complex

(12/28/11)

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

6029 9/28/11
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BY (Signature) Deputy
Shaunya Wesley

Counsel for Plaintiff and the Putative Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
LOS ANGELES COUNTY

DAVID BOORSTEIN, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

CBS INTERACTIVE, INC., a Delaware
corporation,

Defendants.

) Case No. **BC 476015**
)
) **COMPLAINT FOR:**
) (1) Violations of Cal. Civ. Code § 1798.83
) (2) Violations of Cal. Bus. & Prof. Code
) §§ 17200, et seq.
) **DEMAND FOR JURY TRIAL**
) **CLASS ACTION**

CIT/CASE: BC476015 LEA/DEF#:
RECEIPT #: CCH465980123
DATE PAID: 12/28/11 09:03:55 PM
PAYMENT: \$550.00
RECEIVED:
CHECK: 550.00
CASH: 0310
CHANGE:
CARD:

CIT/CASE: BC476015 LEA/DEF#:
RECEIPT #: CCH465980122
DATE PAID: 12/28/11 09:03:38 PM
PAYMENT: \$395.00
RECEIVED:
CHECK: 395.00
CASH: 0310
CHANGE:
CARD:

CLASS ACTION COMPLAINT

This case is assigned to Dept. 124 at the Central Civil West Courthouse
for COMPLEX DETERMINATION ONLY
Emile Elan

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1 Plaintiff, David Boorstein ("Plaintiff"), by and through his attorneys, upon personal
2 knowledge as to himself and his own acts, and upon information and belief as to all other
3 matters, complains and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. In 2003, the California Legislature passed the Shine the Light Law, Cal. Civ.
6 Code § 1798.83 (the "Shine the Light Law" or the "Act"), to protect consumers from companies
7 that collect and surreptitiously share their sensitive personal information with third parties. In
8 support of the bill, its author, Senator Liz Figueroa, aptly commented:

9 [s]ecret direct marketing "profiles" of consumers are being exchanged every hour
10 invisibly and routinely by the companies with which they do business. Not only
11 are consumers powerless to stop such invasions of privacy, they do not even know
12 whether and to what extent it is taking place.¹

12 2. The Act empowers consumers to "shine the light" on companies' data sharing
13 methods by requiring businesses to establish a procedure by which customers can receive an
14 explanation of how their personal information is disclosed to third parties (the "Shine the Light
15 Disclosures" or "Disclosures").

16 3. Businesses governed by the Act are required to: (1) designate a dedicated mailing
17 address (physical or electronic) or phone/facsimile number where customers can request the
18 company's Shine the Light Disclosures, and (2) ensure that interested customers can readily
19 make such requests or otherwise obtain the Disclosures.

20 4. Shine the Light Disclosures are necessary because without knowledge of
21 companies' data sharing practices, consumers cannot make informed decisions about which
22 businesses they should entrust with their personal information:

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25 ¹ CALIFORNIA SENATE JUDICIARY COMMITTEE, SB 27 BILL ANALYSIS, Sept. 16, 2003,
26 available at [http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-](http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_27_cfa_20030916_115403_sen_comm.html)
27 [0050/sb_27_cfa_20030916_115403_sen_comm.html](http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_27_cfa_20030916_115403_sen_comm.html) (last visited December 27, 2011).

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1 Because privacy is, by definition, so intensely personal, for a consumer to make a
2 rational and informed and personal choice to opt-in, opt-out, or simply take their
3 business elsewhere, the consumer must know the "who, what, where and when"
4 of how a business handles personal information.²

5 5. While traditional businesses may display or otherwise make Shine the Light
6 Disclosures available at their physical storefront locations, the Act requires companies with no
7 "brick and mortar" locations to either provide the Shine the Light Disclosures on their websites
8 or to train their managers and employees to notify customers of the addresses and phone
9 numbers where the Shine the Light Disclosures can be obtained.

10 6. CBS Interactive, Inc. ("CBS Interactive")—an online content provider with no
11 "brick and mortar" storefronts—owns and operates the Internet websites www.cbssports.com,
12 golfweb.com, mvp.com, and marketplace.com.

13 7. CBS Interactive collects and stores a wealth of information about its website
14 subscribers, and shares such data with third parties for direct marketing purposes.

15 8. Despite the fact that CBS Interactive profits by sharing its users' personal
16 information, it intentionally keeps its users in the dark on its information sharing practices by
17 failing to make the Shine the Light Disclosures on its website.

18 9. As a result, CBS Interactive violates the Shine the Light Law by willfully denying
19 its users an opportunity to exercise their legally proscribed rights under the Act. Therefore,
20 Plaintiff and the Class are entitled to civil penalties of three thousand dollars (\$3,000.00) per
21 violation pursuant to California Civil Code section 1798.84(c).

22 **PARTIES**

23 10. Plaintiff, David Boorstein, is a natural person domiciled in the State of California.

24 11. Defendant, CBS Interactive, Inc. is a Delaware corporation with its principal
25 place of business and headquarters located at 235 Second Street, in the City of San Francisco,
26 and the State of California.

27 ² *Supra.* note 1, pp. 4-5.

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JURISDICTION AND VENUE

12 12. This Court has subject matter jurisdiction over the causes of action asserted herein
13 pursuant to the California Constitution, Article VI, §10, because this case is a cause not given by
14 statute to other trial courts.

15 13. This Court has personal jurisdiction over CBS Interactive because the improper
16 conduct alleged in the Complaint occurred in, was directed to, and/or emanated from California.

17 14. Venue is proper in this Court because a substantial part of CBS Interactive's
18 conduct at issue originated or occurred in this County, and because Plaintiff resides in this
19 County.

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FACTUAL BACKGROUND

1. **The Personal Information Market: Consumer Data Has Monetary Value**

15 15. In 2001, Federal Trade Commission ("FTC") Commissioner Orson Swindle
16 recognized that "the digital revolution ... has given an enormous capacity to the acts of
17 collecting and transmitting and flowing of information, unlike anything we've ever seen in our
18 life ... [and] individuals are concerned about being defined by the existing data on themselves."³

19 16. More than a decade later, Commissioner Swindle's comments ring truer than
20 ever, as consumer data feeds an information marketplace that supports a \$26 billion dollar per
21 year online advertising industry in the United States.⁴

22 17. The FTC has also recognized that consumer data possesses inherent monetary
23 value within the new information marketplace:

24 Most consumers cannot begin to comprehend the types and amount of
25 information collected by businesses, or why their information may be

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³ The Information Marketplace, Merging and Exchanging Consumer Data,
<http://www.ftc.gov/bcp/workshops/infomktplace/transcript.htm> (last visited December 27, 2011).

⁴ *See*, Web's Hot New Commodity: Privacy,
<http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html> (last
visited December 27, 2011).

1 commercially valuable. *Data is currency. The larger the data set, the greater*
2 *potential for analysis—and profit.*⁵

3 18. In today's digital marketplace, consumers engage in *quid pro quo* transactions
4 with online businesses whereby individuals exchange personal information for services.

5 19. It is now a nearly ubiquitous practice for online companies that collect consumer
6 information—such as, names, addresses, occupations, political and religious affiliations, sexual
7 orientation, education, and cultural interests—to share such data, for a profit, with numerous
8 third party marketers without any input from, or disclosure to, the source consumer.

9 20. In fact, consumers' personal information has become such a valuable commodity
10 that companies now offer individuals the opportunity to sell their personal information
11 themselves.⁶ In this way, consumers are becoming more empowered to direct where their
12 personal information is shared, and to directly profit from their own data.

13 21. Because CBS Interactive deprives its users the ability to control the dissemination
14 of their personal information—by denying them the ability to ascertain what is being shared and
15 where such data is flowing—CBS Interactive has diluted the value of its users' property as it
16 exists in the personal information market.

17 **II. California's Shine the Light Law**

18 22. The Shine the Light Law was enacted because while "transparency is the
19 touchstone of consumer confidence in information handling ... by and large, consumers are not
20 aware of the extent to which their personal information is sold."⁷ Thus, the Act is designed to

21 ⁵ Statement of FTC Commissioner Pamela Jones Harbour,
22 <http://www.ftc.gov/speeches/harbour/091207privacyroundtable.pdf> (last visited December 27,
23 2011) (emphasis added).

24 ⁶ "You Want My Personal Data? Reward Me for It,"
25 <http://www.nytimes.com/2010/07/18/business/18unboxed.html> (last visited December 27, 2011).

26 ⁷ See, CALIFORNIA SENATE JUDICIARY COMMITTEE, SB 27 BILL ANALYSIS, Sept. 16, 2003,
27 available at [http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-](http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_27_cfa_20030916_115403_sen_comm.html)
28 [0050/sb_27_cfa_20030916_115403_sen_comm.html](http://info.sen.ca.gov/pub/03-04/bill/sen/sb_0001-0050/sb_27_cfa_20030916_115403_sen_comm.html) (last visited December 27, 2011).

1 "shine the light" on how businesses share and profit from their customers' personal information.

2 23. As such, under the Act, customers may request, and companies doing business in
3 California must provide, a list of all categories of personal information disclosed by the business
4 within the preceding year, as well as the names and addresses of the companies receiving that
5 information. Cal. Civ. Code § 1798.83(a).

6 24. To facilitate such requests, the Act requires businesses to "designate a mailing
7 address, electronic mail address, or, if the business chooses to receive requests by telephone or
8 facsimile, a toll-free telephone or facsimile number, to which customers may deliver requests" to
9 discover how their personal information is being shared with third parties. Cal. Civ. Code §
10 1798.83(b)(1).

11 25. The term "personal information" is broadly defined under the Act, and includes,
12 but is not limited to, an individual's:

13 (A) name and address; (B) electronic mail address; (C) age or date of birth; (D)
14 names of children; (E) electronic mail or other addresses of children; (F) number
15 of children; (G) age or gender of children; (H) height; (I) weight; (J) race; (K)
16 religion; (L) occupation; (M) telephone number; (N) education; (O) political party
17 affiliation; (P) medical condition; (Q) drugs, therapies, or medical products or
18 equipment used; (R) the kind of product the customer purchased, leased, or
19 rented; (S) real property purchased, leased, or rented; (T) the kind of service
20 provided; (U) social security number; (V) bank account number; (W) credit card
21 number; (X) debit card number; (Y) bank or investment account, debit card, or
22 credit card balance; (Z) payment history; and (AA) information pertaining to the
23 customer's creditworthiness, assets, income, or liabilities.

24 Cal. Civ. Code § 1798.83(c)(7).

25 26. An Internet business with no "brick and mortar" locations may comply with the
26 Act by adhering to the following provision:

27 Add to the home page of its Web site a link either to a page titled "Your Privacy
28 Rights" or add the words "Your Privacy Rights" to the home page's link to the
business's privacy policy ... The first page of the link shall describe a customer's
rights pursuant to this section and shall provide the designated mailing address, e-
mail address, as required, or toll-free telephone number or facsimile number, as
appropriate.

29 Cal. Civ. Code § 1798.83(b)(1)(B).

1 27. Alternatively, and in cases where an Internet business has "employees who
2 regularly have contact with customers," a business may:

3 Notify all agents and managers who directly supervise employees who regularly
4 have contact with customers of the designated address or numbers or the means to
5 obtain those addresses or numbers and instruct those employees that customers
6 who inquire about the business's privacy practices or the business's compliance
7 with this section shall be informed of the designated addresses or numbers or the
8 means to obtain the addresses or numbers.

9 Cal. Civ. Code § 1798.83(b)(1)(A).

10 28. In short, the Act affords California citizens the right to discover whether
11 businesses are sharing their personal information, and if so, which companies or organizations
12 they are sharing such data with.

13 **III. A Brief Overview of CBS Interactive**

14 29. CBS Interactive is an online content provider and operates several websites,
15 including www.cbssports.com—an interactive Internet website that allows users to, among other
16 things, purchase sports paraphernalia, receive up-to-the-minute news from the sports world, and
17 play in "fantasy" sports leagues.⁸ In fact, www.cbssports.com is one of the most popular
18 websites among "fantasy" sports enthusiasts.⁹

19 30. In order to subscribe to any of its websites, consumers are required to provide
20 CBS Interactive with certain personal information, including, *inter alia*, their full names, e-mail
21 addresses, dates of birth, and ZIP code.

22 ⁸ A fantasy sport is a game where participants act as owners to build a team that competes
23 against other fantasy owners based on the statistics generated by the real individual players or
24 teams of a professional sport. *See*, http://en.wikipedia.org/wiki/Fantasy_sports (last visited
25 December 27, 2011).

26 ⁹ CBS Interactive's website—www.cbssports.com—has been voted the best fantasy sports
27 league manager service by the Fantasy Sports Trade Association in eight of the last nine years,
28 and fantasy sports are a significant portion of CBS Interactive's business. *See*,
[http://en.wikipedia.org/wiki/CBSSports.com#Awards_from_Fantasy_Sports_Trade_Association.
28FSTA.29](http://en.wikipedia.org/wiki/CBSSports.com#Awards_from_Fantasy_Sports_Trade_Association.28FSTA.29) (last visited December 27, 2011).

1 31. CBS Interactive maintains this data on its servers.

2 **IV. CBS Interactive Willfully Violates California's Shine the Light Law**

3 32. CBS Interactive shares its subscribers' personal information, including their full
4 names, e-mail addresses, dates of birth, and ZIP codes with third party direct marketing
5 companies for direct marketing purposes.

6 33. Despite the fact that CBS Interactive shares information about its users with third
7 parties for direct marketing purposes, it fails to provide its customers with the Shine the Light
8 Disclosures, or the means through which its customers may obtain the Disclosures, as required
9 by the Act.

10 34. As such, CBS Interactive has chosen to deny California customers their legal right
11 to learn what personal information is being disclosed, who is receiving it, and other legal
12 protections afforded under the Act.

13 35. Accordingly, CBS Interactive intentionally violates California's Shine the Light
14 Law and is liable for civil penalties of three thousand dollars (\$3,000.00) per violation pursuant
15 to Cal. Civ. Code § 1798.84(c).

16 **FACTS RELATING TO PLAINTIFF DAVID BOORSTEIN**

17 36. Plaintiff David Boorstein is a natural person domiciled in the State of California.

18 37. In or around 2005, Plaintiff signed up for a subscription to cbssports.com—a
19 website owned and operated by CBS Interactive—to compete in “fantasy” football, baseball, and
20 basketball.

21 38. At the time that Plaintiff signed up for his subscription, he provided personal
22 information to CBS Interactive, including, *inter alia*, his full name, e-mail address, date of birth,
23 and ZIP code.

24 39. Since 2005, Plaintiff has visited www.cbssports.com almost daily to compete in
25 “fantasy” sports. At all relevant times, Plaintiff used CBS Interactive primarily for personal,
26 family, and household purposes.

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CLASS ALLEGATIONS

40. **Definition of the Class:** Plaintiff David Boorstein brings this action pursuant to California Code of Civil Procedure § 382 on behalf of himself and a Class of similarly situated individuals, defined as follows:

All California residents who have provided personal information to CBS Interactive.

Excluded from the Class are (1) Defendant, Defendant's agents, subsidiaries, parents, successors, predecessors, and any entity in which the Defendant or their parents have a controlling interest and their current and former employees, officers, and directors, (2) the Judge or Magistrate Judge to whom this case is assigned and the Judge's or Magistrate Judge's immediate family, (3) persons who execute and file a request for exclusion, (4) the legal representatives, successors, or assigns of any such excluded person, and (5) all persons who have previously had claims similar to those alleged herein finally adjudicated or who have released their claims against Defendant.

41. **Numerosity:** The exact number of the members of the Class is unknown and is not available to Plaintiff, but the Class is believed to consist of millions of individuals. Thus, individual joinder in this case is impracticable. Class members can be easily identified through Defendant's records.

42. **Commonality and Predominance:** 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 the following:

- (a) Whether the Class members are "customers" of Defendant, as that term is defined by Cal. Civ. Code § 1798.83(e)(1);
- (b) Whether each Class member had an "established business relationship" with Defendant, as that term is defined by Cal. Civ. Code § 1798.83(e)(5);
- (c) Whether Defendant made the Shine the Light Disclosures required by Cal.

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Civ. Code § 1798.83(b)(1)(B);

- (d) Whether Defendant's website violates Civ. Code § 1798.83(b)(1)(B);
- (e) Whether Defendant has employees who regularly have contact with customers, as defined by Cal. Civ. Code § 1798.83(c)(4);
- (f) Whether Defendant otherwise complied with the requirements of Cal. Civ. Code § 1798.83(b)(1);
- (g) Whether Defendant's failure to meet the notice requirements of § 1798.83(b)(1)(B) constitutes a violation of § 1798.83;
- (h) Whether Defendant's conduct constituted a willful, intentional, or reckless violation of § 1798.83; and
- (i) Whether Plaintiff and the Class are entitled to injunctive relief.

43. **Typicality:** The factual and legal bases of CBS Interactive's liability to Plaintiff and to the other members of the Class are the same and resulted in injury to Plaintiff and all of the other members of the Class. Plaintiff and the other members of the Class have all suffered harm as a result of CBS Interactive's wrongful conduct.

44. **Adequate Representation:** Plaintiff will fairly and adequately represent and protect the interests of the Class members, and have retained counsel competent and experienced in complex class actions. Plaintiff has no interest antagonistic to those of the Class and Defendant has no defenses unique to Plaintiff.

45. **Appropriateness:** This class action is appropriate for certification because class proceedings are superior to all other available methods for the fair and efficient adjudication of this controversy and joinder of all members of the Class is impracticable. The damages suffered by the individual members of the Class will likely be small relative to the burden and expense of individual prosecution of the complex litigation necessitated by Defendant's wrongful conduct. Thus, it would be virtually impossible for the individual members of the Class to obtain effective relief for Defendant's misconduct. Even if each member of the Class could sustain such

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1 individual litigation, it would not be preferable to a class action because individual litigation
2 would increase the delay and expenses to all parties due to the complex legal and factual
3 controversies presented in this Complaint. By contrast, a class action presents far fewer
4 management difficulties and provides the benefits of single adjudication, economy of scale, and
5 comprehensive supervision by a single court. Economies of time, effort, and expense will be
6 fostered and uniformity of decisions will be ensured.

7 46. **Policies Generally Applicable to the Class:** This class action is also appropriate
8 for certification because Defendant has acted or refused to act on grounds generally applicable to
9 the Class, thereby making appropriate final injunctive relief or corresponding declaratory relief
10 with respect to the Class as a whole. The policies of the Defendant challenged herein apply to
11 and affect all members of the Class uniformly, and Plaintiff's challenge of these policies hinges
12 on Defendant's conduct, not on facts or law applicable only to Plaintiff.

13 **FIRST CAUSE OF ACTION**
14 **Violations of California's Shine the Light Law**
15 **(Cal. Civ. Code § 1798.83)**
16 **(On behalf of Plaintiff and the Class)**

16 47. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

17 48. Plaintiff and the Class are "customers" of CBS Interactive, as that term is defined
18 by Cal. Civ. Code § 1798.83(e)(1).

19 49. Plaintiff and the Class are engaged in an ongoing "established business
20 relationship" with CBS Interactive as that term is defined by Cal. Civ. Code § 1798.83(e)(5).

21 50. CBS Interactive cannot utilize the notice option available under Cal. Civ. Code §
22 1798.83(b)(1)(A) because, as a business operating almost exclusively online, it does not have
23 "employees who regularly have contact with customers," as that term is defined by Cal. Civ.
24 Code § 1798.83(c)(4).

25 51. In any event, and upon information and belief, CBS Interactive does not instruct
26 or otherwise train its employees to respond to customer inquiries about obtaining CBS
27 Interactive's Shine the Light Disclosures as required by Cal. Civ. Code § 1798.83(b)(1)(A).

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1 52. Further, on information and belief, CBS Interactive does not conduct business
2 through "brick and mortar" stores in California, meaning it cannot avail itself of the notice option
3 set forth in Cal. Civ. Code § 1798.83(b)(1)(C).

4 53. Consequently, CBS Interactive must utilize the notice option under Cal. Civ.
5 Code § 1798.83(b)(1)(B). As such, CBS Interactive must affirmatively disclose specific
6 information to its customers through its Web site.

7 54. CBS Interactive willfully violates the Act by, among other things, (i) failing to
8 add a hyperlink entitled "Your Privacy Rights" to its home page, (ii) failing to add a hyperlink to
9 a page titled "Your Privacy Rights," (iii) failing to display, on the *first page* of a link from its
10 homepage, a designated mailing address, e-mail address, telephone number, or facsimile number
11 for customers to deliver request, and/or (iv) failing to describe, on the *first page* of a link from its
12 homepage, its California customers' rights under the Shine the Light Law. *See* Cal. Civ. Code §
13 1798.83(b)(1)(B). (True and accurate copies of CBS Interactive's home page and privacy policy
14 are attached as Exhibits A and B, respectively.)

15 55. Plaintiff's and the Class's personal information has monetary value, and CBS
16 Interactive's failure to comply with Cal. Civ. Code § 1798.83(b)(1) deprives Plaintiff and the
17 Class of their statutorily-guaranteed right to monitor and control the disclosure and use of that
18 data. As such, CBS Interactive has diluted the value of Plaintiff's and the Class's personal
19 property, and deprived them of the opportunity to sell their personal property for their own
20 financial gain. Accordingly, Plaintiff and the Class have sustained, and continue to sustain,
21 monetary injuries as a direct and proximate cause of CBS Interactive's violation of Cal. Civ.
22 Code § 1798.83.

23 56. CBS Interactive's failure to comply with Cal. Civ. Code § 1798.83(b) also
24 deprives Plaintiff and the Class of the ability to make informed decisions with respect to their
25 privacy and transmission of their personal information. Further, CBS Interactive's supposed
26 privacy procedures provide fewer protections to Plaintiff and the Class, thereby depriving them
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1 of their protections and rights under the Act.

2 57. At all times relevant to this lawsuit, CBS Interactive has failed to provide Plaintiff
3 or the Class with disclosures required by Cal. Civ. Code § 1798.83(b)(1).

4 58. CBS Interactive is a "business required to comply with [Section 1798.83]." and
5 none of the exceptions in Sections 1798.83 or 1798.84 apply. See Cal. Civ. Code §
6 1798.83(b)(1).

7 59. CBS Interactive shares its customers' personal information with third parties for
8 direct marketing purposes.

9 60. Accordingly, Plaintiff and the Class are entitled to civil penalties of three
10 thousand dollars (\$3,000.00) per violation pursuant to California Civil Code section 1798.84(c).

11 **SECOND CAUSE OF ACTION**

12 **Violation of California's Unfair Competition Law**
13 **Cal. Bus. & Prof. Code §§ 17200, et seq.**
14 **(On Behalf of Plaintiff and the Class)**

15 61. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

16 62. California's Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code
17 §§ 17200, et seq., protects both consumers and competitors by promoting fair competition in
18 commercial markets for goods and services.

19 63. The UCL prohibits any unlawful, unfair or fraudulent business act or practice.

20 64. As discussed above, CBS Interactive has violated the unlawful prong of the UCL
21 in that its conduct violated the Shine the Light Law, Cal. Civ. Code § 1798.83.

22 65. Plaintiff's and the Class's personal information has monetary value, and CBS
23 Interactive's failure to comply with Cal. Civ. Code § 1798.83(b) deprives Plaintiff and the Class
24 of their statutorily-guaranteed right to monitor and control the disclosure and use of that data. As
25 such, CBS Interactive has diluted the value of Plaintiff's and the Class's personal property, and
26 deprived them of the opportunity to sell their personal property for their own financial gain.

27 66. Pursuant to Cal. Bus. & Prof. Code § 17203, Plaintiff, on his own behalf and on
28 behalf of the Class, seeks an order requiring CBS Interactive to (1) immediately cease the

1 unlawful practices described herein; (2) make full restitution of all funds wrongfully obtained by
2 sharing and/or selling Plaintiff's and the Class's personal information; and (3) pay interest,
3 attorneys' fees, and costs pursuant to Cal. Code Civ. Proc. § 1021.5.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff David Boorstein, individually and on behalf of the Class, prays
6 for the following relief:

7 A. Certify the Class as defined above, appoint Plaintiff as Class representative, and
8 designate his counsel as Class Counsel;

9 B. Declare that Defendant's actions, as described herein, violate California's Shine
10 the Light Law, Cal. Civ. Code § 1798.83, and the Unfair Competition Law, Cal. Bus. & Prof.
11 Code §§ 17200, *et seq.*;

12 C. Award injunctive and other equitable relief as is necessary to protect the interests
13 of the Class, including, *inter alia*, entering an Order: (i) prohibiting Defendant from engaging in
14 the wrongful and unlawful acts described herein; and (ii) requiring Defendant to add to its
15 website the information required by Cal. Civ. Code § 1798.83(b)(1)(B);

16 D. Award damages, including civil penalties of three thousand dollars (\$3,000.00)
17 per violation of Cal. Civ. Code § 1798.83 to Plaintiff and the Class;

18 E. Award Plaintiff and the Class their reasonable litigation expenses and attorneys'
19 fees pursuant to Cal. Civ. Code § 1798.84(g) and Cal. Code Civ. Proc. § 1021.5;

20 F. Award Plaintiff and the Class pre- and post-judgment interest, to the extent
21 allowable; and

22 G. Award such other and further relief as equity and justice may require.

23 **JURY TRIAL**

24 Plaintiff demands a trial by jury for all issues so triable.
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1 Dated: December 28, 2011

Respectfully submitted,

2 **DAVID BOORSTEIN, INDIVIDUALLY AND**
3 **ON BEHALF OF ALL OTHERS SIMILARLY**
4 **SITUATED,**

5 By: 
6 One of Plaintiff's attorneys

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Sean P. Reis, Esq., SBN 184044 Edelson McGuire LLP 30021 Tomas Street, Suite 300 Rancho Santa Margarita, CA 92688 TELEPHONE NO.: 949-459-2124 FAX NO.: AT TORNEY FOR (Name): Plaintiff David Boorstein		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES DEC 28 2011 John A. Clarke, Executive Officer/Clerk BY <i>[Signature]</i> , Deputy Shaunya Wesley
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St. MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District - Stanley Mosk Courthouse		
CASE NAME: David Boorstein v. CBS Interactive, Inc.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		CASE NUMBER: BC 476015
<input type="checkbox"/> Counter <input type="checkbox"/> Joinder Complex Case Designation Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		JUDGE: DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (08) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other P/IPD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/IPD/W/D (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-P/IPD/W/D (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/IPD/W/D tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

FAKED

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|--|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2-- Cal. Civ. Code 1798.83; Cal B&P 17200 et seq
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 12-28-11
 Sean P. Reis, Esq.
 (TYPE OR PRINT NAME)

[Signature]
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7 HOURS/ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – if you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.



	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.	
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 8455 Fountain Ave., Unit 312
CITY: Hollywood	STATE: CA	ZIP CODE: 90069

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 12-28-11



 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.