Hearing Date: 8/10/2026 9:45 AM
Location: Court Room 2405
Judge: Reilly, Eve M

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

SARAH GOODMAN and STANCE SCHUDY, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ILLINOIS RETINA ASSOCIATES, PLLC, NORTHERN CALIFORNIA ADVANCED SURGERY CENTER, LP, d/b/a RETINAL CONSULTANTS MEDICAL GROUP and RETINA CONSULTANTS OF AMERICA,

Defendants.

Case No.: 2026CH05572

CLASS ACTION

JURY DEMAND

CLASS ACTION COMPLAINT

Plaintiffs Sarah Goodman and Stance Schudy (collectively "Plaintiffs"), individually and on behalf of all others similarly situated bring this action against Defendants Illinois Retina Associates, PLLC ("Illinois Retina"), Northern California Advanced Surgery Center, LP, d/b/a Retinal Consultants Medical Group ("RCMG") and Retina Consultants of America ("RCA") (collectively, "Defendants").

NATURE OF THE CASE

1. This is a case brought against Defendants for alleged violations of Plaintiffs' privacy rights under state and federal statutes as well as state and common law.

2. Information concerning a person's physical and mental health is among the most confidential and sensitive information in our society and the mishandling of such information can

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have serious consequences including, but certainly not limited to, discrimination in the workplace and/or denial of insurance coverage.[1]

3. Simply put, if people do not trust that their protected health information will be kept private and secure, they may be less likely to seek medical treatment which can lead to much more serious health consequences down the road. In addition, protecting medical information and making sure it is kept confidential and not disclosed to any unauthorized entities is vitally necessary to maintain public trust in the healthcare system as a whole.

4. The need for data privacy, security and transparency is particularly acute when it comes to the rapidly expanding world of digital telehealth providers; of all the information the average internet user shares with technology companies, health data is some of the most extensive, valuable and controversial.[2]

5. Defendant Retina Consultants of America is a network of retina practices that provide care across the United States. Retina Consultants of America is the parent company of retinal practices nationwide, including Defendants Illinois Retina and RCMG. These practices include: Retina Group, Inc. d/b/a Retina Consultants of America, Austin Retina Associates; California Retina Consultants; Colorado Retina Associates; Florida Retina Institute; Illinois Retina; Mississippi Retina Associates; North Carolina Retina Consultants; Pacific NW Retina; Palmetto Retina Center; Retina Associates LLC; Retina Associates of Utah; Retina Consultants of

[1] *See* Lindsey Ellefson, Telehealth Sites Put Addiction Patient Data at Risk: New research found pervasive use of tracking tech on substance-abuse-focused health care websites, potentially endangering users in a post-Roe world, WIRED https://www.wired.com/story/substance-abuse-telehealth-privacy-tracking-tech/ ("While the sharing of any kind of patient information is often strictly regulated or outright forbidden, it's even more verboten in addiction treatment, as patients' medical history can be inherently criminal and stigmatized."); *see also* Todd Feathers, Simon Fondrie-Teitler, Angie Waller & Surya Mattu, Facebook Is Receiving Sensitive Medical Information from Hospital Websites, THE MARKUP (June 16, 2022), https://themarkup.org/pixelhunt/2022/06/16/facebook-is-receiving-sensitive-medical-information-from-hospital-websites.

[2] Protected and highly sensitive medical information collected by telehealth companies includes many categories from intimate details of an individual's conditions, symptoms, diagnoses and treatments to personally identifying information to unique codes which can identify and connect individuals to the collecting entity. *See* Molly Osberg & Dhruv Mehrotral, *The Spooky, Loosely Regulated World of Online Therapy*, JEZEBEL (Feb. 19, 2020), https://jezebel.com/the-spooky-loosely-regulated-world-of-online-therapy-1841791137.

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Minnesota; Retinal Consultants of Texas; The Retina Eye Center; Retina Group Florida; Retina Specialists; South Coast Retina; Tennessee Retina; and Vitreoretinal Consultants of NY (together with Illinois Retina and RCMG the "RCA Entities").

6. Defendant Illinois Retina is a retinal subspecialty practice group which provides retinal care at thirteen locations in Illinois. Illinois Retina Associates provides medical and surgical care for patients with retinal diseases.[3]

7. Defendant RCMG is a retinal subspecialty practice group which provides retinal care at twelve locations in Northern California. Retinal Consultants Medical Group provides medical and surgical care for patients with retinal diseases, including but not limited to retinal imaging, laser treatment, and diagnostic testing.[4]

8. As detailed herein, Defendants disregarded the privacy rights of its patients who used their Web Properties ("Users" or "Class Members") by installing, configuring and using pixels and other tracking technologies on its Web Properties to collect and divulge their personally identifiable information ("PII") and protected health information ("PHI" and collectively, "Private Information") to Meta Platform Inc. d/b/a Facebook ("Facebook" or "Meta"), Google LLC and Alphabet, Inc. ("Google") and other social media platforms.

9. As a result of Defendants' conduct, Plaintiffs and Class Members have suffered numerous injuries, including: (i) invasion of privacy; (ii) lack of trust in communicating with doctors online; (iii) emotional distress and heightened concerns related to the release of Private Information to third parties; (iv) loss of the benefit of the bargain; (v) diminution of value of the Private Information; (vi) statutory damages and (vii) continued and ongoing risk to their Private Information. Plaintiffs and Class Members have a substantial risk of future harm, and thus injury in fact, due to the continued and ongoing risk of misuse of their Private Information that was shared by Defendants with unauthorized third parties.

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[3] *Our History*, ILLINOIS RETINA ASSOCIATES, https://www.illinoisretina.com/about-illinois-retina.
[4] *About Our Practice*, RETINAL CONSULTANTS MEDICAL GROUP, https://www.retinalmd.com/about-rcmg.

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10. Plaintiffs seek, on behalf of themselves and a class of similarly situated persons, to remedy these harms and therefore assert the following statutory and common law claims against Defendants: (i) Violation of Electronic Communications Privacy Act, 18 U.S.C. §2511(1), *et seq*.; (ii) Common Law Negligence; (iii) Common Law Unjust Enrichment; (iv) Violation of the Illinois Eavesdropping Act, ILCS 720 § 5/14-1, *et seq*; and (v) Violation of the California Confidentiality of Medical Information Act, Cal. Civ. Code § 56, *et seq*. Defendants' conduct gives rise to claims under federal law and analogous state privacy, wiretapping, eavesdropping, interception, communications, medical confidentiality, consumer protection, and common-law causes of action throughout the United States.

JURISDICTION & VENUE

11. Jurisdiction over the Defendants is proper under 735 ILCS 5/2-209(a)(l) (transaction of any business within this State), section 2-209(b)(4) (corporation doing business within this State), and section 2-209(c) (any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States).

12. Venue is proper in this County pursuant to 735 ILCS 5/2-101, because this is the county in which the transactions and occurrences at issue, or some part thereof, occurred. In addition, Defendant Illinois Retina Associates, PLLC, does business in this County and has registered agents located in this State. 735 ILCS 5/2-102(a).

13. Pursuant to General Order No. 1.2 of the Circuit Court of Cook County, this action is properly before the Chancery Division of the County Department because it is a putative Class Action.

PARTIES

14. Plaintiff Sarah Goodman ("Ms. Goodman") is an Illinois resident, residing in Cook County, Illinois, where she has resided for all times relevant to this complaint. Ms. Goodman has been a patient of Defendant Illinois Retina and utilized its website since at least October 2023.

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15. Plaintiff Stance Schudy ("Mr. Schudy") is a California resident, residing in Sacramento County, California, where he has resided for all times relevant to this complaint. Stance Schudy has been a patient of Defendant RCMG since July 2020 and has utilized its website since July 2020.

16. Defendant Illinois Retina Associates, PLLC, is an Illinois Professional Limited Liability Company, with its principal place of business located at 71 West 156th Street, Suite 400, Harvey, Illinois 60426.

17. Defendant Northern California Advanced Surgery Center, LP, d/b/a Retinal Consultants Medical Group, is a California Limited Partnership with its principal place of business located at 5771 Greenback Lane, Sacramento, CA 95841.

18. Defendant Retina Consultants of America is a network of retina practices across the United States. Defendant Retina Consultants of America is located in Texas with its principal place of business located at 550 Reserve St, Suite 330, Southlake, Texas 76092. It is the parent company of numerous retinal clinics across the country, including Illinois Retina Associates and Retinal Consultants Medical Group.

FACTUAL BACKGROUND

A. The Meta Pixel

19. The Meta Pixel and other third-party tracking tools also collect and transmit information from Defendants that identify a Facebook user's status as a patient and other health information that is protected by federal and state law. This occurs through tools that Facebook encourages its healthcare Partners to use, including uploading patient lists to Facebook for use in its advertising systems.

20. Meta associates the information it obtains via the Meta Pixel with other information regarding the User, using personal identifiers that are transmitted concurrently with other information the Pixel is configured to collect.

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21. The Meta Pixel is a free and publicly available "piece of code" that third-party web developers can install on their website to "measure, optimize and build audiences for … ad campaigns."[5]

22. Meta describes the Pixel as "a snippet of JavaScript code" that "relies on Facebook cookies, which enable [Facebook] to match … website visitors to their respective Facebook user accounts.[6]

23. Meta pushes advertisers to install the Meta Pixel. Meta tells advertisers the Pixel matches site visitors with their Facebook profile and that "[o]nce matched, we can tally their actions in the Facebook Ads Manager so you can use the data to analyze your website's conversion flows and optimize your ad campaigns."[7]

B. Defendants used the Meta Pixel on their websites, and thus transferred private PII and PHI to Meta/Facebook

24. In order to market, sell, and provide its healthcare offerings, Defendants own, maintain and operate websites for each of its practices, including for Defendants Illinois Retina Associates, https://www.illinoisretina.com ("Illinois Retina's Website") and Retinal Consultants Medical Group, https://www.retinalmd.com ("RCMG's Website"), both of which operate patient portals, where patients are able to communicate with the clinic and its employees and agents regarding their medical treatment (the "Portals" collectively with the websites, the "Web Properties").

25. Unbeknownst to Users and without their authorization or informed consent, Defendants installed Facebook's Meta Pixel ("Meta Pixel" or "Pixel") and other invisible third-party tracking technology on their Web Properties in order to intercept Users' PII and PHI with the express purpose of disclosing that Private Information to third parties such as Meta and/or

[5] The *Meta Pixel: What It Is And How To Use It* (2025), https://www.facebook.com/government-nonprofits/blog/the-facebook-pixel
[6] *Meta Pixel* (2026), https://developers.facebook.com/docs/meta-pixel/get-started/.
[7] *Id.*

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Google in violation of HIPAA Privacy Rule and 42 U.S.C. § 1320d-6 as well as state, federal and common law.

26. Meta then accesses and uses the Private Information by associating it with the individual User whose information was disclosed to create targeted advertising that it sends to that User's personal Facebook account. Meta links that information with the User's Facebook profile, which personally identifies the user through a wide range of demographic and other information about the user including the User's name, pictures, personal interests, work history, relationship status and other details. Because the user's Facebook User ID uniquely identifies an individual's Facebook account, Facebook—or any ordinary person—can easily use it to quickly and easily locate, access, and view the user's corresponding Facebook profile.

27. Notably, the Pixel collects data regardless of whether the User has a Facebook account as Facebook maintains "shadow profiles" on users without Facebook accounts and links the information collected via the Pixel to the user's real-world identity using their shadow profile.

28. In other words, with the use of the Pixel installed on their Web Properties, Defendants intercept both the PII and the PHI of every User that visits every webpage, with the specific purpose of disclosing HIPAA-protected health information to Meta.

29. The Pixel intercepts and discloses the information of every Facebook user that visits the Defendants' Web Properties in the same way. So, when Plaintiffs and Class Members visited Defendants' Web Properties, the URLs that describe the medical information on each page they visited and/or the search terms they typed in Defendants' search bar were shared with Meta during every interaction. And together with that PHI, Defendants' Pixel (which relies on Facebook cookies to function) discloses to Meta the Facebook user ID of every person that visits its Web Properties so that Meta can personally identify that user and that user's PHI – including Plaintiffs and every Class Member who visited Defendants' Web Properties to research and share HIPAA-protected health information with Defendants while the Pixel was installed on the Web Properties.

30. Plaintiffs and Class Members who visited and used Defendants' Web Properties thought they were communicating with only their trusted healthcare providers and reasonably

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believed that their sensitive and private PHI would be guarded with the utmost care. In browsing Defendants' Web Properties—be it to make an appointment, locate a doctor with a specific specialty, contact the medical provider or investigate treatment for their medical condition—Plaintiffs and Class Members did not expect that with every search, extremely sensitive PHI would be intercepted, captured and otherwise shared with Facebook in order to target Plaintiffs and Class Members with ads, in conscious disregard of their privacy rights.

31. Plaintiffs continued to have their privacy violated when their Private Information was used to turn a profit by way of targeted advertising related to their medical condition.

32. Defendants knew that by embedding the Meta Pixel on their Web Properties they were permitting Facebook to collect and use Plaintiffs' and Class Members' Private Information, including sensitive medical information.

33. Defendants (or any third parties) did not obtain Plaintiffs' and Class Members' prior consent before sharing their sensitive, confidential communications with third parties such as Facebook.

34. Plaintiffs were never provided with any written notice that Defendants disclosed their users' Private Information input into their Web Properties nor were they provided any means of opting out of such disclosures.

35. Despite this, Defendants knowingly and intentionally disclosed Plaintiffs' Private Information to Facebook.

36. Defendants' actions give rise to claims under federal law and analogous state privacy, wiretapping, eavesdropping, interception, communications, medical confidentiality, consumer protection, and common-law causes of action that may be available to class members under the laws of their respective states.

37. Healthcare providers like Defendants encourage Plaintiffs and Class Members to access and use various digital tools via its Web Properties to, among other things, receive healthcare services, in order to gain additional insights into its Users, improve its return on marketing dollars and, ultimately, increase its revenue.

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38. In exchange for installing the Pixels, Facebook provided Defendants with analytics about the advertisements it has placed as well as tools to target people who have visited its Web Properties.

39. Upon information and belief, Defendants and other companies utilized Plaintiffs' and Class Members' sensitive information and data collected by the Meta Pixels on Defendants' Web Properties in order to advertise to these individuals later on Meta's social platforms.

40. When healthcare providers, such as the Defendants, install the Meta Pixel code as Meta recommends, patients' actions on the provider's website are contemporaneously redirected to Meta.

41. For example, when a patient clicks a button to register for, or logs into or out of, a "secure" patient portal, Meta's source code commands the patient's computing device to send the content of the patient's communication to Meta while the patient is communicating with their healthcare provider.

42. In other words, by design, Meta receives the content of a patient's portal log in communication immediately when the patient clicks the log-in button—even before the healthcare provider receives it.

43. Healthcare entities collecting and disclosing Users' Private Information face significant legal exposure under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), which applies specifically to healthcare providers, health insurance providers and healthcare data clearinghouses.[8]

44. The HIPAA privacy rule sets forth policies to protect all individually identifiable health information ("IIHI") that is held or transmitted.[9] This is information that can be used to

[8] *Health Information Privacy* (Mar. 31, 2022), https://www.hhs.gov/hipaa/for-professionals/privacy/index.html.

[9] The HIPAA Privacy Rule protects all electronically protected health information a covered entity like Defendants "created, received, maintained, or transmitted" in electronic form. *See* 45 C.F.R. § 160.103.

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identify, contact, or locate a single person or can be used with other sources to identify a single individual.

45. Plaintiffs' IIHI captured by the Pixel and sent to Meta included their unique personal identifiers such as their Facebook ID, IP address, device identifiers and browser "fingerprints."

46. Defendants further violated the HIPAA Privacy Rule, among other statutory and common laws, because Plaintiffs' PHI concerning their specific medical conditions was disclosed to Meta by the Pixel and other third-party trackers embedded by Defendants on their Web Properties.

47. HIPAA also protects against revealing an individual's status as a patient of a healthcare provider.[10]

48. Defendants unlawfully revealed Plaintiffs' and Class Members' patient status to Facebook and likely other unauthorized third parties in violation of HIPAA when the Meta Pixel captured and disclosed Plaintiffs' and Class Members' activity on patient-dedicated webpages of the Web Properties.

C. Defendants Violate Their Promises to Users and Patients to Protect Their Confidentiality.

49. Healthcare providers, including Defendants, possess the capability to activate tracking Pixels on their websites to monitor and analyze every activity of their visitors. When such Pixel technology is enabled, these healthcare providers, by default, agree with Facebook's terms (by using Meta's Business Tools the health care provider or covered entity "represent[s] and warrant[s] that [it has] provided robust and sufficiently prominent notice to users regarding the Business Tool Data collection, sharing and usage"[11]) which necessitate an assertion from the

[10] *Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, https://www.hhs.gov/hipaa/for-professionals/privacy/special-topics/de-identification/index.html.
[11] *Meta, Data Policy: Information from Partners, vendors and third parties* (Jan. 1, 2023), https://www.facebook.com/privacy/policy?subpage=1.subpage.4-InformationFromPartnersVendors.

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provider: that they have secured explicit consent from their patients, including Plaintiff, to relay their tracking data, communications, diagnosis, and other pertinent medical details to Facebook.

50. Defendants do not have the legal right to use or share Plaintiffs' and Class Members' data, as this information is protected by the HIPAA Privacy Rule. The Privacy Rule does not permit the use and disclosure of Private Information to Facebook or Google for use in targeted advertising.[12]

51. Beyond Defendants' legal obligations to protect the confidentiality of individuals' Private Information, Defendants' privacy policies and online representations that were operative at the time of Plaintiffs' use of the Web Properties affirmatively and unequivocally state that any personal information provided to Defendants will remain secure and protected.

52. Even non-Facebook users can be individually identified via the information gathered on the Digital Platforms, like an IP address or personal device identifying information. This is precisely the type of information for which HIPAA requires the use of de-identification techniques to protect patient privacy.[13]

53. Despite a lack of disclosure, Defendants allowed third parties to "listen in" on patients' confidential communications and to intercept and use for advertising purposes the very information they promised to keep private, in order to bolster their profits.

D. Plaintiffs and Class Members Reasonably Believed That Their Confidential Medical Information Would Not Be Shared with Third Parties.

54. Plaintiffs and Class Members were aware of Defendants' duty of confidentiality when they sought medical services from Defendants.

55. Indeed, at all times when Plaintiffs and Class Members provided their Private Information to Defendants, they each had a reasonable expectation that the information would

[12] *See* 45 C.F.R. § 164.502.

[13] *Guidance Regarding Methods for De-identification of Protected Health Information in Accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule*, U.S. DEP'T OF HEALTH AND HUM. SERVICES, https://www.hhs.gov/hipaa/for-professionals/privacy/special-topics/de-identification/index.html.

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remain confidential and that Defendants would not share the Private Information with third parties for a commercial purpose, unrelated to patient care.

56. Personal data privacy and obtaining consent to share Private Information are material to Plaintiffs and Class Members.

57. Plaintiffs and Class Members relied to their detriment on Defendants' uniform representations and omissions regarding protection privacy, limited uses, and lack of sharing of their Private Information.

58. Now that their sensitive personal and medical information is in possession of third parties, Plaintiffs and Class Members face a constant threat of continued harm – including bombardment of targeted advertisements based on the unauthorized disclosure of their personal data. Collection and sharing such sensitive information without consent or notice poses a great threat to individuals by subjecting them to the never-ending threat of identity theft, fraud, phishing scams, and harassment.

REPRESENTATIVE PLAINTIFFS' EXPERIENCE

A. Plaintiff Sarah Goodman

59. Plaintiff Goodman has been a patient of Illinois Retina Associates since at least October 2023 and has utilized Illinois Retina's Website as part of that process.

60. As a condition of receiving Illinois Retina's services, Plaintiff Goodman disclosed her Private Information to it on numerous occasions through its Website.

61. Plaintiff Goodman accessed Illinois Retina's Website and Patient Portal in order to receive healthcare services and at Defendants' direction.

62. Plaintiff Goodman has used and continues to use the same device to maintain and access an active Facebook account throughout the relevant period in this case.

63. During the relevant time period, when Illinois Retina's Pixels were present, Plaintiff Goodman used Illinois Retina's Website, https://www.illinoisretina.com/, to conduct research regarding her retinal injury including her specific eye conditions and to use the Patient Portal to review medical records.

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64. Contemporaneously with the interception and transmission of Plaintiff Goodman's communications on the Web Properties, Illinois Retina also disclosed to Meta Plaintiff Goodman's personal identifiers, including but not limited to her IP address and Facebook ID.

65. Plaintiff Goodman reasonably expected that her communications with her healthcare provider via the Web Properties were confidential, solely between herself and Defendants, and that such communications would not be transmitted to or intercepted by a third party.

66. Plaintiff Goodman provided her Private Information to Illinois Retina and trusted that the information would be safeguarded according to its policies and state and federal law.

67. As described herein, Illinois Retina worked along with Facebook to intercept Plaintiff Goodman's communications, including those that contained her Private Information.

68. Illinois Retina willfully facilitated these interceptions without Plaintiff Goodman's knowledge, consent or express written authorization.

69. After submitting her Private Information to Illinois Retina's Website, Plaintiff Goodman began to receive spam and ads on Facebook related to her medical condition.

70. By doing so without her consent, Illinois Retina breached Plaintiff Goodman's privacy and unlawfully disclosed her Private Information.

71. Plaintiff Goodman would not have utilized Illinois Retina' medical services and/or used its Web Properties or would have paid much less for its services had she known that her Private Information would be captured and disclosed to third parties like Facebook without her consent.

B. Plaintiff Stance Schudy

72. Plaintiff Schudy has been a patient of Defendant RCMG since July 2020 and has utilized Defendant RCMG's Website since July 2020 through 2022.

73. As a condition of receiving RCMG's services, Plaintiff Schudy disclosed his Private Information to it on numerous occasions in 2020 and 2021 and 2022, to the best of his recollection.

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74. Plaintiff Schudy accessed RCMG's Website and Patient Portal on his laptop to receive healthcare services from Defendants and at Defendants' direction.

75. Plaintiff Schudy has used and continues to use the same device to maintain and access an active Facebook account throughout the relevant period in this case.

76. During the relevant time period, when RCMG's Pixels were present, Plaintiff Schudy used RCMG's Website to research retinal injury specialists, specific eye conditions such as torn retina and retinal detachment, treatments for torn and/or detached retina, and to look for Defendants' locations close to his address.

77. Plaintiff Schudy used the Patient Portal on the RCMG's Website, and used the Web Properties to book appointments and to access his medical records.

78. Contemporaneously with the interception and transmission of Plaintiff Schudy's communications on RCMG's Website, RCMG also disclosed to Meta Plaintiff Schudy's personal identifiers, including but not limited to his IP address and Facebook ID.

79. Plaintiff Schudy reasonably expected that his communications with RCMG via the Web Properties were confidential, solely between himself and his healthcare provider, and that such communications would not be transmitted to or intercepted by a third party.

80. Plaintiff Schudy provided his Private Information to RCMG and trusted that the information would be safeguarded according to Defendants' policies and state and federal law.

81. As described herein, Defendants worked along with Facebook to intercept Plaintiff Schudy's communications, including those that contained his Private Information.

82. Defendants willfully facilitated these interceptions without Plaintiff Schudy's knowledge, consent or express written authorization.

83. After submitting his Private Information to Defendants, Plaintiff Schudy began to receive spam and ads on Facebook related to his medical condition, specifically ads for retinal injury specialists and treatments.

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84. On information and good faith belief, Plaintiff Schudy began receiving these ads after his Private Information concerning his medical condition was disclosed by Defendants through the Pixel to Meta.

85. By doing so without his consent, RCMG breached Plaintiff Schudy's privacy and unlawfully disclosed his Private Information.

86. Plaintiff Schudy would not have utilized RCMG's medical services and/or used its Web Properties or would have paid much less for its services had he known that his Private Information would be captured and disclosed to third parties like Facebook without his consent.

CLASS ALLEGATIONS

87. **Class Definition**: Plaintiffs bring this action on their own behalf and on behalf of the Portal Class and the Visitor Class (the "Classes"), pursuant to 735 ILCS 5/2-801 defined as follows:

The **Visitor Class** that Plaintiffs seek to represent is defined as:

All individuals residing in the United States who accessed any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available website interaction data.

California Visitor Subclass

All individuals residing in the State of California who accessed any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available website interaction data.

Illinois Visitor Subclass

All individuals residing in the State of Illinois who accessed any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available website interaction data.

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The **Portal Class** that Plaintiffs seek to represent is defined as:

All individuals residing in the United States who accessed the portal pages through any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available portal interaction data.

California Portal Subclass

All individuals residing in the State of California who accessed the portal pages through any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available portal interaction data.

Illinois Portal Subclass

All individuals residing in the State of Illinois who accessed the portal pages through any of the RCA Entities' Websites during the alleged implementation period of Meta Pixel, Google Analytics, Google Tag Manager or other purported advertising tracking technology, as reflected in available portal interaction data.

88. Plaintiffs may alter the class definition to conform to developments in the case and discovery.

89. The proposed class meets all requirements under 735 ILCS 5/2-801.

90. The Visitor Class and Portal Class are referred to collectively as the "Classes." The California Visitor Subclass and California Portal Subclass are referred to collectively as the "California Subclasses." The Illinois Visitor Subclass and Illinois Portal Subclass are referred to collectively as the "Illinois Subclasses."

91. **The following people are excluded from the Classes**: (1) any Judge or Magistrate presiding over this action and members of their immediate families; (2) Defendants, Defendants' subsidiaries, parents, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest and its current or former officers and directors; (3) persons who properly execute and file a timely request for exclusion from the Class; (4) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released; (5) Plaintiffs'

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counsel and Defendants' counsel; and (6) the legal representatives, successors, and assigns of any such excluded persons.

92. **Numerosity:** Upon information and belief, the class is so numerous that joinder of all individual plaintiffs would be impracticable. The exact number of class members is presently unknown, but it is reasonable to infer that more than 40 members of each of the Classes and Subclasses. Class members can be easily identified through Defendants' records or by other means. Class members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. mail, electronic mail, Internet postings, and/or published notice.

93. **Commonality and Predominance:** This action involves common questions of law and fact, which predominate over any questions affecting individual class members, including, without limitation:

i. Whether Defendants' acts and practices violated the Electronic Communications Privacy Act, 18 U.S.C. §2511(1), *et seq*.;

ii. Whether Defendants owed a duty to Plaintiffs and Class Members not to disclose their Private Information to unauthorized third parties;

iii. Whether Defendants breached their duty to Plaintiffs and Class Members not to disclose their Private Information to unauthorized third parties;

iv. Whether Defendants represented to Plaintiffs and the Class Members that they would protect Plaintiffs' and the Class Members' Private Information;

v. Whether Defendants violated Plaintiffs' and Class Members' privacy rights;

vi. Whether the Defendants were unjustly enriched by their allegedly unlawful actions and inactions;

vii. Whether Defendants' acts and practices violated the Illinois Eavesdropping Act, ILCS 720 § 5/14-1, *et seq*.;

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viii. Whether Defendants' practices violated California's Confidentiality of Medical Information Act, Civ. Code §§ 56, *et seq.*;

ix. Whether Defendants engaged in a common course of conduct giving rise to federal claims and analogous state-law privacy and interception claims arising from the same factual predicate;

x. Whether Plaintiffs and Class Members are entitled to actual damages, enhanced damages, statutory damages, and other monetary remedies provided by equity and law; and,

xi. Whether injunctive and declaratory relief, restitution, disgorgement, and other equitable relief is warranted.

94. **Adequacy of Representation:** Plaintiffs are adequate representatives of the class because their interests do not conflict with the interests of the class members they seek to represent and Plaintiffs intend to prosecute this action vigorously. Plaintiffs have retained counsel competent and highly experienced in complex and class action litigation, including data privacy litigation. The interests of the class will be fairly and adequately protected by Plaintiffs and Plaintiffs' counsel, and the Plaintiffs' claims are typical of the claims of the class members.

95. **Superiority:** A class action in this case would be superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other detriment suffered by Plaintiffs and the class members are relatively small compared to the burden and expense that would be required to individually litigate their claims against Defendants, so it would be impracticable for class members to individually seek redress for Defendants' wrongful conduct. Individualized litigation creates a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and the judicial system. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

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TOLLING, CONCEALMENT & ESTOPPEL

96. The applicable statutes of limitation have been tolled as a result of Defendants' knowing and active concealment and denial of the facts alleged herein.

97. Defendants secretly incorporated the Meta Pixel into their Web Properties, providing no indication to Users that their User Data, including their Private Information, would be disclosed to unauthorized third parties.

98. Defendants had exclusive knowledge that the Meta Pixel was incorporated on their Web Properties, yet failed to disclose that fact to Users, or inform them that by interacting with their Web Properties Plaintiffs' and Class Members' User Data, including Private Information, would be disclosed to third parties, including Facebook.

99. Plaintiffs and Class Members could not, with due diligence have discovered the full scope of Defendants' conduct because the incorporation of Meta Pixels is highly technical and there were no disclosures or other indications that would inform a reasonable consumer that Defendants were disclosing and allowing Facebook to intercept Users' Private Information.

100. As alleged above, Defendants have a duty to disclose the nature and significance of their data disclosure practices but failed to do so. Defendants are therefore estopped from relying on any statute of limitations under the discovery rule.

COUNT ONE

VIOLATIONS OF ELECTRONIC COMMUNICATIONS PRIVACY ACT ("ECPA")
18 U.S.C. § 2511(1), *et seq*.
Unauthorized Interception, Use, and Disclosure
(On behalf Plaintiffs and the Classes against All Defendants)

101. Plaintiffs repeat the allegations contained in the paragraphs above as if fully set forth herein.

102. The ECPA protects both sending and receipt of communications.

103. 18 U.S.C. § 2520(a) provides a private right of action to any person whose wire or electronic communications are intercepted, disclosed, or intentionally used in violation of Chapter 119.

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104. The transmissions of Plaintiffs' Private Information to Defendants' Web Properties qualify as "communications" under the ECPA's definition of 18 U.S.C. § 2510(12).

105. **Electronic Communications.** The transmission of Private Information between Plaintiffs and Class Members and Defendants' Web Properties with which they chose to exchange communications are "transfer[s] of signs, signals, writing,…data, [and] intelligence of [some] nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects interstate commerce" and are therefore "electronic communications" within the meaning of 18 U.S.C. § 2510(2).

106. **Content.** The ECPA defines content, when used with respect to electronic communications, to "include[] any information concerning the substance, purport, or meaning of that communication." 18 U.S.C. § 2510(8).

107. Defendants' intercepted communications include, but are not limited to, communications to/from Plaintiffs and Class Members regarding PII and PHI, diagnosis of certain conditions, treatment/medication for such conditions, and scheduling of appointments. Furthermore, Defendants intercepted the "contents" of Plaintiffs' communications in at least the following forms:

a. The parties to the communications;

b. The precise text of patient search queries;

c. Personally identifying information such as patients' IP addresses, Facebook IDs, browser fingerprints, and other unique identifiers;

d. The precise text of patient communications about specific doctors;

e. The precise text of patient communications about specific medical conditions;

f. The precise text of information generated when patients requested or made appointments,

g. The precise text of patient communications about specific treatments;

h. The precise text of patient communications about scheduling appointments with medical providers;

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i. The precise text of patient communications about billing and payment;

j. The precise text of specific buttons on Defendants' Web Properties that patients click to exchange communications, including Log-Ins, Registrations, Requests for Appointments, Search, and other buttons;

k. The precise dates and times when patients click to Log-In on Defendants' Web Properties;

l. The precise dates and times when patients visit Defendants' Web Properties; and,

m. Information that is a general summary or informs third parties of the general subject of communications that Defendants send back to patients in response to search queries and requests for information about specific doctors, conditions, treatments, billing, payment, and other information.

108. **Interception**. The ECPA defines the interception as the "acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device" and "contents … include any information concerning the substance, purport, or meaning of that communication." 18 U.S.C. § 2510(4), (8).

109. **Electronic, Mechanical or Other Device**. The ECPA defines "electronic, mechanical, or other device" as "any device … which can be used to intercept a[n] … electronic communication[.]" 18 U.S.C. § 2510(5). The following constitute "devices" within the meaning of 18 U.S.C. § 2510(5):

a. Plaintiffs' and Class Members' browsers;

b. Plaintiffs' and Class Members' computing devices;

c. Defendants' web-servers; and

d. The Pixel code deployed by Defendants to effectuate the sending and acquisition of patient communications.

110. By utilizing and embedding the Pixel on their Web Properties, Defendants intentionally intercepted, endeavored to intercept, and procured another person to intercept, the

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electronic communications of Plaintiffs and Class Members, in violation of 18 U.S.C. § 2511(1)(a).

111. Specifically, Defendants intercepted Plaintiffs' and Class Members' electronic communications via the Pixel, which tracked, stored, and unlawfully disclosed Plaintiffs' and Class Members' Private Information to third parties such as Facebook.

112. By intentionally disclosing or endeavoring to disclose the electronic communications of Plaintiffs and Class Members to affiliates and other third parties, while knowing or having reason to know that the information was obtained through the interception of an electronic communication in violation of 18 U.S.C. § 2511(1)(a), Defendants violated 18 U.S.C. § 2511(1)(c).

113. By intentionally using, or endeavoring to use, the contents of the electronic communications of Plaintiffs and Class Members, while knowing or having reason to know that the information was obtained through the interception of an electronic communication in violation of 18 U.S.C. § 2511(1)(a), Defendants violated 18 U.S.C. § 2511(1)(d).

114. **Unauthorized Purpose**. Defendants intentionally intercepted the contents of Plaintiffs' and Class Members' electronic communications for the purpose of committing a tortious act in violation of the Constitution or laws of the United States or of any State—namely, invasion of privacy, among others.

115. The ECPA provides that a "party to the communication" may liable where a "communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State." 18 U.S.C § 2511(2)(d).

116. Defendants are not a party to the communications based on their unauthorized duplication and transmission of communications with Plaintiffs and the Class. However, even assuming Defendants are a party, Defendants' simultaneous, unknown duplication, forwarding, and interception of Plaintiffs' and Class Members' Private Information does not qualify for the party exemption.

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117. Defendants' acquisition of patient communications that were used and disclosed to Facebook and potentially other third parties, and was done for purposes of committing criminal and/or tortious acts in violation of the laws of the United States and individual States nationwide as set forth herein, including:

a. Violation of HIPAA, 42 U.S.C. § 1320d-6;

b. Violation of the California Confidentiality of Medical Information Act, Cal. Civ. Code § 56, et seq.; and

c. Violation of the Illinois Eavesdropping Act, ILCS 720 § 5/14-1, *et seq*.

118. Defendants' conduct violated 42 U.S.C. § 1320d-6 in that it: 1) used and caused to be used cookie identifiers associated with specific patients without patient authorization and 2) disclosed individually identifiable health information to Facebook without patient authorization.

119. The penalty for violation is enhanced where "the offense is committed with intent to sell, transfer, or use individually identifiable health information for commercial advantage, personal gain, or malicious harm." 42 U.S.C. § 1320d-6.

120. Defendants' conduct would be subject to the enhanced provisions of 42 U.S.C. § 1320d-6 because Defendants' use of the Facebook source code was for Defendants' commercial advantage to increase revenue from existing patients and gain new patients.

121. Defendants are not exempt from ECPA liability under 18 U.S.C. § 2511(2)(d) on the ground that they were participants in Plaintiffs' and Class Members' communications about their Private Information on their Web Properties, because they used their participation in these communications to improperly share Plaintiffs' and Class Members' Private Information with Facebook and third-parties that did not participate in these communications, that Plaintiffs and Class Members did not know third parties were receiving their information, and that Plaintiffs and Class Members did not consent to receive this information.

122. As such, Defendants cannot viably claim any exception to ECPA liability.

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123. Plaintiffs and Class Members have suffered damages as a direct and proximate result of Defendants' invasion of privacy in that:

a. Learning that Defendants have intruded upon, intercepted, transmitted, shared, and used their Private Information for commercial purposes has caused Plaintiffs and the Class Members to suffer emotional distress;

b. Defendants received substantial financial benefits from their use of Plaintiffs' and the Class Members' Private Information without providing any value or benefit to Plaintiffs or the Class Members;

c. Defendants received substantial, quantifiable value from their use of Plaintiffs' and the Class Members' Private Information, such as understanding how people use their Websites and determining what ads people see on their Website, without providing any value or benefit to Plaintiffs or the Class Members;

d. Defendants have failed to provide Plaintiffs and the Class Members with the full value of the medical services for which they paid, which included a duty to maintain the confidentiality of their patient information; and

e. The diminution in value of Plaintiffs' and Class Members' Private Information and the loss of privacy due to Defendants making sensitive and confidential information, such as patient status, medical treatment, and appointments that Plaintiffs and Class Members intended to remain private no longer private.

124. Defendants intentionally used the wire or electronic communications to increase their profit margins. Defendants specifically used the Pixel to track and utilize Plaintiffs' and Class Members' Private Information for financial gain.

125. Defendants were not acting under color of law to intercept Plaintiffs' and the Class Members' wire or electronic communication.

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126. Plaintiffs and Class Members did not authorize Defendants to acquire the content of their communications for purposes of invading their privacy via the Pixel.

127. Any purported consent that Defendants received from Plaintiffs and Class Members was not valid.

128. In sending and acquiring the content of Plaintiffs' and Class Members' communications relating to the browsing of Defendants' Web Properties, Defendants' purpose was tortious, criminal, and designed to violate federal and state legal provisions including a knowing intrusion into a private, place, conversation, or matter that would be highly offensive to a reasonable person.

129. As a result of Defendants' violation of the ECPA, Plaintiffs and the Class are entitled to all damages available under 18 U.S.C. § 2520, including statutory damages of whichever is the greater of $100 a day for each day of violation or $10,000, equitable or declaratory relief, compensatory and punitive damages, and attorney's fees and costs.

.COUNT TWO

UNJUST ENRICHMENT
(On behalf of Plaintiffs and the Classes against All Defendants)

130. Plaintiffs repeat the allegations contained in the paragraphs above as if fully set forth herein.

131. Plaintiffs and Class Members personally and directly conferred a benefit on Defendants by paying Defendants for health care services, which included Defendants' obligation to protect Plaintiffs' and Class Members' Private Information. Defendants were aware of Plaintiffs' privacy expectations, and in fact, promised to maintain Plaintiffs' Private Information confidential and not to disclose to third parties. Defendants received payments for medical services from Plaintiffs and Class Members.

132. Plaintiffs and Class Members also conferred benefits on Defendants in the form of valuable sensitive medical information that Defendants collected from Plaintiffs and Class

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Members under the guise of keeping this information private. Defendants collected, used, and disclosed this information for their own gain, including for advertisement, market research, sale, or trade for valuable benefits from Facebook and other third parties. Defendants had knowledge that Plaintiffs and Class Members had conferred this benefit on Defendants by interacting with their website, and Defendants intentionally installed the Meta Pixel tool on their websites to capture and monetize this benefit conferred by Plaintiffs and Class Members.

133. Plaintiffs and Class Members would not have used the Defendants' services and websites had known that Defendants would collect, use, and disclose this information to Facebook, Google, and other third parties. The services that Plaintiffs and Class Members ultimately received in exchange for the monies paid to Defendants were worth quantifiably less than the services that Defendants promised to provide, which included Defendants' promise that any patient communications with Defendants would be treated as confidential and would never be disclosed to third parties for marketing purposes without the express consent of patients.

134. The medical services that Defendants offer are available from many other health care systems that do protect the confidentiality of patient communications. Had Defendants disclosed that they would allow third parties to secretly collect Plaintiffs' and Class Members' Private Information without consent, neither Plaintiff, the Class Members, nor any reasonable person would have purchased healthcare from Defendants and/or their affiliated healthcare providers.

135. By virtue of the unlawful, unfair and deceptive conduct alleged herein, Defendants knowingly realized hundreds of millions of dollars in revenue from the use of the Private Information of Plaintiffs and Class Members for profit by way of targeted advertising related to Users' respective medical conditions and treatments sought.

136. This Private Information, the value of the Private Information, and/or the attendant revenue, were monetary benefits conferred upon Defendants by Plaintiffs and Class Members.

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137. As a result of Defendants' conduct, Plaintiffs and Class Members suffered actual damages in the loss of value of their Private Information and the lost profits from the use of their Private Information.

138. It would be inequitable and unjust to permit Defendants to retain the enormous economic benefits (financial and otherwise) they have obtained from and/or at the expense of Plaintiffs and Class Members.

139. Defendants will be unjustly enriched if they are permitted to retain the economic benefits conferred upon them by Plaintiffs and Class Members through Defendants' obtaining the Private Information and the value thereof, and profiting from the unlawful, unauthorized and impermissible use of the Private Information of Plaintiffs and Class Members.

140. Plaintiffs and Class Members are therefore entitled to recover the amounts realized by Defendants at the expense of Plaintiffs and Class Members.

141. Plaintiffs and the Class Members have no adequate remedy at law and are therefore entitled to restitution, disgorgement, and/or the imposition of a constructive trust to the recover the amount of Defendants' ill-gotten gains, and/or other sums as may be just and equitable.

COUNT THREE

NEGLIGENCE - COMMON LAW
(On behalf of Plaintiff Goodman and the Illinois Subclasses against Defendants Illinois Retina and RCA)

142. Plaintiffs repeat the allegations contained in the paragraphs above as if fully set forth herein.

143. Plaintiff Sarah Goodman (for purposes of this section, "Illinois Plaintiff") brings this claim on behalf of herself and the Illinois Subclasses against Defendants Illinois Retina and RCA. (Collectively for this section "Defendants").

144. Defendants owed the Illinois Plaintiff and Illinois Subclasses a duty to keep their Private Information completely confidential, and to safeguard sensitive personal and medical information.

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145. The Illinois Plaintiff and Illinois Subclasses had reasonable expectations of privacy in their communications exchanged with Defendants, including communications exchanged on Defendants' Web Properties.

146. Contrary to their duties as medical providers and their express promises of confidentiality, Defendants installed their tracking technologies to disclose and transmit Illinois Plaintiff's and Illinois Subclasses' communications with Defendants to third parties as well, including Private Information and the contents of such information.

147. These disclosures were made without Illinois Plaintiff's and Illinois Subclasses' knowledge, consent, or authorization.

148. The third-party recipients included, but may not be limited to, Facebook and/or Google.

149. As a direct and proximate cause of Defendants' unauthorized disclosures of patient personally identifiable, non-public medical information, and communications, the Illinois Plaintiff and Illinois Subclasses were damaged by Defendants' breach in that:

a. Sensitive and confidential information that the Illinois Plaintiff and Illinois Subclasses intended to remain private is no longer private;
b. Illinois Plaintiff and Illinois Subclasses face ongoing harassment and embarrassment in the form of unwanted targeted advertisements;
c. Defendants eroded the essential confidential nature of the provider-patient relationship;
d. General damages for invasion of their rights in an amount to be determined by a jury;
e. Nominal damages for each independent violation;
f. Defendants took something of value from Illinois Plaintiff and Illinois Subclasses and derived benefit therefrom without Illinois Plaintiff's and Illinois Subclasses' knowledge or informed consent and without compensation for such data;
g. Illinois Plaintiff and Illinois Subclasses did not get the full value of the medical

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services for which they paid, which included Defendants' duty to maintain confidentiality;

h. Defendants' actions diminished the value of Illinois Plaintiff's and Illinois Subclasses' Private Information; and Defendants' actions violated the property rights of the Illinois Plaintiff and Illinois Subclasses have in their Private Information.

COUNT FOUR

VIOLATION OF THE ILLINOIS EAVESDROPPING ACT
ILCS 720 § 5/14-1, ET SEQ.
***(On behalf of Plaintiff Goodman and the Illinois Subclasses against Defendants Illinois Retina and RCA*)**

150. The Plaintiffs repeat the allegations contained in the paragraphs above as if fully set forth herein.

151. Plaintiff Sarah Goodman (for purposes of this section, "Illinois Plaintiff") brings this claim on behalf of herself and the Illinois Subclasses against Defendants Illinois Retina and RCA. (Collectively for this section "Defendants").

152. Defendants knowingly and intentionally intercepted, recorded or transcribed, in a surreptitious manner, Illinois Plaintiff's and the Illinois Subclasses' private electronic communications, without consent, in violation of 720 Ill. Comp. Stat. 5/14-2(1).

153. 720 Ill. Comp. Stat. 5/14-2 provides, in relevant part, that:

> (a) A person commits eavesdropping when he or she knowingly and intentionally:
>
> ***
>
> (3) Intercepts, records, or transcribes, in a surreptitious manner, any private electronic communication to which he or she is not a party unless he or she does so with the consent of all parties to the private electronic communication; [or]
>
> (5) Uses or discloses any information which he or she knows or reasonably should know was obtained from a private conversation or private electronic communication in violation of this Article, unless he or she does so with the consent of all of the parties.

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154. Upon information and belief, Defendants have used or disclosed information that they knew or reasonably should have known was obtained from a private electronic communication in violation of 720 Ill. Comp. Stat. Ann. 5/14-1, et seq.

155. The Defendants did not notify the Illinois Plaintiff or Illinois Subclasses of the above-described intentional interception, disclosure and/or use of their wire or electronic communications, nor did the Illinois Plaintiff or Illinois Subclasses consent to such interception, disclosure, and or use.

156. Upon information and belief, Defendants are, or may engage in the future, in the above-described intentional interception, disclosure, and/or use of Illinois Plaintiff's and Illinois Subclasses' wire or electronic communications. Therefore, the Illinois Plaintiff and Illinois Subclasses are entitled to, and do, seek injunctive relief prohibiting the Defendants from violating provisions of the Illinois Eavesdropping Act in the future.

157. As a result of the Defendants' intentional interception, disclosure, and/or use of the Illinois Plaintiff's and Illinois Subclasses' wire or electronic communications in violation of 720 Ill. Comp. Stat. 5/14-1, *et seq*., the Illinois Plaintiff and Illinois Subclasses are entitled to an injunction by this Court, actual damages as a result of the violations, and punitive damages, pursuant to 720 Ill. Comp. Stat. 5/14-6.

COUNT FIVE

VIOLATION OF THE CONFIDENTIALITY OF MEDICAL INFORMATION ACT CAL. CIV. CODE §§ 56, *et seq*.
(*On behalf of Plaintiff Schudy and the California Subclasses against Defendants RCMG and RCA*)

158. The Plaintiffs repeat the allegations contained in the paragraphs above as if fully set forth herein.

159. Plaintiff Stance Schudy (for purposes of this section, "California Plaintiff") brings this claim on behalf of himself and the California Subclasses against Defendants RCMG and RCA. (Collectively for this section "Defendants").

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160. Defendants are subject to the CMIA pursuant to California Civil Code § 56.10 because they are each a "provider of health care" as defined by California Civil Code § 56.06(b); and they operate hospitals, provide health care, maintain medical information, and offer software to consumers designed to maintain medical information for the purposes of communications with doctors, receipt of diagnosis, treatment, or management of medical conditions.

161. Section 56.10 states, in pertinent part, that "[n]o provider of health care . . . shall disclose medical information regarding a patient of the provider of health care . . . without first obtaining an authorization . . . ."

162. Section 56.101 of the CMIA states, in pertinent part, that "[a]ny provider of health care . . . who negligently creates, maintains, preserves, stores, abandons, destroys, or disposes of medical information shall be subject to the remedies and penalties . . ." Cal. Civ. Code §§ 56.10, 56.101.

163. California Plaintiff's and the California Subclasses' Private Information constitute "medical information" under the CMIA because it consists of individually identifiable information in possession of and derived from a provider of healthcare regarding the California Plaintiff's and California Subclasses' medical history, test results, mental or physical condition, and/or treatment.

164. The Defendants violated Cal. Civ. Code § 56.10 because they failed to maintain the confidentiality of Users' medical information, and instead "disclose[d] medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization" by soliciting, intercepting, and receiving the California Plaintiff's and California Subclasses' Private Information, and sharing it with advertisers and for advertising purposes. Specifically, the Defendants knowingly, willfully, or negligently disclosed California Plaintiff's and California Subclasses' medical information to Facebook, allowing Facebook to now advertise and target them, misusing their extremely sensitive Private Information.

165. Defendants violated Cal. Civ. Code § 56.101 because they knowingly, willfully, or negligently failed to create, maintain, preserve, store, abandon, destroy, and dispose of medical

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information in a manner that preserved its confidentiality by soliciting, intercepting, and receiving California Plaintiff's and the California Subclasses' Private Information, and sharing it with advertisers and for advertising purposes, Facebook's and Defendants' financial gain.

166. Defendants intentionally embedded Facebook Pixels, which facilitates the unauthorized sharing of California Plaintiff's and the California Subclasses' medical information.

167. Defendants violated Cal Civ. Code § 56.36(b) because they negligently released confidential information and records concerning California Plaintiff's and the California Subclasses' in violation of their rights under the CMIA.

168. As a direct and proximate result of Defendants' misconduct, California Plaintiff and the California Subclasses had their private communications containing information related to their sensitive and confidential Private Information intercepted, disclosed, and used by third parties.

169. As a result of Defendants' unlawful conduct, the California Plaintiff and California Subclasses suffered an injury, including violation to their rights of privacy, loss of the privacy of their Private Information, loss of control over their sensitive personal information, and suffered aggravation, inconvenience, and emotional distress.

170. The California Plaintiff and the California Subclasses are entitled to: (a) nominal damages of $1,000 per violation; (b) actual damages, in an amount to be determined at trial; (c) reasonable attorneys' fees, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs on behalf of themselves and the Proposed Classes defined herein, respectfully request:

A. Certification of the proposed class;

B. Designation of Plaintiffs as representatives of the proposed classes and designation of Plaintiffs' counsel as Class Counsel;

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C. That the Court award Plaintiffs and the Class Members actual and statutory damages;

D. That the Court issue appropriate equitable and any other relief against Defendants to which Plaintiffs and the Classes are entitled;

E. An award of reasonable attorneys' fees and costs of suit; and

F. Any and all other such relief as the Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiffs demand a jury trial on all triable issues.

Dated: June 10, 2026

Respectfully Submitted,

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