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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HENRY YEH, on behalf of himself, all others
similarly situated, and the general public,

Plaintiff,

v.

TESLA, INC.,

Defendant.

Case No: 3:23-cv-01704

CLASS ACTION

COMPLAINT

DEMAND FOR JURY TRIAL

1 Plaintiff HENRY YEH, on behalf of himself, all others similarly situated, and the general public, by
2 and through his undersigned counsel, hereby sues Defendant TESLA, INC. (“Tesla”), and alleges the
3 following upon his own knowledge, or where he lacks personal knowledge, upon information and belief,
4 including the investigation of his counsel.

5 **INTRODUCTION**

6 1. Tesla is a manufacturer of electric vehicles that incorporate cameras into the vehicles’
7 “Autopilot” systems. Since at least 2019, the cameras in Tesla vehicles captured highly-invasive videos and
8 images of the cars’ owners, which Tesla employees were able to access—not for the stated purposes of
9 communication, fulfillment of services, and enhancement of Tesla vehicle driving systems—but for the
10 tasteless and tortious entertainment of Tesla employees, and perhaps those outside the company, and the
11 humiliation of those surreptitiously recorded.

12 2. By virtue of this defective system, Tesla employees accessed and circulated recordings of
13 Tesla customers in private and embarrassing situations, without their consent including, for example, video
14 of a man approaching a Tesla vehicle completely naked, and video of vehicle crashes and road-rage
15 incidents. Tesla employees also shared pictures of family pets, which were made into memes by
16 embellishing them with captions or commentary before posting them in group chats. While some postings
17 were only shared between a few employees, others could be seen by “scores” of Tesla employees. And as
18 is common with internet culture, many of these videos and images were very likely shared with persons
19 outside the company.

20 3. That such videos and images were made available to Tesla employees to view and share, at
21 will, and for improper purposes, affects each and every person with a Tesla vehicle, their families,
22 passengers, and even guests in their homes.

23 4. Plaintiff brings this action against Tesla on behalf of himself, similarly-situated Class
24 Members, and the general public to enjoin Tesla from engaging in its wrongful behavior, including violating
25 the privacy of customers and others, and to recover actual and punitive damages.

26 **JURISDICTION & VENUE**

27 5. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(d)(2) (The Class
28 Action Fairness Act) because the matter in controversy exceeds the sum or value of \$5,000,000, exclusive

1 of interest and costs, and at least one member of the class of plaintiffs is a citizen of a State different from
2 Tesla. In addition, more than two-thirds of the members of the class reside in states other than the state in
3 which Tesla is a citizen and in which this case is filed, and therefore any exceptions to jurisdiction under 28
4 U.S.C. § 1332(d) do not apply.

5 6. The Court has personal jurisdiction over Tesla as a result of Tesla’s substantial, continuous
6 and systematic contacts with the State, and because Tesla has purposely availed itself of the benefits and
7 privileges of conducting business activities within the State, including by marketing, distributing, and selling
8 Tesla automobiles in California. Moreover, during much of the time of the alleged behavior, Tesla was
9 headquartered and had its principal place of business in California.

10 7. Venue is proper in this Southern District of California pursuant to 28 U.S.C. § 1391(b) and
11 (c), because Tesla resides (*i.e.*, is subject to personal jurisdiction) in this district, and because a substantial
12 part of the events or omissions giving rise to the claims occurred in this district.

13 **INTRADISTRICT ASSIGNMENT**

14 8. Pursuant to N.D. Cal. Civ. L.R. 3-2(c), (d) & 3-5(b), this action is properly assigned to either
15 the San Francisco or Oakland division because a substantial part of the events and omissions which give
16 rise to the claim occurred in San Mateo County.

17 **PARTIES**

18 9. Plaintiff Henry Yeh is a citizen of California because he resides and is domiciled in South
19 San Francisco, California. Mr. Yeh owns a 2022 Tesla Model Y, which he ordered in November 2021 and
20 took delivery of in February 2022.

21 10. Defendant Tesla is a Delaware corporation. Tesla was founded in San Carlos, California in
22 2003 and remained headquartered in California through December 1, 2021, on which date it relocated its
23 headquarters to Austin, Texas.

24 **FACTS**

25 **I. TESLA CAMERAS CAPTURE AND RECORD EVENTS WITHIN AND OUTSIDE TESLA**
26 **VEHICLES**

27 11. Tesla designs and manufactures electric vehicles. It is one of the world’s most valuable
28 companies and, as of 2023, was the world’s most valuable automaker. In 2021, the company had the most

1 worldwide sales of battery fully-electric vehicles and plug-in electric vehicles, capturing 21% of the battery-
2 electric market and 14% of the plug-in market.

3 12. Tesla's Autopilot system, an advanced driver-assistance system, is integral to Tesla electric
4 vehicles. Since September 2014, all Tesla cars have been shipped with sensors and software to support the
5 Autopilot system. The system includes eight cameras to capture 360 degrees around the vehicles and, for
6 many models, including Plaintiff's Model Y, a driver-facing camera. These cameras and the Autopilot
7 system capture, record, and store activities taking place both within and outside Tesla vehicles.

8 13. In its Customer Privacy Notice, Tesla assures its millions of electric car owners that "Your
9 privacy is and will always be enormously important to us"; that the cameras in its vehicles are "designed
10 from the ground up to protect your privacy"; and that "camera recordings remain anonymous and are not
11 liked to your or your vehicle."¹

12 14. Tesla further promises its customers that it will only ever use the videos and images it collects
13 to "Communicate with you; Fulfill our products and services; and Improve and enhance development of our
14 products and services."²

15 **II. IN VIOLATION OF ITS PRIVACY POLICY AND THEIR RIGHTS TO PRIVACY, TESLA**
16 **STORED—AND TESLA EMPLOYEES ACCESSED, USED, AND SHARED—VIDEO**
17 **RECORDINGS AND IMAGES OF CUSTOMERS, WITHOUT THEIR CONSENT**

18 15. Between 2019 and 2022, Tesla employees, for their own personal reasons, and not for any
19 legitimate business reason, viewed and shared sensitive images recorded by Tesla customers' vehicle
20 cameras. At times, employees would circulate these videos and images, sometimes after embellishing them.

21 16. One crash video in 2021, for example, showed a Tesla driving at high speed in a residential
22 area hitting a child riding a bike. The child flew in one direction, the bike in another. The video quickly
23 spread around a Tesla office in San Mateo, California, via private one-on-one chats.

24 17. Some recordings appeared to have been made when cars were parked and turned off.
25 According to one former Tesla employee, for example, "We could see inside people's garages and their

26 _____
27 ¹ Tesla Customer Privacy Notice, <https://www.tesla.com/legal/privacy>. A true and correct copy of the
28 Privacy Notice is attached hereto as Exhibit 1 and expressly incorporated into this Complaint.

² *Id.*

1 private properties. Let’s say that a Tesla customer had something in their garage that was distinctive, you
2 know, people would post those kinds of things.”

3 18. Moreover, contrary to Tesla’s representation that its camera recordings cannot be linked to
4 individuals and their vehicles, the system Tesla used was, in fact, capable of—and did—show the location
5 of recordings, meaning anyone viewing the videos and images could determine exactly where the Tesla
6 owner lived, *i.e.*, who the Tesla owner was.

7 19. Some former Tesla employees were troubled by these practices and opined “it was a breach
8 of privacy.” One employee even stated that the employee “would never buy a Tesla after seeing how they
9 treated some of these people.” Another former Tesla said, “I’m bothered by it because the people who buy
10 the car, I don’t think they know that their privacy is, like, not respectedWe could see them doing
11 laundry and really intimate things. *We could see their kids.*”

12 20. David Choffnes, executive director of the Cybersecurity and Privacy Institute at Northeastern
13 University in Boston, called the sharing of sensitive videos and images by Tesla employees “morally
14 reprehensible.” Another expert noted that Tesla’s actions have “nothing to do with the provision of a safe
15 or secure car or the functionality” of Tesla’s self-driving system.

16 21. Tesla has a history of privacy violations. In February 2023, for example, Tesla agreed to
17 change camera settings on vehicles sold in the European Union after a Dutch privacy regulator found that
18 the previous settings allowed privacy violations.³

19 22. Tesla’s conduct in violating privacy rights and reasonable expectations of privacy of Plaintiff
20 and Class members is particularly egregious. Tesla captures recordings of people vulnerable on their own
21 property, in their own garages, and even in their own homes, including at least one instance where Tesla
22 cameras captured video of a man naked in his home. Tesla also captured and disseminated videos and images
23 of customers’ pets and even their children—a group that society has long recognized as vulnerable to
24 exploitation and manipulation. Indeed, parents’ interest in their children’s privacy is one of the most
25 fundamental liberty interests society recognizes.

26
27 ³ Catherine Stupp, *Tesla to Change Camera Settings in Europe Over Privacy Fears*, WALL STREET JOURNAL
28 (Feb. 22, 2023), at <https://www.wsj.com/articles/tesla-to-change-camera-settings-in-europe-over-privacy-fears-4e15009>.

1 23. “Invasion of privacy has been recognized [in California] as a common law tort for over a
2 century.” *Matera v. Google Inc.*, 2016 WL 5339806, at *10 (N.D. Cal, Sept. 23, 2016) (citing Restatement
3 (Second) of Torts §§ 652A-I for the proposition “that the right to privacy was first accepted by an American
4 court in 1905, and ‘a right to privacy is now recognized in the great majority of the American jurisdictions
5 that have considered the question’”). “The common law secures to each individual the right of determining,
6 ordinarily, to what extent his thoughts, sentiments, and emotions shall be communicated to others.” Samuel
7 D. Warren & Louis Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193, 198 (1890).

8 24. The Restatement (Second) of Torts recognizes the same privacy rights through its tort of
9 intrusion upon seclusion, explaining that “[o]ne who intentionally intrudes, physically or otherwise, upon
10 the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for
11 invasion of his privacy.” Restatement (Second) of Torts § 652B (1977). The Supreme Court has similarly
12 recognized the primacy of privacy rights, explaining that the Constitution operates in the shadow of a “right
13 to privacy older than the Bill of Rights.” *Griswold v. Connecticut*, 381 U.S. 479, 486 (1965).

14 25. California amended its constitution in 1972 to specifically enumerate a right to privacy in its
15 very first section, and courts have recognized that this affords individuals a private right of action for
16 invasions of their privacy. See CAL. CONST. ART. I, § 1. The California Supreme Court has recognized the
17 fundamental injuries at stake in privacy violations, explaining as follows:

18 [A] measure of personal isolation and personal control over the conditions of its abandonment
19 is of the very essence of personal freedom and dignity . . . A [person] . . . whose conversations
20 may be overhead at the will of another . . . is less of a [person], has less human dignity, on that
account. He who may intrude upon another at will is the master of the other and, in fact,
intrusion is a primary weapon of the tyrant.

21 *Shulman v. Grp. W Prods., Inc.*, 18 Cal. 4th 200, 231 (1998) (quoting Edward J. Bloustein, *Privacy as an*
22 *Aspect of Human Dignity: An Answer to Dean Prosser*, 39 N.Y.U. L. REV. 962, 973-74 (1964)); *see also*
23 *Gill v. Curtis Pub. Co.*, 38 Cal. 2d 273, 276 (1952) (“Recognition has been given of a right to privacy,
24 independent of the common rights to property, contract, reputation and physical integrity In short, it is
25 the right to be let alone.” (internal quotation marks omitted)).

26 26. Tesla had reasonable alternatives to the defective camera system that allowed Tesla
27 employees to access private video and images of customers without their consent. For example, Tesla could
28

1 have not captures the images in the first place, or could have ensured that any video, images, and biometric
2 data included therein, were inaccessible by Tesla employees.

3 27. Given Tesla’s defective system for maintaining the privacy of video and images captured by
4 Tesla cameras, the only surefire fix to Tesla’s invasion of privacy is to disable the cameras. Thus, Tesla
5 drivers face a dilemma: continue to have their privacy invaded, or disable their Tesla vehicles cameras.

6 28. While it is technically possible to disable the cameras on a Tesla vehicle, doing so has a
7 significant impact on the functionality of the vehicle’s various safety and driver assistance features,
8 including the Autopilot system. Disabling the cameras also likely voids the warranty on the Tesla vehicles.
9 As a result, if Tesla drivers want to avoid future invasions of their privacy, the value of their Tesla vehicles
10 would almost certainly decrease, and substantially so.

11 29. Moreover, disabling the cameras is difficult and requires technical expertise, which Plaintiff
12 and most Class members don’t have. Thus, in order to disable the cameras, Plaintiff and Class members will
13 have to hire an authorized service technician to do it for them, which is an additional expense incurred to
14 avoid having their privacy invaded in the future.

15 **CLASS ACTION ALLEGATIONS**

16 30. While reserving the right to redefine or amend the class definition prior to or as part of a
17 motion seeking class certification, pursuant to Federal Rule of Civil Procedure 23, Plaintiff seeks to
18 represent a class of all persons in the United States, and separately a subclass all persons in California (the
19 “California Subclass”), who, at any time from four years preceding the date of the filing of this Complaint
20 to the time a class is notified (the “Class Period”), owned or leased a Tesla vehicle (the “Class,” which
21 includes the California Subclass).

22 31. The members in the proposed Class are so numerous that individual joinder of all members
23 is impracticable, and the disposition of the claims of all Class Members in a single action will provide
24 substantial benefits to the parties and Court.

25 32. Questions of law and fact common to Plaintiff and the Class include:

26 a. Whether Tesla collected and stored videos, images, and/or biometric data of Class
27 Members;

1 b. Whether Tesla employees could access or did access videos, images, and/or biometric
2 data of class members;

3 c. Whether Tesla’s collection, storage, and dissemination of videos, images, and
4 biometric data of Class Members as described herein was highly offensive to a reasonable person;

5 d. Whether Tesla’s conduct constituted an invasion of privacy based on California’s
6 common law protection against intrusion upon seclusion public policy;

7 e. Whether Tesla’s conduct constitutes a violation of the California Constitution right
8 to privacy;

9 f. Whether Tesla’s conduct violated the California Unfair Competition Law because it
10 was fraudulent, unlawful, or unfair;

11 g. Whether Plaintiff and the Class are entitled to monetary damages and the measure of
12 those damages;

13 h. Whether Plaintiff and Class are entitled to restitution, disgorgement and/or other
14 equitable and injunctive relief;

15 i. Whether Plaintiff and the Classes are entitled to injunctive or other equitable relief;
16 and

17 j. The proper amount of attorneys’ fees.

18 33. These common questions of law and fact predominate over questions that affect only
19 individual Class Members.

20 34. Plaintiff’s claims are typical of Class Members’ claims because they are based on the same
21 underlying facts, events, and circumstances relating to Tesla’s conduct.

22 35. Plaintiff will fairly and adequately represent and protect the interests of the Class, has no
23 interests incompatible with the interests of the Class, and has retained counsel competent and experienced
24 in class action litigation.

25 36. Class treatment is superior to other options for resolution of the controversy because the
26 relief sought for each Class Member is small, such that, absent representative litigation, it would be
27 infeasible for Class Members to redress the wrongs done to them.

1 37. Tesla has acted on grounds applicable to the Class, thereby making appropriate final
2 injunctive and declaratory relief concerning the Class as a whole.

3 38. As a result of the foregoing, class treatment is appropriate under Fed. R. Civ. P. 23(a),
4 23(b)(2), and 23(b)(3).

5 **CAUSES OF ACTION**

6 **FIRST CAUSE OF ACTION**

7 **Intrusion Upon Seclusion**

8 39. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
9 fully herein.

10 40. Plaintiff and Class Members have reasonable expectations of privacy in their homes and in
11 their vehicles, generally. The expectation of privacy in their homes is intrinsic. Their expectation of privacy
12 in their vehicles stemmed from Tesla's clearly-stated policy that it would not misuse videos or images it
13 captures of customers in their vehicles.

14 41. Tesla's intrusions by viewing and sharing videos and images of customers and their
15 activities, even in their own homes, are highly offensive to a reasonable person. This is evidenced by, *inter*
16 *alia*, Tesla's own employees' accounts of Tesla's actions. It is also evidenced by the fact that Tesla recorded
17 and shared images and videos of children, exploiting their special vulnerabilities.

18 42. Plaintiff and Class members were harmed by the intrusion into their private affairs as detailed
19 throughout this Complaint. Tesla's actions and conduct complained of herein were a substantial factor in
20 causing the harm suffered by Plaintiff and Class members.

21 43. Plaintiff and Class members therefore seek (1) injunctive relief, in the form of orders
22 compelling Tesla's cessation of recording, viewing, and sharing videos and images in violation of state law,
23 and destruction of all personal data obtained in violation of state law; and (2) compensatory and punitive
24 damages in an amount to be determined at trial.

25 44. Plaintiff and Class members seek punitive damages because Tesla's actions—which were
26 malicious, oppressive, willful—were calculated to injure Plaintiff and other Class Members and made in
27 conscious disregard of their rights. Punitive damages are warranted to deter Tesla from engaging in future
28 misconduct.

SECOND CAUSE OF ACTION

Violation of California’s Constitutional Right to Privacy,

Cal. Const. Art. 1, § 1

(On Behalf of the California Subclass)

1
2
3
4
5 45. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
6 fully herein.

7 46. Plaintiff and the California Subclass Members’ private affairs include their behavior in their
8 homes, on their property, and in their vehicles, as well as any other behavior that may be monitored by the
9 surreptitious recording or otherwise enabled by Defendant.

10 47. Defendant intentionally intruded on and into Plaintiff’s and the California Subclass
11 Members’ solitude, seclusion, or private affairs by intentionally and surreptitiously recording, reviewing,
12 sharing, and/or retaining Plaintiff’s and the California Subclass Members’ activities through the monitoring
13 and recording activities described herein.

14 48. These intrusions are highly offensive to a reasonable person.

15 49. These societal expectations and laws created a duty that Defendant owed to Plaintiff and
16 California Subclass Members. Defendant breached that duty by surreptitiously recording, reviewing,
17 sharing, and/or retaining Plaintiff’s and the California Subclass Members’ activities through the monitoring
18 and recording activities described herein.

19 50. Defendant’s conduct described herein violated Plaintiff’s and the California Subclass
20 Members’ right to privacy, as guaranteed by ART. 1, § 1 of the California Constitution.

21 51. Plaintiff and the California Subclass Members were harmed by the intrusion into their private
22 affairs as detailed throughout this Complaint. Defendant’s actions and conduct complained of herein were
23 a substantial factor in causing the harm suffered by Plaintiff and the California Subclass Members.

24 52. Plaintiff, on their own behalf and on behalf of the California Subclass Members, therefore
25 seeks (1) injunctive relief compelling Defendant’s cessation of recording, viewing, and sharing videos and
26 images in violation of state law and destruction of all personal data obtained in violation of state law; and
27 (2) compensatory and punitive damages in an amount to be determined at trial. Plaintiff and the California
28 Subclass Members seek punitive damages because Defendant’s actions—which were malicious, oppressive,

1 and willful—were calculated to injure them and were made in conscious disregard of their rights. Punitive
2 damages are warranted to deter Defendant from engaging in future misconduct.

3 **THIRD CAUSE OF ACTION**

4 **Violation of the California Unfair Competition Law,**

5 **Cal. Bus. & Prof. Code §§ 17200, *et seq.***

6 53. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
7 fully herein.

8 54. The UCL prohibits any “unlawful, unfair or fraudulent business act or practice.” Cal. Bus. &
9 Prof. Code § 17200.

10 55. The acts, omissions, misrepresentations, practices, and non-disclosures of Tesla alleged
11 herein constitute business acts and practices.

12 **Fraudulent**

13 56. The acts, omissions, misrepresentations, practices, and non-disclosures of Tesla were
14 fraudulent because they induced Plaintiffs and other Class Members to purchase or lease Tesla electric
15 vehicles under false pretenses.

16 **Unlawful**

17 57. The acts of Tesla alleged herein are “unlawful” under the UCL in that, as alleged herein, they
18 violate at least the California Constitutional right to privacy and the Consumer Legal Remedies Act, and
19 further constitute breach of contract, negligence, negligent misrepresentation, intentional misrepresentation,
20 and unjust enrichment.

21 58. Plaintiff reserves the right to allege other violations of law that constitute other unlawful
22 business acts or practices.

23 **Unfair**

24 59. Tesla’s conduct was unfair because it was immoral, unethical, unscrupulous, or substantially
25 injurious to consumers, and the utility of its conduct, if any, did not outweigh the gravity of the harm to its
26 consumers.

1 60. Tesla’s conduct was also unfair because it violates public policy as declared by specific
2 constitutional, statutory or regulatory provisions, including but not necessarily limited to the California
3 Constitution.

4 61. Tesla’s conduct was also unfair because the consumer injury was substantial, not outweighed
5 by benefits to consumers or competition, and not one consumers themselves could reasonably have avoided.

6 62. There were reasonably available alternatives to further Tesla’s legitimate business interests,
7 other than the conduct described herein.

8 * * *

9 63. Tesla profited from, and Plaintiff and other Class Members suffered injury in fact and lost
10 money as a result of Defendants’ fraudulent, unlawful, and unfair conduct. Therefore Plaintiff, individually
11 and on behalf of the Class seeks: (1) an injunction compelling Tesla’s cessation of recording, viewing, and
12 sharing videos and images in violation of state law and destruction of all personal data obtained in violation
13 of state law; (2) compensatory restitution; and (3) reasonable attorney’s fees.

14 **FOURTH CAUSE OF ACTION**

15 **Violation of the California Consumer Legal Remedies Act,**

16 **Cal. Civ. Code §§ 1750 *et seq.***

17 64. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
18 fully herein.

19 65. The CLRA prohibits deceptive practices in connection with the conduct of a business that
20 provides goods, property, or services primarily for personal, family, or household purposes.

21 66. Tesla’s false and misleading labeling and other policies, acts, and practices were designed
22 to, and did, induce the purchase or lease and use Tesla vehicles by Plaintiff and other Class Members for
23 personal, family, or household purposes, and violated and continue to violate the following sections of the
24 CLRA:

25 a. § 1770(a)(5): representing that goods have characteristics, uses, or benefits which
26 they do not have;

27 b. § 1770(a)(7): representing that goods are of a particular standard, quality, or grade if
28 they are of another;

1 c. § 1770(a)(9): advertising goods with intent not to sell them as advertised; and

2 d. § 1770(a)(16): representing the subject of a transaction has been supplied in
3 accordance with a previous representation when it has not.

4 67. Tesla profited from the sale of the falsely, deceptively, and unlawfully advertised Tesla
5 vehicles to unwary consumers.

6 68. Tesla's wrongful business practices constituted, and constitute, a continuing course of
7 conduct in violation of the CLRA.

8 69. Plaintiff seeks injunctive relief under Civil Code § 1782(d).

9 70. Although Plaintiff does not currently seek damages for his claims under the CLRA, In
10 compliance with Cal. Civ. Code § 1782, he will send Tesla written notice of his claims and may thereafter
11 amend this Complaint to seek damages under the CLRA if Tesla refuses to remedy the violation within 30
12 days thereof.

13 71. In compliance with Cal. Civ. Code § 1780(d), an affidavit of venue is filed concurrently
14 herewith.

15 **FIFTH CAUSE OF ACTION**

16 **Negligence**

17 72. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
18 fully herein.

19 73. Tesla negligently, carelessly, recklessly, and/or unlawfully transmitted, stored, and permitted
20 access to Plaintiff and other Class Members' sensitive personal and biometric information, including video
21 recordings and images.

22 74. As a direct and legal result of Tesla's wrongful conduct and omissions, Plaintiff and other
23 Class Members have sustained damages in a sum to be determined at trial, including punitive damages.

24 **SIXTH CAUSE OF ACTION**

25 **Breach of Contract**

26 75. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
27 fully herein.

1 76. Tesla's Privacy Policy was a contract between Tesla and purchasers and lessees of Tesla
2 electric vehicles. Tesla violated the contract in that the cameras in Tesla electric vehicles did not "protect
3 your privacy" and the video and images captured by the cameras did not "remain anonymous." Finally,
4 Tesla did not limit data captured by the cameras, as it promised in the contract, to "Communicat[ing] with
5 you; Fulfilling [Tesla's] products and services; and Improv[ing] and enhanc[ing] development of [Tesla's]
6 products and services."

7 77. As a direct and proximate result of Tesla's breach of contract, Plaintiff and other Class
8 Members have been damages in an amount to be determined at trial.

9 **SEVENTH CAUSE OF ACTION**

10 **Negligent Misrepresentation**

11 78. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if fully set
12 forth herein.

13 79. Tesla marketed its vehicles in a manner conveying to reasonable consumers that their privacy
14 is protected. Reasonable consumers would attach importance to such representations and would be induced
15 to act thereon in making purchase or leasing decisions.

16 80. In selling vehicles, Tesla acted in the ordinary course of its business and had a pecuniary
17 interest in Plaintiff and other Class Members purchasing or leasing vehicles.

18 81. Tesla owed a duty of care to Plaintiff and other Class Members, not to provide them false
19 information when they were making their purchase or lease decisions regarding Tesla vehicles.

20 82. Tesla knew or had been negligent in not knowing that its system for protecting the privacy
21 of customers whose video and images were taken by Tesla cameras was ineffective or defective.

22 83. Tesla intends that Plaintiff and other consumers rely on these representations, as evidenced
23 by the intentional and conspicuous placement of the misleading representations on Tesla's website.

24 84. Plaintiff and other Class Members reasonably and justifiably relied on Tesla's
25 misrepresentations when purchasing or leasing Tesla vehicles. Had the correct facts been known, they would
26 not have purchased or leased Tesla vehicles at the prices at which they were offered.

27 85. Therefore, as a direct and proximate result of Tesla's negligent misrepresentations, Plaintiff
28 and Class Members have suffered economic losses and other general and specific damages, in the amount

1 of the Tesla vehicles' purchase or lease prices, or some portion thereof, and any interest that would have
2 accrued on those monies, all in an amount to be proven at trial.

3 **EIGHTH CAUSE OF ACTION**

4 **Intentional Misrepresentation**

5 86. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if fully set
6 forth herein.

7 87. Tesla marketed its vehicles in a manner conveying to reasonable consumers that their private
8 and biometric data and information obtained through Tesla vehicles' cameras would be protected and remain
9 private. Reasonable consumers would attach importance to such representations and would be induced to
10 act thereon in making purchase or lease decisions.

11 88. At all relevant times, Tesla knew that the misrepresentations were misleading, or has acted
12 recklessly in making the misrepresentations, without regard to their truth.

13 89. Tesla intends that Plaintiff and other consumers rely on these misrepresentations, as
14 evidenced by the intentional placement of the misleading representations on its website.

15 90. Plaintiffs and members of the Class have reasonably and justifiably relied on Tesla's
16 intentional misrepresentations when purchasing or leasing Tesla vehicles; had the correct facts been known,
17 they would not have purchased or leased Tesla vehicles at the prices at which they were offered.

18 91. Therefore, as a direct and proximate result of Tesla's intentional misrepresentations, Plaintiff
19 and other Class Members have suffered economic losses and other general and specific damages, in the
20 amount of the Tesla Vehicles' purchase or lease prices, or some portion thereof, and any interest that would
21 have accrued on those monies, all in an amount to be proven at trial.

22 **NINTH CAUSE OF ACTION**

23 **Unjust Enrichment**

24 92. Plaintiff realleges and incorporates the allegations elsewhere in the Complaint as if set forth
25 fully herein.

26 93. Plaintiff and other Class Members conferred benefits on Tesla by purchasing or leasing Tesla
27 vehicles with defective camera control systems.

1 94. Tesla was unjustly enriched in retaining revenues derived from Plaintiff and other Class
2 Members' purchase or lease of Tesla vehicles containing defective camera control systems, as well as
3 revenue obtained from the unauthorized access, use, and leverage of customers' private and biometric data.

4 95. Tesla's retention of those moneys under these circumstances is unjust and inequitable.
5 Tesla's acts and omissions caused injury to Plaintiff and other Class Members because they would not have
6 purchased or leased Tesla vehicles at the prices they did if the true facts had been known, and if Tesla had
7 not engaged in the malfeasance alleged.

8 96. Because Tesla's retention of non-gratuitous benefits conferred on it by Plaintiff and other
9 Class Members is unjust and inequitable, Tesla has been unjustly enriched in an amount to be determined
10 at trial.

11 **PRAYER FOR RELIEF**

12 97. Wherefore, Plaintiff, on behalf of himself, all others similarly situated, and the general
13 public, prays for judgment against Tesla as to each and every cause of action, and the following remedies:

- 14 a. An Order declaring this action to be a proper class action, appointing Plaintiff as
15 Class Representative, and appointing Plaintiff's undersigned counsel as Class Counsel;
- 16 b. An Order requiring Tesla to bear the cost of Class Notice;
- 17 c. A judgment awarding Plaintiff other Class Members appropriate relief, including
18 actual, compensatory, and punitive damages (as permitted by law), in an amount to be determined
19 at trial;
- 20 d. A judgment awarding any and all equitable, injunctive, and declaratory relief as may
21 be appropriate;
- 22 e. Pre-judgment and post-judgment interest, as permitted by law;
- 23 f. Attorneys' fees and costs; and
- 24 g. Any other and further relief that Court deems necessary, just, or proper.

25 **JURY DEMAND**

26 98. Plaintiff hereby demands a trial by jury on all issues so triable.
27
28

1 Dated: April 7, 2023

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