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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

BARBARA KNAPKE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

PEOPLECONNECT, INC., a Delaware  
Corporation,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Barbara Knapke (“Plaintiff”) brings this action on behalf of herself and all others similarly situated against Defendant PeopleConnect, Inc. (“Classmates” or “Defendant”). Plaintiff makes the following allegations pursuant to the investigation of her counsel and based upon information and belief, except as to the allegations specifically pertaining to herself, which are based on personal knowledge.

**NATURE OF ACTION**

1. Plaintiff brings this class action complaint against Defendant for willfully misappropriating the photographs, likenesses, images, and names of Plaintiff and the class; willfully using those photographs, likenesses, images, and names for the commercial purpose of selling access to them in Classmates products and services; and willfully using those photographs, likenesses, images, and names to advertise, sell, and solicit purchases of Classmates services and products; without obtaining prior consent from Plaintiff and the class.

1           2.       Classmates’ business model relies on extracting personal information from school  
2 yearbooks, including names, photographs, schools attended, and other biographical information.  
3 Classmates aggregates the extracted information into digital records that identify specific  
4 individuals by name, photograph, and other personal information, and stores those digital records  
5 in a massive online database. Classmates provides free access to some of the personal information  
6 in its database to drive users to purchase its two paid products – reprinted yearbooks that retail for  
7 up to \$99.95, and a monthly subscription to Classmates.com that retails for approximately \$3 per  
8 month – and to get page views from non-paying users, from which Classmates profits by selling ad  
9 space on its website.

10           3.       Defendant sells its products on its website: [www.classmates.com](http://www.classmates.com).

11           4.       Upon accessing Classmates’ website, the public-at-large is free to enter the  
12 information of a particular school.

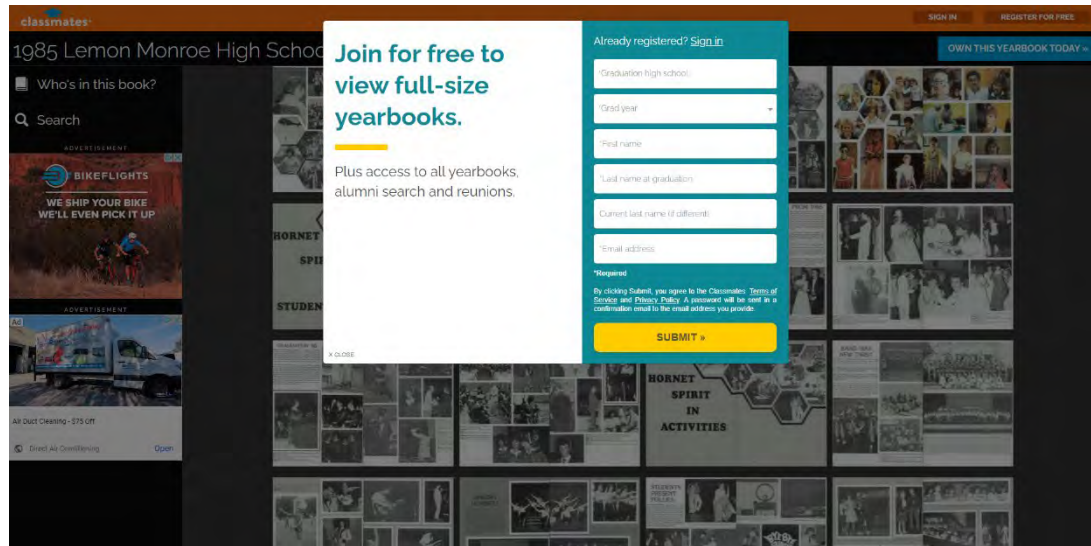
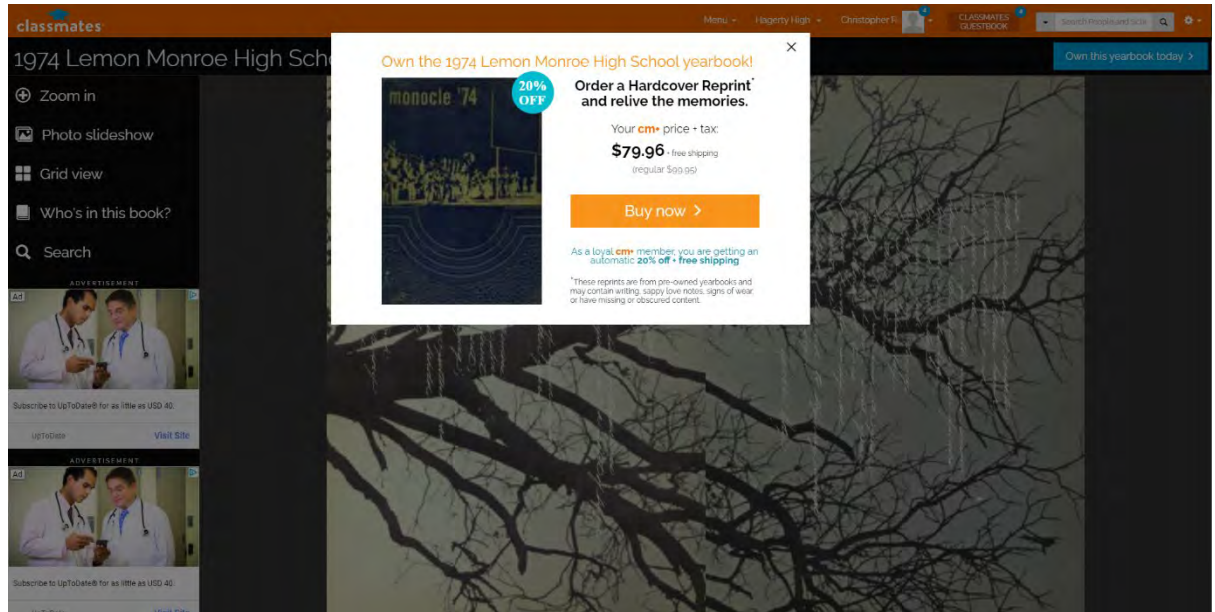
13           5.       After entering this information, any public user of Classmates’ website is provided  
14 with a listing of search results. Each search result corresponds to a school of which Classmates  
15 sells their yearbook service.

16           6.       These search results provide a limited, free preview of Defendant’s service. As  
17 shown in the images below, this free preview includes Plaintiff’s name and photo:



25           7.       As shown in the above, Classmates’ free preview provides enough information to  
26 identify an individual.

1           8.       The purpose behind Classmates' free preview is singular: to entice users to purchase  
2 Defendant's services. These enticements are clear in the screenshots below:



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The screenshot shows the Classmates+ website interface. At the top, it says "classmates+" and "No Items". The main heading is "Thanks, Christopher!" with a sub-message: "Now that you have registered with us, make it easier to keep in touch with your Hagerly High School, Class of 2013 by upgrading to Classmates+." There is a lock icon in the top right corner.

Step 1: "Select your plan below:"

Introductory Offer: 50% OFF!

3 MONTH PLAN	1 YEAR PLAN	2 YEAR PLAN
\$3.00/month \$9.00 for 3 month term* Was \$18 ★ Lowest Commitment!	\$2.00/month \$24.00 for 1 year term* Was \$48	\$1.50/month \$36.00 for 2 year term* Was \$72 ★ Best Value!

\*Based on one easy payment.

Step 2: "Select your payment option:"

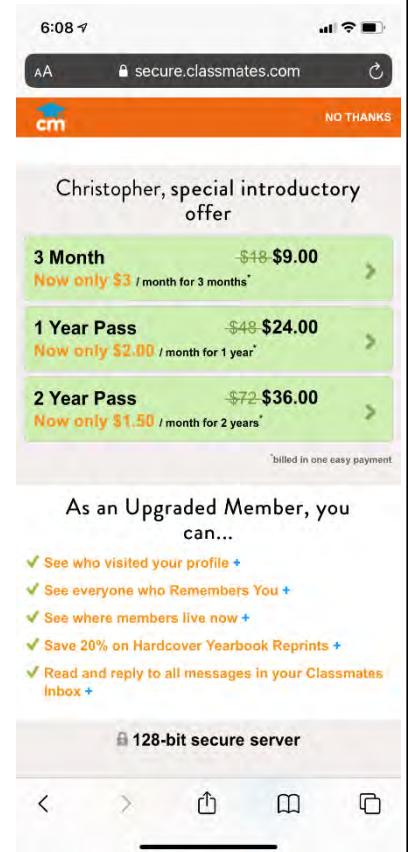
Payment options: VISA, MasterCard, American Express, Discover, PayPal, pay with amazon.

Benefits of a CM+ membership:

- See the people who remembered you!
- See all walls for your Classmates @ QuizBook.
- Read and reply to all messages in your Classmates Inbox.
- Save 20% on all new books. Your book HISTORY.
- Find old friends on Classmates @ Facebook!

ABOUT BAL CERTIFICATES | ACCREDITED BUSINESS | We are firmly committed to your security & privacy. See our Privacy Policy for details.

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9. When a user selects “Upgrade Your Membership” in the images above (while names and photographs of Plaintiff and the putative class are prominently displayed), users are given an offer to sign up for Classmates’ monthly subscription service whereby a user is able to “keep in touch” with other classmates.

10. Classmates thus uses the identities of Plaintiff and the putative class to market its completely unrelated subscription services.

11. Classmates’ most popular monthly subscription costs \$3 per month.

12. Ohio’s Right of Publicity law states that: “a person shall not use any aspect of an individual's persona for a commercial purpose.” OH ST § 2741.02(A).

1 13. Neither Plaintiff nor class members provided Defendant with consent to use their  
2 identities in Defendant's advertisements. As detailed above, Classmates uses class members'  
3 identities to advertise its for-profit services. Thus, Defendant violates OH ST § 2741, *et seq.*

4 14. It would be simple for Classmates to maintain their business model while still  
5 complying with state law. For example, Classmates could sell Plaintiff's information on an  
6 individual basis without using her identity to advertise its subscription service.

7 **PARTIES**

8 15. Plaintiff Barbara Knapke is a citizen of Ohio who resides in Sidney, Ohio.

9 16. Defendant PeopleConnect, Inc. is a Delaware corporation with its principal place of  
10 business located in Seattle, Washington. Defendant PeopleConnect, Inc. owns and operates the  
11 website www.classmates.com.

12 **JURISDICTION AND VENUE**

13 17. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d)(2)(A)  
14 because this case is a class action where the aggregate claims of all members of the proposed class  
15 are in excess of \$5,000,000.00, exclusive of interest and costs, and Plaintiff, together with most  
16 members of the proposed class, are citizens of states different from Classmates.

17 18. This court has specific personal jurisdiction over Defendant because its principal  
18 place of business is located in this district.

19 19. Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this action because  
20 a substantial part of the events, omissions, and acts giving rise to the claims herein occurred in this  
21 District.

22 **FACTS COMMON TO ALL CAUSES OF ACTION**

23 20. Plaintiff discovered that Classmates uses her name and photo in advertisements on  
24 the Classmates website to advertise and/or actually sell Defendant's products and services. These  
25 advertisements were the same or substantially similar to those shown in Paragraphs 6 and 8.

26 21. Plaintiff believes that it is reasonable for others to identify her because Defendant's  
27 advertisements include accurate details about her as well as her photograph.



- 1 c. Whether Plaintiff and the class are entitled to injunctive relief;
- 2 d. Whether Defendant was unjustly enriched; and
- 3 e. Whether Defendant violated the privacy of members of the class.

4 30. The claims of the named Plaintiff are typical of the claims of the Class.

5 31. Plaintiff is an adequate representative of the Class because her interests do not  
6 conflict with the interests of the Class members they seek to represent, they have retained  
7 competent counsel experienced in prosecuting class actions, and they intend to prosecute this  
8 action vigorously. The interests of Class members will be fairly and adequately protected by  
9 Plaintiff and her counsel.

10 32. The class mechanism is superior to other available means for the fair and efficient  
11 adjudication of the claims of the Class. Each individual Class member may lack the resources to  
12 undergo the burden and expense of individual prosecution of the complex and extensive litigation  
13 necessary to establish Defendant's liability. Individualized litigation increases the delay and  
14 expense to all parties and multiplies the burden on the judicial system presented by the complex  
15 legal and factual issues of this case. Individualized litigation also presents a potential for  
16 inconsistent or contradictory judgments. In contrast, the class action device presents far fewer  
17 management difficulties and provides the benefits of single adjudication, economy of scale, and  
18 comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment  
19 of the liability issues will ensure that all claims and claimants are before this Court for consistent  
20 adjudication of the liability issues. Defendant has acted or refused to act on grounds that apply  
21 generally to the class, so that final injunctive relief or corresponding declaratory relief is  
22 appropriate respecting the class as a whole.

23 **COUNT I**

24 **Violation of Ohio's Right of Publicity OH ST § 2741, et seq.**

25 33. Plaintiff incorporates by reference and re-allege herein all paragraphs alleged above.

26 34. Plaintiff brings this claim individually and on behalf of the members of the Class.

27 35. Ohio Revised Code Sec. 2741.01, et. seq., prohibits using an individual's name for  
28 advertising or soliciting the purchase of products or services without written consent.





- 1 e. For prejudgment interest on all amounts awarded;
- 2 f. For an order of restitution and all other forms of equitable monetary relief;
- 3 g. For all injunctive relief the court finds appropriate; and
- 4 h. For an order awarding Plaintiff and the Class their reasonable attorneys' fees and
- 5 expenses and costs of suit.

**DEMAND FOR TRIAL BY JURY**

Plaintiff demands a trial by jury of all issues so triable.

Dated: March 2, 2021

Respectfully submitted,

**CARSON NOEL PLLC**

By:           /s/ Wright A. Noel            
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