CLASS ACTION COMPLAINT 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 BURSOR & FISHER, P.A. L. Timothy Fisher (State Bar No. 191626) 1990 North California Boulevard, Suite 940 Walnut Creek, CA 94596 Telephone: (925) 300-4455 Facsimile: (925) 407-2700 E-Mail: ltfisher@bursor.com BURSOR & FISHER, P.A.Philip L. Fraietta (pro hac vice forthcoming) Matthew A. Girardi (pro hac vice forthcoming) Julian C. Diamond (pro hac vice forthcoming) 888 Seventh Avenue New York, NY 10019 Telephone: (646) 837-7150 Facsimile: (212) 989-9163 E-Mail: pfraietta@bursor.com mgirardi@bursor.com jdiamond@bursor.com Attorneys for Plaintiff UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIAELLIOT LIBMAN, individually and on behalf of all others similarly situated, Plaintiff, v. APPLE, INC., Defendant. Case No. CLASS ACTION COMPLAINT JURY TRIAL DEMANDED Case 5:22-cv-07069 Document 1 Filed 11/10/22 Page 1 of 20

CLASS ACTION COMPLAINT 1 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Plaintiff Elliot Libman (hereinafter "Plaintiff") brings this action on behalf of himself and all others similarly situated against Defendant Apple, Inc. (hereinafter "Defendant" or "Apple"). Plaintiff makes the following allegations pursuant to the investigation of his counsel and based upon information and belief, except as to the allegations specifically pertaining to himself, which are based on personal knowledge. NATURE OF THE CASE 1.Defendant violates state law in connection with its illegal recording of consumers' confidential activity on its consumer mobile applications ("apps")—a huge and growing treasure trove of data that Apple amasses and uses for its own profit. 2. Consumers value their data privacy and increasingly find that their privacy is critical in a virtual and interconnected society. People everywhere are becoming more aware and concerned that large corporations are collecting, recording and exploiting for profit their personal communications and private information. 3. Well aware of these justified and growing concerns over privacy, Apple-the world's largest technology company-has assured and continues to assure its consumers and users that, when it comes to mobile app activity, users are in control of what information they share. For example, Apple's Advertising & Privacy Policy states on the first page: Apple-delivered advertising helps people discover apps, products, and services while respecting user privacy. Apple's advertising platform is designed to protect your information and give you control over how we use your information.1(emphasis added). 4.Apple purports to offer consumers the option to control what app browsing and activity data Apple collects by adjusting their privacy settings to turn off "Allow Apps to Request to Track" before opening or browsing mobile apps. Apple repeatedly assures its consumers that "Apple requires app developers to ask for permission before they track your activity." Thus, the necessary implication is that apps that do not ask for permission cannot track your activity. 1

https://www.apple.com/legal/privacy/data/en/apple-advertising/ (last accessed November 10, 2022). Case 5:22-cv-07069 Document 1 Filed 11/10/22 Page 2 of 20

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