

### Multiple Documents

Part	Description
1	15 pages
2	Civil Cover Sheet

**FILED**

Jul 12 2019

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY *sf/soriad* DEPUTY

1 Carsten Rosenow  
2 Reg. No. 62380-298  
3 MCC San Diego  
4 Metropolitan Correctional Center  
5 808 Union Street  
6 San Diego, CA 92101  
7 Email: crosenow@rocketmail.com  
8 Tel: 650-868-3011

9 UNITED STATES DISTRICT COURT  
10 FOR SOUTHERN DISTRICT OF CALIFORNIA

11 Carsten Rosenow,

12 Plaintiff,

13 vs.

14 Facebook, Inc.; Yahoo, Inc.;

15 Defendants.

Civil Action No. '19CV1297 WQHMD

**Complaint for Damages for:**

1. Violations of the Stored Communications Act (18 U.S.C. 2701 et seq.)
2. Violations of the Electronic Communications Privacy Act (18 U.S.C. 2510 et seq.)
3. Violations of the California Invasion of Privacy Act (Cal. Penal Code § 631)
4. Negligence.

**Demand for Jury Trial.**

**INTRODUCTION**

1. This lawsuit stems from the illegal and warrantless searches of Plaintiff Carsten Rosenow's Yahoo and Facebook accounts and the disclosure of private communications from those accounts to unauthorized third parties. Defendants Yahoo and Facebook unlawfully disclosed the contents of Plaintiff's private accounts, and in doing so violated both the Electronic Communications Privacy

ATTACHMENT 1 TO CIVIL COVER SHEET

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Reg. No. 62380-298  
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Tel: 650-868-3011

1 Act and the Stored Communications Act. Plaintiff requests a jury trial to pursue  
2 justice on these claims.

3  
4 **JURISDICTION AND VENUE**

5 2. Pursuant to 28 U.S.C. § 1331, this Court has original subject matter  
6 jurisdiction over the claims of Plaintiff that arise under the Electronic  
7 Communications Privacy Act (“ECPA”), 18 U.S.C. §§ 2510 *et seq.* and the Stored  
8 Communications Act (“SCA”), 18 U.S.C. §§ 2701 *et seq.*

9 3. Venue is proper in the United States District Court for the Southern District  
10 of California under 28 U.S.C. §§ 1391(b)(1), (b)(2), (d). As alleged in this  
11 Complaint, a substantial portion of the events or omissions giving rise to the  
12 wrongdoing occurred in the Southern District of California. Further, Defendants  
13 are subject to personal jurisdiction in the Southern District of California, having  
14 millions of users for their services in the region and conducting substantial  
15 marketing and sale of their products within the District.

16  
17 **PARTIES**

18 4. Plaintiff Carsten Rosenow was, at all times relevant to this lawsuit, a citizen  
19 of the State of California and resident of the County of San Diego.

20 5. Defendant Facebook, Inc. (“Facebook”) is an American corporation,  
21 headquartered in Menlo Park, California, and incorporated under the laws of the  
22 State of Delaware. Facebook owns and operates an online social networking  
23 website that allows its users to communicate with each other through the sharing of  
24 text, photograph, and video.

25 6. Defendant Yahoo!, Inc. (“Yahoo”) is an American corporation,  
26 headquartered in Sunnyvale, California, and incorporated under the laws of the  
27 State of Delaware. Yahoo’s major business activities are primarily supplying and  
28 operating Internet services, web-based personal e-mail accounts, news portals, and

1 a search engine, all designed to facilitate electronic communications and the  
2 sharing of information. By the nature of its activities, Yahoo has access to, and  
3 maintains, identifying information about individuals using its electronic services.  
4

#### 5 **FACTUAL ALLEGATIONS**

6 7. In September of 2014, an internet company, Xoom.com, advised Yahoo that  
7 certain Yahoo accounts were potentially involved in illegal activity involving  
8 minors.

9 8. In response, Yahoo warrantlessly searched electronic communications  
10 associated with these accounts.

11 9. For years, Yahoo performed these warrantless searches of users' private  
12 communications, providing government agencies with reports containing the  
13 content of the private communications, the contact lists of the users communicating,  
14 phone numbers and email addresses, IP information, and metadata.

15 10. Despite advising users and advertising that electronic communications—  
16 including chats, emails, and messages—were private, Yahoo knowingly used its  
17 own technology to read these communications and provide government agencies  
18 with the contents of the communications and the record information for the target of  
19 the searches.

20 11. As a result of the Xoom.com information and the ensuing warrantless  
21 searches in September 2014, Yahoo discovered various account holders who  
22 allegedly either bought or sold child pornography.

23 12. Yahoo knowingly identified these suspects in a report, which was sent to  
24 the National Center for Missing and Exploited Children ("NCMEC") and the  
25 Federal Bureau of Investigation ("FBI"). That report occurred in October 2014.

26 13. The report *did not* mention Plaintiff at all.

27 14. Following Yahoo's disclosures, the FBI office in San Diego began serving  
28 subpoenas for the financial information of those suspected account holders.

1 15. While the FBI office in San Diego executed these subpoenas, Yahoo  
2 warrantlessly searched Plaintiff's Yahoo account, including emails, chats, and  
3 other electronic communications.

4 16. Yahoo knowingly used an algorithm to intercept and scan Plaintiff's  
5 incoming chat messages for content during transit and before placing them in  
6 electronic storage.

7 17. Throughout this process, the FBI office in San Diego communicated and  
8 worked closely with Yahoo employee Sean Zadig, a purported member of Yahoo's  
9 "E-Crimes Investigations Team."

10 18. Zadig is a former law-enforcement officer and now employs a host of other  
11 law-enforcement alumni as part of Yahoo's E-Crimes Investigation Team.

12 19. Zadig and Yahoo reviewed the contents of Plaintiff's electronic  
13 communications—including emails, messages, and chats—as well as Plaintiff's  
14 record information.

15 20. Yahoo then submitted a "supplemental report" to NCMEC and the FBI in  
16 San Diego in which it knowingly and purposefully provided the contents of  
17 Plaintiff's electronic communications and record information, and implicated  
18 Plaintiff in traveling internationally for the purposes of soliciting minors.

19 21. Yahoo knowingly and purposefully submitted these "supplements" to  
20 NCMEC only after providing notice to the FBI in San Diego, and it emailed law  
21 enforcement separately to prompt them to retrieve the information in advance of an  
22 in-person meeting.

23 22. Yahoo never notified Plaintiff about any of these warrantless searches.

24 23. Yahoo never notified Plaintiff that it was scanning, reading, and reviewing  
25 his private emails, chats, and other electronic communications.

26 24. Yahoo never notified Plaintiff about any violations to Yahoo's terms or  
27 conditions of services.

28 25. Yahoo never closed Plaintiff's Yahoo accounts.

1 26. Plaintiff never consented to any search of his accounts or to the disclosure of  
2 his private communications or customer records.

3 27. Plaintiff never consented to Yahoo collecting and storing the content of his  
4 private electronic communications for future use.

5 28. In July of 2015, Yahoo gave the government notice of yet more warrantless  
6 searching, and that more fruit was forthcoming.

7 29. That 2015 search by Yahoo knowingly and purposefully gathered Plaintiff's  
8 entire chat history, and yielded more evidence that allegedly incriminated Plaintiff.

9 30. In October 2015, the FBI in San Diego executed search warrants on other  
10 Yahoo customers and accounts, and Yahoo knowingly and purposefully returned to  
11 that office communications never authorized by the search warrant.

12 31. The search-warrant returns contained additional emails and chats involving  
13 Plaintiff.

14 32. Yahoo never notified Plaintiff about those searches or about the fact that  
15 Plaintiff's private customer records, emails, messages, chats, and other  
16 communications were being disclosed to third parties.

17 33. Plaintiff, again, did not consent to any of these searches or to the disclosure  
18 of his private communications or customer records.

19 34. On or about December 2015, Yahoo knowingly and purposefully submitted  
20 more "reports" to NCMEC and the FBI with Plaintiff's chat messages attached.

21 35. In providing these reports to NCMEC and the FBI, Yahoo exceeded its  
22 authority under 18 U.S.C. § 2258A, which only authorizes reporting for "facts or  
23 circumstances from which there is an apparent violation of [18 U.S.C. ] § 2251,  
24 2251A, 2252, 2252A, 2252B, that involves child pornography; or section 1466A."

25 36. Because Plaintiff's Yahoo accounts never contained any evidence of the  
26 solicitation, receipt, or exchange of child pornography, there were no "apparent  
27 violations" authorized the reporting of the content of his accounts to NCMEC or  
28 the FBI.

1 37. Yahoo never notified Plaintiff about any of these warrantless searches.

2 38. Yahoo never notified Plaintiff that it was reading and reviewing his private  
3 emails, chats, and other electronic communications.

4 39. Yahoo never notified Plaintiff about any violations to Yahoo's terms or  
5 conditions of services.

6 40. Yahoo never closed Plaintiff's Yahoo accounts.

7 41. Plaintiff never consented to any search of his accounts or to the disclosure of  
8 his private communications or customer records.

9 42. Relying on the information gleaned from these illegal searches, the FBI  
10 attempted to obtain a search warrant for Plaintiff's Yahoo accounts.

11 43. The U.S. Attorney's Office refused to authorize the warrant.

12 44. In early 2017, FBI San Diego sent a preservation request to Facebook for  
13 Plaintiff's Facebook. The FBI obtained Plaintiff's Facebook information through  
14 unknown means.

15 45. In March 2017, the FBI in San Diego served an administrative subpoena on  
16 Facebook requesting the details of Plaintiff's Facebook accounts.

17 46. Facebook promises its customers and users that their data will be kept  
18 private.

19 47. Facebook promises its customers and users that it will comply with the  
20 Electronic Communications Privacy Act.

21 48. Despite these promises, and the fact that the FBI in San Diego did not have a  
22 warrant for Plaintiff's accounts, Facebook knowingly and purposefully searched  
23 Plaintiff's accounts—including his private messages and communications—in  
24 April 2017.

25 49. Following this search, Facebook reported to NCMEC and the FBI San Diego  
26 that it had allegedly discovered evidence of child exploitation on Plaintiff's  
27 accounts.

28



1 50. Facebook knowingly and purposefully attached Plaintiff's private message  
2 communications in its reports to NCMEC and the FBI.

3 51. In providing these reports to NCMEC and the FBI, Facebook exceeded its  
4 authority under 18 U.S.C. § 2258A, which only authorizes reporting for "facts or  
5 circumstances from which there is an apparent violation of [18 U.S.C. ] § 2251,  
6 2251A, 2252, 2252A, 2252B, that involves child pornography; or section 1466A."

7 52. Because Plaintiff's Facebook accounts never contained any evidence of the  
8 solicitation, receipt, or exchange of child pornography, there were no "apparent  
9 violations" authorized the reporting of the content of his accounts to NCMEC or  
10 the FBI.

11 53. Facebook never notified Plaintiff about any of these warrantless searches.

12 54. Facebook never notified Plaintiff that it was reading and reviewing his  
13 private emails, messages, chats, and other electronic communications.

14 55. Facebook never notified Plaintiff about any violations to Facebook's terms  
15 or conditions of services.

16 56. Plaintiff never consented to any search of his accounts or to the disclosure of  
17 his private communications.

18 57. Plaintiff's Facebook account was private and had no substantial visibility to  
19 the public.

20 58. The information provided by Facebook's knowing, purposeful, and  
21 warrantless searches led the government to obtain a search warrant against  
22 Plaintiff's property and personal effects.

23 59. Government agents ultimately arrested Plaintiff at the San Diego airport in  
24 June 2017.

25 60. Agents searched Plaintiffs' property, including his cell phone, and later  
26 executed a search at his home. The searches led to Plaintiffs' indictment for  
27 alleged violations of 18 U.S.C. §§ 2251(c), 2423(b), and 2252(a)(4)(B) in October  
28 2017.

1 61. Plaintiff did not learn of Yahoo's and Facebook's warrantless searches of his  
2 accounts and the disclosure of the contents of those accounts until discovery was  
3 provided to him by the government in the months following the indictment.

4 62. Plaintiff is currently in custody awaiting trial.  
5

6 **I.**

7 **FIRST CAUSE OF ACTION**

8 **(All defendants)**

9 **Violation of Stored Communications Act (18 U.S.C. § 2702)**  
10

11 63. Plaintiff realleges and incorporates herein by reference each and every  
12 allegation contained in the preceding paragraphs.

13 64. The SCA contains provisions that provide consumers with redress if a  
14 company mishandles their electronically stored information. The SCA was  
15 designed, in relevant part, "to protect individuals' privacy interests in personal and  
16 proprietary information." S. Rep. No. 99-541, at 3 (1986), reprinted in 1986  
17 U.S.C.C.A.N. 3555 at 3557.

18 65. Section 2702(a)(1) of the SCA provides that "a person or entity providing an  
19 electronic communication service to the public shall not knowingly divulge to any  
20 person or entity the contents of a communication while in electronic storage by that  
21 service." 18 U.S.C. § 2702(a)(1).

22 66. The SCA defines "electronic communication service" as "any service which  
23 provides to users thereof the ability to send or receive wire or electronic  
24 communications." *Id.* at § 2510(15).

25 67. Defendants Yahoo and Facebook provide an "electronic communication  
26 service to the public" within the meaning of the SCA because they collect and  
27 store their customers' personal and private information.  
28

1 68. Section 2702(a)(2)(A) of the SCA provides that “a person or entity  
2 providing remote computing service to the public shall not knowingly divulge to  
3 any person or entity the contents of any communication which is carried or  
4 maintained on that service on behalf of, and received by means of electronic  
5 transmission from (or created by means of computer processing of  
6 communications received by means of electronic transmission from), a subscriber  
7 or customer of such service.” 18 U.S.C. § 2702(a)(2)(A).

8 69. The SCA defines “remote computing service” as “the provision to the public  
9 of computer storage or processing services by means of an electronic  
10 communication system.” 18 U.S.C. § 2711(2).

11 70. An “electronic communications systems” is defined by the SCA as “any  
12 wire, radio, electromagnetic, photooptical or photoelectronic facilities for the  
13 transmission of wire or electronic communications, and any computer facilities or  
14 related electronic equipment for the electronic storage of such communications.”  
15 18 U.S.C. § 2510(4).

16 71. Defendants provide remote computing services to the public by virtue of  
17 their computer systems which store their customers’ personal and private  
18 information.

19 72. As alleged in this Complaint, Defendants unlawfully and knowingly  
20 divulged Plaintiff’s electronic communication contents and user information, in  
21 violation of 18 U.S.C. § 2702.

22 73. Defendants were not authorized to divulge the information by 18 U.S.C. §  
23 2258A for the reasons described in this Complaint.

24 74. Defendants knew or should have known that divulging private electronic  
25 communications could result in harm to Plaintiff.

26 75. Defendants’ conduct described herein legally, proximately, foreseeably and  
27 actually harmed Plaintiff and/or was a substantial factor in causing harm to  
28 Plaintiff, including but not limited to: deprivation of his civil and statutory rights,

1 humiliation, mental and emotional and distress; and other damages in an amount to  
2 be proven at trial.

3 **II.**

4 **SECOND CAUSE OF ACTION**

5 **Violation of the Electronic Communications Privacy Act (18 U.S.C. § 2520)**

6 **(All Defendants)**

7  
8 76. Plaintiff realleges and incorporates herein by reference each and every  
9 allegation contained in the preceding paragraphs.

10 77. Defendants Yahoo and Facebook violated Plaintiff's rights under the ECPA  
11 by knowingly and intentionally disclosing electronic communications between  
12 Plaintiff and other persons to unauthorized third parties.

13 78. Defendants also intentionally acquired and/or intercepted the contents of  
14 communications sent and/or received by Plaintiff through the use of an electronic  
15 device and disclosed them to unauthorized parties.

16 79. Defendants further intentionally acquired the communications that had been  
17 sent from, or directed to, Plaintiff through his use of computers and other  
18 electronic devices which were part of, and utilized in, Defendants' electronic  
19 communications system, in violation of 18 U.S.C. § 2511.

20 80. Defendants were not authorized to divulge the information by 18 U.S.C. §  
21 2258A for the reasons described in this Complaint.

22 81. Defendants knew or should have known that divulging private electronic  
23 communications could result in harm to Plaintiff.

24 82. Defendants' conduct described herein legally, proximately, foreseeably and  
25 actually harmed Plaintiff and/or was a substantial factor in causing harm to  
26 Plaintiff, including but not limited to: deprivation of his civil and statutory rights,  
27 humiliation, mental and emotional and distress; and other damages in an amount to  
28 be proven at trial.

1 **III.**

2 **THIRD CAUSE OF ACTION**

3 **Violation of Invasion of Privacy Act (Cal. Penal Code § 631 et seq.)**

4 **(All Defendants)**

5  
6 83. Plaintiff realleges and incorporates herein by reference each and every  
7 allegation in the preceding paragraphs.

8 84. California Penal Code § 630 provides that “The Legislature hereby declares  
9 that advances in science and technology have led to the development of new  
10 devices and techniques for the purpose of eavesdropping upon private  
11 communications and that the invasion of privacy resulting from the continual and  
12 increasing use of such devices and techniques has created a serious threat to the  
13 free exercise of personal liberties and cannot be tolerated in a free and civilized  
14 society.”

15 85. Plaintiff sent and received private emails, messages, and other electronic  
16 communications via Defendants’ services.

17 86. Defendants are not and were never at any time a party to Plaintiff’s private  
18 emails, messages, and other electronic communications.

19 87. Using the technological tools at their disposal, Defendants are able to read  
20 and learn the content of Plaintiff’s private emails, messages, and other electronic  
21 communications.

22 88. Defendants acted purposefully and willfully in reading Plaintiff’s private  
23 emails, messages, and other electronic communications, and did not have  
24 Plaintiff’s consent to take such action.

25 89. At the time Defendants read, or attempted to read, the content of Plaintiff’s  
26 messages and communications, the messages and communications were in transit.

1 90. At the time Defendants read, or attempted to read, the content of Plaintiff's  
2 messages and communications, the messages and communications were passing  
3 over a wire, line, or cable.

4 91. Private messages – coded, written messages sent electronically to remote  
5 locations – are telegraphs within the meaning of the CIPA. As such, the wires,  
6 lines, cables and/or instruments which carry and facilitate the transmission of  
7 Plaintiffs' messages are telegraph wires, lines, cables and/or instruments within the  
8 meaning of CIPA and PC § 631(a).

9 92. Plaintiff did not consent, expressly or impliedly, to Defendants'  
10 eavesdropping upon and recording of his private messages and communications.  
11 Defendants did not and do not disclose material information to its users relating to  
12 their attempts at, among other things, intercepting, scanning and reading the  
13 contents of users' private messages and communications.

14 93. Defendants' conduct described herein was unlawful and legally,  
15 proximately, foreseeably and actually harmed Plaintiff and/or was a substantial  
16 factor in causing harm to Plaintiff, including but not limited to: deprivation of his  
17 civil and statutory rights, humiliation, mental and emotional and distress; and other  
18 damages in an amount to be proven at trial.

19  
20 **IV.**  
21 **FOURTH CAUSE OF ACTION**  
22 **Negligence**  
23 **(All Defendants)**  
24

25 94. Plaintiff realleges and incorporates herein by reference each and every  
26 allegation contained in the preceding paragraphs.  
27  
28

1 95. Defendants had a statutory duty to safeguard Plaintiff's private electronic  
2 communications under both the SCA and EPCA. Defendants also had a statutory  
3 duty to provide notice to Plaintiff of the disclosure of his private communications.

4 96. Defendants breached these duties through the acts and omissions set forth in  
5 this Complaint.

6 97. Defendants knew or should have known that breaching these statutory duties  
7 could result in harm to Plaintiff.

8 98. Defendants' conduct described herein legally, proximately, foreseeably and  
9 actually harmed Plaintiff and/or was a substantial factor in causing harm to  
10 Plaintiff, including but not limited to: deprivation of his civil and statutory rights,  
11 humiliation, mental and emotional and distress; and other damages in an amount to  
12 be proven at trial.

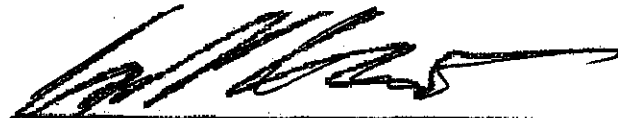
13 **PRAYER FOR RELIEF**

14  
15 Plaintiff prays for judgment against Defendants as follows:

- 16 1. General and compensatory damages in an amount according to proof;
- 17 2. Punitive and exemplary damages;
- 18 3. Civil penalties as provided by law;
- 19 4. Attorneys' fees;
- 20 6. Costs of suit;
- 21 7. And for such other and further relief as the Court may deem proper.

22  
23 Dated: July 12, 2019

24 Respectfully Submitted,

25  
26 

27 **CARSTEN ROSENOW**  
28 Plaintiff

Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS113490  
Cashier ID: akukura  
Transaction Date: 07/12/2019  
Payer Name: Carsten rosenow

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CIVIL FILING FEE  
For: Carsten rosenow  
Case/Party: D-CAS-3-19-CV-001297-001  
Amount: \$400.00

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CHECK  
Check/Money Order Num: 10014  
Amt Tendered: \$400.00

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Total Due: \$400.00  
Total Tendered: \$400.00  
Change Amt: \$0.00

There will be a fee of \$53.00  
charged for any returned check.



FILED

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

Jul 12 2019

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

I. (a) PLAINTIFFS

Carsten Rosenow

DEFENDANTS

Facebook, Inc.; Yahoo, Inc;

(b) County of Residence of First Listed Plaintiff San Diego (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

See Attachment 1.

Attorneys (If Known)

Unknown. '19CV1297 WQHMD

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal Place of Business in Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: GENERAL, TORTS, TORTS - FEDERAL LIABILITY, LABOR, IMMIGRATION, FEDERAL TAX SUITS, OTHER SPECIAL CASES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, 625 Drug Related Seizure, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. 2701 et seq., 18 U.S.C. 2510 et seq.

Brief description of cause: Violations of the Stored Communications Act and Electronic Communications Privacy Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 07/12/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## General Information

<b>Court</b>	United States District Court for the Southern District of California; United States District Court for the Southern District of California
<b>Federal Nature of Suit</b>	Other Statutory Actions[890]
<b>Docket Number</b>	3:19-cv-01297