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**UNITED STATES DISTRICT COURT
EASTERN OF WASHINGTON**

JADE WILCOX, ON BEHALF OF)	CASE NO.: 2:17-CV-275-RMP
HERSELF, AND ALL OTHERS)	
SIMILARLY SITUATED,)	COMPLAINT -- CLASS ACTION
)	FOR DAMAGES AND OTHER
PLAINTIFFS,)	RELIEF UNDER THE DRIVER'S
)	PRIVACY PROTECTION ACT,
VS.)	AND JURY DEMAND
)	
SWAPP LAW, PLLC, DBA CRAIG)	
SWAPP AND ASSOCIATES; AND)	RELATED TO CASE
JAMES CRAIG SWAPP,)	NO. 2:17-CV-00122-RMP
INDIVIDUALLY,)	
)	
DEFENDANTS.)	
)	

Plaintiff, Jade Wilcox, on behalf of herself and all others similarly situated, by and through her undersigned attorneys, bring this lawsuit for monetary damages and declaratory and injunctive relief based upon Defendants' violations of the federal Driver's Privacy Protection Act ("DPPA"), 18 U.S.C. § 2721, *et seq.*

I. INTRODUCTION

1
2 1.1 This Action arises from Defendants' purchase of thousands of
3 records that included the personal information of Plaintiff and the Class
4 from motor vehicle records, which Defendants knowingly obtained without
5 consent, for the purpose of sending Plaintiff and the Class marketing
6 materials, in violation of the Driver's Privacy Protection Act ("DPPA") 18
7 U.S.C. § 2721 *et seq.*
8

9 1.2 Congress enacted the DPPA, in part, based upon concerns
10 about "States' common practice of selling personal information to
11 businesses engaged in direct marketing and solicitation. To address these
12 concerns, the DPPA establishes a regulatory scheme that restricts the
13 States' ability to disclose a driver's personal information without the driver's
14 consent." *Maracich v. Spears*, 133 S. Ct. 2191, 2198 (2013) (citations and
15 quotation marks omitted).
16
17

18 1.3 Between September 2013 and May 2016, Defendants
19 purchased more than 10,000 accident reports from the Washington State
20 Patrol that were created following motor vehicle accidents, utilizing
21 personal information populated from motor vehicle records maintained by
22 the Washington Department of Motor Vehicles ("DMV"). Defendants
23 obtained the accident reports from the Washington State Patrol, typically
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1 at a price of \$9.50 or \$10.50 and then used the protected personal
2 information of Plaintiffs and the Class to mail numerous letters and glossy
3 pamphlets advertising their services to motorists, including Plaintiff and the
4 Class, who had been involved in automobile accidents.
5

6 1.4 When Defendants obtained the personal information from the
7 Washington State Patrol, Defendants had not obtained the written consent
8 of Plaintiff or other members of the Class and had no permissible purpose
9 to obtain, use or disclose the personal information that they obtained about
10 Plaintiff or the Class. As the Supreme Court had held in 2013 that
11 obtaining such personal information without consent for purposes of legal
12 marketing was *not* a permissible purpose under the DPPA, Defendants
13 knew (or at the least were reckless in not knowing) that they were violating
14 the DPPA.
15
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17 1.5 On June 9, 2017, a court in this District entered a preliminary
18 injunction preventing the Washington State Patrol from selling collision
19 reports containing personal information protected by the DPPA unless and
20 until the requestor certifies that the information is sought for a permissible
21 purpose under the DPPA.
22

23 1.6 As relief for Defendants' violations of the DPPA by purchasing
24 and misusing the personal information of thousands of people, this action
25

1 seeks an injunction preventing Defendants from using any of the personal
2 information obtained about Plaintiff or the Class and from attempting to
3 obtain such personal information without consent in the future as well as
4 damages and other relief as permitted under the DPPA.
5

6 **II. PARTIES**

7 2.1 Plaintiff Jade Wilcox (“Ms. Wilcox”) is an individual who resides
8 in Spokane, Washington. At all times material to this action, she has had
9 a motor vehicle registered and titled with the DMV, and she has held a
10 Washington driver's license issued by the DMV.
11

12 2.2 Defendant, Swapp Law, PLLC, dba Craig Swapp and
13 Associates (“the Swapp Firm”), is a Utah Professional Limited Liability
14 Company, with offices in, among other places, Spokane, Washington.
15 According to Swapp Law, its office is located at 16201 E. Indiana Ave.,
16 Suite 199, Spokane Valley, WA 99216. The Swapp Firm’s website
17 identifies at least 8 attorneys (Swapp, Bunnell, Larson, Swainston,
18 Childs, Mortensen, Eastwood and King) admitted to practice in
19 Washington State of which at least 4 attorneys (Larson, Mortensen,
20 Eastwood and King) are located in the Spokane office.
21
22

23 2.3 Defendant James Craig Swapp (“Mr. Swapp”) is a lawyer who
24 has been admitted to practice law in the State of Washington since 2004.
25

1 Upon information and belief, Mr. Swapp is the principal shareholder of the
2 Swapp Firm. As his biography on the Swapp Firm website acknowledges,
3 Mr. Swapp is “the familiar face of Craig Swapp & Associates’ ‘One Call,
4 That’s All’ advertising campaign,” which includes having his face displayed
5 on numerous billboards in Spokane, Washington, and Spokane Valley,
6 Washington advertising the services of the Swapp Firm.
7

8 **III. JURISDICTION AND VENUE**

9
10 3.1 This Court has original subject matter jurisdiction over this
11 Action pursuant to 18 U.S.C. § 2724(a) and 28 U.S.C. § 1331.

12 3.2 This Court has personal jurisdiction over the Swapp Firm,
13 because it is licensed to do business, and regularly transacts business,
14 within the State of Washington, including but not limited to its solicitation of
15 Plaintiffs. The Swapp Firm also maintains offices in Washington.
16

17 3.3 This Court has personal jurisdiction over Mr. Swapp, a lawyer,
18 because, according to his law firm website he is licensed to practice law in
19 the State of Washington, regularly transacts business within the State of
20 Washington, including but not limited to his solicitation of the Plaintiffs.
21

22 3.4 Venue is proper under 28 U.S.C. § 1391(b) and (c).
23
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1 **IV. FACTUAL ALLEGATIONS**

2 ***The DPPA***

3 4.1 Congress enacted the DPPA in response to concerns over the
4 collection of individuals' personal information by state motor vehicle
5 departments and the subsequent sale of that personal information by the
6 states. Congress was concerned, in part, by "States' common practice of
7 selling personal information to businesses engaged in direct marketing
8 and solicitation. To address these concerns, the DPPA establishes a
9 regulatory scheme that restricts the States' ability to disclose a driver's
10 personal information without the driver's consent." *Maracich*, 133 S. Ct. at
11 2198 (citations and quotation marks omitted).
12
13

14 4.2 To obtain a driver's license or motor vehicle registration from
15 the DMV, or from any state's motor vehicle department, individuals must
16 disclose personal information, such as names, addresses, telephone
17 numbers, birth dates, social security numbers, medical information, vehicle
18 descriptions, and photographs.
19
20

21 4.3 Prior to the DPPA, third parties could, and routinely did,
22 purchase individual's personal information to conduct invasive
23 investigations, mine the data on an aggregated basis, and resell the
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25

1 resulting targeted information to marketers and engage in direct marketing
2 and solicitation.

3 4.4 In enacting the DPPA, Congress intended to prevent the
4 disclosure of this personal information, prevent activities using this
5 personal information and render these invasive acts to be subject to fines
6 and penalties.
7

8 4.5 Section 2724(a) of the DPPA provides that “[a] person who
9 knowingly obtains, discloses or uses personal information, from a motor
10 vehicle record, for a purpose not permitted under this chapter shall be
11 liable to the individual to whom the information pertains ...”
12

13 4.6 “Personal Information” is defined in the DPPA to include
14 “information that identifies an individual, including an individual's
15 photograph, social security number, driver identification number, name,
16 address (but not the 5-digit zip code), telephone number, and medical or
17 disability information, but does not include information on vehicular
18 accidents, driving violations, and driver's status.” 18 U.S.C. § 2725.
19
20 Meanwhile, a “motor vehicle record” is “any record that pertains to a motor
21 vehicle operator’s permit, motor vehicle title, motor vehicle registration, or
22 identification card issued by a department of motor vehicles.” *Id.*
23
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1 4.7 DPPA Section 2721(b) provides a set of “permissible uses” of
2 personal information. The permissible use exemptions to the DPPA allow
3 the use of such information for a limited number of purposes designed to
4 promote the public welfare.
5

6 4.8 The Supreme Court in *Maracich* held that communications for
7 the predominant purpose of solicitation of legal services was not a
8 “permissible use.” exempt from DPPA liability under (b)(4). No other
9 provision of the DPPA permits Personal Information to be obtained,
10 disclosed, or used for marketing or solicitation purposes, including for the
11 solicitation or advertising of legal services.
12

13 ***Collision Reports in the State of Washington Contain Personal***
14 ***Information From Motor Vehicle Records***

15 4.9 As the Court found in *Wilcox v. Baptiste* No. 17-cv-00122 (E.D.
16 Wash.), following automobile accidents in Washington State, the
17 Washington State Patrol prepares collision reports containing personal
18 information protected by the DPPA.
19

20 4.10 Indeed, the *Wilcox* court held that the personal information
21 used to prepare those collision reports is obtained from DMV motor vehicle
22 records and uploaded into a software program that the WSP troopers,
23
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25

1 (and, upon information and belief other local law enforcement) use to
2 compose the reports.

3 4.11 The DMV's motor vehicle records pertain to motor vehicle
4 operator's permits, motor vehicle titles, motor vehicle registrations, or
5 identification cards issued by the DMV, and drivers and vehicle owners are
6 required to supply such Personal Information when they obtain permits,
7 licenses, titles and registrations.
8

9 4.12 Prior to June 2017—*i.e.*, when the *Wilcox* Court issued a
10 preliminary injunction preventing the practice—the Washington State
11 Patrol was selling those collision reports to any third party—*e.g.*, such as
12 Defendants—without redacting personal information protected by the
13 DPPA or taking any steps to ensure that the requesting party had a
14 permissible purpose under the DPPA.
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16

17 4.13 Following the issuance of the preliminary injunction, the
18 Washington State Patrol is now required to “put into place a system of
19 redacting addresses, driver license numbers, dates of birth, sex, height,
20 and weight of registered owners from all traffic collision reports that it
21 discloses unless and until the requestor of such information certifies under
22 penalty of perjury that the information is sought for one of the fourteen
23 permissible purposes under 18 U.S.C. § 2721(b).”
24
25

1 ***Defendants Systematically Purchase Personal Information for***
2 ***Purpose of Direct Marketing***

3 4.14 Defendant Craig Swapp, a lawyer admitted to practice law in
4 the State of Washington, and his law firm, the Swapp Firm, focus their
5 practice in personal injury and, in particular, automobile accidents. On its
6 website, the Swapp Firm prominently advertises itself as “Your Auto
7 Accident Lawyers.”
8

9 4.15 As explained in a July 21, 2016 article in the *Inlander*,
10 Defendants have repeatedly and routinely obtained DPPA-protected
11 personal information for the purpose of marketing legal services. Such
12 Personal Information is obtained for the sole purpose of lining the firm’s,
13 and therefore Mr. Swapp’s personal, pockets.
14

15 4.16 According to records provided by the Washington State Patrol,
16 on more than 10,000 occasions between September 2013 and July 2016,
17 the Swapp Firm purchased accident reports from the Washington State
18 Patrol, at a cost of either \$9.50 or \$10.50 per report.
19

20 4.17 As explained in the July 21, 2016 *Inlander* article, Defendants
21 systematically ordered traffic collision reports electronically and then
22 harvested those reports for Personal Information, including names and
23 addresses.
24
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1 4.18 The July 21, 2016 *Inlander* article described the procedures
2 that the Swapp Firm's marketing employee, Mariam Ibarra, utilizes to
3 collect collision reports and therefore the personal information of auto
4 accident victims:

5
6 All Ibarra has to do is open up WSP's Requests for
7 Electronic Collision Records site, enter a date in the
8 search field, and start clicking tiny shopping cart
9 icons next to the list of names. The only speed
10 bump? You're capped at ordering 15 records at a
11 time. So at 8:56am, Ibarra orders another 15. Then
another. Within 35 minutes, Ibarra has already
purchased more than 60 Washington accident
collision records for Swapp.

12 4.19 Utilizing this Personal Information, the Swapp Firm sends
13 letters with the signature of Craig Swapp (including the ones received by
14 Plaintiff) and glossy pamphlets marketing their legal services to people
15 who had just been involved in motor vehicle accidents, often within a
16 matter of days of their accidents, and prior to these accident victims ever
17 contacting Mr. Swapp or the Swapp Firm.
18

19
20 4.20 Defendants' practice of bulk-purchasing collision reports, in
21 order to obtain and use this personal Information, was the subject of a
22 grievance filed with the Washington State Bar Association ("WSBA").
23 During the bar grievance, Defendants were advised that their bulk
24

1 purchase of personal information for solicitation purposes was a violation
2 of the DPPA.

3 4.21 In an April 28, 2015 letter, Mr. Swapp advised the WSBA that
4 his law firm, “a for-profit organization,” requested “auto-accident reports”
5 and using the information from those reports, the Swapp Firm had a
6 practice of sending “direct mailings” to the persons identified in those
7 reports along with ‘how-to’ guides in dealing with property damage and
8 medical bills” and the police report.”
9

10
11 4.22 Thereafter, in a June 5, 2015 letter, Mr. Swapp advised the
12 WSBA that the Swapp Firm “was obtaining comprehensive police reports,
13 which comprise a myriad of information” and that information was then
14 used by Mr. Swapp and his Spokane law firm to communicate with “the
15 person who has been in an accident.” The June 5, 2015 letter
16 acknowledges that these mailings were sent to auto accident victims who
17 had not previously contacted the Swapp Firm to entice these “persons
18 [who] would be interested in retaining our firm to help in this process,
19 which may include litigation” and these materials were sent for the sole
20 purpose of “offer[ing] our legal services.”
21

22
23 4.23 On May 27, 2016, WSBA Disciplinary Counsel Christine Gray
24 issued a letter setting forth the following findings: “The facts here are
25

1 uncontested... On a regular basis, Mr. Swapp's office has obtained reports
2 from the Washington State patrol ... On a regular basis; Mr. Swapp's office
3 has used some information on those reports to send solicitation letters to
4 potential clients... [It is undisputed] Craig Swapp obtained collision reports
5 from the Washington State Patrol and used information from those reports
6 to solicit potential clients by mail.”
7

8 4.24 Accident victims receiving Defendants' solicitations and
9 marketing materials had not consented to the contact or waived any
10 privacy rights they have under the DPPA.
11

12 ***Defendants Obtain & Use Plaintiffs' Personal Information***

13 4.25 Ms. Wilcox was involved in an automobile accident on August
14 1, 2015, labeled E448140. The Spokane Police Department created a
15 traffic collision report on August 2, 2015, utilizing Personal Information
16 obtained from the DMV's motor vehicle records.
17

18 4.26 Based on Defendants' systematic and continual practice,
19 Defendants purchased the collision report from the Washington State
20 Patrol.
21

22 4.27 Ms. Wilcox was involved another automobile accident on July
23 9, 2016, labeled E562485. She was driving a motor vehicle registered in
24 her name, and to her address. The Washington State Patrol created a
25

1 traffic collision report on July 11, 2016, utilizing Personal Information
2 obtained from the DMV's motor vehicle records.

3 4.28 Based on Defendants' systematic and continual practice,
4 Defendants purchased the collision report from the Washington State
5 Patrol.
6

7 4.29 Utilizing Ms. Wilcox's Personal Information obtained from the
8 collision report, Defendants sent Ms. Wilcox a letter on July 14, 2016
9 signed by Mr. Swapp, advertising their services. The letter explained that
10 Ms. Wilcox's Personal Information was obtained from Washington public
11 records.
12

13 **Defendants' Conduct Was Knowing and Willful and/or Reckless**

14 4.30 By at least June 17, 2013, when the United States Supreme
15 Court issued its decision in *Maracich v. Spears*, Defendants knew or were
16 reckless in not knowing that communications for the predominant purpose
17 of solicitation of legal services was not a permissible use of personal
18 information under the DPPA.
19
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21 4.31 The majority, if not every, attorney listed on the Swapp Firm's
22 website claims to practice in the area of automobile accidents. As all of the
23 8 attorneys identified on the Swapp Firm website as being admitted to
24 practice in the State of Washington claim to handle or focus on automobile
25

1 accident cases, and the concentration of the Swapp Firm's practice in
2 automobile accident cases in general, Defendants must have known (and
3 certainly should have known) that the personal information in the collision
4 reports was populated with personal information from motor vehicle
5 records.
6

7 4.32 The July 21, 2016 *Inlander* article, for which Mr. Swapp was
8 interviewed and extensively discusses the Swapp Firm's data mining and
9 marketing practices, specifically identified the existence of a class action
10 lawsuit alleging that because "collision reports often contain information
11 obtained from driver's licenses, when lawyers use them to contact accident
12 victims, they are violating the federal Driver's Privacy Protection Act."
13

14 **V. CLASS ACTION ALLEGATIONS**

15
16 5.1 Plaintiff brings this action as a class action pursuant to Federal
17 Rule of Civil Procedure 23(a) and (b)(3), on behalf of the following Class:

18
19 All drivers identified in traffic collision reports whose
20 Personal Information, as defined by the DPPA, was
21 obtained by the Swapp Law Firm (d/b/a Craig
22 Swapp & Associates) or Mr. Swapp from the
23 Washington State Patrol between September 1,
24 2013 and June 23, 2017.
25

1 Excluded from the Class are (a) any individuals who are current or former
2 clients of the Swapp Firm or Mr. Swapp, (b) any individuals who provided
3 written consent to Defendants for the disclosure of their Personal
4 Information (as defined by the DPPA) prior to Defendants obtaining their
5 personal information, (c) employees of the Swapp Law Firm (including any
6 attorneys) or of Mr. Swapp as well as any of the members of their
7 immediate families, and (d) the Judge to whom this action is assigned as
8 well as person working in the Judge's chambers and the members of their
9 families.
10
11

12 **Impracticability of Joinder**

13 5.2 The Class is so numerous that joinder of all members is
14 impracticable. According to records produced by the Washington State
15 Patrol, Defendants purchased more than 10,000 collision reports
16 containing Personal Information between 2013 and 2016 predominantly
17 involving accidents in the Spokane area. While the exact number
18 identities of the Class members are unknown to Plaintiffs and their
19 counsel, the members of the Class are also believed to be geographically
20 dispersed across the State of Washington.
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Commonality

1
2 5.3 The central question concerns whether Defendants' admitted
3 practice of obtaining personal information contained in accident reports,
4 which is directly populated from records from the DMV, to solicit business
5 from accident victims without their consent violates the DPPA. Subsidiary
6 common questions of law or fact which will have common answers
7 including the following:
8

9 a) whether Defendants obtained, disclosed and/or used the
10 Personal Information derived from the motor vehicle records of the
11 DMV, of Plaintiffs and the Class when they purchased the traffic
12 collision reports from the Washington State Patrol;
13

14 b) Whether Defendants had any permissible purpose, within
15 the meaning of 18 U.S.C. § 2721(b), when they obtained they
16 obtained the Personal Information, of Plaintiffs and the Class;
17

18 c) Whether Defendants knowingly obtained, disclosed or
19 used the Personal Information, of Plaintiff and the Class in violation
20 of the DPPA and are therefore liable to Plaintiff and the Class;
21

22 d) whether Defendants systematic conduct was willful or in
23 reckless disregard of the law, warranting the award of punitive
24
25

1 against Defendants and in favor of Plaintiff and the class members,
2 as expressly provided under 18 U.S.C. § 2724(b)(2) of the DPPA;

3 e) the appropriate equitable and damage remedies that
4 should be awarded to Plaintiffs and the Class as a result of
5 Defendants
6

7 **Typicality**

8 5.4 Plaintiffs' claims are typical of the claims of other members of
9 the Class because Plaintiff and Class members' claims all arise from the
10 same course of conduct and are all premised upon the same legal theory.
11 Defendants obtained personal information about Plaintiff and the other
12 Class Members in bulk through numerous requests to the Washington
13 State Patrol. After obtaining this protected information about Plaintiff and
14 the Class, Defendants then used Plaintiff' and Class members' Personal
15 Information without consent for purposes of marketing legal services.
16
17

18 **Adequacy**

19 5.5 Plaintiff will fairly and adequately protect the interests of the
20 Class. Plaintiff has no conflict with other members of the Class. Plaintiff
21 understands her obligations to the Class, is committed to vigorously
22 litigating this matter and will fairly and adequately protect and represent
23 the interests of the Class.
24
25

1 5.6 Defendants have no unique defenses against Plaintiff that
2 would interfere with her representation of the Class.

3 5.7 Plaintiff has engaged counsel experienced in class action
4 litigation.
5

6 **Rule 23(b)(3)**

7 5.8 The Class is suitable for certification under Fed. R. Civ. P.
8 23(b)(3). The questions of law or fact common to Class members
9 predominate over any questions affecting only individual members, and a
10 class action is superior to other available methods for fairly and efficiently
11 adjudicating this controversy.
12

13 5.9 Common questions of law and fact will predominate over any
14 individual ones as the significant questions in this case focus on the
15 legality of Defendants' conduct. As illustrated by the article in the *Inlander*,
16 the Swapp Firm, engaged in bulk downloading of collision reports,
17 purchasing as many as 60 reports in 35 minutes and mining the personal
18 information contained in those reports for purposes of marketing their legal
19 services. As a result, Defendants' own conduct will determine their liability
20 based upon law and fact common to all Class members. Even though
21 predominance is not required for damages, the DPPA establishes a
22 minimum amount of liquidated damages
23
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1 5.10 A class action is superior to other available methods of suit,
2 because a class action would be more manageable and efficient than
3 other means. As Plaintiff and the approximately 10,000 Class members
4 have essentially identical claims focused on Defendants' conduct, it is far
5 more efficient to litigate these claims in a single proceeding rather than to
6 require each Class member to file suit separately, particularly as the vast
7 majority, if not all, of class members' damages will not exceed the
8 liquidated damage amount.
9

10
11 5.11 There are no other pending lawsuits in which members of the
12 Class have raised similar allegations against the Defendants. The only
13 other related litigation alleging claims involving the DPPA concerning the
14 sale of accident reports by the Washington State Patrol is pending in this
15 District.
16

17 5.12 This is an appropriate forum for these claims because, among
18 other reasons, jurisdiction and venue are proper, Defendants have utilized
19 the Personal Information they obtained to engage in marketing in this
20 District, and, as a result of those activities, a significant portion of the
21 Class likely resides in this District.
22

23 5.13 There are no difficulties in managing this case as a class
24 action.
25

1 **VI. CLAIM FOR RELIEF**
2 **VIOLATION OF THE DRIVER'S PRIVACY PROTECTION ACT**
3 **(18 U.S.C. § 2721, et seq.)**

4 6.1 Plaintiffs repeat and reallege the allegations in the foregoing
5 paragraphs as if fully set forth herein.

6 6.2 The DPPA, 18 U.S.C. § 2722 makes it “unlawful for any person
7 knowingly to obtain or disclose personal information, from a motor vehicle
8 record, for any use not permitted under Section 2721(b)” of the DPPA.

9 6.3 The DPPA, 18 U.S.C. § 2724(a) provides that a “person who
10 knowingly obtains, discloses or uses personal information, from a motor
11 vehicle record, for a purpose not permitted under this chapter shall be
12 liable to the individual to whom the information pertains.
13

14 6.4 The DPPA, 18 U.S.C. § 2725(1) defines “motor vehicle record”
15 to mean “any record that pertains to a motor vehicle operator’s permit,
16 motor vehicle title, motor vehicle registration, or identification card issued
17 by a department of motor vehicles.”
18

19 6.5 The DPPA, 18 U.S.C. § 2725(3) defines “personal information”
20 to mean information that identifies an individual, including an individual’s
21 photograph, social security number, driver identification number, name,
22 address (but not the 5-digit zip code), telephone number, and medical or
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1 disability information, but does not include information on vehicular
2 accidents, driving violations, and driver's status.”

3 6.6 Defendants obtained approximately 10,000 collision reports
4 from the Washington State Patrol between 2013 and 2016, including those
5 involving Plaintiff and the Class. Collision reports obtained by Defendants
6 contained “personal information from a motor vehicle record” within the
7 meaning of 18 U.S.C. §§ 2722 & 2725(1), (3). By obtaining such
8 information and reports, Defendants obtained the Personal Information,
9 within the meaning of 18 U.S.C. § 2725(3) of Plaintiff and the Class.
10
11

12 6.7 Defendants obtained the collision reports for the express
13 purpose of obtaining, using and/or disclosing Plaintiff and Class Members'
14 Personal Information, in order to and as part of Defendants' efforts to
15 market legal services.
16

17 6.8 The marketing of legal services is not a “permissible use” of
18 personal information under the DPPA, 18 U.S.C. § 2721(b).
19

20 6.9 Defendants had no permissible purpose, within the meaning of
21 18 U.S.C. § 2722(a) or § 2721(b), to obtain the personal information of
22 Plaintiff and the Class and did not use the personal information for a
23 permissible purpose.
24
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1 have obtained that person's express written consent or Defendants have
2 certified under penalty of perjury to the Washington State Patrol that the
3 information is sought for one of the permissible purposes under 18 U.S.C.
4 § 2721(b) and identifying the permissible purpose.
5

6 C. Enter a preliminary and permanent injunction preventing and
7 restraining Defendants (and any of their attorneys, employees, agents,
8 representatives or anyone acting on their behalf) from disclosing or using
9 the personal information about Plaintiff and the Class, and requiring
10 Defendants to destroy all personal information about Plaintiff and the
11 Class that Defendants have in the possession, custody or control.
12

13 D. Require Defendants to identify under penalty of perjury all
14 manners how the personal information of Plaintiff and the Class have been
15 used or disclosed and confirming that all personal information about
16 Plaintiff and the Class has been destroyed.
17

18 E. Award monetary damages, the exact amount to be determined
19 at trial, in an amount not less than the statutory-provided liquidated
20 damages, for each Plaintiff and each member of the Class, of not less than
21 \$2500 for each separate violation of DPPA by Defendant under 18 U.S.C.
22 § 2724(b)(1);
23
24
25

1 F. Award punitive damages, the exact amount to be determined
2 at trial, for Defendants' willful and reckless disregard of the DPPA and to
3 deter such future violations, pursuant to 18 U.S.C. § 2724(b)(2);

4 G. Require Defendants to pay pre-judgment interest and post-
5 judgment interest;
6

7 H. Award reasonable attorney's fees and other litigation costs
8 pursuant to 18 U.S.C. § 2724(b)(3) and/or order payment of reasonable
9 fees and expenses in this action to Plaintiff's counsel on the basis of the
10 common benefit and/or common fund doctrine out of any money or benefit
11 recovered for the Class in this action;
12

13 I. Grant any other relief that this Court determines is appropriate
14 pursuant to 18 U.S.C. § 2724(4) and grant any other relief to which Plaintiff
15 is entitled pursuant to Rule 54(c) of the Federal Rules of Civil Procedure.
16

17 **TRIAL BY JURY**

18 Plaintiffs demand trial by jury of all issues so triable.
19

20 DATED August 3, 2017

21 /s Thomas G. Jarrard

22 THOMAS G. JARRARD

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