

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARY NISI,
On behalf of herself and the class described
below,

Plaintiff,

v.

DOROTHY BROWN, in her official capacity
as Clerk of the Circuit Court of Cook County,
Illinois,

Defendant.

CIVIL ACTION

Case No.: 18-cv-4861

District Court Judge:

Magistrate Judge:

JURY DEMANDED

**CLASS ACTION COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF**

NATURE OF THE ACTION

1. Plaintiff, Mary Nisi (“Plaintiff”), individually and on behalf of all others similarly situated, brings this action under the Driver’s Privacy Protection Act, 18 U.S.C. § 2721 *et seq.* (the “DPPA”), for a finding that Defendant is improperly disclosing personal information contained in motor vehicle records and for injunctive relief.
2. The DPPA is designed to prevent the disclosure of personal information held in state motor vehicle records. It was passed in 1994 in part due to the murder of a young woman whose killer obtained her unlisted address from state motor vehicle records. Other concerns, such as those for the safety of domestic violence victims and peace officers, the prevention of identity theft, and the invasion of privacy also inform the DPPA’s purpose. *See, e.g., Senne v. Village of Palatine, Ill.*, 695 F.3d 597, 607-08 (7th Cir. 2012) (outlining the DPPA’s purpose and legislative history).

3. In enacting the DPPA, Congress found that safety and security concerns associated with excessive disclosures of personal information held by the State in motor vehicle records were the primary issue to be remedied by the legislation. *See, e.g.*, 140 Cong. Rec. H2526 (Apr. 20, 1994) (statement of Rep. Porter Goss) (“The intent of this legislation is simple—to protect the personal privacy and safety of all American licensed drivers.”)
4. Senator Barbara Boxer, one of the DPPA’s sponsors, emphasized that “[i]n 34 States, someone can walk into a State Motor Vehicle Department with your license plate number and a few dollars and walk out with your name and home address.” 139 Cong. Rec. S15, 762 (daily ed. Nov. 16, 1993); *see also* 140 Cong. Rec. H2522 (daily ed. Apr. 20, 1994) (statement of Rep. Moran, a sponsor of the DPPA) (“A total stranger can obtain personal information about you without knowing anything more about you than your license plate number and you are helpless to stop it.”). *Id.*
5. Defendant systematically violates the DPPA by making unredacted motor vehicle records available to the public at all Cook County courthouse electronic terminals.
6. At said terminals, anyone can obtain an individual’s personal information by searching traffic citations with an individual’s name or even just their license plate number.

VENUE AND JURISDICTION

7. This action arises under and is brought pursuant to the DPPA. Subject matter jurisdiction is conferred upon this Court by 18 U.S.C. § 2724(a) and 28 U.S.C. §§ 1331, 1337, as the actions arise under the laws of the United States.
8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, as the Defendant does business in the District and Defendant’s actions impact the Plaintiff within the District.

PARTIES

9. Plaintiff is a natural person who resides in the District.
10. Defendant Dorothy Brown is the Clerk of the Circuit Court of Cook County and is sued in her official capacity only. The Clerk is responsible for, among other things, ensuring that all records, dockets, and other papers related to the proceedings and determinations of the Circuit Court are maintained and disclosed to the public for inspection and examination.
11. Acting in her official capacity, Defendant, as well as those acting at her direction and under her supervision, is directly involved with and responsible for acts giving rise to the improper disclosure of personal information in violation of the DPPA. These acts reflect the official practice and policy of the Clerk's office.
12. Plaintiff seeks relief against Defendant, as well as against her agents, assistants, successors, employees, and all persons acting in concert or cooperation with her or at her direction or under her control.

FACTS

13. Defendant maintains electronic computer terminals at all courthouse locations where the public may search for, view, and print public documents including traffic citations.
14. At said terminals, Defendant makes available traffic citations issued within Cook County, which contain the following personal information regarding Plaintiff and the class:
 - i. Gender;
 - ii. Date of Birth;
 - iii. Home Address; and
 - iv. Driver Identification Number (i.e. Driver's License Number).

A redacted copy of such a traffic citation regarding Plaintiff is attached hereto and incorporated as *Exhibit 1*.

15. The information contained on said traffic citations originated from a motor vehicle record of the Illinois Secretary of State: namely, Plaintiff's Driver's License.

COUNT I - VIOLATION OF THE DPPA

16. Plaintiff incorporates and realleges paragraphs 1-15.
17. The DPPA prohibits any person from obtaining or disclosing personal information from a motor vehicle record without a permissible purpose. 18 U.S.C. § 2722(a).
18. Defendant violated § 2722(a) of the DPPA when it knowingly disclosed Plaintiff's personal information from a motor vehicle record by making it available—without redaction—to the general public via its electronic terminal system.

CLASS ALLEGATIONS

19. Plaintiff brings this claim on behalf of a class pursuant to Fed. R. Civ. P. 23(b)(2).
20. Plaintiff brings this action on behalf of a class defined as follows:

All natural persons who were issued traffic citations within Cook County whose personally identifiable information was disclosed to the general public via the electronic terminal system of the Clerk of the Circuit Court of Cook County within four years prior to the filing of this action and extending through the resolution of this action.

21. The class defined above is so numerous that joinder of all members is impracticable.
22. Plaintiff's claim raises questions of law and fact common to the class.
23. Plaintiff's claim is typical of the claims of the class members: all claims are based on the same course of conduct by the Defendant and are based on the same legal theory.

24. Plaintiff will fairly and adequately represent the class members: Plaintiff's counsel is qualified, experienced, and able to conduct this litigation; Plaintiff has no interests antagonistic to the class; and Plaintiff has sufficient interest in the outcome to ensure vigorous advocacy.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, on behalf of herself and the class defined above, hereby respectfully requests judgment in her favor and against Defendant Dorothy Brown, in her official capacity as Clerk of the Circuit Court of Cook County, Illinois, as follows:

- I. For preliminary and permanent injunctions against Defendant, including her agents, assistants, successors, employees, and all persons acting in concert or cooperation with her, or at her direction or under her control, prohibiting her from disclosing unredacted traffic citations to the general public that contain personal information;
- II. For a declaratory judgment pursuant to 18 U.S. Code § 2724(b)(4) declaring Defendant's policy and practice that knowingly results in disclosures of unredacted personal information on traffic citations to be a violation of the Driver's Privacy Protection Act, 18 U.S.C. § 2721, *et seq.*;
- III. For statutory and punitive damages as to Mary Nisi individually under 18 U.S. Code § 2724(b)(1) and (2);
- IV. For an award of costs and reasonable attorneys' fees pursuant to 18 U.S. Code § 2724(b)(3);
- V. For all other relief the Court deems just and proper.

Respectfully Submitted,

s/ Roger Zamparo, Jr.
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JURY TRIAL

Plaintiff hereby demands a trial by jury for all issues so triable.

DOCUMENT PRESERVATION DEMAND

Plaintiff hereby demands that Defendant take affirmative steps to preserve all recordings, data, documents, and all other tangible things that relate to Plaintiff, the events described herein, any third party associated with any telephone call, campaign, account, sale or file associated with Plaintiff, and any account or number or symbol relating to them. These materials are likely very relevant to the litigation of this claim. If Defendant is aware of any third party that has possession, custody, or control of any such materials, Plaintiff demands that Defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the Defendant.

NOTICE OF LIEN AND ASSIGNMENT

Please be advised that counsel for Plaintiff claims a lien upon any recovery herein for any attorney's fees authorized by the above fee-shifting statutes or awarded by the Court. All rights relating to attorneys' fees have been assigned to counsel for Plaintiff.