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13
14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF SACRAMENTO**

16 JANE DOE I and JANE DOE II, on behalf of
themselves and all others similarly situated,

17 Plaintiffs,

18 v.

19 SUTTER HEALTH,

20 Defendant.

CASE NO.

CLASS ACTION

CLASS ACTION COMPLAINT FOR:

- (1) VIOLATION OF CALIFORNIA
CONFIDENTIALITY OF MEDICAL
INFORMATION ACT (Cal. Civ. Code §§ 56,
et seq.);
(2) VIOLATION OF CALIFORNIA
INVASION OF PRIVACY ACT (Cal. Penal
Code §§ 631, *et seq.*);
(3) INTRUSION UPON SECLUSION;
(4) BREACH OF FIDUCIARY DUTY OF
CONFIDENTIALITY;
(5) VIOLATION OF CALIFORNIA'S
UNFAIR COMPETITION LAW (Cal. Bus. &
Prof. Code §§ 17200, *et seq.*);
(6) CONVERSION; and
(7) NEGLIGENCE.

DEMAND FOR JURY TRIAL

BY FAX



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TABLE OF CONTENTS

NATURE OF THE ACTION..... 1

THE PARTIES..... 2

FACTS COMMON TO ALL COUNTS..... 3

CLASS ACTION ALLEGATIONS..... 12

 FIRST CAUSE OF ACTION
 VIOLATION OF CALIFORNIA CONFIDENTIALITY OF
 MEDICAL INFORMATION ACT
 (Cal. Civ. Code §§ 56, *et seq.*) 15

 SECOND CAUSE OF ACTION
 VIOLATION OF CALIFORNIA INVASION OF PRIVACY ACT
 (Cal. Penal Code §§ 631, *et seq.*) 17

 THIRD CAUSE OF ACTION
 INTRUSION UPON SECLUSION 19

 FOURTH CAUSE OF ACTION
 BREACH OF FIDUCIARY DUTY OF CONFIDENTIALITY..... 20

 FIFTH CAUSE OF ACTION
 VIOLATION OF CALIFORNIA’S UNFAIR COMPETITION LAW
 (Cal. Bus. & Prof. Code §§ 17200, *et seq.*)..... 21

 SIXTH CAUSE OF ACTION
 CONVERSION 22

 SEVENTH CAUSE OF ACTION
 NEGLIGENCE..... 23

PRAYER FOR RELIEF 23

DEMAND FOR JURY TRIAL..... 25

1 Plaintiffs Jane Doe I and Jane Doe II, on behalf of themselves and all others similarly
2 situated, allege as follows upon personal knowledge as to their own conduct and on information
3 and belief as to all other matters based on an investigation by counsel, such that each allegation
4 has evidentiary support or is likely to have evidentiary support upon further investigation and
5 discovery:

6 **NATURE OF THE ACTION**

7 1. This case concerns Defendant Sutter Health's systematic violation of the medical
8 privacy rights of its patients. Defendant discloses personally identifiable information about
9 patients, including their status as patients and the content of their communications with Defendant,
10 to Facebook and other third-parties.

11 2. Defendant's conduct in disclosing personally identifiable information about its
12 patients to Facebook and other third-parties violates California privacy laws including, but not
13 limited to, California's Invasion of Privacy Act (Cal. Penal Code §§ 630, *et seq.*; "CIPA"),
14 California's Confidentiality of Medical Information Act (Cal. Civ. Code §§ 56, *et seq.*; "CMIA"),
15 Defendant's explicit promises and duties to its patients, and its patients' reasonable expectations
16 of privacy.

17 3. California's Constitution enshrines privacy as a protected, inalienable right:

18 *All people are by nature free and independent and have inalienable rights. Among*
19 *these are enjoying and defending life and liberty, acquiring, possessing, and*
protecting property, and *pursuing and obtaining* safety, happiness, and *privacy*.

20 Cal. Const. art. I, § 1 (emphasis added).

21 4. The common law tort of intrusion upon seclusion and California's constitutional
22 right to privacy encompass both informational privacy and autonomy privacy. Informational
23 privacy consists of an individual's interest in protecting against dissemination or misuse of
24 sensitive and confidential information. Autonomy privacy consists of an individual's interest in
25 making intimate personal decisions or conducting personal activities without observation,
26 intrusion, or interference. This case involves both.

27 5. CIPA enhances and specifically protects the right to privacy by establishing
28 specific protections against unlawful intrusions into private communications, as explained in Penal