

Federal Court Lets Class Action Against People Search Websites Proceed

Lawsuit alleges websites used individuals' names and identities for marketing purposes without their permission

LOS ANGELES, CALIFORNIA, UNITED STATES, August 11, 2022 /EINPresswire.com/ -- The internet

“

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*Carter P. Spohn, California
Licensed Private Investigator*

era serves as a constant reminder of our diminishing expectation of privacy. Earlier this year, operators of several “people search” websites were targeted in a class action lawsuit. These websites allow individuals to search for a name and, with little effort, discover a wealth of background information about the search target. Basic information such as age and location are free, while the websites tantalize customers with additional details locked behind paywalls. Two individuals sued the website operator in a California federal court, alleging that their identities and personal details were used to solicit

subscriptions to the sites without their consent. The defendant website operators sought to dismiss the lawsuit, and the court issued its ruling in mid-July. The case is *Jose Medina Camacho and Rhonda Cotta v. PeopleConnect, Inc, Intelius LLC, and The Control Group Media Company, LLC*, case no. 22-cv-209-MMA (MMD), filed in the United States District Court for the Southern District of California.

The plaintiffs, Jose Medina Camacho of Alabama and Rhonda Cotta of California, filed a class action lawsuit in the Southern District of California against three companies that operate people search websites: The PeopleConnect, Inc., Intelius LLC, and The Control Group Media Company, LLC. Collectively, the defendants operate several people search websites including TruthFinder, Intelius, Instant Checkmate and US Search. The websites sell access to comprehensive background reports on “just about anyone,” with information compiled from various databases and public record repositories. Search targets are not informed (or, of course, compensated in any way) when someone uses the websites to find out their personal information, or when the sites tease access to individuals’ personal details on the other side of a paywall.

Carter Spohn is the Director of [Millennium Intelligence Agency](#) who has been a California licensed private investigator for over 35 years and has witnessed the growth and explosion of commercial people search providers since the onset of the internet. Spohn says he would never

rely on commercially available people search sites since there is no way to know how accurate the data is, how current the databases used are, and no way to verify the data reported to you.

“A really big drawback,” Spohn says, “is that a lot of these services want your credit card and are subscription-based, charging a monthly fee on your credit card. You then spend unnecessary time trying to figure out how to cancel your subscription or get a refund of payments you didn’t know you were authorizing.” A review of customer complaints regarding people search websites reveals a majority of complaints surrounding allegedly unauthorized charges and extreme difficulty canceling subscriptions.

To Spohn, the biggest difference between people search websites and a licensed investigator is that the internet sites only give you a raw search result, and you don’t know if the information is accurate or current. “With a licensed private investigator,” Spohn explains, “you get information that is verified and a report that explains what the information means, suggests other steps or resources to consider, and provides opinions and conclusions tailored to the client’s needs.” You also deal with a live human who is a licensed professional. “My attorney clients rely on my reports and findings to make significant decisions in litigation. My reputation and credibility are at stake and I could never rely on internet-based search companies for my investigations and research,” Spohn concludes.

The plaintiffs in this case charge that the defendants misappropriated their identities without their consent and utilized their personal details to obtain commercial benefits in violation of California and Alabama right-to-publicity laws. Defendants moved to dismiss or compel arbitration on a variety of grounds, citing Section 230 of the Communications Decency Act (CDA), constitutional provisions, and other purported defenses.

The court first rejected the move to compel arbitration. The defendants claimed the plaintiffs consented to an arbitration agreement upon using their websites to collect data for this very lawsuit. The court disagreed, holding the plaintiff’s attorney did not bind the plaintiff to the sites’ arbitration agreement in accessing the material for the purposes of this lawsuit.

The court went on to reject each of the defendants’ alleged grounds for dismissal. First, regarding CDA immunity: The CDA shields website operators “from liability for third-party information (or content . . .) unless the website operator ‘is responsible, in whole or in part, for the creation or development of [the] information.’” Here, although the content (plaintiffs’ background information) comes from third parties, defendants’ compilation of the content without permission--especially the use of “teasers” advertising access to the information--is the actual unlawful conduct. The CDA thus offered no protection for the defendants.

The court also rejected the defendants’ First Amendment and state constitutional claims. Plaintiffs seek to prevent the use of their personal information in connection with advertisements for paid services, not the disclosure of the information itself. These “teasers” are clear commercial content, which is not protected to the same degree as other forms of speech.

Thus, the state right-to-publicity laws serve a proper public purpose and do not unduly infringe upon the defendants' constitutional rights.

The court went on to conclude that the plaintiffs stated a proper claim for misappropriation. As alleged by the plaintiffs, the defendant used the plaintiffs' identities, for a commercial purpose, without consent, which caused injury to the plaintiffs. Defendants could not rely on "public use" or other public policy exceptions to the general rule.

Depending on the ultimate outcome, the case may have a significant impact on people-search websites as well as other tech companies' use of personal information for commercial gain.

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