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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

SAMUEL JESSE GARCIA  
individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

BANDAI NAMCO  
ENTERTAINMENT AMERICA,  
INC.,

Defendant.

CASE NO.

CLASS ACTION COMPLAINT FOR:

JURY TRIAL DEMANDED

Plaintiff Samuel Jesse Garcia (“Plaintiff”), individually and on behalf of all other persons similarly situated, by and through his attorneys, makes the following allegations pursuant to the investigation of his counsel and based upon information and belief, except as to allegations specifically pertaining to themselves and his counsel, which are based on personal knowledge.

**INTRODUCTION**

1. Plaintiff brings this action against Defendant Bandai Namco Entertainment America Inc. ("Bandai Namco" or "Defendant") for repeated, systematic, and willful violations of the Video Privacy Protection Act, 18 U.S.C. §

1 2710 (the "VPPA"). Defendant shares Personal Viewing Information—i.e.,  
2 customers' unique Facebook ID (FID) and specific video game purchase  
3 information—together as one data point to Facebook. Because the customer's FID  
4 uniquely identifies an individual's Facebook user account, Facebook—or any other  
5 party with access to this data—can quickly and easily link this information to the  
6 customer's corresponding Facebook profile. Bandai Namco's actions represent a  
7 significant privacy breach, enabling Facebook to compile detailed profiles of  
8 individuals' video game purchasing habits for targeted advertising purposes, without  
9 users' knowledge or permission. Such disclosures of personally identifiable  
10 information have been found to state a viable claim under the VPPA. See *Jancik v.*  
11 *WebMD LLC*, No. 1:22-CV-644-TWT, 2025 WL 560705, at \*6-10 (N.D. Ga. Feb.  
12 20, 2025) (holding Meta Pixel's transmission of video viewing data with user  
13 identifiers violated the VPPA); *Salazar v. National Basketball Association*, 118  
14 F.4th 533, 536 (2d Cir. 2024) (finding disclosure of video titles with Facebook IDs  
15 through Meta Pixel constituted VPPA violation); *Edwards v. MUBI, Inc.*, No. 24-  
16 cv-00638-EKL, 2025 WL 985130, at \*4-5 (N.D. Cal. Mar. 31, 2025) (ruling website  
17 tracking pixels sending video titles with user identifiers to Meta violated the VPPA).  
18 This action seeks redress for Defendant's violations of the VPPA on behalf of a  
19 nationwide class of consumers.  
20

21 2. In the digital age, personal privacy has become increasingly vulnerable  
22 to corporate exploitation, with tech companies and data brokers harvesting and  
23 monetizing consumers' most intimate preferences without transparency or  
24 meaningful consent. This case highlights a particularly egregious example of such  
25 exploitation: Defendant's surreptitious collection and disclosure of consumers' video  
26 game viewing and purchasing data to Facebook—one of the world's largest  
27 advertising networks—without obtaining the informed, written consent explicitly  
28 required by federal law. This deliberate disregard for consumer privacy rights allows

1 Defendant to profit from the unauthorized commodification of consumers' personal  
2 information while depriving those same consumers of their statutory right to control  
3 how their sensitive data is used and shared.

4 3. Through its implementation of the Facebook Pixel tracking technology  
5 on its website and online store, Defendant has systematically and knowingly  
6 disclosed Plaintiff's and Class members' personally identifiable information ("PII")  
7 to Facebook, enabling the social media giant to link specific video game preferences  
8 and purchases to individual Facebook users.

9 4. This unauthorized disclosure of sensitive data directly contravenes the  
10 VPPA's plain language and core purpose of protecting individuals' privacy in their  
11 video-related activities. The VPPA was enacted precisely to prevent companies from  
12 revealing consumers' viewing preferences to third parties without explicit  
13 permission.

14 5. Defendant's privacy violations are particularly troubling given the  
15 nature of video game content, which often reflects deeply personal interests,  
16 preferences, and values. Modern video games frequently contain sophisticated  
17 narratives, moral choices, and content addressing sensitive topics such as politics,  
18 religion, sexuality, and violence. The specific games a consumer purchases—  
19 whether they choose war simulations, fantasy role-playing adventures, child-  
20 friendly educational content, or games with mature themes—can reveal intimate  
21 details about their personality, moral compass, political leanings, and even  
22 psychological profile. The disclosure of such information to Facebook provides  
23 Facebook and its advertising partners with granular insights into consumers'  
24 personalities, interests, and behaviors that they never intended to share and enables  
25 psychological profiling far beyond what consumers might reasonably expect from a  
26 video game purchase.

27 6. These privacy violations are especially concerning because a  
28

1 significant portion of Defendant's customer base consists of minors and young adults  
2 who are particularly vulnerable to online tracking and data exploitation. Children  
3 and teenagers who play and purchase video games are often unaware of sophisticated  
4 tracking technologies and unable to provide meaningful informed consent to data  
5 collection. Defendant's practices effectively exploit this vulnerability, collecting and  
6 sharing sensitive data from young consumers who lack the knowledge, experience,  
7 and legal capacity to protect their own privacy interests.

8 **PARTIES**

9 7. Plaintiff Samuel Jesse Garcia is an individual who is over 18 years old  
10 and a citizen of the State of California. Mr. Garcia is a subscriber of Defendant's  
11 Website who has viewed and purchased video games on the Website while logged  
12 into his Facebook account.

13 8. Defendant Bandai Namco Entertainment America Inc. is a Delaware  
14 corporation with its principal place of business at 23 Odyssey, Irvine, California  
15 92618. Bandai Namco is a subsidiary of Bandai Namco Holdings Inc., a Japanese  
16 multinational video game publisher and developer with global operations.

17 **JURISDICTION AND VENUE**

18 9. This Court has subject matter jurisdiction over this action pursuant to  
19 28 U.S.C. § 1331 because it arises under the laws of the United States, namely the  
20 Video Privacy Protection Act, 18 U.S.C. § 2710.

21 10. This Court has personal jurisdiction over Defendant because it  
22 maintains its principal place of business in California, regularly conducts business  
23 in California, and the unlawful conduct alleged in this Complaint occurred in, was  
24 directed from, and/or emanated from California.

25 11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because  
26 a substantial part of the events giving rise to this action occurred in this District,  
27 Defendant resides in this District, and Defendant's principal place of business is  
28

1 located within this District.

2 **GENERAL ALLEGATIONS**

3 **A. Background of the Video Privacy Protection Act**

4 12. The Video Privacy Protection Act was enacted in 1988 following the  
5 controversial disclosure of Supreme Court nominee Robert Bork's video rental  
6 records during his confirmation hearings. Congress recognized the profound privacy  
7 implications of revealing an individual's video viewing habits and acted decisively  
8 to protect this sensitive information.

9 13. The VPPA generally prohibits "video tape service providers" from  
10 knowingly disclosing consumers' personally identifiable information without their  
11 "informed, written consent" given "at the time the disclosure is sought" in a form  
12 "distinct and separate from any form setting forth other legal or financial  
13 obligations." 18 U.S.C. § 2710(b)(2)(B).

14 14. Prior to the VPPA's enactment, members of the United States Senate  
15 warned that "[e]very day Americans are forced to provide to businesses and others  
16 personal information without having any control over where that information goes."  
17 S. Rep. No. 100-599 at 6-7 (1988).

18 15. Senators were particularly troubled by disclosures of records that reveal  
19 consumers' purchases and rentals of videos and other audiovisual materials. As  
20 Senator Patrick Leahy and the late Senator Paul Simon recognized, records of this  
21 nature offer "a window into our loves, likes, and dislikes," such that "the trail of  
22 information generated by every transaction that is now recorded and stored in  
23 sophisticated record-keeping systems is a new, more subtle and pervasive form of  
24 surveillance." S. Rep. No. 100-599 at 7-8 (1988).

25 16. In proposing the Video and Library Privacy Protection Act (later  
26 codified as the VPPA), Senator Leahy emphasized that "[i]n practical terms our right  
27 to privacy protects the choice of movies that we watch with our family in our own  
28

1 homes. And it protects the selection of books that we choose to read." 134 Cong.  
2 Rec. S5399 (May 10, 1988).

3 17. The personal nature of such information, and the need to protect it from  
4 disclosure, is the inspiration of the statute: "[t]hese activities are at the core of any  
5 definition of personhood. They reveal our likes and dislikes, our interests and our  
6 whims. They say a great deal about our dreams and ambitions, our fears and our  
7 hopes. They reflect our individuality, and they describe us as people." *Id.*

8 18. While these statements rang true in 1988 when the VPPA was passed,  
9 the importance of such legislation in the modern era of data mining from online  
10 activities is even more pronounced. During a Senate Judiciary Committee meeting  
11 titled "The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st  
12 Century," Senator Leahy emphasized that "[w]hile it is true that technology has  
13 changed over the years, we must stay faithful to our fundamental right to privacy  
14 and freedom. Today, social networking, video streaming, the 'cloud,' mobile apps  
15 and other new technologies have revolutionized the availability of Americans'  
16 information."<sup>1</sup>

17 19. Courts have consistently recognized that the VPPA applies to modern  
18 digital services that provide video content, not just traditional brick-and-mortar  
19 video rental stores. See, e.g., *Salazar v. National Basketball Association*, 118 F.4th  
20 533, 553 (2d Cir. 2024) (holding that 'the VPPA is no "dinosaur statute" and its  
21 "privacy protections remain as robust today as they were in 1988")

22 **B. Facebook Pixel Technology and Its Tracking Capabilities**

23 20. The Facebook Pixel is a snippet of JavaScript code that website owners  
24 can integrate into their websites to track visitor activity. When implemented, the  
25 Pixel establishes a direct connection between a website and Facebook's servers,  
26

27  
28 <sup>1</sup> See Committee on the Judiciary, Subcommittee on Privacy, Technology and the Law, The Video Privacy Protection Act: Protecting Viewer Privacy in the 21st Century, Senate Judiciary Committee Subcommittee on Privacy, Technology and the Law, <https://www.judiciary.senate.gov/imo/media/doc/CHRG-112shrg87342.pdf>.

1 enabling the real-time transmission of user data.

2 21. The Facebook Pixel works by placing cookies in users' browsers that  
3 contain unique identifiers. These cookies—particularly the "c\_user" and "fr"  
4 cookies—allow Facebook to match website activity to specific Facebook user  
5 accounts.

6 22. The "c\_user" cookie contains a user's unencrypted Facebook ID  
7 ("FID"), while the "fr" cookie includes an encrypted Facebook ID and browser  
8 identifier. Together, these cookies enable Facebook to track users across sessions,  
9 devices, and websites, creating comprehensive profiles of individual browsing and  
10 purchasing behavior.

11 23. When a Facebook user visits a website with the Facebook Pixel  
12 implemented, the Pixel automatically transmits data about the user's activity to  
13 Facebook, including page views, clicks, purchases, and other interactions. This data  
14 is tied directly to the user's Facebook identity through the cookies described above.

15 24. Facebook's own documentation encourages businesses to implement  
16 the Pixel to “see when customers took an action after seeing your ad.... Which can  
17 help with retargeting.”<sup>2</sup> This targeting capability explicitly relies on matching  
18 website activities to specific Facebook users.

19 25. Unlike anonymous or aggregated analytics tools, the Facebook Pixel is  
20 designed specifically to identify individual users and track their personal activities  
21 across the web, creating detailed behavioral profiles that can be used for targeted  
22 advertising.

23  
24 **C. Bandai Namco’s Use of the Facebook Pixel Discloses PII to Facebook**  
25 **Without Customer Consent**

26 26. Bandai Namco Entertainment America Inc. is a leading video game  
27 publisher and distributor with annual revenues of \$7.17 billion as of fiscal year 2023.

28  
<sup>2</sup> Meta, Meta Pixel, <https://www.facebook.com/business/tools/meta-pixel> (last visited Apr. 21, 2025).

1 The company is responsible for developing, publishing, and marketing numerous  
2 internationally acclaimed gaming franchises including Dark Souls, Elden Ring,  
3 Tekken, Dragon Ball, Pac-Man, Ace Combat, Tales, and hundreds of other titles  
4 spanning multiple genres and platforms. As one of the industry's largest publishers,  
5 Defendant maintains extensive digital distribution channels, with its websites  
6 [www.bandainamcoent.com](http://www.bandainamcoent.com) and store.bandainamcoent.com serving millions of  
7 American consumers annually. Defendant's substantial market presence and vast  
8 customer base make its privacy violations particularly far-reaching and damaging to  
9 consumer interests nationwide.

10 27. Upon information and belief, Defendant implemented the Facebook  
11 Pixel on both its main website and online store and continuously operated the  
12 tracking technology for a significant period of time.

13 28. Bandai Namco's implementation of the Facebook Pixel results in  
14 comprehensive tracking of user activities, from initial site visit to purchase  
15 completion on both [www.bandainamcoent.com](http://www.bandainamcoent.com) and store.bandainamcoent.com.  
16 This tracking encompasses all user actions, including page views, product  
17 considerations, and purchases.

18 29. The collected data includes detailed event information logged by the  
19 Facebook Pixel such as PageView, ViewCategory, ViewContent, AddToCart,  
20 InitiateCheckout, and PlaceOrder. Each event transmission includes highly specific  
21 shopping data such as URLs of pages visited, product IDs, names of video games  
22 viewed, buttons clicked, prices, and currencies.

23 30. For Facebook users, this tracking is not anonymous; it is directly linked  
24 to their Facebook profiles through specific cookies, including c\_user and fr. The  
25 c\_user cookie contains the user's unencrypted Facebook ID ("FID"). The fr cookie  
26 includes an encrypted Facebook ID and browser identifier, enabling cross-session  
27 and cross-device tracking. Together, these tracking capabilities allow Bandai Namco  
28



1 to correlate specific user activities and events to specific Facebook profiles.

2 31. Importantly, FIDs are uniquely associated with particular Facebook  
3 accounts. A Facebook profile can be identified and viewed by simply appending an  
4 FID to the end of "Facebook.com". This means that anyone with access to a user's  
5 FID can easily identify and view the associated Facebook profile, thereby linking  
6 the gaming activity and purchases on Bandai Namco's website directly to a specific,  
7 identifiable individual.

8 32. This level of identification goes beyond mere data collection; it allows  
9 for the precise matching of video game preferences and purchases to individual  
10 Facebook users, potentially exposing sensitive information about a person's interests  
11 and spending habits without their explicit consent.

12 33. For example, when a logged-in Facebook user views the "Dark Souls  
13 III Standard Edition – STEAM" on Bandai Namco's website, Bandai Namco  
14 discloses PageView and ViewContent events to Facebook. These events are sent  
15 alongside the user's c\_user and fr cookies, revealing to Facebook that this specific  
16 individual (and corresponding FID) has viewed this exact game edition, including  
17 the fact that it's for the STEAM platform and is priced at \$39.99.

18 34. Similarly, if a user browses the "DRAGON BALL: The Breakers – PS4  
19 Limited Edition Bundle", Bandai Namco again discloses PageView and  
20 ViewContent events to Facebook. This transmission informs Facebook that the user  
21 is looking at this specific game bundle for PS4, priced at \$19.99. (See Figures 1 and  
22 2, illustrating the data collected and transmitted during these ViewContent events.)

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**Meta Pixel Helper**  
Learn More



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- ▶ ⚠ Lead
- ▶ ✔ PageView
- ▶ ⚠ Search
- ▼ ✔ ViewContent

**CUSTOM PARAMETERS SENT**

content\_ids: ["2424"]  
 content\_type: product\_group  
 currency: USD  
 value: 59.99

**DATA PROCESSING PARAMETERS SENT**

dpo: LDU  
 dpoco: 0  
 dpost: 0

Since Data Processing Options are sent, custom conversions or catalog feedback may not work. [Learn more](#)

**EVENT INFO**

Setup Method: Manual  
 URL called: Hide

```
https://www.facebook.com/tr/?id=2331774727056582&ev=ViewContent&dl=https%3A%2F%2Fstore.bandainamcoent.com%2Fproduct%2Fdark-souls-iii-standard-edition-steam%2F&r1=https%3A%2F%2Fstore.bandainamcoent.com%2Fbrands%2Fdark-souls%2F&if=false&ts=1720550826334&cd[content_ids]=%5B%222424%22%5D&cd[content_type]=product_group&cd[value]=59.99&cd[currency]=USD&sw=1920&sh=1080&v=2.9.160&r=stable&a=plbigcommerce1.2&ec=0&eo=4125&fbp=fb.1.1720486011102.648367800134116597&ler=empty&cdl=API_unavailable&it=1720550826237&coo=false&dpo=LDU&dpoco=0&dpost=0&eid=store-12-prd-us-central1-119324010290&rqm=GET
```

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▼ Request Headers

:authority:	www.facebook.com
:method:	GET
:path:	/tr/?id=2331774727056582&ev=ViewContent&dl=https%3A%2F%2Fstore.bandainamcoent.com%2Fproduct%2Fdark-souls-iii-standard-edition-steam%2F&r1=https%3A%2F%2Fstore.bandainamcoent.com%2Fbrands%2Fdark-souls%2F&if=false&ts=1720552744508&cd[content_ids]=%5B%222424%22%5D&cd[content_type]=product_group&cd[value]=59.99&cd[currency]=USD&sw=1920&sh=1080&v=2.9.160&r=stable&a=plbigcommerce1.2&ec=0&eo=4125&fbp=fb.1.172048601102.648367800134116597&ler=empty&cdl=API_unavailable&it=1720552744354&coo=false&dpo=LDU&dpoco=0&dpost=0&eid=store-12-prd-us-central1-119324010290&rqm=GET
:scheme:	https
Accept:	image/avif,image/webp,image/apng,image/svg+xml,image/*/*;q=0.8
Accept-Encoding:	gzip, deflate, br, zstd
Accept-Language:	en-US,en;q=0.9
Cookie:	usida=eyJ2ZXiQjEsmikjoiQXNnZwbjFrZ2NreG0iLC0wW1ljoWZlwnNDgwMDk5QD%3D%3D; data=5XWmZis4cQUI8w6FNuA8i3ic; sb=nHemZu_-Vhve32Kw2Bbt2ov; c_user=1778389; xs=25%3ADEVCRFLhWYyA1g%3A2%3A1720481625%3A-193A2252; fr=0mx8BEtH4iWt58hK7AWUJU9X8sDkF7EBj9tdGiz0So.BmjHc0...AAA.0.0.BmjHdbAWUUIk8P_js
Priority:	i
Referer:	https://store.bandainamcoent.com/
Sec-Ch-Ua:	"Not(A)Brand";v="8", "Chromium";v="126", "Google Chrome";v="126"
Sec-Ch-Ua-Mobile:	?0
Sec-Ch-Ua-Platform:	"Windows"
Sec-Fetch-Dest:	image
Sec-Fetch-Mode:	no-cors
Sec-Fetch-Site:	cross-site
User-Agent:	Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/126.0.0.0 Safari/537.36

**Figures 1 and 2: Data Collected During a ViewContent Event for Video Game Views on Bandai Namco's Website**

1           35. In both cases, Bandai Namco secretly discloses to Facebook precisely  
2 which games, editions, and platforms individual users are interested in, along with  
3 the exact price points. This level of detail allows Facebook to build a comprehensive  
4 profile of the user's gaming interests and purchasing habits, all without the user's  
5 explicit consent as required by the VPPA.

6           36. The personal viewing information collected and shared by Bandai  
7 Namco is particularly sensitive given the nature of many video games the company  
8 publishes. Bandai Namco's catalog includes games with mature themes, violence,  
9 and other content that reveals highly personal information about consumers'  
10 preferences, interests, and beliefs. By sharing this information with Facebook,  
11 Defendant enables the creation of intrusive psychological profiles that extend far  
12 beyond mere entertainment preferences.

13           37. The Facebook Pixel can continue tracking users across browsing  
14 sessions even after they log out of Facebook, meaning that Defendant's privacy  
15 violations may extend beyond active Facebook sessions. The persistent nature of  
16 these tracking cookies means that user information continues to be collected and  
17 associated with identifiable profiles long after consumers believe their browsing  
18 session has ended.

19           38. Defendant strategically leverages the enhanced user profiles created  
20 through its Facebook Pixel integration to build highly targeted advertising  
21 campaigns that generate substantial additional revenue. This sophisticated data-  
22 sharing arrangement creates a lucrative revenue stream for Defendant in several  
23 ways: (1) it enables Defendant to retarget consumers who have viewed specific  
24 products with tailored advertisements across Facebook's platforms; (2) it allows  
25 Defendant to create "lookalike audiences" to identify and target new potential  
26 customers with similar characteristics to existing high-value customers; and (3) it  
27 provides Defendant with competitive marketplace advantages through privileged  
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1 access to granular consumer behavior analytics. Without obtaining the legally  
2 required consent from its digital subscribers, Defendant has constructed an unlawful  
3 profit mechanism that monetizes consumer data in direct contravention of federal  
4 privacy law. Defendant reaps these secret profits at the expense of its digital  
5 subscribers' privacy and their statutory rights under the VPPA. This exploitation of  
6 consumer data represents not just a legal violation but a fundamental breach of  
7 consumer trust and autonomy.

8 39. Upon information and belief, Defendant receives valuable  
9 consideration from Facebook in exchange for implementing the Facebook Pixel and  
10 sharing user data. This consideration includes enhanced advertising capabilities,  
11 detailed analytics about website traffic, and the ability to retarget consumers with  
12 personalized advertisements across Facebook's platforms. This symbiotic  
13 relationship creates a strong financial incentive for Defendant to continue its  
14 unlawful sharing practices.

15 40. Defendant does not seek its customers' prior written consent to the  
16 disclosure of their Personal Viewing Information (in writing or otherwise) and its  
17 customers remain unaware that their Personal Viewing Information and other  
18 sensitive data is being disclosed to Facebook.

19 41. Defendant's privacy policy and terms of service fail to adequately  
20 disclose the extent of data sharing with Facebook. While the policy may contain  
21 general language about third-party cookies or analytics, it does not provide the  
22 specific, informed consent required by the VPPA for the sharing of video viewing  
23 information. The mere presence of a privacy policy that consumers are unlikely to  
24 read or understand does not constitute informed consent under the statute.

25 42. In short, Bandai Namco shares Personal Viewing Information—i.e.,  
26 customers' unique Facebook ID (FID) and specific video game purchase  
27 information—together as one data point to Facebook. Because the customer's FID  
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1 uniquely identifies an individual's Facebook user account, Facebook—or any other  
2 party with access to this data—can quickly and easily link this information to the  
3 customer's corresponding Facebook profile.

4 43. Bandai Namco's actions represent a significant privacy breach,  
5 enabling Facebook to compile detailed profiles of individuals' video game  
6 purchasing habits for targeted advertising purposes, without users' knowledge or  
7 permission. This not only infringes upon individual privacy rights but also  
8 undermines the core principles the VPPA was designed to protect.

9 44. By enabling the creation of intricate user profiles for targeted  
10 advertising, Bandai Namco has effectively commodified personal video game  
11 preferences, violating both the letter and spirit of privacy law. These actions demand  
12 immediate scrutiny to safeguard consumer rights and uphold privacy protections in  
13 the digital entertainment landscape.

14 45. Defendant's conduct is particularly egregious because its primary  
15 customer base includes a substantial percentage of minors and young adults who are  
16 statistically less likely to understand the technical implications of having their  
17 viewing habits tracked and shared with third parties. Video game consumers include  
18 significant numbers of Gen Z users (ages 11-26) as well as minors under the age of  
19 18. These demographics are precisely the populations that research has shown are  
20 most vulnerable to privacy intrusions despite their digital nativity, due to lower  
21 awareness of sophisticated data collection practices and reduced likelihood of  
22 reading privacy policies. Defendant's games—including popular franchises like  
23 Dragon Ball, Pac-Man, and various anime-themed titles—are specifically marketed  
24 to and popular among younger audiences. These young consumers are entitled to  
25 heightened privacy protections under both the VPPA and general principles of  
26 consumer protection law, particularly given their reduced capacity to provide  
27 meaningful informed consent. Defendant's exploitation of this vulnerable consumer  
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1 demographic through sophisticated tracking technologies represents an especially  
2 troubling abuse of market power and technological advantage.

3 **D. Plaintiff's Experience**

4 46. Plaintiff Samuel Jesse Garcia has been a Facebook user for many years.  
5 After his original account was hacked several years ago, he created a new Facebook  
6 account under his full name "Samuel Jesse Garcia," which he is perpetually logged  
7 into on his personal devices, including his laptop and smartphone.

8 47. Plaintiff has been playing Bandai Namco games for much of his life  
9 and is a long-time fan of their titles. Elden Ring is one of his favorite games, which  
10 led him to visit Bandai Namco's website.

11 48. Plaintiff visited Bandai Namco's website multiple times in the months  
12 leading up to June 2024 to research and view Elden Ring content. During these visits,  
13 he regularly accessed the website while logged into his Facebook account on the  
14 same device.

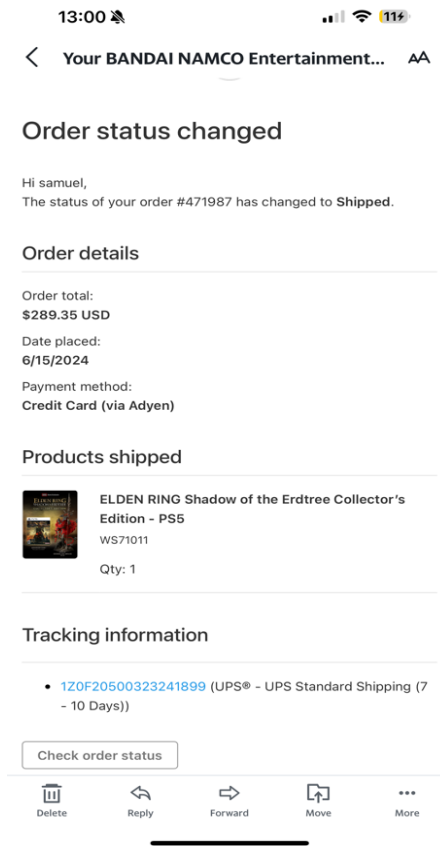
15 49. Each time Plaintiff initiated an event on Defendant's website (such as  
16 viewing a video game product page), the company simultaneously disclosed to  
17 Facebook via the Facebook Pixel: Plaintiff's Facebook ID and any logged data  
18 associated with the event, such as specific information about the game viewed.

19 50. On June 15, 2024, Plaintiff decided to pre-order the highly anticipated  
20 "ELDEN RING Shadow of the Erdtree Collector's Edition" for PlayStation 5 from  
21 Bandai Namco's online store for \$289.35.

22 51. To complete this purchase, Plaintiff provided the company with his  
23 name, email address, shipping address, and payment information, which was  
24 processed through the Adyen payment system. Defendant assigned this purchase  
25 order number #471987. (See Figure 3, showing the order confirmation email from  
26 Bandai Namco to Plaintiff.)  
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**Figure 3: Screenshot of Plaintiff's Order Status Email from Bandai Namco Entertainment America dated June 21, 2024**

52. During the entire ELDEN RING purchase process—from initial product research, to cart addition, to checkout, to order completion—Defendant continuously shared Plaintiff's activities with Facebook, along with his unique Facebook identifier, providing Facebook with detailed information about his specific gaming preferences, spending habits, and purchase behaviors.

53. This paired information personally identifies Plaintiff and the video game materials that he viewed, considered purchasing, and bought on Bandai Namco's website, all without Plaintiff's explicit consent as required by the VPPA.

54. At no point during these or any other interactions with Defendant's website did Plaintiff receive a clear disclosure about the collection and sharing of his video game viewing and purchasing information with Facebook.

1 55. Plaintiff never consented, agreed, authorized, or otherwise permitted  
 2 Defendant to disclose his Personal Viewing Information to Facebook. Plaintiff has  
 3 never been provided any written notice that Defendant discloses its digital  
 4 subscribers' Personal Viewing Information, or any means of opting out of such  
 5 disclosures of his Personal Viewing Information. Defendant nonetheless knowingly  
 6 disclosed Plaintiff's Personal Viewing Information to Facebook.

7 56. Defendant's disclosure of Plaintiff's PII was not related to an ordinary  
 8 course of business (e.g., debt collection, order fulfillment, request processing, or any  
 9 transfer of ownership).

10 57. As a result of Defendant's unlawful disclosures, Plaintiff has suffered  
 11 harm in the form of invasion of privacy and statutory damages under the VPPA.

12 58. Courts have consistently held that the disclosure of private information  
 13 is an "intangible harm" that satisfies Article III standing. *TransUnion LLC v.*  
 14 *Ramirez*, 594 U.S. 413, 425, 141 S.Ct. 2190 (2021). The VPPA specifically  
 15 "identifies a substantive right to privacy that suffers any time a video service  
 16 provider discloses otherwise private information." *Eichenberger v. ESPN, Inc.*, 876  
 17 F.3d 979, 983-84 (9th Cir. 2017). "As a result, every 18 U.S.C. § 2710(b)(1)  
 18 violation 'present[s] the precise harm and infringe[s] the same privacy interests  
 19 Congress sought to protect' by enacting the VPPA." *Id.* at 984; see also *Edwards v.*  
 20 *MUBI, Inc.*, No. 24-cv-00638-EKL, 2025 WL 985130, at \*3 (N.D. Cal. Mar. 31,  
 21 2025) (finding that allegations of unauthorized disclosure of video viewing  
 22 information to Meta via the Meta Tracking Pixel "concern substantive privacy rights  
 23 under the VPPA, and they are sufficient to establish Article III standing"). Plaintiff's  
 24 allegations of harm are therefore sufficient to establish standing in this case.  
 25

## 26 CLASS ALLEGATIONS

### 27 **A. Definition of the Class**

28 59. Plaintiff brings this action individually and on behalf of all persons that



1 the Court may determine appropriate for class certification, pursuant to Fed. R. Civ.  
2 P. 23 (the "Class" or "Class Members"). Plaintiff seeks to represent a Class of  
3 persons preliminarily defined as:

4 **All persons in the United States who have a Facebook account and**  
5 **have made a purchase on Bandai Namco's website**  
6 **([www.bandainamcoent.com](http://www.bandainamcoent.com)) or Bandai Namco Store**  
7 **([store.bandainamcoent.com](http://store.bandainamcoent.com)) while logged into their Facebook**  
8 **account.**

9 60. Excluded from the Class are: (1) Defendant, any entity in which  
10 Defendant has a controlling interest, and its legal representatives, officers, directors,  
11 employees, assigns, and successors; (2) the Judge to whom this case is assigned and  
12 any member of the Judge's staff or immediate family; and (3) Class Counsel.

13 61. This definition is subject to modification as discovery discloses further  
14 information. Plaintiff reserves the right to propose one or more sub-classes if  
15 discovery reveals that such subclasses are appropriate.

16 62. This case is properly maintainable as a class action pursuant to and in  
17 accordance with Fed. R. Civ. P. 23 in that

- 18 a. The Class, which includes thousands of members, is so numerous that  
19 joinder of all Class Members is impracticable;
- 20 b. There are substantial questions of law and fact common to the Class,  
21 including those set forth in greater particularity herein;
- 22 c. Questions of law and fact, such as those enumerated below, which are  
23 common to the Class, predominate over any questions of law or fact  
24 affecting only individual members of the Class;
- 25 d. The claims of the representative party are typical of the claims of the  
26 Class;
- 27 e. A class action is superior to any other type of action for the fair and  
28

1 efficient adjudication of the controversy;

2 f. The relief sought in this class action will effectively and efficiently  
3 provide relief to all members of the Class;

4 g. The prosecution of separate lawsuits by Class Members would risk  
5 inconsistent or varying adjudications. Class-wide adjudication of these  
6 claims is, therefore, appropriate.

7 h. There are no unusual difficulties foreseen in the management of this  
8 class action; and

9 i. Plaintiff, whose claims are typical of those of the Class, through his  
10 experienced counsel, will zealously and adequately represent the Class.

11 **B. Numerosity**

12 63. There are thousands, if not millions, of individuals who have viewed or  
13 purchased video games on Bandai Namco's website or store while logged into their  
14 Facebook accounts. Bandai Namco is one of the largest video game publishers in the  
15 world, with substantial online traffic to its websites.

16 64. Facebook has billions of monthly active users globally, and the overlap  
17 between Facebook users and video game consumers is substantial.

18 65. Accordingly, the Class Members are so numerous that joinder of all  
19 parties is clearly impracticable.

20 **C. Commonality and Predominance**

21 66. Numerous common questions of law and fact exist as to all Class  
22 Members and predominate over questions affecting only individual Class Members,  
23 including, but not limited to, the following:

24 a. Whether Defendant qualifies as a "video tape service provider" under  
25 the VPPA;

26 b. Whether Plaintiff and the Class Members are "consumers" under the  
27 VPPA;  
28

- c. Whether Defendant disclosed "personally identifiable information" as defined by the VPPA to Facebook through its implementation of the Facebook Pixel;
- d. Whether Defendant obtained "informed, written consent" from Plaintiff and the Class Members before disclosing their PII to Facebook;
- e. Whether Defendant's disclosures were made in the "ordinary course of business" as defined by the VPPA;
- f. Whether Defendant's disclosures were knowing and willful;
- g. Whether Plaintiff and the Class Members are entitled to statutory damages of \$2,500 per person for each violation under the VPPA;
- h. Whether Plaintiff and the Class Members are entitled to punitive damages under the VPPA;
- i. Whether Defendant utilized dark patterns or deceptive user interface designs to obscure its data collection practices from consumers;
- j. Whether Defendant received a "benefit" or "consideration" for sharing Class Members' PII with Facebook; and
- k. Whether Plaintiff and the Class Members are entitled to equitable relief, including but not limited to injunctive relief and restitution.

67. These and other questions of law and fact are common to the Class and predominate over any questions affecting only individual members of the Class.

**D. Typicality**

68. Plaintiff has the same interests in this matter as all other members of the Class, and his claims are typical of the claims of all members of the Class. If brought and prosecuted individually, the claims of each Class Member would require proof of substantially the same material and substantive facts, utilize the same complex evidence (e.g., expert testimony), rely upon the same legal theories, and seek the same type of relief.

1           69. The claims of the Plaintiff and other Class Members have a common  
2 cause and their damages are of the same type. The claims originate from the same  
3 unlawful practice: Defendant's disclosure of PII to Facebook without consent.

4           70. All Class Members have been aggrieved by Defendant's unlawful  
5 practice of disclosing their PII without consent and are entitled to, *inter alia*,  
6 statutory damages under the VPPA.

7           71. The representative Plaintiff's experiences with Defendant's website are  
8 consistent with and representative of the experiences of other Class Members,  
9 making class treatment appropriate.

10       **E. Adequacy of Representation**

11           72. Plaintiff's claims are sufficiently aligned with the interests of the absent  
12 Class Members to ensure that the Class' claims will be prosecuted with diligence and  
13 care by Plaintiff as representative of the Class. Plaintiff will fairly and adequately  
14 represent the interests of the Class, and he does not have interests adverse to the  
15 Class.

16           73. Plaintiff has retained the services of counsel who are experienced in  
17 complex class action litigation, including specifically cases involving privacy  
18 violations and consumer protection. Plaintiff's counsel will vigorously prosecute this  
19 action and will otherwise protect and fairly and adequately represent the Plaintiff  
20 and all absent Class Members.

21       **F. Superiority**

22           74. A class action is superior to other methods for the fair and efficient  
23 adjudication of the controversies raised in this Complaint because:

- 24
- 25           a. Individual claims by the Class Members would be impracticable as the
  - 26                 costs of pursuit would far exceed what any one Class Member has at
  - 27                 stake;
  - 28           b. Individual claims by Class Members would create a risk of inconsistent

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1 or varying adjudications, which would present the Defendant with  
2 incompatible standards of conduct;

3 c. Individual claims by individual Class Members would create a risk of  
4 adjudications which would, as a practical matter, be dispositive of the  
5 interests of other individuals who are not parties to the adjudications,  
6 or substantially impair or impede their ability to protect their interests;

7 d. Little or no individual litigation has been commenced over the  
8 controversies alleged in this Complaint and individual Class Members  
9 are unlikely to have an interest in separately prosecuting and controlling  
10 individual actions;

11 e. In view of the complexity of the issues and the expenses of litigation,  
12 the separate claims of individual Class Members are insufficient in  
13 amount to support separate actions;

14 f. The Plaintiff seeks relief relating to the Defendant's common actions  
15 and the equitable relief sought would benefit the Class as a whole;

16 g. The concentration of litigation of these claims in one action will achieve  
17 efficiency and promote judicial economy; and

18 h. The proposed class action is manageable.  
19

20 **CAUSES OF ACTION**

21 **VIOLATION OF THE VIDEO PRIVACY PROTECTION ACT**

22 **18 U.S.C. § 2710, *et seq.***

23 **[Plaintiff and the Class Against All Defendants]**

24 75. Plaintiff hereby incorporates by reference the allegations contained in  
25 all preceding paragraphs of this complaint.

26 76. Plaintiff brings this claim individually and on behalf of the members of  
27 the proposed Class against Defendant.

28 77. The VPPA provides that a "video tape service provider who knowingly

1 discloses, to any person, personally identifiable information concerning any  
2 consumer of such provider shall be liable to the aggrieved person for the relief  
3 provided in subsection (d)." 18 U.S.C. § 2710(b)(1).

4 78. Under the VPPA, "the term 'video tape service provider' means any  
5 person, engaged in the business, in or affecting interstate or foreign commerce, of  
6 rental, sale, or delivery of prerecorded video cassette tapes or similar audio visual  
7 materials..." 18 U.S.C. § 2710(a)(4).

8 79. Courts have consistently held that entities that provide videos and video  
9 games via digital distribution qualify as "video tape service providers" under the  
10 VPPA. See *Edwards*, 2025 WL 985130, at \*3-4 (finding that providers of digital  
11 video content qualify as 'video tape service providers' under the VPPA)

12 80. Defendant is a "video tape service provider" because it offers video  
13 games for sale on its website, thereby "engag[ing] in the business, in or affecting  
14 interstate or foreign commerce, of rental, sale, or delivery of prerecorded video  
15 cassette tapes or similar audio visual materials." 18 U.S.C. § 2710(a)(4). Video  
16 games qualify as "similar audio visual materials" under the statute because they are  
17 prerecorded audiovisual content that consumers view and interact with.

18 81. Under the VPPA, "the term 'consumer' means any renter, purchaser, or  
19 subscriber of goods or services from a video tape service provider." 18 U.S.C. §  
20 2710(a)(1).

21 82. Plaintiff and members of the Class are "consumers" because they  
22 purchased or viewed video games offered by Defendant, a video tape service  
23 provider. 18 U.S.C. § 2710(a)(1).

24 83. Under the VPPA, "the term 'personally identifiable information'  
25 includes information which identifies a person as having requested or obtained  
26 specific video materials or services from a video tape service provider." 18 U.S.C. §  
27 2710(a)(3).  
28

1 84. Courts have consistently held that digital identifiers such as cookies,  
2 when combined with information about specific video content viewed or purchased,  
3 constitute "personally identifiable information" under the VPPA. See *Salazar*, 118  
4 F.4th at 542-43 (finding that disclosure of Facebook ID cookies along with video  
5 viewing information constitutes personally identifiable information under the  
6 VPPA); *Edwards*, 2025 WL 985130, at \*4 (ruling that website tracking pixels  
7 sending video titles with user identifiers to Meta violated the VPPA)

8 85. When the Plaintiff and Class Members viewed or purchased video  
9 games on Bandai Namco's website or store, Bandai Namco knowingly disclosed  
10 their Facebook IDs (via c\_user and fr cookies) and the specific video game  
11 viewing/purchase information to Facebook via the Facebook Pixel.

12 86. The disclosed information is PII because Facebook and anyone with  
13 access to that information can personally identify the Plaintiff and Class Members,  
14 as well as the specific video game content that each of those respective individuals  
15 viewed, considered, or purchased.

16 87. The Plaintiff and Class did not provide informed, written consent to  
17 Bandai Namco for disclosing their PII to Facebook. At no point during the checkout  
18 process or elsewhere on its website did Defendant obtain the "informed, written  
19 consent" required by the VPPA.

20 88. Bandai Namco neither obtained informed, written consent from the  
21 Plaintiff and Class for disclosing their PII to Facebook, nor provided a clear and  
22 conspicuous opportunity for them to withdraw from such disclosures on a case-by-  
23 case basis, as required by the VPPA. See *Edwards*, 2025 WL 985130, at \*7-8  
24 (holding that general references to data sharing in privacy policies do not constitute  
25 the 'informed, written consent' required by the VPPA)  
26

27 89. Nor were Defendant's disclosures made in the "ordinary course of  
28 business" as the term is defined by the VPPA. In particular, Defendant's disclosures

1 to Facebook were not necessary for "debt collection activities, order fulfillment,  
2 request processing, [or] transfer of ownership." 18 U.S.C. § 2710(a)(2).

3 90. The disclosure of PII to Facebook was not incidental, accidental, or  
4 merely negligent, but rather deliberate, calculated, and systematic. Defendant  
5 intentionally implemented the Facebook Pixel with full knowledge of its  
6 comprehensive tracking capabilities and data-sharing functions, as evidenced by: (1)  
7 the careful configuration of specific Facebook Pixel events to track precise user  
8 actions throughout the purchase funnel; (2) the implementation of custom  
9 parameters to capture detailed information about specific game titles, platforms, and  
10 prices; (3) the strategic placement of tracking code on product pages containing  
11 video game content; and (4) the ongoing maintenance and updating of this tracking  
12 infrastructure across website redesigns and platform changes.

13 91. Moreover, Defendant's marketing department and digital analytics  
14 teams would have received regular reports containing Facebook Pixel data,  
15 demonstrating actual knowledge of the data collection and transmission. Facebook's  
16 Business Tools Terms explicitly require businesses implementing the Pixel to obtain  
17 appropriate consent from end users, yet Defendant disregarded these requirements.  
18 This pattern of conduct demonstrates not merely knowledge but calculated intent to  
19 circumvent privacy laws for commercial advantage. The willful, knowing, and  
20 intentional nature of these violations, persisting over years despite growing  
21 regulatory scrutiny of similar practices across the industry, unequivocally supports  
22 Plaintiff's request for maximum statutory and punitive damages under the VPPA.  
23

24 92. Where a video tape service provider knowingly discloses the PII of a  
25 consumer without consent, the aggrieved person may bring a civil action for, inter  
26 alia, statutory damages in an amount not less than \$2,500, punitive damages,  
27 attorneys' fees and costs. 18 U.S.C. § 2710(c)(2)(A)-(D).

28 93. On behalf of himself and the Class, Plaintiff seeks: (i) declaratory relief



1 establishing that Defendant's practices violate the VPPA; (ii) comprehensive  
2 injunctive and equitable relief necessary to protect the interests of Plaintiff and the  
3 Class, including but not limited to: an order requiring Defendant to immediately  
4 cease the unlawful practices described herein, implement proper consent  
5 mechanisms compliant with the VPPA's "informed, written consent" standard, delete  
6 all unlawfully collected data, and undergo regular privacy compliance audits by  
7 independent third parties; (iii) statutory damages of \$2,500 for each discrete  
8 violation of the VPPA pursuant to 18 U.S.C. § 2710(c)—which, given the systematic  
9 nature of Defendant's conduct, could amount to multiple violations per class  
10 member; (iv) substantial punitive damages proportional to Defendant's vast  
11 resources for its willful, knowing, and intentional violations of consumer privacy  
12 laws designed to protect particularly sensitive information; and (v) reasonable  
13 attorneys' fees and costs and other litigation expenses, including expert witness fees  
14 for technical testimony regarding the functionality of the Facebook Pixel and data  
15 transmission protocols.

16  
17 **PRAYER FOR RELIEF**

18 WHEREFORE, the Plaintiff, individually and on behalf of the proposed  
19 Class, prays for judgment as follows:

- 20 A. Certification of the proposed Class by order pursuant to Fed. R. Civ. P. 23;  
21 B. Designation of the Plaintiff as representative of the proposed Class and  
22 designation of his counsel as Class counsel;  
23 C. Judgment in favor of the Plaintiff and Class Members as against the  
24 Defendant;  
25 D. An award to each Plaintiff and Class Member for statutory damages not  
26 less than \$2,500 and punitive damages for each violation of the VPPA,  
27 including pre- and post-judgment interest;  
28 E. An award of injunctive relief prohibiting Defendant from disclosing the

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- 1 PII of its users without consent and in accordance with the VPPA;
- 2 F. An order requiring Defendant to delete all wrongfully obtained PII and
- 3 prohibiting Defendant from retaining any unlawfully collected PII;
- 4 G. An order requiring Defendant to implement and maintain a comprehensive
- 5 privacy program designed to protect the confidentiality of Plaintiff's and
- 6 Class Members' PII;
- 7 H. An order requiring Defendant to engage independent third-party security
- 8 auditors to conduct annual security audits and tests of Defendant's systems;
- 9 I. An order requiring Defendant to provide clear and conspicuous disclosure
- 10 to consumers regarding its data collection and sharing practices before
- 11 collecting any PII;
- 12 J. An award of attorneys' fees and costs, including pre- and post-judgment
- 13 interest;
- 14 K. An Order holding that Defendant's disclosure of the Plaintiff's and Class'
- 15 PII without consent was in violation of the VPPA; and
- 16 L. Such further relief that this Honorable Court deems just and proper.

**JURY DEMAND**

17 Pursuant to Fed. R. Civ. P. 38(b)(1), Plaintiff demands a trial by jury of all  
18 issues so triable.

19 Dated: April 22, 2025

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20 By: /s/Mickel Arias

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