

EXHIBIT 2

**[REDACTED - PUBLICLY FILED
VERSION OF ECF NO. 167-5
PURSUANT TO COURT ORDER
DATED MARCH 30, 2023 (ECF NO. 188)]**

Susan D. Fahringer, Bar No. 21567
SFahringer@perkinscoie.com
Nicola C. Menaldo, *pro hac vice*
NMenaldo@perkinscoie.com
Erin K. Earl, *pro hac vice*
EEarl@perkinscoie.com
Anna M. Thompson, *pro hac vice*
AnnaThompson@perkinscoie.com
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Attorneys for Defendant
Thomson Reuters Corporation

Gabriella Gallego, Bar No. 324226
GGallego@perkinscoie.com
PERKINS COIE LLP
3150 Porter Drive
Palo Alto, CA 94304-1212
Telephone: 650.838.4300
Facsimile: 650.838.4350

Hayden M. Schottlaender, *pro hac vice*
HSchottlaender@perkinscoie.com
PERKINS COIE LLP
500 N. Akard Street, Suite 3300
Dallas, TX 75201-3347
Telephone: 214.965.7700
Facsimile: 214.965.7799

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAT BROOKS and RASHEED
SHABAZZ, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

THOMSON REUTERS
CORPORATION,

Defendant.

Case No. 3:21-cv-01418-EMC

**DEFENDANT THOMSON REUTERS
CORPORATION'S FOURTH
SUPPLEMENTAL ANSWERS AND
OBJECTIONS TO PLAINTIFFS' FIRST
SET OF INTERROGATORIES TO
DEFENDANT**

PROPOUNDING PARTY: Plaintiffs Cat Brooks and Rasheed Shabazz

RESPONDING PARTY: Defendant Thomson Reuters Corporation

SET NO: One

Thomson Reuters Corporation (“Thomson Reuters”), by its counsel, pursuant to Rule 33 of the Federal Rules of Civil Procedure hereby provides the following Fourth Supplemental Answers and Objections to Plaintiffs’ First Set of Interrogatories to Defendant (“Interrogatories”). These Supplemental Answers and Objections necessarily incorporate and add to Thomson Reuters’ original Answers and Objections to Plaintiffs’ First Set of Interrogatories. Thomson Reuters’ combined answers and objections (“Answers”) are based on information currently available to Thomson Reuters as discovery is not complete and Thomson Reuters’ investigation is ongoing. Thomson Reuters reserves the right to further supplement or amend these Answers should additional information become available through the discovery process or otherwise.

ANSWERS AND OBJECTIONS

INTERROGATORY NO. 4:

For each category of content responsive to Interrogatory No. 1, state the number of Californians for whom CLEAR has had information available to provide in response to a CLEAR query.

ANSWER TO INTERROGATORY NO. 4:

Subject to and without waiving the objections set forth below, Thomson Reuters’ answer to this Interrogatory is set forth in Attachment A in its entirety, including in particular its discussion of the information available through CLEAR. Thomson Reuters incorporates its answer and objections to Interrogatory No. 1, and further objects to providing any further answer to this Interrogatory on the following grounds:

1. Thomson Reuters has previously confirmed that it will stipulate that the number of “persons residing in the state of California whose name, photographs, personal identifying information, or other personal data is or was included in the CLEAR database during the limitations period,” Compl. ¶ 70, is greater than 40. Consequently, the information sought by this Interrogatory is not relevant to any claims or defenses of any party.
2. This Interrogatory seeks information that is irrelevant because Plaintiffs’

1 remaining claims challenge only the “selling” of information, not the mere
2 availability of information through CLEAR.

3 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 4:**

4 Plaintiffs have clarified that this Interrogatory seeks “the total number of person entities
5 who have at least one address field including a California address, since 2015.”

6 In response, and subject to and without waiving the above objections or those set forth
7 below, Thomson Reuters supplements its response as follows:

8 Thomson Reuters has conducted a reasonable search and diligent inquiry for the
9 information requested by Plaintiffs by determining the total number of [REDACTED]

10 [REDACTED]
11 [REDACTED] and used to help facilitate person searches run through
12 CLEAR. Thomson Reuters has also conducted a reasonable search and diligent inquiry to
13 determine the subset of those [REDACTED] a current or past California address. Past
14 addresses are not limited to those “since 2015,” because Thomson Reuters’ systems are not
15 designed to retrieve that information.

16 Note that a single natural person may be associated with several different [REDACTED], such that
17 the below totals account for many individuals multiple times. In addition:

- 18 1. The fact that [REDACTED] a current or past California address does not
19 mean that it relates to a person who has resided in California at any point in time,
20 much less a person who has resided in California “since 2015.” The address may
21 instead represent any number of addresses that are likely associated with a given
22 person, but which do not represent a place where the person has resided—such as a
23 vacation home, a business address, or a P.O. Box. Or someone may have resided in
24 California many years ago but has since moved. Or the address may not, in fact, be
25 associated with the person at all.

26 2. [REDACTED]
27 [REDACTED]
28

1 [REDACTED].
2 3. The totals include [REDACTED] which relate to persons who are deceased and/or who
3 have been deceased since before 2015.

4 As of January 9, 2023, [REDACTED]
5 [REDACTED] of these contained a current or past California address.

6 Thomson Reuters objects that Plaintiffs have not identified whether or how these totals are
7 relevant to either of their remaining claims, particularly in light of the fact that these totals do not
8 reflect “the number of Californians for whom CLEAR has had information available to provide in
9 response to a CLEAR query” within the relevant time period.

10 **INTERROGATORY NO. 14:**

11 For each fiscal quarter between Q1 2015 and the present, identify the total number of
12 persons and entities who have had records or other data accessible through CLEAR and, among
13 those, the total number of Californians.

14 **ANSWER TO INTERROGATORY NO. 14:**

15 Thomson Reuters incorporates its answers and objections to Interrogatories Nos. 1-5, 8,
16 10, and 13. Thomson Reuters objects to providing further answer to this Interrogatory on the
17 grounds set forth in the answers and objections to Interrogatories Nos. 1-5, 8, 10, and 13, and
18 because it is compound, vague, and not proportional to the needs of the case.

19 **FIRST SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 14:**

20 Plaintiffs have clarified that this Interrogatory seeks “the number of searches that use the
21 ‘state’ input field, and among those, the number of searches that use a [California state] input.”

22 In response, and subject to and without waiving the above objections or those set forth
23 below, Thomson Reuters supplements its answer as follows:

24 Thomson Reuters has conducted a reasonable search and diligent inquiry for the
25 information requested by Plaintiffs by querying its systems to determine the total number of
26 CLEAR searches performed annually since 2015; the subset of those searches that included an
27 input in the “state” search field; and the subset of those searches with a California input in the
28

1 “state” search field. These totals are set forth below. Note the following:

- 2 1. The totals include searches that returned no results.
- 3 2. The totals include searches that intentionally or unintentionally returned results for
- 4 non-natural persons, such as business entities.
- 5 3. The totals include searches where the user did not click on some, or any, of the
- 6 results. When a user conducts a search through CLEAR, the user is presented with
- 7 a list of search results with basic information—for instance, name and partial
- 8 social security number, date of birth, and/or address. The user must affirmatively
- 9 click on these search results in order to view more information.
- 10 4. Similarly, the totals include searches where the user did not take further action to
- 11 run a report based on the search results.
- 12 5. The totals treat searches as separate even when they occur in a related series of
- 13 searches that are ultimately all for the same person. For instance, a user might
- 14 search for “John Smith,” realize that returns too many results, and therefore run
- 15 subsequent, related searches adding an address, birthdates, and so forth. The totals
- 16 therefore do not represent unique search subjects.
- 17 6. The totals include searches that intentionally or unintentionally returned results for
- 18 persons who are deceased and/or who have been deceased since before 2015.
- 19 7. The totals include searches that yielded results for people who have not resided in
- 20 California at any point in time, much less since 2015. For example, a search with a
- 21 “California” input may return a result where a search subject has been determined
- 22 to be likely associated with a California address that is—in fact—a vacation home,
- 23 a business address, or P.O. Box. Or a result may be returned when someone
- 24 resided in California many years ago but has since moved. Or a result may be
- 25 returned where the California address is not—in fact—associated with the search
- 26 subject at all.
- 27 8. In general, the import of a given search depends on the nature of its inputs to a

search. For example, a single search for “John Smith” is very different from a single search for a specific social security number. Yet the totals treat all searches the same.

Year	Total CLEAR	Total CLEAR with State=*	Total CLEAR with State=CA

Thomson Reuters further objects that Plaintiffs have not identified whether or how these totals are relevant to either of their remaining claims, particularly in light of the fact that these totals do not reflect “the total number of Californians” who had “data accessible through CLEAR.”

Dated: January 24, 2023

PERKINS COIE LLP

By: /s/ Susan D. Fahringer

Susan D. Fahringer, Bar No. 21567
SFahringer@perkinscoie.com

Attorneys for Defendant
Thomson Reuters Corporation

PROOF OF SERVICE

I, Anna Mouw Thompson, declare:

I am a citizen of the United States and employed in Seattle, Washington. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1201 Third Avenue, Ste. 4900, Seattle, WA 98110. On January 24, 2023, I served a copy of the within document(s):

**DEFENDANT THOMSON REUTERS CORPORATION'S FOURTH
SUPPLEMENTAL ANSWERS AND OBJECTIONS TO PLAINTIFFS'
FIRST SET OF INTERROGATORIES TO DEFENDANT**



by transmitting via my e-mail address (AnnaThompson@perkinscoie.com) the document listed above to the persons at the e-mail addresses set forth below.

Andre M. Mura
Mark Troutman
Amy Zeman
Ezekiel S. Wald
Hanne Jensen
GIBBS LAW GROUP LLP
505 14th Street, Suite 1110
Oakland, CA 94612
amm@classlawgroup.com
mht@classlawgroup.com
amz@classlawgroup.com
zsw@classlawgroup.com
hj@classlawgroup.com
service@classlawgroup.com

Geoffrey A. Graber
ggraber@cohenmilstein.com
Karina Puttieva
kputtieva@cohenmilstein.com
COHEN MILSTEIN SELLERS
& TOLL PLLC
1100 New York Ave. NW, Fifth Floor
Washington, DC 20005

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on January 24, 2023, at Bainbridge Island, WA.



Anna Mouw Thompson