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## Express Faces Class Action Over Customer Email Collection

By **Jonathan Randles**

Law360, New York (July 08, 2014, 3:47 PM ET) -- Express Fashion Apparel LLC is accused in a class action filed Monday of violating a California privacy law when a cashier collected the phone number and email address of a customer who was paying with his credit card.

The complaint, brought by lead plaintiff Andrew Staveley, alleges Express has a "uniform policy" of requesting customers' personal information at checkout. He accuses the company of violating California's Song-Beverly Credit Card Act by instructing employees to obtain phone numbers and email addresses in conjunction with their credit card information.

Staveley visited an Express store in San Louis Obispo, California, last month, the lawsuit said, and during checkout, the cashier asked him for his email address and telephone number, which he gave. The complaint said Staveley believed he needed to provide the information to complete his purchase and obtain his receipt.

After the Express employee recorded the information into a cash register, Staveley used his credit card to complete his purchase, according to the suit.

"At this point in the transaction, Defendant had Plaintiff's credit card number, name, telephone number and e-mail address recorded in its databases," the complaint said.

The plaintiff said shortly after visiting Express, he received an email from the company. According to the complaint, Express "utilized a policy whereby [its] cashiers both request and record personal identification information in conjunction with credit card transactions at the point-of-sale in [its] retail establishments."

Staveley seeks to represent a proposed class of Express customers who shopped at one of the company's California retail stores in the last year. The lawsuit seeks an award in the amount of \$1,000 for Staveley and each of the class members.

The complaint is the latest in a string of suits brought against retailers operating in the Golden State under California's privacy law. Wal-Mart Stores Inc., OfficeMax North America Inc. and Redbox Automated Retail LLC have all been accused in lawsuits of violating the Song-Beverly Act by collecting customer ZIP codes and credit card information.

Staveley's attorney Abbas Kazerounian of Kazerouni Law Group APC suggested Tuesday that the collection of personal telephone numbers represents a greater invasion of customer privacy because scores of people can be identified as living in the same ZIP code, but a person can be individually linked with their phone number.

"A telephone number is far more personal than a ZIP code," Kazerounian said.

Express could not immediately be reached for comment Tuesday.

Staveley is represented by Abbas Kazerounian and Matthew M. Loker of Kazerouni Law Group APC, Joshua Swigart of Hyde & Swigart and Sina Rezvanpour and Sara Rezvanpour of RKR Legal.

Counsel information for Express was not immediately available.

The case is Andrew Staveley v. Express Fashion Apparel Inc., case number 2:14-cv-05258, in the U.S. District Court for the Central District of California.

--Editing by Christine Chun.

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