

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Ariel Gilligan, et al. v. Experian Data Corporation, et al.

Gilligan v. Experian Data Corp. · No. 25-cv-02873-RFL · Decided January 6, 2026

SUMMARY

The United States District Court for the Northern District of California denies Experian’s motion to stay the putative class action pending related arbitration proceedings. The court denies dismissal of Plaintiffs’ intrusion upon seclusion, CIPA wiretap and pen register, and ECPA claims, concluding that the alleged tracking and collection of full-string URLs and related data plausibly state claims and establish standing. The court dismisses the unjust enrichment claim with leave to amend because Plaintiffs did not allege that they lacked an adequate remedy at law.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 6, 2026
DOCKET	25-cv-02873-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought putative class claims arising from alleged online tracking and data collection. Defendants moved to stay the action pending arbitration in a related matter and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On the motion to dismiss, the court assessed whether the complaint plausibly stated claims and adequately alleged Article III standing. The decision whether to stay the action pending arbitration was reviewed under the district court’s discretionary authority to control its proceedings for economy and efficiency.
PRECEDENTIAL VALUE	unpublished
PARTIES	Ariel Gilligan, Logan Mitchell, putative class members v. Experian Data Corporation, Experian PLC, Experian Information Solutions, Inc., Tapad, Inc.

TOPICS

motions to dismiss arbitration class actions consumer protection statutory interpretation

PRACTICE AREAS

civil procedure privacy law consumer protection arbitration class actions

QUESTIONS PRESENTED

1. Whether the action should be stayed pending arbitration of related individual claims in *Zhen v. Experian Data Corporation*.
2. Whether plaintiffs adequately alleged Article III standing and an intrusion upon seclusion claim based on alleged cross-website tracking and profiling.
3. Whether plaintiffs adequately alleged that Experian intercepted the contents of communications in transit in violation of the California Invasion of Privacy Act and the Electronic Communications Privacy Act.
4. Whether plaintiffs stated a California Invasion of Privacy Act pen-register claim and whether the alleged Internet tracking technology falls within the statutory definition of a pen register.
5. Whether plaintiffs adequately alleged that they lacked an adequate remedy at law to support an unjust enrichment claim.

HOLDINGS

1. A stay of the entire action was not warranted because defendants did not show that the related arbitration would bind the court as to the nonarbitrable putative class claims, affect the arbitration, or produce an efficiency benefit sufficient to justify delay.
2. Plaintiffs adequately alleged a concrete privacy injury and stated an intrusion upon seclusion claim by alleging unauthorized, widespread tracking across websites, collection of detailed browsing information, and creation and commercial disclosure of user profiles.
3. Plaintiffs adequately stated CIPA and ECPA wiretap claims by alleging that Experian intercepted full-string URLs and related information containing the contents of communications while the communications were in transit, read or learned that information, and used or disclosed it.
4. The CIPA pen-register claim could not be dismissed at the pleading stage because CIPA provides a private right of action for section 638.51 violations and the alleged Internet tracking technology plausibly falls within the statutory definition of a pen register.
5. The unjust enrichment claim was dismissed with leave to amend because plaintiffs did not allege that they lacked an adequate remedy at law.

KEY QUOTATIONS

“A district court’s inherent, discretionary power to control its proceedings should promote economy of time and effort for itself, for counsel, and for litigants.” (at 2)

“The ultimate question of whether Facebook’s tracking and collection practices could highly offend a reasonable individual is an issue that cannot be resolved at the pleading stage.” (at 3)

“There is no basis to disregard the plain meaning of the statute.” (at 7)

FACTUAL BACKGROUND

Plaintiffs alleged that Experian used Tapad pixels to track users across websites and indefinitely record personal information and web activity. The alleged data included full-string URLs, search queries, specific pages viewed, button-click events, and browsing activity tied to email addresses and other identifiers. Plaintiffs alleged that Experian used the information to create detailed profiles and disclosed or sold the information for advertising purposes.

PROCEDURAL HISTORY

Plaintiffs filed an action asserting California intrusion upon seclusion, California Invasion of Privacy Act, unjust enrichment, and Electronic Communications Privacy Act claims. Defendants sought a stay pending arbitration of claims brought by plaintiffs in *Zhen v. Experian Data Corporation* and alternatively sought dismissal for failure to state a claim. The court denied the stay, dismissed the unjust enrichment claim with leave to amend, and denied dismissal of the remaining claims.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiffs may file an amended complaint correcting the unjust enrichment pleading deficiencies by January 27, 2026; the amended complaint may not add new claims or parties or otherwise change the allegations absent leave of court or party stipulation under Federal Rule of Civil Procedure 15.

CASES CITED

- *BrowserCam, Inc. v. Gomez, Inc.*, No. 08-cv-02959-WHA, 2009 WL 210513, at *3 (N.D. Cal. Jan. 27, 2009)
- *United States ex rel. Newton v. Neumann Caribbean Int’l, Ltd.*, 750 F.2d 1422, 1427 (9th Cir. 1985)
- *Moses H. Cone Memorial Hospital v. Mercury Construction Corp.*, 460 U.S. 1, 20 n. 23 (1983)
- *Congdon v. Uber Technologies, Inc.*, 226 F. Supp. 3d 983, 990-92 (N.D. Cal. 2016)
- *Katz-Lacabe v. Oracle America, Inc.*, 668 F. Supp. 3d 928, 940, 942 (N.D. Cal. 2023)
- *In re Facebook, Inc. Internet Tracking Litigation*, 956 F.3d 589, 605-06 (9th Cir. 2020)
- *Popa v. Microsoft Corp.*, 153 F.4th 784, 786, 791-94 (9th Cir. 2025)
- *Phillips v. U.S. Customs & Border Protection*, 74 F.4th 986, 992 (9th Cir. 2023)
- *Deivaprakash v. Conde Nast Digital*, No. 25-cv-04021-RFL, 2025 WL 2541952, at *4 n. 4 (N.D. Cal. Sept. 4, 2025)
- *Selby v. Sovrn Holdings, Inc.*, No. 25-cv-03139-RFL, 2025 WL 2950164, at *3 (N.D. Cal. Oct. 17, 2025)

- Smith v. Rack Room Shoes, Inc., No. 24-cv-06709-RFL, 2025 WL 1085169, at *4 n. 5 (N.D. Cal. Apr. 4, 2025)
- R.C. v. Walgreen Co., 733 F. Supp. 3d 876, 901-02 (C.D. Cal. 2024)
- Smith v. Rack Room Shoes, Inc., No. 24-cv-06709-RFL, 2025 WL 2210002, at *5 (N.D. Cal. Aug. 4, 2025)
- Moody v. C2 Education System Inc., 742 F. Supp. 3d 1072, 1078 (C.D. Cal. 2024)
- Shah v. Fandom, Inc., 754 F. Supp. 3d 924, 931 (N.D. Cal. 2024)
- Deivaprakash v. Conde Nast Digital, 798 F. Supp. 3d 1099, 1108 (N.D. Cal. 2025)
- Graves v. Arpaio, 623 F.3d 1043, 1048 (9th Cir. 2010)
- In re Apple Processor Litigation, No. 22-16164, 2023 WL 5950622, at *2 (9th Cir. Sept. 13, 2023)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-ca/2026/ariel-gilligan-et-al-v-experian-data-corporation-et-al-2544cqa0>