

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

M.G. v. Therapymatch, Inc.

No. 23-cv-04422-AMO (N.D. Cal. May 19, 2025) · No. 23-cv-04422-AMO · Decided May 19, 2025

SUMMARY

The United States District Court for the Northern District of California denied Therapymatch, Inc.’s motion to dismiss M.G.’s third amended complaint in a data privacy action. The court held that the complaint plausibly alleged violations of the California Confidentiality of Medical Information Act and that Therapymatch was barred under Federal Rule of Civil Procedure 12(g)(2) from again challenging the California Consumer Privacy Act claim.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 19, 2025
DOCKET	23-cv-04422-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the plaintiff’s third amended complaint alleging violations of the California Confidentiality of Medical Information Act and the California Consumer Privacy Act. The court denied the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes the pleadings in the light most favorable to the nonmoving party, asking whether the complaint states a plausible claim for relief. Allegations that merely recite the elements of a claim are insufficient.
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- medical records privacy
- health law
- motions to dismiss
- consumer protection
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the third amended complaint plausibly alleged that information M.G. provided through Headway's platform constituted medical information under the California Confidentiality of Medical Information Act.
2. Whether the third amended complaint plausibly alleged that Google viewed or otherwise accessed M.G.'s medical information without authorization, as required for a CMIA claim.
3. Whether Federal Rule of Civil Procedure 12(g)(2) barred Headway from renewing its motion to dismiss the California Consumer Privacy Act claim when the objection was available in an earlier motion.

HOLDINGS

1. M.G. plausibly alleged that the information he entered into Headway's platform was medical information because it included substantive information about his symptoms, mental-health issues, treatment sought, and reasons for seeking treatment, combined with individually identifiable information.
2. M.G. plausibly alleged that Google viewed or otherwise accessed his medical information by collecting and using it for advertising, analytics, and content personalization.
3. Rule 12(g)(2) barred Headway from bringing a second motion to dismiss challenging the CCPA claim because the objection was available in its earlier motion and Headway did not establish a basis for discretionary consideration of the barred motion.

KEY QUOTATIONS

“a complaint may be dismissed for failure to state a claim for which relief may be granted.” (at 1)

“state a claim to relief that is plausible on its face.” (at 1)

“allegations in a complaint . . . may not simply recite the elements of a cause of action [and] must contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively.” (at 1)

“show[] that an unauthorized party viewed the confidential information.” (at 3)

FACTUAL BACKGROUND

M.G. used Headway's online mental-health-provider search and connection platform and entered personally identifying information together with information about his symptoms, mental-health concerns, treatment needs, therapy preferences, and reasons for seeking care. He alleged that Headway's platform transmitted this information to Google, which accessed and used it for advertising, analytics, and content personalization. The third amended complaint alleged that the information was individually identifiable and contained substantive information concerning M.G.'s mental health, history, or treatment.

PROCEDURAL HISTORY

M.G. filed the operative third amended complaint on November 6, 2024. Therapymatch, Inc., doing business as Headway, moved to dismiss on December 6, 2024. The court had previously dismissed the CMIA claims in an earlier amended complaint and had previously denied a motion to dismiss the CCPA claim. The court denied the motion to dismiss the third amended complaint and denied the request for judicial notice as moot.

DISPOSITION

other

CASES CITED

- Godecke v. Kinetic Concepts, Inc.
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Manzarek v. St. Paul Fire & Marine Ins. Co., 519 F.3d 1025, 1031 (9th Cir. 2008)
- Levitt v. Yelp! Inc., 765 F.3d 1123, 1135 (9th Cir. 2014)
- Hinds Invs., L.P. v. Angioli, 654 F.3d 846, 850 (9th Cir. 2011)
- Eisenhower Med. Ctr. v. Superior Ct., 226 Cal. App. 4th 430, 434-35 (2014)
- B.K. et al. v. Desert Care Network, Desert Regional Medical Center, Inc. et al., No. 23-CV-05021-SPG-PDX, 2024 WL 1343305, at *5 (C.D. Cal. Feb. 1, 2024)
- Tamraz v. Bakotic Pathology Assocs., LLC, No. 22-CV-0725-BAS-WVG, 2022 WL 16985001, at *5 (S.D. Cal. Nov. 16, 2022)
- R.C. v. Sussex Publishers, LLC, No. 24-CV-02609-JSC, 2025 WL 948060, at *5 (N.D. Cal. Mar. 28, 2025)
- St. Aubin v. Carbon Health Techs., Inc., No. 24-CV-00667-JST, 2024 WL 4369675, at *9 (N.D. Cal. Oct. 1, 2024)
- Stasi v. Inmediata Health Group Corp., 501 F. Supp. 3d 898, 922 (S.D. Cal. 2020)
- Regents of University of California v. Superior Court, 220 Cal. App. 4th 549, 553-54 (2013)
- Vigil v. Muir Med. Grp. IPA, Inc., 84 Cal. App. 5th 197, 231 (2022)
- Cousin v. Sharp Healthcare, 702 F. Supp. 3d 967, 975 (S.D. Cal. 2023)
- Niantic, Inc. v. Global++, No. 19-CV-03425-JST, 2020 WL 8620002, at *3 (N.D. Cal. Sept. 2, 2020)
- LLE One, LLC v. Facebook Inc., No. 16-CV-06232-JSW, 2019 WL 13201973, at *4 (N.D. Cal. Apr. 25, 2019)