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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
 LITIGATION

THIS DOCUMENT RELATES TO:
 ALL ACTIONS

Master Docket No.: 4:20-cv-03056-DMR

**PLAINTIFFS' MOTION FOR LEAVE
 TO FILE SUPPLEMENTAL REQUEST
 FOR JUDICIAL NOTICE**

Hon. Donna M. Ryu

Action Filed: May 4, 2020
 Trial Date: None Set

NOTICE OF MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on February 11, 2021 at 1:00 pm by videoconference before the Honorable Donna M. Ryu, or as soon thereafter as the matter may be heard, Plaintiffs will move this Court for an order granting Plaintiffs leave to file a Supplemental Request for Judicial Notice in Support of Plaintiffs' Opposition to Plaid's Motion to Dismiss Consolidated Amended Complaint.

This motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities in support thereof, and such other materials and information that the Court may properly consider.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs hereby respectfully submit this Memorandum in Support of their Motion for Leave to File a Supplemental Request for Judicial Notice in Support of Plaintiffs' Opposition to Plaid's Motion to Dismiss Consolidated Amended Complaint (Dkt. 108).

Plaintiffs seek leave as required under Civil Local Rule 7-3(d) to file a Supplemental Request for Judicial Notice, attached hereto, to bring to the Court's attention a complaint filed on December 21, 2020 by The PNC Financial Services Group, Inc. ("PNC") alleging that Plaid, Inc. "sought to obtain trust and consumer confidence from consumers by intentionally designing user interfaces to misleadingly suggest that Plaid was affiliated or associated with, or sponsored by, PNC . . . in order to mislead consumers into believing they are entering their sensitive personal and financial information in PNC's trusted and secure platform or a platform that is otherwise associated or affiliated with, or sponsored by, PNC" in furtherance of "unscrupulous" conduct. *The PNC Financial Services Group v. Plaid, Inc.*, No. 20-01977 (W.D. Pa.), Dkt. 1, at ¶¶ 4, 6 ("PNC Action").

The PNC Action had not been filed at the time Plaintiffs filed their initial Request for Judicial Notice on November 17, 2020 (Dkt. 110). Because Plaintiff Mullen alleges that her accounts at PNC were connected to Plaid (Dkt. 61, ¶ 158), the action by PNC is relevant (among other things¹) to Plaid's argument on Reply that Plaintiffs fail "to allege Plaid acted 'without ...authority' from financial institutions" with express reference to Plaintiffs' own banks. *See* Dkt. 111, at 15-16. Plaintiffs thus respectfully request that the Court grant this Motion for Leave.

¹ PNC's allegations that Plaid's conduct was misleading and confusing to PNC's customers, demonstrated by screenshots and other alleged facts and evidence, are consonant with Plaintiffs' general allegation here that Plaid does not disclose its involvement and activities that invade consumers' privacy. Plaid has been unable to meaningfully argue otherwise. *See* Dkt. Nos. 78 and 111 (Plaid's opening and reply briefs); *see also* Dkt. No. 113 (attempted introduction by Plaid for the first time on reply of additional candidates for judicial notice: purported privacy policies introduced were incomplete, in that, for example, Plaid excluded *the actual screens consumers were shown when they connected their respective apps to their bank accounts through Plaid's software*, and lacked any support for the implicit notion that Plaid's software during the relevant times allowed consumers to click through to see its privacy policies).

1 Dated: December 28, 2020

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