

GIBSON DUNN & CRUTCHER LLP
ETHAN D. DETTMER, SBN 196046
edettmer@gibsondunn.com
ABIGAIL A. BARRERA, SBN 301746
abarrera@gibsondunn.com
ASHLEY J. HODGE, SBN 287653
ahodge@gibsondunn.com
ANTHONY D. BEDEL, SBN 324065
tbedel@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105
Telephone: 415.393.8200
Facsimile: 415.393.8306

GIBSON, DUNN & CRUTCHER LLP
ALEXANDER H. SOUTHWELL (*pro hac vice*)
asouthwell@gibsondunn.com
200 Park Avenue, 48th Floor
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035

Attorneys for Defendant PLAID INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JAMES COTTLE, et al.,

Plaintiffs,

v.

PLAID INC.,

Defendant.

CASE NO. 4:20-cv-03056-DMR

**DEFENDANT PLAID INC.'S RESPONSE IN
SUPPORT OF ANDERSON PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Hon. Donna M. Ryu

Action Filed: May 4, 2020

Trial Date: None Set

On July 17, 2020, Plaintiffs Carrie Anderson, Brian McCrudden, and Jeffrey Schwedock (the “Anderson Plaintiffs”) filed an Administrative Motion to Consider Whether Cases Should be Related, arguing that the above-captioned case is related to *Anderson, et al. v. Plaid Inc.*, No. 3:20-cv-04480-JSC (N.D. Cal.). *See* Dkt. No. 49.

Plaid Inc. supports the Anderson Plaintiffs’ Administrative Motion because both actions “concern substantially the same [alleged] parties, property, transaction or event.” Civ. L.R. 3-12(a)(1), (2). The actions involve the same defendant, Plaid Inc., and the same plaintiffs since the putative nationwide class is identical. Moreover, the two actions involve similar legal theories, and the *Anderson* action includes a subset of the causes of action alleged in *Cottle*. Further, both complaints allege similar facts relating to Plaid’s supposed violations of federal privacy laws.

Thus, given the similarity of the alleged parties, underlying factual allegations, and legal theories, relating these two actions will promote efficiency and prevent inconsistent results. Indeed, relation would mitigate the “unduly burdensome duplication of labor and expense” that Plaid Inc. would be required to expend in the event it had to litigate these matters separately. Civ. L.R. 3-12(a)(2).

Dated: July 17, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan Dettmer

Ethan D. Dettmer (SBN 196046)
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Fax: 415.393.8306

Attorneys for Defendant Plaid Inc.