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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 EVANS 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 22, 2020, Plaintiffs David Evans, Patrick Lenahen, Adam Smotkin, and Oswaldo Herrera (the “Evans Plaintiffs”) filed an Administrative Motion to Consider Whether Cases Should be Related, arguing that the above-captioned case is related to *Evans, et al. v. Plaid Inc.*, No. 3:20-cv-04804-JSC (N.D. Cal.). *See* Dkt. No. 52.

Plaid Inc. supports the Evans 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 classes are nearly identical. Moreover, the two actions involve similar legal theories, and the *Evans* 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 23, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

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