

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY LITIGATION

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

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**[PROPOSED] ORDER GRANTING
DEFENDANT PLAID INC.'S REQUEST
FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS PLAINTIFFS'
CONSOLIDATED AMENDED COMPLAINT**

ORAL ARGUMENT REQUESTED

Action Filed: May 4, 2020

Judge: Hon. Donna M. Ryu

Before the Court is Defendant's Request for Judicial Notice in Support of Plaid Inc.'s Motion to Dismiss Plaintiffs' Consolidated Amended Complaint. Pursuant to Federal Rule of Evidence 201, the Court hereby takes judicial notice of:

1. Plaid's End User Privacy Policy.
2. Venmo's Privacy Policy.
3. Cash App's Additional Cash Terms of Service – Annotated.
4. Coinbase's Global Privacy Policy.
5. Screenshots that show the consumer experience when connecting a bank account to Venmo using Plaid Link.

The Court determines that it must take judicial notice because Defendant Plaid Inc. "request[ed] it" and "supplied the [C]ourt with the necessary information" to determine that the documents are "capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. The Court's consideration of these documents is also proper in light of the Consolidated Amended Complaint's (ECF No. 61) references to the constituent apps listed above and allegations of omissions in their privacy policies. *See Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 998 (9th Cir. 2018); *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007) ("[C]ourts *must* consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.") (emphasis added). Therefore, the Court having considered the papers and the relevant authorities, hereby GRANTS the motion.

IT IS SO ORDERED.

DATE: _____

Hon. Donna M. Ryu
United States Magistrate Judge