

HERRERA PURDY LLP
Shawn M. Kennedy (SBN 218472)
skennedy@herrerapurdy.com
Andrew M. Purdy (SBN 261912)
apurdy@herrerapurdy.com
Bret D. Hembd (SBN 272826)
bhembd@herrerapurdy.com
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
Tel: (949) 936-0900
Fax: (855) 969-2050

HERRERA PURDY LLP
Nicomedes Sy Herrera (SBN 275332)
nherrera@herrerapurdy.com
Laura E. Seidl (SBN 269891)
lseidl@herrerapurdy.com
1300 Clay Street, Suite 600
Oakland, CA 94612
Tel: (510) 422-4700
Fax: (855) 969-2050

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Rachel Geman (Pro Hac Vice)
rgeman@lchb.com
Rhea Ghosh (Pro Hac Vice)
rghosh@lchb.com
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Tel: (212) 355-9500
Fax: (212) 355-9592

Interim Co-Lead Class Counsel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY
LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
Michael W. Sobol (SBN 194857)
msobol@lchb.com
Melissa Gardner (SBN 289096)
mgardner@lchb.com
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Tel: (415) 956-1000
Fax: (415) 956-1008

BURNS CHAREST LLP
Warren T. Burns (Pro Hac Vice)
wburns@burnscharest.com
Russell Herman (Pro Hac Vice)
rherman@burnscharest.com
900 Jackson Street, Suite 500
Dallas, TX 75202
Tel: (469) 904-4550
Fax: (469) 444-5002

BURNS CHAREST LLP
Christopher J. Cormier (Pro Hac Vice)
ccormier@burnscharest.com
4725 Wisconsin Avenue, NW, Suite 200
Washington, DC 20016
Tel: (202) 577-3977
Fax: (469) 444-5002

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

**DECLARATION OF SHAWN M.
KENNEDY IN SUPPORT OF
OPPOSITION TO DEFENDANT PLAID
INC.'S ADMINISTRATIVE MOTION
TO CONTINUE CASE MANAGEMENT
CONFERENCE**

Hon. Donna M. Ryu
Action Filed: May 4, 2020
Trial Date: None Set

1 I, SHAWN M. KENNEDY, hereby declare as follows:

2 1. I am a partner of the law firm of Herrera Purdy LLP (“HP”), interim co-lead class
3 counsel for Plaintiffs in the above-captioned action. I am a member in good standing of the Bar of the
4 State of California and am admitted to practice before this Court. I have personal knowledge of the
5 statements contained in this declaration and, if called to testify, I could and would testify competently to
6 them. I submit this declaration in support of the Plaintiffs’ Opposition to Administrative Motion to
7 Continue Case Management Conference.

8 2. Contrary to the statements in Plaid’s administrative motion, Plaintiffs did not state
9 generally that it would be “inefficient for the Court to hold a CMC while there is uncertainty,” but rather
10 that it would be inefficient to do so “while there is uncertainty *as to whether additional plaintiffs will be*
11 *consolidated in this action.*” ECF No. 54 at 2 (emphasis added). That is, Plaintiffs sought to continue
12 the CMC until 21 days after they filed their consolidated complaint because, at the time of that filing, the
13 parties had filed a stipulation to consolidate the related actions pending in this District, but the Court had
14 not yet issued an order consolidating those actions. It therefore would have been inefficient to hold a
15 CMC in the lead case while it was still uncertain whether the other actions would be consolidated with
16 it.

17 3. Plaid opposed Plaintiffs’ earlier administrative motion, taking the position that Plaintiffs’
18 requested continuance was too short—Plaid instead wanted the CMC continued until after the Court
19 ruled on its yet-to-be-filed motion to dismiss. ECF No. 55 at 2-3.

20 4. Plaid’s instant administrative motion renews its request to continue the CMC until after
21 the Court rules on its motion to dismiss, this time explicitly acknowledging its desire to avoid its
22 discovery obligations. ECF No. 83 at 3.

23 * * *

24 I declare under penalty of perjury under the laws of the United States that the foregoing is true
25 and correct. Executed this 18th day of September, 2020, in Newport Beach, California.

26
27 /s/ Shawn M. Kennedy
28 Shawn M. Kennedy

Filer's Attestation

Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from Shawn Kennedy.

Dated: September 18, 2020 /s/ Rachel Geman
Rachel Geman
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP