

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES COTTLE and FREDERICK
SCHOENEMAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

PLAID INC., a Delaware corporation,

Defendant.

Case No.: 4:20-cv-03056-DMR

**STIPULATION TO CONSOLIDATE
ACTIONS AND APPOINT INTERIM
CO-LEAD CLASS COUNSEL AND
PLAINTIFFS' STEERING
COMMITTEE**

LOGAN MITCHELL, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

PLAID INC., a Delaware corporation,

Defendant.

Case No. 3:20-cv-04230-SK

RACHEL CURTIS, ALEXA GROSSMAN,
MALLORY GROSSMAN, STEVEN
HANNIGAN, ALEXIS MULLEN, JORDAN
SACKS, and NICHOLAS YEOMELAKIS, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

PLAID INC., a Delaware corporation,

Defendant.

Case No. 4:20-cv-04344-DMR

CARRIE ANDERSON, BRIAN MCCRUDDEN,
and JEFFREY SCHWEDOCK, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

PLAID INC., a Delaware corporation,

Defendant.

Case No: 3:20-cv-04480-JSC

1 WHEREAS, on May 4, 2020, plaintiffs James Cottle and Frederick Schoeneman
2 commenced the action *Cottle et al. v. Plaid Inc.*, No. 4:20-cv-03056-DMR (“*Cottle Action*”)
3 against Defendant Plaid Inc. (“Plaid” or “Defendant”) alleging that Plaid improperly acquired and
4 used consumer financial account credentials and financial data, and asserting ten causes of action;

5 WHEREAS, on June 25, 2020, plaintiff Logan Mitchell commenced the action
6 *Mitchell v. Plaid Inc.*, No. 3:20-cv-04230-SK (“*Mitchell Action*”) making substantially similar
7 allegations and asserting ten substantially similar causes of action, and a Motion To Consider
8 Whether Cases Should Be Related (*Cottle Action*, ECF No. 37) is currently pending, which the
9 parties to this Stipulation do not oppose;

10 WHEREAS, on June 29, 2020, plaintiffs Rachel Curtis, Alexa Grossman, Mallory
11 Grossman, Steven Hannigan, Alexis Mullen, Jordan Sacks, and Nicholas Yeomelakis commenced
12 the action *Curtis et al. v. Plaid Inc.*, No. 4:20-cv-04344-DMR (“*Curtis Action*”) making
13 substantially similar allegations and asserting six substantially similar causes of action, and a
14 Motion To Consider Whether Cases Should Be Related (*Cottle Action*, ECF No. 42) is currently
15 pending, which the parties to this Stipulation do not oppose;

16 WHEREAS, on July 7, 2020, plaintiffs Carrie Anderson, Brian McCrudden, Jeffrey
17 Schwedock commenced the action *Anderson et al. v. Plaid Inc.*, No. 3:20-cv-04480-JSC
18 (“*Anderson Action*”) making substantially similar allegations and asserting six substantially
19 similar causes of action, and a Motion To Consider Whether Cases Should Be Related (*Cottle*
20 *Action*, ECF No. 49) is currently pending, which the parties to this Stipulation do not oppose;

21 WHEREAS, all parties to this Stipulation consent to the jurisdiction of Magistrate Judge
22 Ryu;

23 WHEREAS, plaintiffs in the *Cottle*, *Mitchell*, *Curtis*, and *Anderson Actions* (collectively,
24 “Plaintiffs” in the “Actions”) consent to consolidate their respective individually-filed actions
25 under a single consolidated complaint to be filed in the lowest-numbered case in this District (the
26 *Cottle Action*), consent to the administrative closure of the other filed cases, and further consent
27 that these claims may not proceed in any action separate from the consolidated case;

28 WHEREAS, consolidation of the Actions will avoid duplication and unnecessary costs,

1 and will promote the efficient conduct of proceedings herein;

2 WHEREAS, Plaintiffs collectively represent that the appointment of Interim Class
3 Counsel and a Plaintiffs' Steering Committee will benefit the Court and the proposed class
4 because it will provide an organized, managed structure that can only be achieved through the
5 appointment of a unified voice to advocate the interests of the several plaintiffs;

6 WHEREAS, the Interim Class Counsel proposed herein are counsel on the first-filed
7 complaint, and Interim Class Counsel represent that they have investigated the potential claims in
8 this action, have substantial experience in complex and class action litigation, have knowledge of
9 the applicable law, and will commit the resources necessary to prosecute this matter, and
10 therefore it is their position that they satisfy the requirements of Federal Rule of Civil Procedure
11 23(g) for such appointment;

12 NOW, THEREFORE, the parties stipulate as follows:

13 **I. CONSOLIDATION**

14 1. Within one week of a Court Order granting this stipulation and entering Pre-Trial
15 Order No. 1, Plaintiffs, by and through their existing counsel of record, shall jointly file a
16 Consolidated Amended Complaint in *Cottle v. Plaid*, No. 4:20-cv-03056-DMR (herein, the
17 "Consolidated Action").

18 2. Upon the filing of the Consolidated Amended Complaint, the original complaints
19 in the *Cottle*, *Mitchell*, *Curtis*, and *Anderson* Actions will be superseded by the Consolidated
20 Amended Complaint and will no longer have any force or effect. These Plaintiffs agree not to
21 pursue these claims, or any substantially similar claims, in any action other than the Consolidated
22 Action; however, this does not restrict any individual plaintiff from exercising his or her right to
23 explicitly opt out of the class action to pursue an individual action.

24 3. Defendant shall answer or otherwise respond to the Consolidated Amended
25 Complaint within 40 days of the date Plaintiffs file the Consolidated Amended Complaint.

26 4. Plaintiffs in the Consolidated Action shall file their opposition to any responsive
27 motion filed by Plaid 60 days after Defendant has filed its response.

28

5. Defendant shall file any reply in support of any responsive motion 21 days after Plaintiffs' opposition is filed.

II. APPLICATION OF THIS ORDER TO SUBSEQUENTLY RELATED CASES

6. Any and all cases subsequently related to and consolidated with this Consolidated Action shall be governed by this Order ("Pretrial Order No. 1"). Counsel for Plaintiffs in the Consolidated Action shall promptly furnish a copy of Pretrial Order No. 1 to counsel for the parties in any subsequently filed action against Plaid alleging substantially similar claims based upon substantially similar transactions and occurrences as those alleged in this Consolidated Action. Any such subsequent case filed in, or transferred to, this District shall be related to and consolidated with this Consolidated Action upon consent of the parties in such subsequent action to Magistrate jurisdiction.

III. FILING AND SERVICE OF DOCUMENTS

7. All papers previously filed and served in any of the above-referenced actions are hereby deemed part of the record in *Cottle v. Plaid*, No. 4:20-cv-03056. All papers hereafter filed in the Consolidated Action shall bear the following Caption:

IN RE PLAID INC. PRIVACY LITIGATION	Master Docket No. 4:20-cv-03056
THIS DOCUMENT RELATES TO:	

8. This case is subject to Electronic Case Filing ("ECF"), pursuant to General Order 45, Section VI, which requires that all documents in such a case be filed electronically. If counsel has not already done so, counsel shall register as an ECF user and be issued an ECF user ID and password. Forms and instructions can be found on the Court's website at ecf.cand.uscourts.gov.

9. All documents filed in the Consolidated Action, or any subsequently coordinated or related action, shall be e-filed in the master file in *Cottle v. Plaid*, No. 4:20-cv-03056. Papers

that are filed electronically through the Court's ECF system are deemed served on all parties as of the date of filing.

IV. PRESERVATION OF EVIDENCE

10. The parties in the Consolidated Action, or any subsequently coordinated or related action, shall take reasonable steps to preserve all documents, data, and tangible things containing information potentially relevant to the subject matter of this litigation. Fed. R. Civ. P. 37(e).

V. ORGANIZATION OF PLAINTIFFS' COUNSEL

11. Pursuant to Federal Rule of Civil Procedure 23(g)(3), Interim Co-Lead Class Counsel ("Co-Lead Counsel") are Burns Charest, LLP; Herrera Purdy LLP; and Lieff Cabraser Heimann & Bernstein, LLP ("LCHB"). See Decl. of Rachel Geman in Support of Stipulation to Consolidate Actions and Appoint Interim Lead Counsel ("Geman Decl."); Decl. of Shawn M. Kennedy in Support of Stipulation to Consolidate Actions and Appoint Interim Lead Counsel; Decl. of Christopher J. Cormier in Support of Stipulation to Consolidate Actions and Appoint Interim Lead Counsel.

12. The Plaintiffs' Steering Committee ("PSC") are Nussbaum Law Group, P.C.; Reinhardt, Wendorf, & Blanchfield; Robins Kaplan, LLP; and Spector Roseman & Kodroff, PC. See Geman Decl. at ¶¶ 28-31.

13. Co-Lead Counsel shall be responsible for convening regular meetings of the PSC (and, if applicable and as needed, other Plaintiffs' counsel) to confer regarding the administration and prosecution of the Consolidated Action and subsequently coordinated or related actions.

14. Co-Lead Counsel shall have authority over the following matters on behalf of all Plaintiffs and the Proposed Class in the Consolidated Action:

- a. coordinating and managing all work to ensure the efficient and effective prosecution of the Consolidated Action on behalf of the Plaintiffs and proposed Classes;
- b. the initiation, response, scheduling, briefing, and argument of all motions;
- c. the scope, order, and conduct of all discovery proceedings;
- d. the retention and oversight of any expert witnesses or other consultants;

e. making such work assignments as among themselves and any other Plaintiffs' counsel as they may deem appropriate;

f. collecting time and expense reports from all Plaintiffs' counsel on a periodic basis;

g. establishing and maintaining a cost fund in consultation with the Plaintiffs' Steering Committee, and collect and make payments to and from the cost fund for shared expenses;

h. the designation of which Plaintiffs' attorneys shall appear at hearings and conferences with the Court;

i. trial proceedings;

j. post-trial proceedings;

k. prosecuting or defending any appeal;

l. settlement negotiations and agreements with Defendants or any future defendants subject to Court approval;

m. if there is a settlement, propose a plan of allocation; and

n. all other matters concerning the prosecution of the Consolidated Action and subsequently coordinated or related actions.

15. The Plaintiffs' Steering Committee, upon direction from Co-Lead Counsel, shall assist Co-Lead counsel in the execution of their duties.

16. No motion or other pleading shall be filed on behalf of any Plaintiff in the Consolidated Action except through Co-Lead Counsel.

17. Defendant's counsel may rely on all agreements made with the Co-Lead Counsel, and such agreements shall be binding on all other Plaintiffs.

1 Dated: July 17, 2020

/s/ Ethan D. Dettmer

Ethan D. Dettmer (SBN 196046)
Abigail Augus Barrera (SBN 301746)
Anthony Doc Bedel (SBN 324065)
Ashley Jada Hodge (SBN 287653)
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105
edettmer@gibsondunn.com
abarrera@gibsondunn.com
tbedel@gibsondunn.com
ahodge@gibsondunn.com
Telephone: (415) 393-8200
Fax: (415) 986-5309

Alexander H. Southwell (pro hac vice)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
asouthwell@gibsondunn.com
Telephone: (212) 351-4000
Fax: (212) 351-4035

Counsel for Defendant Plaid Inc.

13 Dated: July 17, 2020

/s/ Rachel Geman

Rachel Geman (pro hac vice)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013-1413
rgeman@lchb.com
Telephone: (212) 355-9500
Fax: (212) 355-9592

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

Madeline M. Gomez (pro hac vice)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
222 2nd Avenue South, Suite 1640
Nashville, TN 37201
mgomez@lchb.com
Telephone: (615) 313-9000
Fax: (212) 313-9965

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

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

Christopher J. Cormier (*pro hac vice*)
BURNS CHAREST LLP
4725 Wisconsin Avenue, NW
Suite 200
Washington, DC 20016
Telephone: (202) 577-3977
Email: CCormier@BurnsCharest.com

Warren T. Burns (*pro hac vice*)
Russell Herman (*pro hac vice*)
BURNS CHAREST LLP
900 Jackson Street, Suite 500
Dallas, TX 75202
wburns@burnscharest.com
rherman@burnscharest.com
Telephone: (469) 904-4550
Fax: (469) 444-5002

C. Jacob Gower (*pro hac vice*)
BURNS CHAREST LLP
365 Canal Street, Suite 1170
New Orleans LA 70130
jgower@burnscharest.com
Telephone: (504) 799-2845
Fax: (504) 881-1765

Cottle Action Counsel for Plaintiffs and the Proposed Classes

1 Dated: July 17, 2020

/s/ Michael F. Ram

Michael F. Ram (SBN 104805)
Aaron M. Sheanin (SBN 214472)
ROBINS KAPLAN LLP
2440 W El Camino Real, Suite 100
Mountain View, CA 94040
mram@robinskaplan.com
asheanin@robinskaplan.com
Telephone: (650) 784-4040

6 Kellie Lerner (pro hac vice)
7 Hollis Salzman (pro hac vice)
8 William Reiss (pro hac vice)
9 David Rochelson (pro hac vice)
10 ROBINS KAPLAN LLP
11 399 Park Avenue, Suite 3600
12 New York, NY 10022
13 klerner@robinskaplan.com
14 hsalzman@robinskaplan.com
15 wreiss@robinskaplan.com
16 drochelson@robinskaplan.com
17 Telephone: (212) 980-7400

Mitchell Action Counsel for Plaintiffs and the Proposed Class

13 Dated: July 17, 2020

/s/ James A. Quadra

14 James A. Quadra (SBN 131084)
15 Rebecca Coll (SBN 184468)
16 QUADRA & COLL, LLP
17 649 Mission Street, 5th Floor
18 San Francisco, CA 94105
19 jquadra@quadracoll.com
20 rcoll@quadracoll.com
21 Telephone: (415) 426-3502
22 Fax: (415) 625-9936

19 Linda P. Nussbaum (pro hac vice)
20 Bart D. Cohen (pro hac vice)
21 NUSSBAUM LAW GROUP, P.C.
22 1211 Avenue of the Americas, 40th Floor
23 New York, NY 10036
24 lnussbaum@nussbaumpc.com
25 bcohen@nussbaumpc.com
26 Telephone: (917) 438-9102
27 Fax: (212) 753-0396
28

Michael E. Criden (pro hac vice)
Lindsey Grossman (pro hac vice)
CRIDEN & LOVE, P.A.
7301 SW 57th Court, Ste 515
South Miami, FL 33143
mcriden@cridenlove.com
lgrossman@cridenlove.com
Telephone: (305) 357-9000
Fax: (305) 357-9050

Curtis Action Counsel for Plaintiffs and the Proposed Class

Dated: July 17, 2020

/s/ Jason Hartley

Jason Hartley
Jason Linder
HARTLEY LLP
101 W. Broadway, Suite 820
San Diego, CA 92101
Tel: (619) 400-5822
Fax: (619) 400-5832
hartley@hartleyllp.com
linder@hartleyllp.com

William G. Caldes
Jeffrey L. Spector
Jeffrey L. Kodroff
Diana J. Zinser
SPECTOR ROSEMAN & KODROFF, P.C.
2001 Market Street, Suite 3420
Philadelphia, PA 19103
Tel: (215) 496-0300
Fax: (215) 496-6611
BCaldes@srkattorneys.com
JSpector@srkattorneys.com
JKodoff@srkattorneys.com
DZinser@srkattorneys.com

Garrett D. Blanchfield
Roberta A. Yard
REINHARDT WENDORF & BLANCHFIELD
332 Minnesota Street, Suite W-1050
St. Paul, MN 55101
Tel: (651) 287-2100
Fax: (651) 287-2103
g.blanchfield@rwblawfirm.com
t.yard@rwblawfirm.com

Anderson Action Counsel for Plaintiffs and the Proposed Class

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 all the signatories.

Dated: July 17, 2020

/s/ Rachel Geman

Rachel Geman

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP