

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FILED

MAY 05 2022 *fs*

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Cottle et al. v. Plaid Inc

Plaintiffs,

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

Honorable Hon. Donna M. Ryu

v.

Plaid Inc.

Defendants.

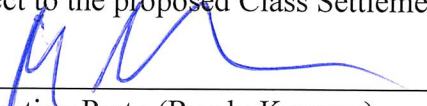
**NOTICE OF OBJECTION TO FINAL JUDGMENT GRANTING APPROVAL
OF CLASS ACTION SETTLEMENT**

NOW COMES, **RANDAL KREUGER** in pro personam and Objects to the Final Judgment Granting Approval of Class Action Settlement based on the following:

- NC*
1. Randal Kreuger, hereinafter "Objecting Party", is an interested party in the Class Action because he has suffered consequential damages through the use of Plaid.
 2. Objecting Party moves the Court, pursuant to Fed. R. Civ. P. 60(bX6), for relief from the Final Judgment Order.
 3. Objecting Party used Plaid services.
 4. Objecting Party was not properly notified of the Class Action until Claimant looked his junk email and seen a claim was due on April 28, 2022 on April 28, 2022 and cannot be held to the terms of the class order. EXHBIT A
 5. Objecting Party received no other notice of this Class Claim.
 6. Object party objects to Class Counsel's request for reimbursement of reasonable litigation expenses.

WHEREFORE Objecting Party does hereby object to the proposed Class Settlement.

April 28, 2022



Objecting Party (Randy Kreuger)

**BRIEF IN SUPPORT OF
NOTICE OF OBJECTION TO FINAL JUDGMENT GRANTING APPROVAL
OF CLASS ACTION SETTLEMENT**

NOW COMES, **RANDAL KRUEGER** in pro personam and submits this Brief in Support of Objection to the Final Judgment Granting Approval of Class Action Settlement.

Facts

Legal Discussion and Argument

I. FRCP 23(e)(5)(A). federal Rule of Civil Procedure 23(e)(5)(A) provides, in pertinent part, that "[a]ny class member may object to the [settlement] proposal if it requires court approval under" Rule 23(e). Notably, the Seventh Circuit has recognized that, under Rule 23(e), good-faith objectors play a vital role in helping a district court shape a fair and equitable settlement of a class action. Specifically, the Seventh Circuit has noted that "[w]hen defendants and class counsel seek to settle a class action, the clash of adversaries on which our system depends is lost." *Pearson v. Target Corp.*, 968 F.3d 827,838 (7th Cir. 2020) (quotation marks omitted). As a result, the Seventh Circuit has noted, "[t]he district judge must act as a fiduciary of the class in deciding whether to approve a proposed settlement," and "must still rely on the now-allied adversaries to generate the information that the judge needs to decide the case faithfully." *Id.* (quotation marks omitted). Consequently, "[g]enuine adversary presentation is supplied, if at all, only by objecting class members."

As a threshold matter, Objecting Party, notes as required by Rule 23(e)(5)(A), that this Objection applies to them and, potentially, to a similarly-situated subset of the plaintiff class, i.e.,

those class members who did not receive direct notice of this lawsuit, did not learn of the lawsuit by way of the published notices, but in his spam email and was not alerted by employees about the pendency of this action and their right to file a claim for damages.

In terms of the specific Objection to the Settlement Agreement, Objecting Party notes that Section of the Settlement Agreement provides that "Class Notice shall be accomplished through a combination of Mailed Notice, Publication Notice, a Settlement Website, and other applicable forms of notice" The Settlement Agreement goes on to describe in detail the type of "Mailed Notice" and "Publication Notice" to be utilized by the Class Action Settlement Administrator, and also requires the Class Action Settlement Administrator to "establish a Settlement Website that will inform members of the Class of the terms of th[e] Agreement, their rights, dates, and deadlines, and related information."

The Objecting Party submits that the Settlement Agreement and the forms of notice outlined therein overlooked and omitted an obvious yet important avenue of notice: Local Newspaper. Similarly, the Eleventh Circuit recently noted that "[o]ften times objectors play a 'beneficial role in opening a proposed settlement to scrutiny and identifying areas that need improvement.'"

II. FRCP 60(b)(6). Federal Rule of Civil Procedure 60(b)(6) provides, in pertinent part, that "[o]n motion and just terms, the court may relieve a party. . . from a final judgment, order, or proceeding" on the basis of "any other reason that justifies relief." Motions for relief under Rule 60(b)(6) are not subject to a specific time limit. Instead, Rule 60(c)(1) requires them to "be made within a reasonable time." Relief under Rule 60(b)(6) is considered an "extraordinary remedy" that should be granted only under "exceptional circumstances." *Banks v. Chicago Bd. of Educ.*, 750 F.3d 663, 668 (7th Cir. 2014).

The Objecting Party's motion for relief from judgment is unquestionably timely. As noted, the Objecting Party first learned about the pendency of this action on April 28, 2022. The Objecting Party submits that the circumstances that they have outlined are, in fact, exceptional and justify the Court ordering the extraordinary remedy available under Rule 60(b)(6). As discussed, Objectors timely and repeatedly filed this Objection the same day he learned of the pendency, and complained to Angeion Employees about the problem.

Conclusion

The Objecting Party has filed a timely objection to the Final Judgment. The motive behind the Objection is that Objecting Party's damages exceed the current class settlement would only pay slight damages and the majority go to a Class Administer who allegedly did not send proper notice to Claimant and Counsel

The Objecting Party seeks Objection granting finally approval from the class action as it stands.

April 28th, 2022



Objecting Party
/s/ Randal Krueger
1098 Ann Arbor Rd W #114
Plymouth, MI 48170
contact@randalkrueger.com

734 249 8131

EXHIBIT A

All ▾ ← CLASS ACTION ▾ 🔍 ☑ Meet Now 📄 📧 📁 RK

✉ New message Reply ▾ 🗑 Delete 📁 Archive 🚫 Junk ▾ 📁 Move to ▾ 🏷 Categorize ▾ ⌚ Snooze

▾ Folders

- 📁 Inbox 9230
- 📁 Junk Email 394
- ✍ Drafts 17
- ▾ Sent Items
- 📁 ECT.
- 🕒 Scheduled
- 🗑 Deleted Items 1
- 📁 Archive
- 📄 Notes
- 📁 cHAT
- 📁 Conversation History
- 📁 Flight
- 📁 Internet Purchases
- 📁 Short Sales
- [New folder](#)
- ▾ Groups
- [New group](#)

← **Reminder: File Your Claim by 4/28 in the Plaid Privacy Class Action Settlement**

SA Settlement Administrator <donotreply@plaidsettlement.com>
 Thu 4/28/2022 7:49 AM
 To: **HANDYK777@HOTMAIL.COM**

Notice ID: PLD1054306735
Confirmation Code: D534DMA033

Plaid Privacy Litigation Settlement – Last Chance to Claim Your Settlement Payment

This is a Legal Notice. This is not an advertisement.

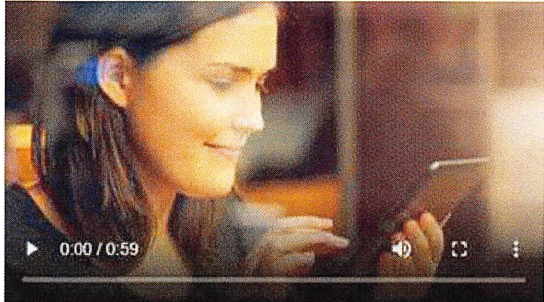
You may be eligible to claim a payment in the class action Settlement titled *In re Plaid, Inc. Privacy Litigation*.

You are receiving this courtesy email to remind you the deadline to submit a claim in this action is **April 28, 2022**. If you have already filed a claim, you do not need to file one again. This reminder notice has been sent to ensure you are aware of the approaching claims filing deadline.

*If you are a Class Member and would like to be eligible for a payment, you must submit a valid claim form online or mail a claim form postmarked NO LATER THAN **April 28, 2022**.*

Claim forms may be submitted online by clicking here: www.PlaidSettlement.com.

You can also click the video link to file your claim or to hear instructions on how to submit a claim.



You may also print a claim form from the Settlement website and mail it to the address on the claim form ensuring it is postmarked by no later than **April 28, 2022**.

More About the Class Action Settlement

A Settlement has been proposed in class action litigation against Plaid Inc. ("Plaid"). Plaid enables connections between a user's financial account(s) and approximately 5,000 mobile and web-based applications ("apps"). This class action alleges Plaid took certain improper actions in connection with this process. The allegations include that Plaid: (1) obtained more financial data than was needed by a user's app, and (2) obtained log-in credentials (username and password) through its interface, known as Plaid Link, which the litigation alleges had the look and feel of the user's own bank account login screen, when users were actually providing their login credentials directly to Plaid. Plaid denies these allegations and any wrongdoing and maintains that it adequately disclosed and maintained transparency about its practices to consumers.

Who is Included? You are a Class Member, and you are affected by this Settlement, if you own or owned one or more "Financial Accounts" between January 1, 2013 and November 19, 2021, and you were a United States resident at the time. A "Financial Account" is any checking, savings, loan, or other account at a financial institution (1) that Plaid accessed using the user's login credentials and connected to a mobile or web-based fintech application that enables payments (including ACH payments) or other money transfers or (2) for which a user provided financial account login credentials to Plaid through Plaid Link.