

January 2, 2026

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VIA EMAIL AND OVERNIGHT MAIL

Honorable Michael J. Blee, J.A.D.
 Acting Administrative Director of the Courts
 Attention: MCL Application – Daniel’s Law Litigation
 Hughes Justice Complex, P.O. Box 037
 Trenton, New Jersey 08625-0037
 Email: Comments.mailbox@njcourts.gov

Re: Notice to the Bar (December 3, 2025)
 MCL Application – Daniel’s Law Litigation

Dear Judge Blee:

Our firm represents Whitepages, Inc. in the Daniel’s Law matter titled *Atlas Data Privacy Corporation, et al. v. Whitepages, Inc.*, venued in Mercer County, Case Number MER-L-000270-24 (Judge Hurd). We write to join the opposition comment submitted by the Troutman defendants¹ (the “Troutman Opposition”) to the application submitted by plaintiff Atlas Data Privacy Corporation (“Atlas”) and several individual plaintiffs (collectively, “Plaintiffs”), which requests a multicounty litigation (“MCL”) or consolidated proceeding for the approximately 111 Daniel’s Law cases currently pending in vicinages across the state (the “Subject Cases”).

As addressed in the Troutman Opposition, transformation of the Subject Cases to an MCL or consolidated proceeding would be unprecedented and directly contradict the prevailing elements this Court considers when evaluating an MCL request or consolidation under New Jersey’s Court Rules. Rather than providing this Court with a duplicative recitation of the background of Daniel’s Law, the Subject Cases, the requirements for an MCL, and the arguments against consolidation, Whitepages directs the Court to the Troutman Opposition and fully incorporates the Troutman Opposition as if fully set forth in this letter.

In addition to the Troutman Opposition, Whitepages briefly elaborates on why MCL treatment or consolidation would unfairly prejudice Whitepages’s individual position and rights as a defendant. Whitepages has its own unique business model and platform, practices for receiving and addressing suppression requests, competitors, elemental challenges, and defenses that it plans to assert against Plaintiffs. An MCL or consolidation would unfairly undermine Whitepages’s right to have its unique

¹ The Troutman defendants have been sued in the following matters: *Atlas Data Privacy Corporation et al. v. Precisely Holdings, LLC, et al.*, BER-L-000819-24; *Atlas Data Privacy Corporation, et al. v. Enformion LLC, et al.*, BER-L-000767-24; *Atlas Data Privacy Corporation, et al. v. Corelogic, Inc.*, BER-L-000773-24; *Atlas Data Privacy Corporation v. AtData, LLC*, BER-L-000867-24; *Atlas Data Privacy Corporation et al. v. CARCO Group Inc. et al.*, MRS-L-000270-24; *Atlas Data Privacy Corporation et al. v. Remine, Inc.*, MRS-L-000258-24; *Atlas Data Privacy Corporation, et al. v. Red Violet Inc.*, MON-L-00482-24; *Atlas Data Privacy Corporation, et al. v. Acxiom LLC, et al.*, MER-L-000283-24.

circumstances fully considered and addressed by a court on an individualized basis and would potentially expose sensitive internal Whitepages information to competitors.

For the reasons set forth in the Troutman Opposition and below, Whitepages opposes Atlas's application for an MCL or consolidated proceeding for the Subject Cases.

I. Argument

A. Whitepages has a unique business model and services that it offers to consumers and businesses.

Whitepages was founded in 1997 to provide consumers and businesses the largest and most accurate repository of contact information, public records, and property data. See About Us, <https://about.whitepages.com/> (last visited Dec. 22, 2025). It primarily reaches customers through its website, [whitepages.com](https://www.whitepages.com/), where it offers both free and paid services to individuals and businesses. These services include a search directory based on a person's name, address, and/or phone number and a background check platform for criminal, financial, and address history. See *generally* Whitepages, <https://www.whitepages.com/> (last visited Dec. 22, 2025).

It is through these services that Plaintiffs allege that Whitepages violated Daniel's Law. See Compl. ¶¶ 36–40, *Atlas Data Privacy Corporation, et al. v. Whitepages, Inc.*, MER-L-000270-24 (N.J. Super. Feb. 2, 2024). But whether Whitepages actually violated Daniel's Law (it didn't) is going to be largely dependent on the unique contours of Whitepages's business model and practices. While multiple defendants in the Subject Cases may provide directory tools, the practices, procedures, and processes that Whitepages adheres to for implementing and maintaining its services are largely unique to Whitepages. An MCL or consolidation would inhibit Whitepages from having these unique and individualized facts of its business and services from being fully considered by a court as Whitepages seeks to defend itself against Atlas's claims.

B. Whitepages has unique practices and procedures for processing suppression requests and has at all times reasonably complied with Atlas's suppression requests.

Whitepages keenly understands and is sensitive to suppression requests. Therefore, at all times material to this litigation (as well as before it and to date), Whitepages has had an easy-to-follow suppression protocol clearly and conspicuously posted on its website. See Submit a Consumer Privacy Request, <https://whitepagesprivacy.zendesk.com/hc/en-us/requests/new> (last visited Dec. 22, 2025). In good faith, Whitepages followed, follows, and will continue to follow that protocol.

In trying to transmit thousands of emails to Whitepages virtually simultaneously, Atlas and the individual plaintiffs didn't follow Whitepages's clear and conspicuous suppression protocol. Nevertheless, once Whitepages was aware of the suppression requests, Whitepages spared no resource in responding to the abnormally high volume of Atlas-related suppression requests.

How Whitepages adheres to its suppression procedures and complied with Atlas's suppression requests is unique and specific to Whitepages. An MCL or consolidation would inhibit Whitepages from being able to individually defend its practices and compliance with Atlas's suppression requests and Daniels' Law, especially as Atlas continues to assert generalized allegations of non-compliance by all defendants in

the Subject Cases. Whitepages's good faith and level of effort in responding to the deluge of Atlas-related suppression requests demonstrates that Whitepages has elemental and defensive challenges to the claims that might not be shared by other defendants.

C. Centralization could expose Whitepages's sensitive and confidential information to competitors.

There are multiple competitors of Whitepages that have been sued by Plaintiffs under Daniel's Law. In the event of an MCL or consolidation, the Subject Cases will have to engage in a coordinated discovery process that could make Whitepages's sensitive and confidential information available to these competitors.

In cases where discovery has proceeded, Atlas has already propounded requests that seek information that would be sensitive and confidential to individual defendants. If the cases are converted into an MCL or consolidated, Whitepages might be obligated to provide the same responses and productions to all other defendants, as required under New Jersey Court Rule 4:18-1. Whitepages has a right to protect its sensitive and confidential information from competitors, and MCL treatment or consolidation would hinder its ability to protect this information.

D. Whitepages has its own unique elemental challenges and defenses and a due process right to have those elemental challenges and defenses considered fully on an individualized basis.

Although Whitepages has not been required to serve an answer because its case is effectively stayed, Whitepages has unique common law, statutory, and contractual elemental challenges and defenses that are not shared with other defendants. Without waiver of any and all elemental challenges and defenses Whitepages may assert against Plaintiffs in a future answer, Whitepages has, for instance, elemental challenges and defenses under Daniel's Law's own exemptions, Communications Decency Act Section 230 (47 U.S.C. § 230), and Whitepages's contractual Terms of Service.

For example, Daniel's Law provides clear exemptions for telephone directories or directory assistance. N.J. Stat. § 56:8-166.1(f). Whitepages is a directory under Daniel's Law and thus is exempt from liability.

Additionally, Whitepages has been found to be immune from liability under the CDA Section 230. See *Nasser v. WhitePages, Inc.*, No. 5:12CV097, 2013 WL 6147677, at *3 (W.D. Va. Nov. 22, 2013) ("WhitePages is clearly an interactive computer service within the meaning of the [CDA]. Its website is an 'information service' that enables multiple users to access the data on its servers. This data is created and provided by third parties."); *Obado v. Magedson*, No. 13-2382, 2014 WL 3778261, at *9 (D.N.J. July 31, 2014) (holding that defendants, including Whitepages, were immune from liability under CDA Section 230). Whitepages's immunity from liability under the CDA should preempt any liability under Daniel's Law.

And by way of further example, all users of Whitepages's service agree to the Terms of Service provided on Whitepages's website. See Whitepages Terms of Service, <https://www.whitepages.com/terms-of-service> (last visited Dec. 20, 2025). At all times material to this litigation, Whitepages has clearly and conspicuously posted the Terms of Service on its website. The Terms of Service bind any user to arbitration, Washington choice of law, Washington venue, and other litigation limitations unique to Whitepages. To the extent that Plaintiffs or the alleged assignors were or are Whitepages users, they

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are bound by the Terms of Service. As such, Plaintiffs and the alleged assignors will be subject to Whitepages's unique discovery related to acceptance of Whitepages's Terms of Service.

Overall, Whitepages elemental and defensive challenges are unique to Whitepages and its business model. Lumping Whitepages into an MCL or consolidated proceeding would prevent it from being able to effectively argue its elemental challenges and defenses and have them fully considered on an individualized and unique basis, which is Whitepages's right.

II. Conclusion

The examples provided above are just some of the many issues unique to Whitepages that militate against its being lumped into an MCL or consolidated proceeding. To find otherwise is unwarranted and would unfairly prejudice Whitepages's right to have its unique facts, circumstances, and elemental challenges and defenses considered and heard on an individualized basis. For the reasons set forth above and in the Troutman Opposition, Whitepages respectfully requests that the Court deny Atlas's MCL or consolidation request.

Respectfully submitted,

VEDDER PRICE P.C.

By: /s/ Blaine C. Kimrey

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