

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](mailto:comments.mailbox@njcourts.gov)

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

Dear Judge Blee:

Our firm represents Hiya, Inc. in the Daniel’s Law matter titled *Atlas Data Privacy Corporation, et al. v. Hiya, Inc.*, venued in Mercer County, Case Number MER-L-000285-24 (Judge Hurd). We write to join the opposition comment submitted by the Troutman defendants<sup>1</sup> (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, Hiya directs the Court to the Troutman Opposition and incorporates the Troutman Opposition as if fully set forth in this letter.

In addition to the Troutman Opposition, Hiya briefly elaborates on why an MCL or consolidation would unfairly prejudice Hiya’s individual position and rights as a defendant. Hiya 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

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<sup>1</sup> 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.

undermine Hiya's right to have its unique circumstances fully considered and addressed by a court on an individualized basis and would potentially expose sensitive internal information to competitors.

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

## I. Argument

### A. Hiya has a unique business model and platform that it offers to consumers and businesses.

Hiya was founded in 2015 to provide consumers and businesses with secure and enhanced voice communication tools that allow them to reach people and customers more effectively and efficiently. See Mission and Vision, <https://www.hiya.com/company/about> (last visited Dec. 22, 2025). These services include platforms focused on spam and fraud detection and blocking, branded calling capabilities, caller identification, and AI-assisted voice communications. *Id.*

Although it's far from clear given the vague and conclusory allegations against Hiya, it appears Plaintiffs allege that Hiya violated Daniel's Law via spam detection and/or call screener technology. See Compl. ¶¶ 35–39, *Atlas Data Privacy Corporation, et al. v. Hiya, Inc.*, MER-L-000285-24 (N.J. Super. Feb. 8, 2024). Whether Hiya actually violated Daniel's Law (it didn't) is going to be largely dependent on the unique contours of Hiya's business model and practices. While other defendants in the Subject Cases may also provide such voice communication enhancing tools in addition to name and address lookups, the practices, procedures, and processes that Hiya adheres to for implementing and maintaining its services are largely unique to Hiya. An MCL or consolidation would inhibit Hiya from having its unique and individualized facts of its services from being fully considered by a court as Hiya seeks to defend itself against Atlas's claims.

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

Hiya keenly understands and is sensitive to suppression requests. Therefore, at all times material to this litigation (as well as before it and to date), Hiya has had an easy-to-follow suppression protocol clearly and conspicuously posted on its website. See Submit a Request, [https://hiyahelp.zendesk.com/hc/en-us/requests/new?ticket\\_form\\_id=360000113547](https://hiyahelp.zendesk.com/hc/en-us/requests/new?ticket_form_id=360000113547) (last visited Dec. 22, 2025). In good faith, Hiya followed, follows, and will continue to follow that protocol.

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

How Hiya adheres to its suppression procedures and complied with Atlas's suppression requests is unique and specific to Hiya. An MCL or consolidation would inhibit Hiya 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 on the part of all defendants in the Subject Cases. Hiya's good faith and level of effort in responding to the deluge of Atlas-related

suppression requests demonstrates that Hiya has elemental and defensive challenges to the claims that might not be shared by other defendants.

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

There are multiple competitors of Hiya 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 Hiya'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 cases are converted into an MCL or consolidated, Hiya might be obligated to provide the same responses and productions to all other defendants, as required under New Jersey Court Rule 4:18-1. Hiya has a right to protect its sensitive and confidential information from competitors, and an MCL or consolidation would hinder its ability to protect this information.

**D. Hiya 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 Hiya has not been required to serve an answer because its case is effectively stayed, Hiya 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 Hiya may assert against Plaintiffs in a future answer, Hiya has, for instance, elemental challenges and defenses under Daniel's Law's own exemptions and Hiya's contractual Terms of Service.

For instance, the crux of Daniel's Law is that it prohibits, 10 business days after notice, the disclosure or re-disclosure on the Internet or otherwise making available, the home address or unpublished home telephone number of any covered person. See N.J. Stat. § 56:8-166.1(a)(1). Hiya facilitates spam blocking and caller ID so that consumers receive the calls they wish to receive and reputable businesses are less likely to be ignored as spam. See Hiya Spam Blocker, <https://www.hiya.com/products/apps/hiya-spam-blocker> (last visited Dec. 22, 2025). Customer testimonials on the Hiya website demonstrate the nature and utility of Hiya's service. See Customer Stories, <https://www.hiya.com/case-studies> (last visited Dec. 22, 2025). For instance, School of Rock Winter Park, a music education program for students, uses Hiya to brand their calls to customers and was able to double its answer rate as a result. See *School of Rock boosts answer rates and conversions 2X with Hiya Caller Reputation and Branded Call*, HIYA, <https://www.hiya.com/customer-stories/school-of-rock-winter-park> (last visited Dec. 22, 2025).

Unlike many other defendants in the Atlas litigation, Hiya doesn't share unpublished phone numbers and home addresses in response to search queries. Searches on Hiya's platforms are analogous to a reverse phone lookup, and users must have a phone number before they can block it or see the name that is connected to it. See Hiya Spam Blocker, <https://www.hiya.com/products/apps/hiya-spam-blocker> (last visited Dec. 22, 2025).

This reverse lookup feature is akin to a telephone directory, which is categorically exempt from Daniel's Law. N.J. Stat. § 56:8-166.1(f). As admitted in Plaintiffs' MCL application, a reverse lookup tool has already been held to be exempt from violation of Daniel's Law.<sup>2</sup>

And by way of further example, all users of Hiya's service agree to the Terms of Service provided on Hiya's website. See Hiya Terms of Service for Consumer Services, <https://www.hiya.com/legal/terms-of-service> (last visited Dec. 22, 2025). At all times material to this litigation, Hiya 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 Hiya. To the extent that Plaintiffs or the alleged assignors were or are Hiya users, they are bound by the Terms of Service. As such, Plaintiffs and the alleged assignors will be subject to Hiya's unique discovery related to acceptance of Hiya's Terms of Service.

Overall, Hiya's elemental and defensive challenges are unique to Hiya and its business model, a model shared by few, if any, other defendants in the Atlas New Jersey Daniel's Law litigation. Lumping Hiya 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 Hiya's right.

## II. Conclusion

The examples provided above are just some of the many issues unique to Hiya that militate against its being lumped into an MCL or consolidated proceeding. To find otherwise is unwarranted and would unfairly prejudice Hiya'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, Hiya respectfully requests that the Court deny Atlas's MCL or consolidation request.

Respectfully submitted,

**VEDDER PRICE P.C.**

By: /s/ Blaine C. Kimrey

Blaine C. Kimrey (*admitted pro hac vice*)

Bryan K. Clark (*admitted pro hac vice*)

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<sup>2</sup> See Pls. App. at 12; see also Troutman Opposition at 29–32 (detailing the cases of *Atlas Data Privacy Corporation et al. v. Telnix, LLC, et al.*, MRS-L-000260-24, and *Atlas Data Privacy Corporation et al. v. Twilio, Inc., et al.*, MRS-L-000226-24, where the courts considered the exempt status of a reverse lookup tool under the telephone directory exemption).