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January 2, 2026

Via Email

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
Comments.mailbox@niccourts.gov

Re: *In Re: Daniel's Law Compliance Litigations,*
Application for Multi-County Litigation Designation or Transfer to a Single
Vicinage for Coordination

Judge Blee:

I submit this comment on behalf of Twilio Inc. ("Twilio") regarding the Application for Multi-County Litigation Designation or Transfer to a Single Vicinage for Coordination ("Application") filed on November 3, 2025 by Atlas Data Privacy Corporation and several individual plaintiffs ("Plaintiffs"). Twilio is the defendant in one of the cases that would be subject to Plaintiffs' proposed Multi-County Litigation designation: *Atlas Data Privacy Corp., et al. v. Twilio Inc., et al.*, No. MRS-L-000226-24 (N.J. Super. Ct., Morris Cty.) ("*Atlas v. Twilio*").

Twilio takes no position on whether the Application should ultimately be granted. Twilio notes, however, that in a misguided effort to demonstrate supposed "conflicting legal rulings" across cases, the Application mischaracterizes a prior decision in *Atlas v. Twilio*. App. 12. Plaintiffs assert that "Judge McMann" previously "opined that" Twilio's Lookup tool "does violate Daniel's Law." *Id.* Judge McMann issued no such ruling. The cited decision, responding to a motion to dismiss, held merely that based on the applicable standard of review, dismissal of the claims against Twilio would be premature without further factfinding regarding the precise nature of Twilio's services. Attached hereto as **Exhibit A** is a true and accurate copy of Judge McMann's April 23, 2025 Order. The Application is therefore wrong to suggest that Judge McMann's ruling is in any way "inconsistent" *id.*, with Judge Romankow's ruling in Plaintiffs' separate lawsuit against Telnix; at present, both courts have denied motions to dismiss in order to allow



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further factual development. Such alleged inconsistency would not be an appropriate ground for granting the Application in any event.

Should the Application be granted for other reasons, however, Twilio requests that the litigation be transferred to the Law Division, Complex Business Litigation Program in Essex County. That vicinage is the best venue in light of its existing role in overseeing several cases, expertise in adjudicating consolidated proceedings, and relative convenience for the parties and their counsel.

Respectfully submitted,

/s/ Aravind Swaminathan

Aravind Swaminathan

ORRICK, HERRINGTON & SUTCLIFFE LLP

James DiGiulio

O'TOOLE SCRIVO, LLC

Attorneys for Twilio Inc.

EXHIBIT “A”

BY THE COURT

ATLAS DATA PRIVACY CORPORATION, as assignee of individuals who are Covered Persons, JANE DOE-1, a law enforcement officer, JANE DOE-2, a law enforcement officer, EDWIN MALDONADO, SCOTT MALONEY, JUSTYNA MALONEY, and PETER ANDREYEV,

Plaintiffs,

v.

TWILIO INC., RICHARD ROES 1-10, fictitious names of unknown individuals and ABC COMPANIES 1-10, fictitious names of unknown entities,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MORRIS COUNTY

DOCKET NO.: MRS-L-000226-24

CIVIL ACTION

ORDER

THIS MATTER having been brought before the Court by and O’Toole Scrivo, L.L.C. (James DiGiulio, Esq. appearing and Mr. DiGiulio and Thomas P. Scrivo, Esq., on the brief) and Orrick, Herrington & Sutcliffe, L.L.P. (Aravind Swaminathan, Esq., appearing *pro hac vice* and on the brief), attorneys for Twilio, Inc. (“Defendant”), upon a motion, pursuant to Rule 4:6-2(e), to dismiss with prejudice the complaint filed by Plaintiffs, Atlas Data Privacy Corporation, Edwin Maldonado, Scott Maloney, Justyna Maloney, and Peter Andreyev (collectively, “Plaintiffs”), and PEM Law, L.L.P. (Jessica A. Merejo, Esq., appearing and Ms. Merejo and Rajiv D. Parikh, Esq., on the brief) and Boies, Schiller and Flexner, L.L.C. (Adam Shaw, Esq., appearing *pro hac vice*), appearing and filing opposition and the Court having considered the moving, opposition and reply papers and the Court having heard the arguments of counsel on April 23, 2025, and for good cause shown and the reasons stated on the record on April 23, 2025;;

IT IS on this 23rd day of April, 2025;

ORDERED that to the extent Defendant Twilio, Inc. moves to dismiss Plaintiff's complaint for failure to state the elements of a claim upon which relief may be granted, the motion is **denied**. **By May 9, 2025**, Defendant Twilio, Inc. shall file an answer to the complaint.

IT IS FURTHER ORDERED that to the extent Defendant Twilio, Inc. moves to dismiss Plaintiff's complaint because their services are akin to a telephone directory or directory assistance as defined in N.J.S.A. 56:8-166.1(f), the motion is **denied without prejudice as premature** because resolution of this issue requires a factual determination and there is insufficient competent factual evidence before the court to make this determination.

IT IS FURTHER ORDERED that to the extent Defendant Twilio, Inc. moves to dismiss Plaintiff's complaint on immunity pursuant to the Communications Decency Act, 47 U.S.C. §230, the motion is **denied without prejudice as premature** because resolution of this issue requires a factual determination and there is insufficient competent factual evidence before the court to make this determination.

IT IS FURTHER ORDERED that to the extent Defendant Twilio, Inc. moves to dismiss Plaintiff's complaint based on an as applied challenge to the constitutionality of Daniel's Law, codified in N.J.S.A. 47:1A-1, et. seq. and N.J.S.A. 56:8-166.1, et. seq., the motion is **denied without prejudice as premature** because resolution of this issue requires a factual determination and there is insufficient competent factual evidence before the court to make this determination.

IT IS FURTHER ORDERED that with the consent of the parties, to the extent Defendant Twilio, Inc. has or intends to assert a facial First Amendment challenge to the constitutionality of Daniel's Law, codified in N.J.S.A. 47:1A-1, et. seq. and N.J.S.A. 56:8-166.1, et. seq., as part of a responsive pleading, the motion is **withdrawn** pending the decisions of the United States Court of

Appeals for the Third Circuit issues its decision on the matter of Atlas Data Priv. Corp., et al. v. We Inform, LLC, et al., No. CV 24-10600, 2024 WL 4905924 (D.N.J. Nov. 26, 2024) (Dkt.58) and after the New Jersey Supreme Court issues its decision in the matter of Kratovil v. City of New Brunswick, 2024 N.J. Unpub. A-216-23, 2024 WL 1826867 (App. Div. 2024) certification granted, 258 N.J. 468 (2024). Defendant Twilio, Inc. reserves its right to assert all First Amendment and other facial challenges to Daniel’s Law after these decisions are issued. If these decisions do not resolve the issues regarding the constitutional challenges that Defendant Twilio, Inc. intends to raise, **within forty-five days of the last decision issued**, Defendant Twilio, Inc. may file a motion challenging the constitutionality of Daniel’s Law. Upon the filing of any motion challenging the constitutionality of Daniel’s Law, Defendant Twilio, Inc. shall serve a copy of the motion on the New Jersey Attorney General, as required by Rule 4:28-4. Nothing herein precludes Defendant Twilio, Inc. from requesting relief consistent with the decisions of the United States Court of Appeals for the Third Circuit and the New Jersey Supreme Court in these cases.

IT IS FURTHER ORDERED that **by April 28, 2025**, counsel for Plaintiffs and Defendant Twilio, Inc. shall meet and confer to determine if they can agree upon the terms of the protective order for submitting the information required in this order. If they are unable to agree upon the terms of the protective order, **by April 30, 2025**, counsel for the parties shall contact Michael Eisner, the Morris and Sussex County Civil Division Case Manager and Discovery Mediator to schedule a case management conference to discuss the terms of the order.

IT IS FURTHER ORDERED that **by May 16, 2025**, pursuant to a protective order, Plaintiff Atlas Data Privacy Corporation shall submit to the court and counsel for Defendant Twilio, Inc. a list identifying by name each of the individuals referred to in the complaint as “assignors,” if they have not provided this information while the case was pending in Federal

Court. For each assignor, Atlas Data Privacy Corporation shall indicate the following: (1) the factual basis for the person to be considered a “Covered Person” as defined in N.J.S.A. 56:8-166.1(d), that is, a judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, as those terms are identified in N.J.S.A. 47:1A-1.1 or prosecutor and any immediate family member residing the household of as individuals in these categories; (2) whether there was a written assignment of the “Covered Persons” right to bring a civil action for a violation of N.J.S.A. 56:8-166.1 to Atlas Data Privacy Corporation; and (3) whether the written assignment was executed prior to the filing of the complaint.

IT IS FURTHER ORDERED that this Order shall be deemed served upon all parties upon the upload to E-Courts. Pursuant to Rule 1:5-1(a), the movant shall serve a copy of this Order on all parties not served electronically within seven days of the date of this Order.

Marcy M. McMann
Hon. Marcy M. McMann, J.S.C.

 X Opposed
 Unopposed
 X Oral Argument