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January 2, 2026

Via Regular Mail

Hon. 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

Re: **Atlas Data Privacy Corp. - Daniel's Law Multicounty
Litigation Application**

Dear Acting Administrative Director Blee, J.A.D.:

This office represents Matthew J. Platkin, Attorney General of New Jersey (“Attorney General”), with regards to the Application Requesting Multicounty Litigation Designation of Daniel’s Law Compliance Litigation (the “Application”). We write in support of the Application, the granting of which would streamline the hundreds of closely related actions filed under Daniel’s Law, N.J.S.A. 47:1A-1, et seq. and N.J.S.A. 56:8-166.1 and -166.3 (collectively known as “Daniel’s Law”) since early 2024. As discussed herein, consistent with the criteria laid out in the Multicounty Litigation Guidelines and Criteria for Designation, Directive # 02-19 (the “Directive”), approval of the Application would promote the efficient utilization of judicial resources, reduce the risk of duplicative and inconsistent rulings, and allow coordination with the already-consolidated federal court proceedings.

Background

At its core, Daniel’s Law, is a privacy statute that grants certain federal and state judges, law enforcement officers, and others a civilly enforceable right to ask an entity to stop disclosing their home address or unpublished telephone number. N.J.S.A. § 56:8-166.1(a)-(b). In 2023, the legislature amended Daniel’s Law to facilitate enforcement by potential plaintiffs. See 2023 NJ Sess. Law Serv. c. 113, § 6 (Senate No. 3125) (West).



In early 2024, Plaintiff Atlas Data Privacy Corporation (“Atlas” or the “Atlas Plaintiffs”), as the assignee of covered persons under Daniel’s Law filed more than forty (40) actions in New Jersey state court alleging violations of Daniel’s Law, many of which were then removed to federal court (collectively, the “Atlas Actions”). Since then, more than one hundred of these cases have been filed in New Jersey state courts. *See* Atlas Data Privacy Corp. Daniel’s Law Matters MCL Application (Nov. 3, 2025), available at <https://www.njcourts.gov/sites/default/files/daniel-law-litigations.pdf>.

In response to these actions, the defendants have raised a number of challenges to the validity of Daniel’s Law, including arguments that Daniel’s Law: (1) is unconstitutional on its face under the First Amendment of the U.S. Constitution; (2) is unconstitutional under the Fourteenth Amendment of the U.S. Constitution; (3) is preempted by Section 230 of the Communications Decency Act, 47 U.S.C. § 230 (“Section 230”); (4) is preempted by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681x (“FCRA”); (5) is preempted by the National Voter Registration Act, 52 U.S.C. §§ 20501, *et. seq.* (“NVRA”); and (6) that Daniel’s Law is preempted by the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801, *et. seq.* (“GLBA”). To date, the Attorney General has intervened in numerous state and federal court actions to defend the validity of Daniel’s Law. In addition, the Attorney General has filed multiple briefs in different courts on certain validity defenses raised by defendants, including First Amendment constitutional issues, Section 230 preemption, and FCRA preemption, and argued before both the New Jersey Supreme Court and 3rd Circuit Court of Appeals. *See* Kratovil v. City of New Brunswick, 261 N.J. 1, 26 (2025); *see* Petition and Order to Certify Questions of State Law, Atlas Data Privacy Corp., et al., v. We Inform, et al., Nos. 25-1555 through -1578, 25-1580 through -1593, 25-1676, 25-1677 (3d Cir. Sept. 2, 2025), ECF 103.

Centralization of the Atlas Actions Is Appropriate

Approval of the Application meets most, if not all, of the criteria laid out by the Directive promulgated under Rule 4:38A. As provided by the Directive, the New Jersey Supreme Court considers the following factors for determining whether designation of cases for Multicounty Litigation is appropriate:

1. Whether the case(s) possess(es) the following characteristics:
 - a. it involves large numbers of parties;
 - b. it involves many claims with common, recurrent issues of law and fact that are associated with a single product, mass disaster, or complex environmental or toxic tort;
 - c. there is geographical dispersment of parties;
 - d. there is a high degree of commonality of injury or damages among plaintiffs;
 - e. there is a value interdependence between different claims, that is, the perceived strength or weakness of the causation and liability aspects of the case(s) are often dependent upon the success or failure of similar lawsuits in other jurisdictions; and
 - f. there is a degree of remoteness between the court and actual decision-makers in the litigation, that is, even the simplest of decisions may be required to pass through layers of local, regional, national, general and house counsel.

2. Whether there is a risk that centralization may unreasonably delay the progress, increase the expense, or complicate the processing of any action, or otherwise prejudice a party;
3. Whether centralized management is fair and convenient to the parties, witnesses and counsel;
4. Whether there is a risk of duplicative and inconsistent rulings, orders or judgments if the cases are not managed in a coordinated fashion;
5. Whether coordinated discovery would be advantageous;
6. Whether the cases require specialized expertise and case processing as provided by the dedicated multicounty litigation judge and staff;
7. Whether centralization would result in the efficient utilization of judicial resources and the facilities and personnel of the court;
8. Whether issues of insurance, limits on assets and potential bankruptcy can be best addressed in coordinated proceedings; and
9. Whether there are related matters pending in Federal court or in other state courts that require coordination with a single New Jersey judge.

Though the Application meets essentially all of these factors, four factors most heavily favor approval of the Application. First, the Atlas Actions possess many of the precise characteristics contemplated by the Directive. Second, centralized management of the Atlas Actions is fair and convenient and should streamline the further processing of these cases. Third, if the cases remain uncoordinated, there is a high risk of duplicative and inconsistent rulings. Fourth, centralization would facilitate a far more efficient utilization of resources, both for the courts and the parties, than the current morass of hundreds of cases spread across multiple counties and judges.

The Atlas Actions have nearly all the characteristics the Directive favors: they involve a large number of parties (but a common group of plaintiffs); there are recurrent issues of law and fact; the parties are geographically dispersed; the plaintiffs have common injuries and damages; and there is a value interdependence between different claims. In New Jersey state courts alone, there are over one hundred unique defendants and approximately 19,000 covered persons for whom Atlas alleges it is the assignee. *See Atlas Data Privacy Corp. Daniel's Law Matters MCL Application* (Nov. 3, 2025), available at <https://www.njcourts.gov/sites/default/files/daniel-law-litigtions.pdf>. Among the plaintiffs are an array of judges and public officials from across New Jersey seeking to have their names removed from disclosure on the internet, and recovery of damages for such disclosures, by the defendant-entity websites. And those defendant-entities are likewise disbursed across several states and countries. Thus, the number of parties, similarity of claims, and geographic disbursement strongly favor centralized management for efficient use of judicial and party resources.

In addition to the similarity of claims by the plaintiffs related to disclosure discussed in more detail in the Application, the defendants have likewise presented recurrent legal challenges to the constitutionality of Daniel's Law under the First Amendment, and federal preemption

challenges including Section 230, the FCRA, and the GLBA.¹ These recurring challenges have necessitated the Attorney General's intervention across the counties to defend the statute.

Second, centralization of these cases is fair and convenient to the parties and counsel. For example, if a multicounty litigation is formed, no party would be prejudiced during motion practice. The burden on defendants would be reduced as counsel could move on or defend issues together, coordinating briefing and argument, as the defendants have done in the parallel federal litigations. Plaintiffs likewise would be able to receive uniform and expeditious resolution without piecemeal briefing, argument, or appearances. And, the Attorney General would no longer need to independently seek intervention in each county, and sometimes each case where plaintiffs have filed. For example, in the past year, the Attorney General has frequently needed to remind parties of their obligation to give notice of validity challenges under Rule 4:28-4, and due to the dispersed nature of the actions, has been required to do so in at least six counties. On several occasions, the Attorney General has only learned of validity challenges when oral argument was already scheduled, necessitating requests for extensions of time to submit independent briefs. Granting the Application would greatly benefit all parties and counsel, aid in eliminating duplicative briefings, and ease coordination and scheduling.

Third, by not centralizing these cases, there is a risk of duplicative or inconsistent rulings. Across the seven counties, there are ten different Judges presiding over these cases. As highlighted in the Application, there has already been significant motion practice across the counties. *See* Atlas Data Privacy Corp. Daniel's Law Matters MCL Application (Nov. 3, 2025), available at <https://www.njcourts.gov/sites/default/files/daniel-law-litigtions.pdf>. Indeed, the Attorney General has intervened and defended Daniel's Law in multiple counties on the same issues of validity—First Amendment constitutionality, Section 230 preemption, and FCRA preemption, along with other federal preemption challenges. And common issues of law predominate in the Atlas Actions. As of September of this year, more than twenty defendants in five counties raised the issue of what *mens rea* is required for civil liability under Daniel's Law. Those included Bergen County (BER-L-794-24, BER-L-815-24, BER-L-875-24, BER-L-920-24), Essex County (ESX-L-3308-25), Mercer County (MER-L-270-24, MER-L-271-24, MER-L-272-24, MER-L-273-24, MER-L-283-24, MER-L-285-24, MER-L-290-24, MER-L-309-24), Middlesex County (MID-L-859-24, MID-L-903-24, MID-L-915-24, MID-L-988-24, MID-L-991-24, MID-L-992-24), Monmouth County (MON-L-482-24, MON-L-483-24, MON-L-484-24, MON-L-515-24, MON-L-516-24, MON-L-533-24, MON-L-577-24), and Morris County (MRS-L-245-24). An inconsistent result between judges within the same county, or differing counties, risks prolonging resolution of these matters as the parties may seek reconsideration and appeal based on the rulings.

¹ *See, e.g.*, Motion to Dismiss, Atlas Data Privacy Corp., et al. v. InsideRE, LLC, et al., MID-L-991-24 (N.J. Super. Ct., Apr. 30, 2025) (arguing Section 230 preemption and First Amendment violations); Motion to Dismiss, Atlas Data Privacy Corp., et al. v. OWMN, LTD, et al., MID-L-992-24 (N.J. Super. Ct., Jan. 31, 2025) (arguing Section 230 preemption and First Amendment violations); Motion to Dismiss, Atlas Data Privacy Corp., et al. v. Mircobilt Corp., et al., ESX-L-3308-25 (N.J. Super. Ct., Aug. 18, 2025) (arguing FCRA and GLBA preemption and First Amendment violations); Atlas Data Privacy Corp., et al. v. Mircobilt Corp., et al., MRS-L-270-24 (N.J. Super. Ct., May 9, 2025) (arguing FCRA preemption).

As noted in the Application, there have already been inconsistent rulings within the same county. *See* Atlas Data Privacy Corp. Daniel's Law Matters MCL Application (Nov. 3, 2025), available at <https://www.njcourts.gov/sites/default/files/daniel-law-litigions.pdf>. Centralizing these cases would essentially negate this risk.

Fourth, centralization would help judicial economy and the parties' resources. As previously mentioned, the Attorney General has not always received proper notice of validity challenges as required under Rule 4:28-4. In some instances, the Attorney General has been required to file briefs on the exact same arguments in multiple actions. The Atlas Plaintiffs and defendants are similarly situated: each would benefit from the centralization of the Atlas Actions, which would allow for coordinated briefings and discovery. Given that many of the defendants have raised nearly-identical arguments in their motions to dismiss, centralization would allow the parties to engage in joint briefings as they have done in the federal dockets.

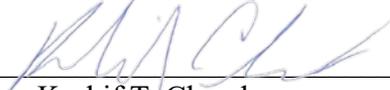
Additionally, centralization here would permit efficient coordination between state and federal courts. Many of the issues arising in state court have already arisen, or are simultaneously pending in the parallel federal litigation. For example, several state actions were stayed pending the resolution of the Third Circuit's certified question to the New Jersey Supreme Court. *See e.g.*, Order Staying Motions to Dismiss, Atlas Data Privacy Corp., et al. v. Wiland, Inc., et al., MON-L-577-24 (N.J. Super. Ct., Sept. 30, 2025); *see also* Petition and Order to Certify Questions of State Law, Atlas Data Privacy Corp., et al., v. We Inform, et al., Nos. 25-1555 through -1578, 25-1580 through -1593, 25-1676, 25-1677 (3d Cir. Sept. 2, 2025), ECF 103. Rather than seeking piecemeal stays of the same argument, centralization would permit a single judge to coordinate with the federal system to efficiently manage these cases.

Conclusion

For the foregoing reasons, the Attorney General agrees with and supports Atlas's application for the Daniel's Law cases to be designated as Multicounty Litigation, pursuant to R. 4:38A and as guided by Directive # 02-19.

Very truly yours,

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By: 
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