Clark Hill

Comment #008

Stacy Orvetz
T (215) 864-8072
Email:sorvetz@ClarkHill.com

Clark Hill
Two Commerce Square
2001 Market Street., Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

January 2, 2026

VIA ELECTRONIC & OVERNIGHT MAIL

Supreme Court of New Jersey
Attn: Honorable Michael J. Blee, J.A.D.
Acting Administrative Director of the Courts
Richard J. Hughes Justice Complex
Hughes Justice Complex, P.O. Box 037
25 Market Street
Trenton, NJ 08625-0037
E-mail: Comments.mailbox@njcourts.gov

Re: Objections to MCL Application—Daniel's Law Litigation by Equifax Inc., Equifax Information Services LLC, Equifax Consumer Services LLC, Equifax Workforce Solutions LLC, Equifax Data Services LLC, Appriss Insights, LLC, Kount Inc., DataX Ltd., IXI Corporation, and Securitec Screening Solutions LLC

Dear Judge Blee:

Equifax Information Services LLC, Equifax Consumer Services LLC, Equifax Workforce Solutions LLC, Equifax Data Services LLC, Appriss Insights, LLC, Kount Inc., DataX Ltd., IXI Corporation, Securitec Screening Solutions LLC (the "Subsidiary Defendants"), and Equifax Inc. (collectively, "Defendants") are defendants in *Atlas Data Privacy Corporation, et al. v. Equifax Inc., et al.*, BER-L-000919-24. Defendants submit this comment[1] objecting to the November 3, 2025 application (the "Application") for Multicounty Litigation ("MCL") designation of the 111 pending cases alleging violations of Daniel's Law, N.J.S.A. 47:1A-1, *et seq*.[2] Defendants also fully adopt the letter objecting to the Application(s) filed by the Troutman Defendants[3] on January 2, 2026.

[1] Trans Union, LLC, Neustar, Inc., and TransUnion Risk and Alternative Data Solutions, Inc., which are defendants in *Atlas Data Privacy Corp., et al. v. Trans Union, LLC, et al.*, Case No. BER-L-000810-24, join Sections I and V below.

[2] The Acting Administrative Director of the Courts issued a Notice to the Bar concerning the Application on December 3, 2025, which instituted a January 4, 2026 deadline for comments and objections.

[3] The Troutman Defendants are those in the following matters: *Atlas Data Privacy Corp., et al. v. Precisely Holdings, LLC, et al.*, BER-L-000819-24; *Atlas Data Privacy Corp., et al. v. Enformion*

I. Due process guarantees defendants the opportunity to present individualized defenses developed through individualized discovery.

Axiomatically, "[d]ue process requires that there be an opportunity to present every available defense[.]" *Lindsey v. Normet*, 405 U.S. 56, 66 (1972) (quotation omitted); *Little v. Kia Motors Am., Inc.*, 242 N.J. 557, 581–82 (2020) (same). When facing a series of claims asserted by multiple plaintiffs, "due process requires that the defendants be able to defend against each individual claim." *Pearce v. PaineWebber, Inc.*, No. 3:02-cv-2409, 2004 WL 5282962, at *12 (D.S.C. Aug. 13, 2004); *see also Carrera v. Bayer Corp.*, 727 F.3d 300, 307 (3d Cir. 2013) (holding that "[a] defendant in a class action has a due process right to raise individual challenges and defenses to claims"). Relatedly, "[e]ach defendant is entitled to know what [it] did that is asserted to be wrongful." *Bank of Am., N.A. v. Knight*, 725 F.3d 815, 818 (7th Cir. 2013). That means "[d]efendants are entitled to ascertain through discovery a specific description of how they, individually, committed the acts or omissions alleged in the complaint." *Heerden v. Bd. of Supervisors of La. State Univ. & Agric. & Mech. Coll.*, No. 10-155-D-M2, 2011 WL 293758, at *2 n.5 (M.D. La. Jan. 27, 2011). More concretely, "[d]efendants [each] have a right to depose each plaintiff regarding his or her claim and further inquire into those circumstances alleged or any other relevant information." *Crawford v. Newport News Indus. Corp.*, No. 4:14-cv-130, 2016 WL 11673839, at *2 (E.D. Va. Jan. 21, 2016); *id*. ("[d]eposing each plaintiff appears necessary to discover and test both the plaintiffs' claims and any defenses [each] [d]efendant may have"). And such rights, which are rooted in "due process and fundamental fairness[,] may not be sacrificed to provide assembly-line justice." *Phenylpropanolamine (PPA) Products Liability Litig.*, 460 F. 3d 1217, 1250 (9th Cir. 2006).

In the permissive joinder context under Federal Rule of Civil Procedure 20, "**courts often sever claims brought against unrelated defendants when the only similarity between them is that they are alleged to have violated the same statute or acted in the same manner**." *Kennedy v. Skyview Plaza, LLC*, No. 6:16-cv-2128, 2017 WL 603001, at *2 (M.D. Fla. Jan. 26, 2017) (emphasis added), *report and recommendation adopted*, 2017 WL 589196 (M.D. Fla. Feb. 14, 2017). That is because "**[t]he presence of multiple, unrelated defendants may lead to individualized discovery disputes and summary judgment motions that threaten to derail the progress of other claims in the case and prejudice some of the Defendants**[.]" *Id*. at *4 (emphasis added). As revealed by this Court's Directive # 02-19, the same concerns predominate in determining whether MCL designation is warranted.

An example in the permissive joinder context is instructive. As the court explained in *Third Degree Films, Inc. v. Does 1-131*, "allowing [a] case to proceed against 131 [d]efendants create[d] more management problems than it promote[d] efficiency." 280 F.R.D. 493, 498 (D. Ariz. 2012). That was because "[e]ach [d]efendant [had] different factual and legal defenses, and would then file completely unrelated motions that the Court would have to resolve within the context of one case." *Id*. "Further, scheduling and conducting hearings and discovery disputes among 132 parties

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LLC, et al., BER-L-000767-24; *Atlas Data Privacy Corp., et al. v. Corelogic, Inc.*, BER-L-000773-24; *Atlas Data Privacy Corp., et al. v. AtData, LLC*, BER-L-000867-24; *Atlas Data Privacy Corp., et al. v. CARCO Group Inc. et al.*, MRS-L-000270-24; *Atlas Data Privacy Corp., et al. v. Remine, Inc.*, MRS-L-000258-24; *Atlas Data Privacy Corp., et al. v. Red Violet Inc.*, MON-L-00482-24; *Atlas Data Privacy Corp., et al. v. Acxiom LLC, et al.*, MER-L-000283-24.

would be almost impossible." *Id*. "Also, because of the potential prejudice to each unrelated [d]efendant," the court would likely need to "conduct over a hundred separate trials with different witnesses and evidence, eviscerating any efficiency of joinder." *Id*. at 498–99 (internal quotations omitted). And "all of th[o]se issues would certainly needlessly delay the ultimate resolution of any particular [d]efendant's case[.]" *Id*. at 499; *see also Pac. Century Int'l, Ltd. v. Does 1–101*, No. 11-cv-02533, 2011 WL 5117424, at *3 (N.D. Cal. Oct. 27, 2011) (a case "with at least 101 defendants would prove a logistical nightmare[,]" because each defendant "would assert different factual and legal defenses" that "would require the court to cope with separate discovery disputes and dispositive motions, and to hold separate trials, each based on different evidence").

In objecting to the Application at hand, Defendants point to many legally and factually unique aspects of the claims against them. Those aspects reveal that sweeping claims against Defendants into an MCL would be unfair, prejudicial, inefficient, and otherwise inadvisable. For the additional reasons set forth below, the Court should deny the MCL Application.

II. Defendants include a publicly traded holding corporation and nine of its subsidiaries—each of which engages in distinct commercial activities.

Unlike in many other cases, Case No. BER-L-000919-24 features 10 Defendants. While nine of those 10 Defendants are wholly owned subsidiaries of the tenth, each is uniquely situated given its distinct commercial activities, and four of the 10 Defendants are consumer reporting agencies ("CRAs") governed by Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq*. The presence of 10 unique Defendants renders Case No. BER-L-000919-24 particularly inapt for inclusion in an MCL.

Starting with Equifax Inc., it is a Georgia-based, publicly traded holding company with 118 subsidiaries spread across several continents and 20 countries. As a holding company, Equifax Inc. "does not own, receive, store, maintain, process, or otherwise exercise control over [any] consumer credit information." *See Channing v. Equifax, Inc.*, No. 5:11-cv-293-FL, 2013 WL 593942, at *2 (E.D.N.C. Feb. 15, 2013).[4]

[4] *See also Ball v. Equifax Inc.*, No. 2:23-cv-001817-GMN-DJA, 2024 WL 2093642, at *1 (D. Nev. May 8, 2024) (explaining, "as a matter of law, that Equifax [Inc.] . . . is a holding company" and dismissing claims against Equifax Inc. because the plaintiff "sued the wrong party") (quotation omitted); *Poffenbarger v. Equifax*, No. 3:23-cv-00034-SLG, 2023 WL 5724425, at *4 (D. Alaska Sept. 5, 2023) ("Equifax, Inc., is a holding corporation."); *Greear v. Equifax, Inc.*, No. 13-cv-11896, 2014 WL 1378777, at *1 (E.D. Mich. Apr. 8, 2014); *Ransom v. Equifax, Inc.*, No. 09-cv-80280, 2010 WL 1258084, at **1, 3 (S.D. Fla. Mar. 30, 2010); *Slice v. Choicedata Consumer Srvs., Inc.*, No. 3:04-cv-428, 2005 WL 2030690, at **1, 3 (E.D. Tenn. Aug. 23, 2005); *Persson v. Equifax, Inc.*, No. 7:02-cv-00511, 2002 U.S. Dist. LEXIS 28864, at *3 (W.D. Va. Oct. 28, 2002) ("Equifax is a holding corporation headquartered in Georgia" that "does not own, receive, store, maintain, process or otherwise exercise control over any consumer credit data."); *Weiler v. Transunion, Inc.*, No. 99-cv-936, 2000 U.S. Dist. LEXIS 23565, at *4 (W.D. Pa. Nov. 16, 2000) ("The undisputed evidence of record establishes that Equifax is a holding corporation[,] . . . [and] that it has no . . . income except that derived from its ownership interests in its subsidiaries and affiliates.").

Second, Equifax Information Services LLC ("EIS") is a nationwide CRA "that report[s] information about consumers' creditworthiness to prospective creditors."[5] *Carey-Laylor v. Equifax Info. Servs., LLC*, No. 21-16953, 2022 WL 1442151, at *1 (D.N.J. May 6, 2022) (internal quotations omitted); *Hillis v. Equifax Consumer Services, Inc.*, 237 F.R.D. 491, 493 (N.D. Ga. 2006) ("'EIS[,] a[ ] subsidiary of Equifax, Inc., is one of the three national credit reporting agencies and is responsible for gathering and maintaining credit reports on U.S. consumers."). More specifically, EIS "collect[s] consumer information supplied by furnishers, compile[s] it into consumer reports, and provide[s] those reports to authorized users." *Denan v. Trans Union LLC*, 959 F.3d 290, 295 (7th Cir. 2020).

Third, a core aspect of Equifax Consumer Services LLC's ("ECS") business involves individual consumers "enter[ing] into a contract with ECS and purchas[ing] . . . service[s] . . . for a . . . fee . . . ." *Millett v. Equifax Info. Servs., LLC*, No. 1:05-cv-2122-BBM, 2006 WL 8432555, at *1 (N.D. Ga. Mar. 27, 2006); *Senter v. Equifax Info. Servs., LLC*, No. 5:16-cv-875, 2017 WL 3336615, at *4 (N.D. Ohio Aug. 4, 2017).

Fourth, Equifax Workforce Solutions LLC ("EWS") operates in the U.S. through the Verification Services unit, which allows third parties to verify employment status and income information, and the Employer Services unit, which provides employee onboarding and unemployment case management services. EWS also operates The Work Number, which is a specialty CRA that provides employment and income data to lenders, employers, background screeners, and government agencies.

Fifth, Equifax Data Services LLC ("EDS") is a CRA that Equifax Inc. formed to receive consumer report information furnished directly from consumers.

Sixth, Appriss Insights, LLC ("Appriss") provides data and analytics solutions to government agencies and commercial enterprises to improve community and workplace safety, improve healthcare credentialing, enable more effective law enforcement investigations, and mitigate fraud and improper payments in government entitlement programs.

Seventh, Kount Inc. ("Kount") provides fraud prevention and digital identity solutions to merchants in connection with consumer-initiated transactions.

Eighth, DataX Ltd. ("DataX") is a specialty CRA that collects and provides consumer payment history on payday and installment loans, subprime credit cards, and other specialty loans.

Ninth, IXI Corporation ("IXI") collects and aggregates anonymous consumer asset data, which it then uses to help IXI customers improve their market targeting and segmentation.

Finally, Securitec Screening Solutions LLC ("Securitec") is a subsidiary of Appriss that contracts with background screening entities to provide court research services.

[5] A CRA is "any person . . . which regularly engages . . . in the practice of assembling or evaluating consumer credit information for the purpose of furnishing consumer reports to third parties." 15 U.S.C. § 1681a(f).

III. Unlike in most (if not all) other cases, Plaintiffs seek to establish personal jurisdiction over and liability against all 10 Defendants via an alter-ego theory premised on vertical, reverse, and horizontal veil piercing.

Plaintiffs in Case No. BER-L-000919-24 contend that Equifax Inc. and the Subsidiary Defendants are "alter-egos of each other in their operations and functions." In other words, Plaintiffs in Case No. BER-L-000919-24 apparently seek to (1) vertically pierce each subsidiary's corporate veil to reach Equifax Inc., (2) reverse pierce Equifax Inc.'s corporate veil, and (3) horizontally pierce each subsidiary's veil to reach its sister subsidiaries. Those (meritless) theories present at least ***four*** complicated issues that are unique to Case No. BER-L-000919-24.

First, there are choice-of-law issues. "New Jersey courts have typically applied two different methods when resolving a choice-of-law dispute concerning alter ego and veil piercing for purposes of personal jurisdiction: (1) the laws of the state of incorporation govern or (2) the law of the state that has the most significant connection with the parties and the transaction." *Indus. Mineral Holdings v. Fluitec N.V.*, No. 21-cv-16511, 2022 WL 20681077, at *4 (D.N.J. July 29, 2022). Here, Defendants are incorporated in various jurisdictions—including Georgia, Delaware, Missouri, Virginia, and Nevada. And no Plaintiff or purported assignor has identified any specific "transactions." So there exists potential disagreement regarding which state has the most significant connection to the dispute.

Second, New Jersey courts have not expressly adopted reverse veil-piercing or "a reverse alter ego theory of jurisdiction," i.e., "the proposition that, because the court has jurisdiction over [an allegedly dominating] parent corporation . . ., without more, it has jurisdiction over the alter ego [subsidiary] corporation." *Thomas Glob. Grp. L.L.C. v. Watkins*, No. 13-4864, 2016 WL 3946774, at *2–3 (D. N.J. July 19, 2016) (quotation omitted); *Russo v. Creations By Stefano, Inc.*, No. A-0663-18T1, 2020 WL 4873188, at *6 n.10 (App. Div. Aug. 20, 2020). Nor has any published New Jersey decision expressly recognized alter-ego jurisdiction based on horizontal veil piercing. The veil-piercing theories in Case No. BER-L-000919-24 therefore present novel questions of law that are not implicated in most (if not all) other cases.

Third, Plaintiffs will likely seek—and Defendants will vigorously oppose—discovery concerning the alter-ego theories Plaintiffs advance. Assuming, however, that Plaintiffs are permitted to conduct alter-ego discovery, that "would . . . require[ ] a substantial adjournment to permit defendants a fair chance to investigate and defend those claims." *Ashby v. City of East Orange*, No. A-4299-06T1, 2008 WL 1968832, at *11 (App. Div. May 8, 2008); *Brighton Collectibles v. Marc Chantal Am., Inc.*, No. 09-CV-0176H (POR), 2009 WL 10725676, at *2 (S.D. Cal. Oct. 15, 2009) ("[s]ignificant discovery would likely be necessary to determine whether [one defendant] is an alter ego" of any other defendant). Then, following that adjournment, there would undoubtedly be "an unduly complicate[d] and protract[ed] proceeding where the court would be confronted with a potentially voluminous record setting out details of the corporate relationship." *Dist. 15, Int'l Ass'n of Machinists and Aerospace Workers, AFL-CIO v. Numberall Stamp and Tool Co.*, No. 85-cv-8561-SWK, 1987 WL 19285, at *1 (S.D.N.Y. Oct. 28, 1987) (internal quotations omitted); *see also A.O.A. v. Rennert*, No. 4:11-cv-44-CDP, 2017 WL 5478409, at *4 (E.D. Mo. Nov. 15, 2017) ("The alter ego analysis in this case will prove to be a complicated one").

And, all throughout that process, there would undoubtedly be a series of alter-ego discovery disputes that have nothing to do with any other defendant in any other case.

Fourth, the alter-ego theory of liability is subject to a much higher level of proof than is applicable in the other cases. Indeed, the party seeking to pierce a parent's corporate veil must plead—and ultimately prove by "**clear and convincing evidence**"—that 1) "the subsidiary was dominated by the parent corporation, and 2) that adherence to the fiction of separate corporate existence would perpetrate a fraud or injustice, or otherwise circumvent the law." *Longmuir v. Kickin' It Inc.*, 2018 WL 1801643, at *2 (App. Div. Apr. 17, 2018); *Verni ex rel. Burstein v. Harry M. Stevens, Inc. of N.J.*, 387 N.J. Super. 160, 199–200 (App. Div. 2006), *cert. denied*, 189 N.J. 429 (2007). Again, Defendants are unaware of another theory of liability in any other case that is subject to such a burden of proof.

IV. Defendants are actively contesting the ability of New Jersey Courts to exercise general or specific personal jurisdiction over them with respect to Plaintiffs' Daniel's Law claims.

Defendants in Case No. BER-L-000919-24 are presently unaware of any other defendants in Bergen County who are challenging the ability of New Jersey courts to exercise personal jurisdiction over them. On July 21, 2025, Equifax Inc. filed a motion to dismiss for lack of personal jurisdiction. Plaintiffs cross-moved to amend the complaint—adding eight new entities and the new "alter-ego" theory of liability discussed above. The Court held a hearing on the Motion to Dismiss and the Cross-Motion for Leave to Amend, granted Plaintiffs' motion for leave to amend, and directed the Parties to refile any substantive motions once the amended complaint was filed. This appears to have been the only amended complaint Atlas has filed in any of its Daniel's Law cases, at least in Bergen County.

Defendants have since moved to dismiss the Amended Complaint. Plaintiffs must respond by January 19, 2026, and Defendants' reply is due on February 9, 2026. Defendants' motion to dismiss will be returnable on February 13, 2026. And, as with the alter-ego theory discussed above, Plaintiffs will undoubtedly seek—and Defendants will vigorously oppose—jurisdictional discovery. Thus, the procedural posture of Case No. BER-L-000919-24 makes it unique among the other cases.

V. The FCRA preempts Plaintiffs' claims against the CRA Defendants, to the extent Plaintiffs are suing them based on their consumer reporting activities.

As discussed, four of the 10 Defendants in Case No. BER-L-000919-24 are CRAs. To the extent Plaintiffs are suing these Defendants in their capacity as CRAs, such claims present unique issues, including questions of federal preemption under the FCRA. To be sure, there is a subset of the 111 cases at issue featuring defendants regulated by the FCRA. But the vast majority of cases do not require the preemption analysis summarized below. As such, it makes little sense to combine CRAs with non-CRAs in an MCL.

CRAs that deal with highly FCRA-regulated consumer data are uniquely situated. "[T]he FCRA provides that consumer credit reports may only be obtained for a permissible purpose[,]" and it "sets out a limited number of circumstances constituting a permissible purpose[.]" *Droney v. Vivint Solar*, 2020 WL 3425301, at *5 (D.N.J. June 23, 2020). And CRAs must adopt and "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates." 15 U.S.C. § 1681e(b). The vast majority of other defendants fall outside of this regime and are therefore not similarly situated.

The extensive regulations applicable to CRAs present distinct preemption issues. For example, the FCRA expressly preempts state laws that regulate conduct "with respect to" the "subject matter" of Section 1681c of FCRA. The FCRA expressly preempts any state-imposed "requirement or prohibition . . . with respect to any subject matter regulated under . . . section 1681c of [the FCRA], relating to information contained in consumer reports[.]" 15 U.S.C. § 1681t(b)(1)(E). "This provision assures that the [FCRA] establishes uniform federal standards for contents of credit reports—unless a state law in force in 1996 provides otherwise." *Aldaco v. RentGrow, Inc.*, 921 F.3d 685, 688 (7th Cir. 2019). In other words, "Section 1681t(b)(1)(E) preempts state law[.]" *Id*. And in a recent, nonbinding Interpretive Rule, the Consumer Financial Protection Bureau confirmed that Congress intended Section 1681t(b)(1) "to apply expansively" and to "sweep away most State regulation in the area." *See* CFPB Interpretive Rule, Fair Credit Reporting Act; Preemption of State Laws, 90 Fed. Reg. 48710 (Oct. 28, 2025) (to be codified at 12 C.F.R. pt. 1022). By prohibiting the disclosure of information typically included in consumer reports (i.e., the address of certain individuals), Daniel's Law imposes a requirement with respect to the subject matter of Section 1681c.

Moreover, Daniel's Law's prohibition on the disclosure of addresses is in direct conflict with at least one subsection in 1681c. Subsection (h)(1) provides:

> If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 1681a(p) of this title, the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

Congress therefore expressly permitted CRAs to request and receive (or, to use the language of Daniel's Law, "solicit") addresses from users of consumer reports. And the FCRA *requires* CRAs to notify a user when the address information it provided does not match that in the CRA's database. When the address does *not* match, the statute requires the CRA to notify the user "of the discrepancy," and the CRA may do so by providing the address for the consumer stored in the CRA's database. *See Gottman v. Comcast Corp.*, No. 2:17-2648, 2018 WL 1071185, at *3 (E.D. Cal. Feb. 23, 2018) ("Section 1681c(h) . . . requires [CRAs] to notify the requester of the consumer report . . . if the address of the consumer substantially differs from the addresses in the file of the consumer"). In other words, the statute obligates the consumer reporting agency to act when there are discrepancies in the consumer's information. *See also* 16 C.F.R. § 641.1(d)(2) ("The user may reasonably confirm an address is accurate by . . . [r]eviewing its own records to verify the address

of the consumer; "[v]erifying the address through third-party sources; or "[u]sing other reasonable means."); 12 C.F.R. § 1022.82(d)(2) (same). When the address information *does* match, a CRA may omit the notification required under Section 1681c(h)(1) (which is arguably akin to the CRA disclosing the consumer's address back to the user). Accordingly, by prohibiting CRAs from soliciting or disclosing addresses, Daniel's Law is in direct opposition to this provision of the FCRA and, at a minimum, relates to the same "subject matter" of Section 1681c(h)(1).

The FCRA also impliedly preempts Daniel's Law. "Congress enacted [the] FCRA in 1970 to ensure fair and accurate credit reporting." *Safeco Ins. Co. of Am. v. Burr*, 551 U.S. 47, 52 (2007). And that goal is critical because "[t]he banking system is dependent upon fair and accurate credit reporting" and "[i]naccurate credit reports directly impair the efficiency of the banking system." 15 U.S.C. § 1681(a)(1). In keeping with those congressional goals, the FCRA mandates that CRAs "follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom [a consumer] report relates." 15 U.S.C. § 1681e(b). Such procedures include verifying the name and address of any individual about whom it creates a consumer report. *See, e.g.*, *Gomez v. Kroll Factual Data, Inc.*, 20 F. Supp. 3d 1103, 1108 (D. Colo. 2013) (finding CRA did not ensure maximum accuracy when it failed to crosscheck the individual's address and other key identifying information); *Neclerio v. Trans Union, LLC*, 983 F. Supp. 2d 199, 213–14 (D. Conn. 2013) (CRA failed to achieve "'maximum possible accuracy'" by sending a consumer report associated with the plaintiff's father rather than the plaintiff himself). Address verification is a key component of maintaining the accurate credit reporting regime that Congress carefully constructed through the FCRA. So, applying Daniel's Law to CRAs' consumer-reporting activity would (1) undermine the FCRA's purpose of ensuring accurate credit reporting and (2) force CRAs to make a choice—either comply with the FCRA or comply with Daniel's Law. The U.S. Constitution mandates that this conflict be resolved in favor of the FCRA.

Due to the unique preemption issues that Daniel's Law claims against CRAs present, CRA defendants should not be lumped into an MCL with non-CRAs.

VI. Unlike in other cases where Atlas asserts claims on behalf of approximately 19,393 individuals, Atlas brings claims against Defendants on behalf of approximately 21,816 individuals.

Beyond the many legal idiosyncrasies discussed above, Case No. BER-L-000919-24 is *factually* unique. Most other cases feature approximately 19,393 individuals who purportedly assigned their Daniel's Law claim(s) to Atlas. Indeed, the Application twice refers to "approximately 19,000 Covered Persons" and "approximately 19,000 current or former New Jersey law enforcement officers, judges, prosecutors and their families." App. at 6, 13. But the operative First Amended Complaint in Case No. BER-L-000919-24 pertains to approximately 21,816 individuals who purportedly assigned their Daniel's Law claim(s) to Atlas. So, Case No. BER-L-000919-24 involves **nearly 2,500 additional Daniel's Law claim(s)**, each of which will require separate adjudications in terms of, for example, covered-person status, assignment validity, notice, and disclosure.

VII. Unlike other cases involving eight plaintiffs, the case against Defendants only involves four Plaintiffs.

The Application states that "[e]ach action was initiated by . . . individual Plaintiffs Jane Doe-1, Jane Doe-2, Edwin Maldonado, Scott Maloney, Justyna Maloney, Patrick Colligan, Peter Andreyev, and/or William Sullivan." Not so with respect to BER-L-000919-24. Unlike most (if not all) the other cases, the individually named plaintiffs in the Amended Complaint in BER-L-000919-24 are only Scott Maloney, Patrick Colligan, Peter Andreyev, and William Sullivan. So, while many other cases may have identical plaintiffs, BER-L-000919-24 is an outlier.

VIII. Conclusion

For the reasons set forth above, and in the letter filed by the Troutman Defendants on January 2, 2026, Defendants respectfully request that the Court deny the MCL Application.

Respectfully submitted,
CLARK HILL

/s/ Stacy A. Orvetz
Stacy A. Orvetz

Zachary A. McEntyre, *admitted pro hac vice*
John C. Toro, *admitted pro hac vice*
Wayne R. Beckermann, *admitted pro hac vice*
Jacob Paolillo, *admitted pro hac vice*
King & Spalding LLP
1180 Peachtree Street, NE, Suite 1600
Atlanta, GA 30309
Phone: (404) 572-4600