

# Morgan Lewis

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January 5, 2026

**VIA E-MAIL**

Honorable Michael J. Blee, J.A.D.  
Acting Administrative Director of the Courts  
Hughes Justice Complex  
P.O. Box 037  
Trenton, New Jersey 08625-0037

Re: MCL Application - Daniel's Law Litigation

Dear Judge Blee:

We represent Defendant InsideRE, LLC ("IRE") in the matter *Atlas Data Privacy Corporation, et al. v. InsideRE, LLC, et al.*, MID-L-991-24, brought by Atlas Data Privacy Corporation ("Atlas") alleging violations of Daniel's Law. On November 3, 2025, Atlas filed an application to establish a multicounty litigation ("MCL") pursuant to R. 4:38A for all 111 Daniel's Law cases—involving approximately 120 different defendants—pending throughout the State. On January 2, 2026, several defendants represented by Troutman Pepper Locke LLP filed an opposition to Atlas' MCL application (the "Troutman Opposition").<sup>1</sup>

For the reasons stated in the Troutman Opposition and as further set forth below, IRE opposes a MCL designation for the Daniel's Law cases. IRE writes separately to highlight its unique circumstances and why a MCL would prejudice IRE.

IRE is a customer relation management ("CRM") tool for real estate brokers. As a CRM, IRE acts as a host for brokers who use the platform to create websites, which they then populate with their own domain names, design, and unique content. Importantly, unlike other defendants, IRE is not a data broker and does not publish or control third-party information through its websites. While IRE's servers host the websites and accompanying data for its customers, IRE does not procure, manipulate, own or control that data, let alone make it available publicly. Rather, it is IRE's customers that solicit and procure data for their websites that are hosted by IRE. IRE's role is limited to supplying its customers with technical expertise.

Because of its limited role as a hosting service, any requests made to IRE to remove content come directly from the broker who lacks the technical expertise to do so him or herself. If a removal request were to come from someone other than a broker, IRE is in most cases contractually

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<sup>1</sup> A copy of the as-filed opposition is attached as Exhibit A.

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obligated to refrain from accessing or manipulating customer data without prior written consent of the customer. In order for IRE to even attempt to identify the data of “covered persons” across its customers’ 100,000 websites, IRE would have to dedicate a team of software engineers to create a custom computer script that could trawl more than 100,000 websites, plus blog posts and custom pages within those websites, in order to determine if any of the relevant information is in fact there. In the event that customers and/or the Multiple Listing Services (“MLS”) services from which their data is derived refuse to consent to removal, IRE risks being forced to breach contractual obligations in order to comply. This task would be extraordinarily costly and time-consuming, if it is even possible.

IRE’s unique position would be effectively obliterated in Plaintiffs’ proposed MCL. As more extensively examined in the Troutman Opposition, the serious complications of assigning 111 cases (with no single common defendant) to a single judge simply cannot afford IRE its due process right and opportunity to be heard. Indeed, IRE’s individual facts and unique circumstances—as well as those of the other approximately 120 different defendants—afford it unique legal defenses unavailable to other defendants and effectively undermine the need and appropriateness for a MCL in the first place.

Plaintiffs’ MCL application is not an attempt to increase judicial efficiencies. To the contrary, county-level coordination among defendants—where the matters are more likely to be aligned procedurally—is more appropriate and already takes place regularly, including in Middlesex County, where IRE is located. Where common legal issues arise among all defendants, there is also limited state-wide coordination among defendants. Plaintiffs, of course, already coordinate amongst themselves, as the same law firms represent Atlas and the individual Plaintiffs in each case. In other words, the general efficiencies that Plaintiffs allege would be created by a MCL already exist. Instead, Plaintiffs’ proposed MCL would only benefit Plaintiffs, while severely prejudicing defendants, including IRE.

Because IRE is uniquely placed among defendants and Plaintiffs’ proposed MCL would severely prejudice IRE, IRE respectfully requests that Plaintiffs’ proposed MCL designation for the Daniel’s Law cases be denied.

Sincerely,

*/s/ Mark Fiore*

Mark Fiore