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NEWS

## 140 Lawsuits: Is This Attorney Monetizing Daniel's Law?

"While Daniel's Law was passed with the worthy purpose of protecting public servants ... [these] lawsuits have little to do with this goal," one defense attorney wrote.

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Privacy



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With more than 140 suits filed, litigation asserting violations of New Jersey's "Daniel's Law" is beginning to heat up, with some defendants enlisting Big Law to accuse plaintiffs of improper efforts to avoid federal court jurisdiction.

And some defendants are characterizing the litigation as a well-orchestrated "money grab," an allegation the plaintiff firm denies.

The suits, filed by Atlas Data Privacy Corp. of Jersey City, claim the defendants refused to take down personal data belonging to police officers and other public employees, after defendants had posted it online.

Atlas seeks to recover based on an assignment of claims from such individuals.

About 100 of the defendants have removed their suits to federal court, and in removal notices they assert that Rajiv Parikh of PEM Law in West Orange, New Jersey, who filed the suits for Atlas, also worked for that company as a lobbyist.

In that capacity, Parikh allegedly obtained two revisions to the law that now figure prominently in the suits his firm has filed, according to a removal notice filed by attorneys from Dentons US for defendant Commercial Real Estate Exchange of Playa Vista, California.

### 'Broader, Well-Coordinated Litigation Strategy'

Daniel's Law was enacted in November 2020, after Daniel Anderl, the 20-year-old son of U.S. District Judge Esther Salas, was shot and killed by a lawyer who targeted the judge's home after finding her address online.

The law bars companies from revealing addresses, phone numbers and other private data about judges, prosecutors and police.

Violations are subject to actual damages not less than \$1,000 per violation, plus punitive damages on proof of willful or reckless disregard of the law, and an award of reasonable attorney fees and litigation costs.

In July 2023, Daniel's Law was amended to incorporate changes Parikh sought on behalf of Atlas, including a measure to allow claim assignments, defendants said in court papers.

After the amendments became law, Atlas allegedly began to obtain assignments of claims from people covered by Daniel's Law so it could file suits, according to multiple notices of removal filed by the defendants.

"Less than a month after registering to do business in New Jersey, Atlas filed this lawsuit, with its lobbying firm signing on as plaintiffs' counsel. Thus, it could not be clearer, based on the foregoing timeline, that the assignments to Atlas are part of a broader, well-coordinated litigation strategy concocted by plaintiffs' counsel and Atlas in an effort to monetize New Jersey's Daniel's Law for their benefit," said Dentons' notice of removal on behalf of Commercial Real Estate Exchange.

And Orrick Herrington & Sutcliffe, counsel for San Francisco-based defendant Twilio, added that "It has likely been the design of Atlas all along—or at least Atlas's counsel—to engineer and lobby the New Jersey legislature for exactly this kind of assignment mechanism, which frustrates federal court jurisdiction."

Other defendants have also criticized Atlas and Parikh for their litigation model, including Oracle International Corp.

"While Daniel's Law was passed with the worthy purpose of protecting public servants and ensuring that their private information is removed from the Internet, Atlas's lawsuits have little to do with this goal," said a removal notice filed by Latham & Watkins on behalf of Oracle.

"Rather, Atlas' decision to bombard the judicial system with over 100 lawsuits reflects a profit-motivated scheme to monetize Daniel's Law through recruiting covered persons to register with Atlas online; having those covered persons purport to assign their present and future claims to Atlas under a 2023 amendment to Daniel's Law; selecting hundreds of businesses to be noticed under Daniel's Law; [and] for sending thousands of automated requests, en masse, to each business on behalf of covered persons over a short period with the aim of overwhelming the recipient and preventing it from being able to process the requests in time," the Oracle's removal notice claimed.

Those assignments allegedly "have no apparent purpose, other than to prosecute this lawsuit among the others brought by Atlas in a way that avoids federal jurisdiction, even though Atlas purports to bring the case on behalf of nearly 20,000 individuals, each with an alleged claim under Daniel's law. It has not been pled as a class action as any other comparable case would be, with the only plausible explanation being that Atlas is seeking to avoid federal jurisdiction under the Class Action Fairness Act," Oracle claimed in its filing.

## **'That Is False'**

Parikh referred questions about the litigation to a spokesperson for Atlas, who said in a statement that the notion that he is attempting to avoid federal jurisdiction "is simply wrong."

"The litigations were the result of those defendants' refusal to comply with Daniel's Law. It is confounding why the leadership of any company or industry would go to such lengths to avoid protecting judges, prosecutors and members of the law enforcement community, rather than simply taking the most basic steps required to comply with the law that would provide protections for these individuals and their families," the firm's statement read.

Responding to questions about Parikh's role as a lobbyist for Atlas and allegations that he is seeking to "monetize" Daniel's Law, the spokesperson said: "While a number of companies have complied with Daniel's Law and given judges, prosecutors, members of law enforcement, and their families the privacy protections provided to them under the law, there have also been instances where it has been necessary to file lawsuits in order to force compliance from bad actors.

“In those cases, should these companies continue to defy the law and financial compensation be awarded, the covered persons will receive 65% of all court awards, with a significant portion of the remaining funds used to pay for the considerable amount of work currently being undertaken by multiple law firms fighting against the well-funded data brokers who continue to refuse to comply with the simple mandate of the law,” the statement continued.

The spokesperson added that “It has been brought to our attention that one of the main arguments the national trade organizations for these multi-billion-dollar companies are attempting to make is that our efforts to force compliance with Daniel’s Law are a ‘money grab.’ That is false. After the 65% of court awards are sent to covered persons and legal costs have been paid, Atlas Privacy intends to donate most of its proceeds to non-profit organizations dedicated to supporting members of the law enforcement community and their families.”

“Finally,” the spokesperson said, “the defendants’ allegations about lobbying are incorrect. Mr. Parikh has worked with Atlas as one of its legal counsel for a few years. He reported lobbying work for Atlas related to Daniel’s Law out of an abundance of caution given a few brief discussions regarding government process and procedures.”

## **April 18**

On April 2, Senior U.S. District Judge Harvey Bartle III of the Eastern District of Pennsylvania was assigned to hear the Atlas Data Privacy cases.

Bartle has scheduled an April 18 status conference, where topics will include assignment of claims to Atlas, expected defenses and bellwether cases.

Other companies who are defendants in the litigation include RE/MAX, Zillow, Thomson Reuters and LexisNexis Risk Data Management.

Parikh represents Atlas, along with Kathleen Barnett Einhorn of his firm and John A. Yanchunis of Morgan & Morgan.

Lawyers for Commercial Real Estate Exchange, Twilio and Oracle did not respond to requests for comment about the litigation.

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