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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CONSUMER DATA INDUSTRY  
ASSOCIATION,

Plaintiff,

v.

MATTHEW J. PLATKIN, in his official  
capacity as ATTORNEY GENERAL FOR  
THE STATE OF NEW JERSEY,

Defendant.

Civil Action No.  
3:19-cv-19054-GC-TJB

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT AND  
FOR RELIEF UNDER THE  
DECLARATORY JUDGMENT ACT**

**ORAL ARGUMENT REQUESTED**

TO: Olga E. Bradford, Esq.  
Deputy Attorney General, Division of Law  
124 Halsey Street, Fifth Floor  
Post Office Box 45029  
Newark, New Jersey 07101  
Attorney for Defendant Matthew J. Platkin

PLEASE TAKE NOTICE that the undersigned counsel for plaintiff Consumer Data Industry Association (“CDIA”) pursuant to the Court’s scheduling orders dated May 3, 2021, July 14, 2021, and its orders of December 16, 2021, February 16, 2022, March 1, 2022, March 15, 2022 and April 1, 2022, and in accordance with Federal Rules of Civil Procedure 56 and 57, Local Civil Rule 56.1 and the Declaratory Judgments Act,

28 U.S.C. §§ 2201(a) and 2202, will move before the Honorable Georgette Castner, U.S.D.J., at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, on Monday, May 16, 2022 for an Order granting CDIA's motion for summary judgment finding that N.J.S.A. 56:11-34(e) is preempted by the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., and further violates the First Amendment to the United States Constitution.

In support of this motion, counsel for CDIA shall rely upon the Declaration of Eric J. Ellman filed January 21, 2022 (ECF # 42-1), the Statement of Material Facts not in Dispute (ECF # 42-2), Stipulated Facts (ECF #42-3), and the Memorandum of Law in Support of CDIA's Motion (ECF #42-4), as well as Plaintiff's Response to Defendant's Statement of Facts dated March 24, 2022 and Memorandum in Opposition dated March 24, 2022, and CDIA's Reply Memorandum of Law dated April 18, 2022.

A proposed Order accompanies this Motion.

Dated: April 18, 2022

Respectfully submitted,

/s/ William T. Marshall, Jr.

William T. Marshall, Jr.

(N.J. Bar No. WM0626)

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Attorneys for Plaintiff  
Consumer Data Industry Association

### CERTIFICATION OF SERVICE

It is hereby certified that a copy of this Notice of Motion, proposed Order, Response to Defendant's Statement of Facts, CDIA's Opposition Memorandum of Law and Reply Memorandum of Law were all served in accordance with the Court's Scheduling Orders by filing the same on ECF on April 18, 2022 which will send links to the papers to:

Olga E. Bradford, Esq.  
Deputy Attorney General, Division of Law  
124 Halsey Street, Fifth Floor  
Post Office Box 45029  
Newark, New Jersey 07101  
*Attorney for Defendant Matthew J. Platkin*

Dated: April 18, 2022

/s/ William T. Marshall, Jr.  
William T. Marshall, Jr