

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Clearview AI, Inc., Consumer Privacy
Litigation

Civil Action File No.: 1:21-cv-00135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

**OPPOSITION TO LOEVY & LOEVY'S MOTION FOR AN ORDER
CLARIFYING THAT THE COURT INTENDED TO APPOINT LOEVY & LOEVY
AS LEAD CLASS COUNSEL, AS OPPOSED TO THE INDIVIDUAL LAWYERS WHO
AT THE TIME WORKED AT THE FIRM**

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INTRODUCTION

Loevy & Loevy (“L&L”) agrees that “[Scott R.] Drury is a skilled attorney, who has been very involved in this litigation to date.” *See* Dkt. 484 at 2.¹ It further agrees that Drury “is the lawyer with the most hours in the case” who has “value to add.” *Id.* at 15. Indeed, it is striking that as L&L makes false claims regarding Drury’s character and intent, it emphasizes its hope that Drury will continue working with L&L on the case. *Id.* at 2-3, 15. Underlying L&L’s irreconcilable positions is its knowledge that it cannot lead this multidistrict litigation (the “MDL”) on its own. As counsel for each of the *non-Drury* Plaintiffs attests, removal of Drury from his leadership position will prejudice the named Plaintiffs (“Plaintiffs”) and putative class members (“Class Members”). *See* Ex. 1² (Arisohn Decl.) ¶ 6; Ex. 2 (Hedin Decl.) ¶ 6; Ex. 3 (Drew Decl.) ¶ 12; Ex. 4 (Webster Decl.) ¶ 12. The unanimous support for Drury to continue leading this MDL (*see* Exs. 1-4) is a testament to his leadership to date and his ability to work harmoniously with others.

In contrast, L&L does not even know what this case is about, incorrectly describing it as involving the “sweeping of *mug shot* photos from the internet.” *Id.* at 3 (emphasis added). While Drury previously led litigation at L&L involving the scraping of mug shot photos, *see Simmons v. Motorola Solutions, Inc.*, No. 1:20-cv-1128 (N.D. Ill.), *that is not this case.*

Indeed, L&L’s motion itself should disqualify it from consideration as interim lead counsel. While Jon Loevy (“Loevy”) sought and was granted leave to file a “motion to intervene,” having claimed that L&L had class members seeking its representation, L&L filed a completely different “motion for clarification” brought on its own behalf. In fact, L&L does not appear to actually represent *any* putative class members. As such, L&L makes no effort to address Fed. R. Civ. P. 24. The Court should find L&L has forfeited any ability to intervene at a later date.

¹ Citations to docketed entries are to the CM/ECF-stamped page numbers.

² Exhibit references are to exhibits to the Declaration of Scott R. Drury filed contemporaneously herewith.

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