

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SHARON TAYLOR, ET AL.
VERSUS
ACXIOM CORPORATION, ET AL.

CIVIL ACTION NO. 2:07cv001
JUDGE DONALD E. WALTER

AND

SHARON TAYLOR, ET AL.
VERSUS
ACS STATE & LOCAL SOLUTIONS,
INC., ET AL.

CIVIL ACTION NO. 2:07cv0013
JUDGE DONALD E. WALTER

AND

SHARON TAYLOR, ET AL.
VERSUS
TEXAS FARM BUREAU MUTUAL
INSURANCE COMPANY, ET AL.

CIVIL ACTION NO. 2:07cv0014
JUDGE DONALD E. WALTER

AND

SHARON TAYLOR, ET AL.
VERSUS
SAFEWAY, INC., ET AL.

CIVIL ACTION NO. 2:07cv0017
JUDGE DONALD E. WALTER

AND

SHARON TAYLOR, ET AL.
VERSUS
BIOMETRIC ACCESS COMPANY, ET
AL.

CIVIL ACTION NO. 2:07cv0018
JUDGE DONALD E. WALTER

AND

SHARON TAYLOR, ET AL.
VERSUS
FREEMAN PUBLISHING COMPANY

CIVIL ACTION NO. 2:07cv0410
JUDGE DONALD E. WALTER

DEFENDANT CONTINUED.COM, LLC d.b.a. IDRIVE SAFELY.COM'S
REPLY TO PLAINTIFFS'S RESPONSE TO DEFENDANT
CONTINUED.COM, LLC.'s D/B/A IDRIVESAFELY.COM'S SUPPLEMENT
TO CONSOLIDATED MOTION TO DISMISS ON COMMON ISSUES AND
RESPONSE TO PLAINTIFF'S STATEMENT OF VIOLATIONS OF THE
DRIVER PRIVACY PROTECTION ACT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Continueded.com, LLC, d/b/a Idrivesafely.com (“Defendant”) files this *Reply to Plaintiffs’ Response to Defendant Continueded.Com, LLC.’s D/B/A IDrivesafely.Com’s Supplement To Consolidated Motion To Dismiss On Common Issues And Response To Plaintiff’s Statement Of Violations Of The Driver Privacy Protection Act* in support thereof would show the Court the following:

I.

This Defendant has joined in and adopts by reference pursuant to Rule 10(c) the *Defendants’ Consolidated Motion To Dismiss On Common Issues And Response To Plaintiffs’ Statement Of Violations* filed in this cause on April 18, 2008 which addresses common issues of law and fact among a number of the defendants with respect to grounds for dismissal of the Plaintiffs’ claims under Rules 12(b) (1) and 12(b) (6). This Defendant has also joined in and adopts by reference the *Defendants’ Consolidated Reply to Plaintiffs’ Response to Motion to Dismiss on Common Issues and Response to Plaintiffs’ Statement of Violations* filed in this cause on May 15, 2008. This Defendant also re-urges and adopts by reference pursuant to Rule 10(c) its *Motion to Dismiss Under Rule 12(b)(6), Motion for Judicial Notice and In the Alternative, Motion for More Definite Statement Under Rule 12(e)* filed in this cause on April 5, 2007.¹ The intent of

¹ Defendant re-urges this motion save and except that portion of the motion dealing with Defendant’s request for a more definite statement under Rule 12(e) which the Court ruled moot in its Minute Order signed March 4, 2008.

this supplemental reply is to briefly address those specific issues raised by Plaintiffs in their *Response to Defendant ContinuedEd.Com. LLC.'s d/b/a IDrivesafely.Com's Supplement to Consolidated Motion to Dismiss on Common Issues and Response to Plaintiff's Statement of Violations of the Driver Privacy Protection Act* hereinafter the "Response," relating to their purported claims against *this* Defendant.²

II.

In its Response, Plaintiffs have chosen to lump this Defendant into a category of purchasers of motor vehicle records they call "Convenience Purchasers." While catchy, this term has apparently been made up out of whole cloth by Plaintiffs in that it has neither basis in the DPPA nor any authority thus far interpreting the DPPA. Plaintiffs use the term in connection with this Defendant to attempt to distract the Court from the fact that they cannot and do not dispute that any personal information obtained by Defendant pertinent to any party to this cause, in bulk or otherwise, was obtained for a proper purpose under the DPPA.

In reality the bulk purchase of driver information by Defendant from the DPS is an *inconvenience* for Defendant in operating its driver safety courses on behalf of the Texas Education Agency. This is however the way the DPS has chosen to make this information available to potential purchasers. Access to individual driver information through a "portal" such as that provided by the Texas Department of Transportation is much more efficient than having to sort through bulk information to authenticate the identify of the driver taking Defendant's course within the 90 second time limit mandated

by the TEA. Experience has also shown Defendant that driver and motor vehicle records in Texas are the single most reliable and comprehensive databases available to Defendant to insure that it performs its role of providing driving safety courses on behalf of the Texas Education Agency properly.

WHEREFORE, PREMISES CONSIDERED, Defendant Continueded.com, LLC, d/b/a Idrivesafely.com, respectfully request that this Court grant its Motion to Dismiss and enter an order Dismissing Plaintiffs' claims.

Respectfully submitted,

/s/ James W. Grau

Attorney in Charge

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**ATTORNEYS FOR DEFENDANT
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IDRIVESAFELY.COM**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing document has been provided to counsel for Plaintiffs via electronic filing and to all known counsel of record for the Defendants on the 19th day of May, 2008.

/s/ James W. Grau
JAMES W. GRAU