

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

ILLINOIS BANKERS ASSOCIATION,  
AMERICAN BANKERS ASSOCIATION,  
AMERICA’S CREDIT UNIONS, and  
ILLINOIS CREDIT UNION LEAGUE,

*Plaintiffs,*

v.

KWAME RAOUL, in his official capacity as  
Illinois Attorney General,

*Defendant.*

Case No. 1:24-cv-07307

Hon. Virginia M. Kendall

**PLAINTIFFS’ LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS IN  
OPPOSITION TO DEFENDANT’S CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1(b)(3)(C), Plaintiffs Illinois Bankers Association (“IBA”), American Bankers Association (“ABA”), America’s Credit Unions (“ACU”), and Illinois Credit Union League (“ICUL”) respectfully submit the following Statement of Additional Facts in opposition to Defendant Kwame Raoul’s Cross-Motion for Summary Judgment.

**I. PLAINTIFFS USE AND PLAN TO USE DATA IN A WAY THAT IS ARGUABLY PROSCRIBED BY THE DATA USAGE LIMITATION**

1. Plaintiffs’ members currently use electronic payment transaction data from transactions that occur in Illinois for purposes beyond facilitating or processing the transaction, including providing fraud protection, building predictive fraud and credit models, credit risk scoring models and decisions, anti-money laundering monitoring, monitoring cardholder disputes, and reward programs to cardholders. *See, e.g.,* [Dkt. 24-1, ¶ 10](#) (“Hultgren Decl.”) (“The IBA’s members currently use electronic payment transaction data from transactions that occur in Illinois for many legitimate, pro-consumer purposes beyond processing the transaction. Those purposes

include providing fraud protection and reward programs to cardholders.”); [Dkt. 24-2, ¶ 30](#) (“Rosenkoetter Decl.”) (“ABA members use electronic payment transaction data from transactions in Illinois for many purposes beyond processing the transaction. Those purposes include providing fraud protection and reward programs to cardholders, as well as monitoring cardholder disputes.”); [Dkt. 24-3, ¶ 28](#) (“Narusis Decl.”) (national bank); [Dkt. 24-4, ¶ 27](#) (“Francois Decl.”) (Illinois state-chartered bank); [Dkt. 24-5, ¶ 28](#) (“Randazzo Decl.”) (Iowa state-chartered bank); [Dkt. 24-6, ¶ 28](#) (“Reed Decl.”) (federally chartered savings association); [Dkt. 24-7, ¶ 29](#) (“Manfre Decl.”) (Illinois savings bank); [Dkt. 24-8, ¶ 26](#) (“Conrad Decl.”) (national bank) (“Those purposes include building predictive fraud and credit models, fraud and credit risk scoring models and decisions, and cardholder loyalty programs”); [Dkt. 24-9, ¶ 25](#) (“Williams Decl.”) (national bank) (noting current data usage purposes include “predictive fraud monitoring, volume trending/velocity checking and merchant analysis/reporting”); [Dkt. 24-10, ¶ 29](#) (“Sitaula Decl.”) (national bank) (noting current data usage purposes include “providing fraud protection, anti-money laundering monitoring, credit risk management and reward programs”); [Dkt. 24-11, ¶¶ 34-35](#) (“Sullivan Decl.”) (national bank); [Dkt. 24-12, ¶¶ 56-57, 61](#) (“Aikat Decl.”) (card network); [Dkt. 24-14, ¶ 27](#) (“Garrett Decl.”) (federal credit union); [Dkt. 24-15, ¶¶ 30, 32](#) (“Fauth Decl.”) (Illinois state-chartered credit union).

2. For example, one of Plaintiffs’ national bank members currently uses electronic payment transaction data from transactions that occur in Illinois for purposes beyond processing the transaction, “including transaction monitoring and analysis for the purposes of preventing fraud, analysis of the performance of the Bank’s overall business, acquisition and attrition trending, processing and monitoring cardholder disputes, and performing any other internal analysis necessary for the safety and soundness of [its] businesses, including reporting requirements to the payment networks,” as well as “its rewards programs to calculate points or

cash back offers to its cardholders—consistent with rewards program disclosures and market and customer expectations.” [Sullivan Decl.](#), ¶ 34.

3. This national bank also “uses electronic payment transaction data to create fraud models in order to spot concerning, potentially illicit activity, for financial reporting, and to administer card rewards programs.” [Id.](#) ¶ 35.

4. The IFPA’s Data Usage Limitation would constrain payment system participants’ “ability to assign reward points to card transactions at Illinois merchants” because “[r]ewards programs (*i.e.*, the awarding of points, airline miles, and similar benefits) are driven by consumer purchases and are one of cardholders’ most highly valued card benefits.” [Aikat Decl.](#) ¶ 61. The Data Usage Limitation’s restriction of transaction data usage except for “facilitating or processing an electronic payment transaction” may also forbid payment network participants from being able to “calculate rewards points on Illinois transactions.” [Id.](#)

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Carolyn Settanni (*pro hac vice*)  
ILLINOIS BANKERS ASSOCIATION  
194 East Delaware Place, Ste. 500  
Chicago, IL 60611  
Telephone: +1.312.453.0167  
csettanni@illinois.bank

Thomas Pinder (*pro hac vice*)  
Andrew Doersam (*pro hac vice*)  
AMERICAN BANKERS ASSOCIATION  
1333 New Hampshire Ave NW  
Washington, DC 20036  
Telephone: +1.202.663.5035  
TPinder@aba.com  
adoersam@aba.com

Ann C. Petros (*pro hac vice*)  
Carrie R. Hunt (*pro hac vice*)  
AMERICA'S CREDIT UNIONS  
4703 Madison Yards Way, Suite 300  
Madison, WI 53705  
Telephone: +1.703.581.4254  
APetros@americascrreditunions.org  
chunt@americascrreditunions.org

Ashley Niebur Sharp (*pro hac vice*)  
ILLINOIS CREDIT UNION LEAGUE  
225 South College, Suite 200  
Springfield, Illinois 62704  
Telephone: +1.217.372.7555  
Ashley.Sharp@ICUL.com

Respectfully submitted,

/s/ Bethany K. Biesenthal  
Bethany K. Biesenthal (N.D. Ill. 6282529)  
Shea F. Spreyer (N.D. Ill. 6335869)  
JONES DAY  
110 North Wacker Drive, Suite 4800  
Chicago, IL 60606  
Telephone: +1.312.782.3939  
Facsimile: +1.312.782.8585  
bbiesenthal@jonesday.com  
sfspreyer@jonesday.com

Charlotte H. Taylor (*pro hac vice*)  
JONES DAY  
51 Louisiana Avenue, NW  
Washington, DC 20001  
Telephone: +1.202.879.3939  
Facsimile: +1.202.626.1700  
ctaylor@jonesday.com

Matthew J. Rubenstein (*pro hac vice*)  
JONES DAY  
90 South Seventh Street, Suite 4950  
Minneapolis, MN 55402  
Telephone: +1.612.217.8800  
Facsimile: +1.844.345.3178  
mrubenstein@jonesday.com

Boris Bershteyn (*pro hac vice*)  
Kamali P. Willett (*pro hac vice*)  
Sam Auld (*pro hac vice*)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
One Manhattan West  
New York, NY 10001  
Telephone: (212) 735-3000  
Facsimile: (212) 735-2000  
boris.bershteyn@skadden.com  
kamali.willett@skadden.com  
sam.auld@skadden.com

Amy Van Gelder (N.D. Ill. 6279958)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
320 South Canal Street

Chicago, IL 60606  
amy.vangelder@skadden.com

*Attorneys for Illinois Bankers Association,  
American Bankers Association, America's  
Credit Unions, and Illinois Credit Union  
League*

**CERTIFICATE OF SERVICE**

I hereby certify that, on May 7, 2025, a copy of the foregoing was filed using the CM/ECF system, which will effectuate service on all counsel of record.

*/s/ Bethany K. Biesenthal*

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*Attorney for Illinois Bankers Association,  
American Bankers Association, America's  
Credit Unions, and Illinois Credit Union  
League*