

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: EQUIFAX, INC., CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 2800

ORDER VACATING CONDITIONAL REMAND ORDER

Before the Panel:* Pursuant to Panel Rule 10.2, defendant Equifax, Inc., moves to vacate our order conditionally remanding the action listed on Schedule A (*Casper*) from MDL No. 2800 to its transferor court, the Middle District of North Carolina. Plaintiff in *Casper* opposes the motion and supports remand under Section 1407.

After considering the argument of counsel, we will grant the motion to vacate. After reviewing the operative complaint in this action, we find *Casper* shares sufficient questions of fact with the MDL No. 2800 actions such that inclusion in centralized proceedings is appropriate.¹ We are sympathetic to plaintiff’s concerns about delay, but are unpersuaded that they justify exclusion of this action from centralized proceedings. We have held that, while it might inconvenience some parties, transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re: IntraMTA Switched Access Charges Litig.*, 67 F. Supp. 3d 1378, 1380 (J.P.M.L. 2014). Accordingly, we find it appropriate for *Casper* to remain in MDL No. 2800.


* Judge Charles R. Breyer took no part in the decision of this matter.

¹ For instance, the *Casper* plaintiff alleges, like plaintiffs in the MDL No. 2800 actions, that “Equifax owed a duty to the Plaintiff . . . to use reasonable care to protect [his] PII from unauthorized access.” *See Casper Amended Complaint*, C.A. No. 1:17-01004, ECF No. 17 at ¶ 30 (M.D. N.C. Dec. 18, 2017). *See also id.* at ¶ 5 (“The Data Breach was the inevitable result of Equifax’s inadequate approach to data security and the protection of the PII that it collected during the course of its business”), and ¶ 41 (“As a direct and proximate result of . . . the Data Breach, the Plaintiff . . . has been placed at an imminent, immediate, and continuing increased risk of harm from identity theft”).

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IT IS THEREFORE ORDERED that the Panel's conditional remand order filed on June 8, 2018, is vacated.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Lewis A. Kaplan
R. David Proctor

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SCHEDULE A

Northern District of Georgia

CASPER v. EQUIFAX, INC., C.A. No. 1:18-1511 (M.D. North Carolina,
C.A. No. 1:17-01004)