

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: MOVEIT CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 3083

TRANSFER ORDER

Before the Panel:* Plaintiffs in the Eastern District of Missouri *Schottel* action listed on the attached Schedule A move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring the action to MDL No. 3083. MDL No. 3083 plaintiff David Opry and defendants Wisconsin Physicians Service Insurance Corp. (WPS) and Progress Software Corporation (Progress) oppose the motion.

After considering the arguments of counsel, we find that this action involves common questions of fact with the actions previously transferred to MDL No. 3083, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for the reasons set forth in our order directing centralization. In our order directing centralization, we held that the District of Massachusetts was an appropriate Section 1407 forum for actions sharing factual questions concerning allegations that “a vulnerability in Progress Software Company’s MOVEit Transfer and MOVEit Cloud file transfer services was exploited by a Russian cybergang in May 2023, which to date is estimated to have compromised the personally identifying information (PII) of over 55 million people.” *See In re MOVEit Customer Data Sec. Breach Litig.*, 699 F. Supp. 3d 1402 (J.P.M.L. 2023). Plaintiffs here are individuals whose PII was potentially compromised. They received notice from defendant WPS that, while its 2023 investigation did not reveal that an unauthorized party copied files from its MOVEit file transfer system, a subsequent investigation in May 2024 revealed that, before WPS patched the vulnerability in June 2023, an unauthorized party had copied files from its system. Further investigation in July 2024 revealed that some of the copied files included PII.

In support of their motion to vacate, plaintiffs argue that their action is different from the MDL No. 3083 actions because (1) they allege a separate, additional data breach of WPS’s MOVEit file transfer software, and (2) *Schottel* is limited to Missouri residents. Plaintiffs’ arguments appear to be based on a misreading of both the notice letter they received about the breach and their own complaint. The notice letter reveals that WPS experienced a breach of its MOVEit file transfer system in May 2023, like the MDL No. 3083 actions. But WPS did not discover that plaintiffs’ PII was exfiltrated until July 2024. This action thus falls squarely within the MDL’s ambit. The *Schottel* complaint is not limited to Missouri residents. It is brought on

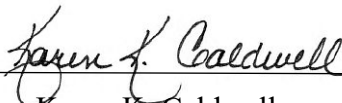
* Judge Matthew F. Kennelly took no part in the decision of this matter.

behalf of a nationwide class of “[a]ll residents of the United States whose Personal Information was compromised as a result of the data breach.” *See Schottel* Compl. at ¶ 66. Furthermore, even if the action was brought on behalf of only Missouri residents, we have concluded that similar actions brought on behalf of state-wide putative classes would benefit from inclusion in this MDL. *See In re MOVEit*, 699 F. Supp. 3d at 1404-05.

Plaintiffs also argue that transfer would be inconvenient for them. But we have rejected individual convenience-based arguments against transfer to MDL No. 3083, finding that “we must consider the needs of all parties and view the litigation as a whole.” *Id.* at 1407.

IT IS THEREFORE ORDERED that this action is transferred to the District of Massachusetts and, with the consent of that court, assigned to the Honorable Allison D. Burroughs for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

David C. Norton
Dale A. Kimball

**IN RE: MOVEIT CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 3083

SCHEDULE A

Eastern District of Missouri

SCHOTTEL, ET AL. v. WISCONSIN PHYSICIANS SERVICE INS. CORP., ET AL.,
C.A. No. 4:24-01284