

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NICOLE TOKARSKI, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

MED-DATA, INC.,

Defendant.

No.

**DEFENDANT’S NOTICE OF
REMOVAL OF CIVIL ACTION**

(King County Superior Court
Case No. 21-2-04918-1)

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453, Defendant Med-Data, Inc. (“Defendant” or “MedData”) hereby removes the above-captioned action from the Superior Court of the State of Washington in and for King County¹ to this Court on the ground of original jurisdiction based on 28 U.S.C. § 1332(d). The following statement is submitted in accordance with 28 U.S.C. § 1446.

I. STATE COURT ACTION

1. On or about April 13, 2021, Plaintiff Nicole Tokarski (“Plaintiff”) filed a Class Action Complaint (the “Complaint”) in the Superior Court of the State of Washington in and for King County, entitled *Nicole Tokarski, on behalf of herself and all others*

¹ A true and correct copy of the Civil Cover Sheet is attached hereto as Exhibit B.

1 *similarly situated v. Med-Data, Inc.*, Case No. 21-2-04918-1 (the “State Court Action”), a
2 true and correct copy of which is being filed concurrently with this notice.

3 2. A copy of the Summons (a true and correct copy of which is attached hereto
4 as Exhibit C), Complaint, Order Setting Civil Case Schedule (Exhibit A), and Civil Cover
5 Sheet (Exhibit B) were served on Defendant’s registered agent for service on or about April
6 14, 2021.

7 3. Plaintiff seeks to represent a class consisting of “All persons whose personal
8 information was compromised as a result of the breach of Med-Data’s electronic
9 information systems.” Complaint at ¶ 20. The Complaint asserts that sensitive personal
10 information belonging to Plaintiff and the putative class members was allegedly
11 compromised in a MedData data security incident that occurred between December 2018
12 and September 2019, when data related to MedData’s business was allegedly uploaded to a
13 public facing website. Complaint at ¶ 7. MedData removed the files from the website on
14 December 17, 2020. *Id.*

15 4. The Complaint asserts four causes of action against MedData: (1)
16 Negligence; (2) Invasion of Privacy; (3) violation of Washington Data Breach Notice Act,
17 RCW 19.255, *et seq.*; and (4) violation of Washington’s Consumer Protection Act, RCW
18 19.86 *et seq.* Complaint at ¶¶ 30-68.

19 5. Defendant is the only defendant in the State Court Action. There are no
20 unserved defendants, and as such, Defendant is the only defendant that need consent to this
21 removal.

22 **II. JURISDICTION PURSUANT TO THE CLASS ACTION**
23 **FAIRNESS ACT IS SATISFIED**

24 6. The Class Action Fairness Act of 2005 (“CAFA”) grants federal district
25 courts original jurisdiction over civil class action lawsuits filed under federal or state law in
26 which any member of a putative class of plaintiffs is a citizen of a state different from any

1 defendant, where the matter in controversy exceeds \$5,000,000, exclusive of interest and
2 costs, and where the number of putative class members exceeds 100. 28 U.S.C.
3 §§ 1332(d)(1)(B), (d)(2)(A), and (d)(5)(B); *see Kuxhausen v. BMW Fin. Servs. NA LLC*,
4 707 F.3d 1136, 1139 (9th Cir. 2013) (“Federal jurisdiction under CAFA has three elements:
5 (1) there must be minimal diversity of citizenship between the parties, (2) the proposed
6 class must have at least 100 members and (3) the amount in controversy must exceed the
7 sum or value of \$5,000,000.”) (internal citation and quotation omitted).

8 7. There is no presumption against removal under CAFA. *Dart Cherokee*
9 *Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554, 190 L. Ed. 2d 495 (2014) (“no
10 antiremoval presumption attends cases invoking CAFA, which Congress enacted to
11 facilitate adjudication of certain class actions in federal court”). To the contrary, “CAFA’s
12 provisions should be read broadly, with a strong preference that interstate class actions
13 should be heard in a federal court if properly removed by any defendant.” *Id.* at 554
14 (quoting S. Rep. No. 109-14, p. 43 (2005)).

15 8. This action satisfies all requirements for removal under CAFA, as set forth
16 below. Further, while there are certain exceptions to this rule of original jurisdiction
17 contained in 28 U.S.C. § 1332(d)(3)-(5), none of the exceptions are applicable here, as
18 demonstrated below.

19 **A. Minimum Diversity Exists.**

20 9. Under 28 U.S.C. § 1332(d)(2)(A), a district court may assert jurisdiction
21 over a class action in which “any member of a class of plaintiffs is a citizen of a State
22 different from any defendant.”

23 10. Plaintiff alleges that she is a resident of Yellowstone County, Montana
24 (Complaint at ¶ 2).

25 11. Plaintiff does not allege the citizenship of the putative class members.
26

1 12. MedData is a corporation and is therefore deemed to be a citizen of the state
2 in which it has been incorporated and the state in which it has its principal place of
3 business. 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is generally
4 its headquarters. *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93, 130 S. Ct. 1181, 175 L. Ed. 2d
5 1029 (2010) (the “‘principal place of business’ is best read as referring to the place where a
6 corporation’s officers direct, control, and coordinate the corporation’s activities,” and in
7 practice, the principal place of business “should normally be the place where the
8 corporation maintains its headquarters – provided that the headquarters is the actual center
9 of direction, control, and coordination”).

10 13. As Plaintiff alleges, MedData is organized under the laws of the State of
11 Washington. Its principal place of business is in Texas. Complaint at ¶ 3.

12 14. Consequently, MedData’s citizenship (Washington and Texas) is diverse
13 from Plaintiff’s (Montana) and the minimum diversity requirement under CAFA is
14 satisfied.

15 **B. Size of the Purported Class.**

16 15. Plaintiff brings this action on behalf of herself and a putative class defined
17 as: “All persons whose personal information was compromised as a result of the breach of
18 Med-Data’s electronic information systems.” Complaint at ¶ 20.

19 16. Plaintiff alleges that “[t]he size of the Class cannot yet be estimated with
20 reasonable precision, but based on the size of Med-Data and because the breach is reported
21 to have affected patients across the country, the number is great enough that joinder is
22 impracticable.” Complaint at ¶ 21.

23 17. Although Plaintiff does not allege the number of putative class members, the
24 data security incident that forms the basis of the Plaintiff’s Complaint affected
25 approximately 135,000 individuals across the country. Declaration of Thomas J. Birchfield
26 (“Birchfield Decl.”), ¶ 2. Although MedData disputes all liability and disputes that the

1 Plaintiff can establish the requirements for a class action, or that the 135,000 individuals
2 qualify to be part of the class, on the face of the Class Complaint the parameters of the
3 proposed class include these 135,000 individuals that were affected by the data security
4 incident. Thus, it is clear that the aggregate number of the proposed class well exceeds 100
5 as required under CAFA. *See* 28 U.S.C. § 1332(d)(5)(B).

6 **C. The Amount in Controversy Exceeds \$5,000,000.**

7 18. CAFA authorizes the removal of class actions in which, among the other
8 factors mentioned above, the aggregate amount in controversy for all class members
9 exceeds five million dollars (\$5,000,000.00). *See* 28 U.S.C. § 1332(d)(2). Here, the
10 allegations in Plaintiff’s Complaint and the claimed damages exceed the jurisdictional
11 minimum.

12 19. A plaintiff’s complaint is a court’s “first source of reference in determining
13 the amount in controversy.” *LaCrosse v. Knight Transp. Inc.*, 775 F.3d 1200, 1202 (9th
14 Cir. 2015) (citing *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289, 58 S. Ct.
15 586, 82 L. Ed. 845 (1938)). In determining the amount in controversy for purposes of
16 removal, the ultimate inquiry is what amount is put “in controversy” by a plaintiff’s
17 complaint—not what a court or jury might later determine to be the actual amount of
18 damages, if any. *See Ibarra v. Manheim Invs., Inc.*, 775 F.3d 1193, 1198 n.1 (9th Cir.
19 2015) (defendants “are not stipulating to damages suffered” in a removal petition, “but only
20 estimating the damages that are in controversy,” because “jurisdiction must be analyzed on
21 the basis of pleadings filed at the time of removal”). Where a complaint does not specify
22 the amount of damages sought, the removing defendant need only establish that it is more
23 likely than not that the amount in controversy requirement has been met. *Id.* at 1197. “The
24 removing party’s burden is ‘not daunting,’ and defendants are not obligated to ‘research,
25 state, and prove the plaintiff’s claims for damages.’” *Behrazfar v. Unisys Corp.*, 687 F.
26 Supp. 2d 999, 1004 (C.D. Cal. 2009). “[A] defendant’s notice of removal need include only

1 a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.
2 Evidence establishing the amount is required by § 1446(c)(2)(B) only when the plaintiff
3 contests, or the court questions, the defendant’s allegation.” *Dart Cherokee*, 135 S. Ct. at
4 554. This standard applies to complaints like the Complaint in this action, which does not
5 allege or seek a specific amount of damages: “When plaintiffs favor state court and have
6 prepared a complaint that does not assert the amount in controversy...the Supreme Court
7 has said that a defendant can establish the amount in controversy by an unchallenged,
8 plausible assertion of the amount in controversy in its notice of removal.” *Ibarra*, 775 F.3d
9 at 1197-98 (citing *Dart Cherokee*, 135 S. Ct. at 554-55).

10 20. In this case, Plaintiff alleges that she and the purported class have suffered
11 numerous types of damages, including:

- 12 (1) loss of the opportunity to control how their sensitive personal
13 information is used;
- 14 (2) diminution in the value and use of their sensitive personal information
15 entrusted to Med-Data with the understanding that Med-Data would
16 safeguard it against theft and not allow it to be accessed and misused by
17 third parties;
- 18 (3) the compromise and theft of their sensitive personal information;
- 19 (4) out-of-pocket costs associated with the prevention, detection, and
20 recovery from identity theft and unauthorized use of financial accounts;
- 21 (5) costs associated with the ability to use credit and assets frozen or flagged
22 due to credit misuse, including increased costs to use credit, credit scores,
23 credit reports, and assets;
- 24 (6) unauthorized use of compromised sensitive personal information to open
25 new financial and other accounts;
- 26

1 (7) continued risk to their sensitive personal information, which remains in
2 Med-Data’s possession and is subject to further breaches so long as Med-
3 Data fails to undertake appropriate and adequate measures to protect the
4 sensitive personal information in its possession; and
5 (8) future costs in the form of time, efforts and money they will expend to
6 prevent, detect, contest, and repair the adverse effects of their personal
7 information being stolen in the Data Breach.

8 Complaint at ¶ 40.

9 21. Plaintiff also alleges damages for anxiety and distress. Complaint at ¶ 47.

10 22. Plaintiff further seeks treble damages (Complaint at ¶ 67) and attorneys’ fees
11 and costs (*id.* at ¶ 67).

12 23. Although Plaintiff does not allege any specific dollar amounts for these
13 numerous types of damages, she implies that out-of-pocket damages alone for at least 36%
14 of the putative class members will average \$19,000 each. Complaint at ¶ 17, quoting
15 Cathleen McCarthy, CreditCards.com, *How to Spot and Prevent Medical Identity Theft*,
16 www.creditcards.com/credit-card-news/spot-prevent-medical-identity-theft-1282.php (“The
17 Ponemon Institute found that 36 percent of medical ID theft victims pay to resolve the
18 issue, and their out-of-pocket costs average nearly \$19,000.”). Thirty-six percent of
19 135,000 individuals, multiplied by \$19,000 out-of-pocket damages alone, implies damages
20 far exceeding \$5,000,000.

21 24. Even if Plaintiff had implied a far smaller amount of out-of-pocket damages,
22 given the potentially large size of the proposed class (approximately 135,000 individuals),
23 and given that Plaintiff is seeking treble damages, Plaintiff would only have to allege that
24 each class member was damaged in the total amount of \$12.35 for *all* damages (*e.g.* out-of-
25 pocket costs, diminution of value of the information, costs associated with frozen assets or
26

1 credit, costs related to unauthorized use of the information, emotional distress, etc.) in order
2 to exceed the jurisdictional amount in controversy of \$5,000,000.

3 25. Further, Plaintiff is seeking statutory attorneys' fees under Washington's
4 CPA. Complaint at ¶ 67. In determining whether a Complaint meets the amount in
5 controversy requirement, the Court should also consider potentially available attorney's
6 fees. *See, e.g., Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998);
7 *Goldberg v. C.P.C. Int'l, Inc.*, 678 F.2d 1365, 1367 (9th Cir. 1982).

8 26. In short, MedData alleges that the amount Plaintiff has put in controversy
9 clearly exceeds \$5,000,000, thus establishing subject matter jurisdiction under CAFA.
10 MedData's allegations are not admissions of liability or damages with respect to any aspect
11 of this case, or to the proper legal tests applicable to Plaintiff's allegations, or whether a
12 class action is proper. *LaCrosse*, 775 F.3d at 1203 ("Even when defendants have persuaded
13 a court upon a CAFA removal that the amount in controversy exceeds \$5 million, they are
14 still free to challenge the actual amount of damages in subsequent proceedings and at
15 trial.") (quoting *Ibarra*, 775 F.3d at 1198 n.1). While MedData denies the validity and
16 merit of all of Plaintiff's claims and the demands for monetary and other relief that flow
17 from them (assuming them to be accurate for purposes of this removal only), "a reasonable
18 person, reading the complaint...would conclude that [Plaintiff] was seeking damages in an
19 amount greater than the minimal jurisdictional amount of this Court." *See* LCR 101(a).

20 27. MedData reserves the right to provide evidence as to the above calculations
21 and all other amounts sought by Plaintiff in the Complaint should Plaintiff challenge or
22 should the Court question the amount in controversy.

23 III. NO CAFA EXCEPTIONS APPLY

24 28. CAFA contains an exception to its grant of original jurisdiction when the
25 primary defendants are citizens of the State in which the action was originally filed and
26 when more than two-thirds of the members of all proposed plaintiff classes in the aggregate

1 are citizens of the State in which the action was originally filed. 28 U.S.C. § 1332(d)(4).
2 CAFA also provides that the Court may, in its discretion, decline jurisdiction if more than
3 one-third, but less than two-thirds, of the class are citizens of the State in which the action
4 was originally filed. 28 U.S.C. § 1332(d)(3). Neither of these exceptions applies here. Out
5 of the 135,000 members of the putative class, approximately 689 are Washington State
6 residents (Birchfield Decl., ¶ 3) – far less than the one-third threshold for the discretionary
7 ability to decline jurisdiction under 28 U.S.C. § 1332(d)(3) and even further less than the
8 two-thirds threshold under 28 U.S.C. § 1332(d)(4).

9 29. CAFA also contains exceptions to its grant of original jurisdiction for when
10 the defendants are government entities or the putative class numbers less than 100 in the
11 aggregate (28 U.S.C. § 1332(d)(5)).

12 30. Because MedData is not a government entity and because the putative class
13 numbers more than 100 in the aggregate, these exceptions to jurisdiction set forth in CAFA
14 also do not apply.

15 IV. REMOVAL IS TIMELY

16 31. As set forth above, the Complaint was served on Defendant’s agent for
17 service of process on or about April 14, 2021. This Notice of Removal is timely in that it
18 has been filed within thirty days of the date of service of the Complaint consistent with 28
19 U.S.C. § 1446(b).

20 V. MEDDATA PROVIDED NOTICE TO PLAINTIFF

21 32. Pursuant to 28 U.S.C. § 1446(d), promptly after filing the Notice of
22 Removal, MedData will give written notice to Plaintiff’s counsel of record: Beth E. Terrell
23 and Ryan Tack-Hooper at Terrell Marshall Law Group PLLC, 936 North 34th Street, Suite
24 300, Seattle, Washington, 98103; and John Heenan and Teague Westrope of Heenan &
25 Cook, 1631 Zimmerman Trail, Billings, Montana 59102.

1 33. In addition, a copy of this Notice of Removal will be filed with the Clerk of
2 the Court for the Superior Court of Washington for King County.

3 **VI. VENUE**

4 34. Venue lies in the United States District Court in and for the Western District
5 of Washington, pursuant to 28 U.S.C. §§ 1391(b) and 1441(a), because the King County
6 Superior Court, where the suit was originally filed, is located within the District. Venue in
7 Western District of Washington is also appropriate because, as a Washington corporation,
8 MedData is a resident of Washington.

9 **VII. INTRADISTRICT ASSIGNMENT**

10 35. Pursuant to LCR 3(d)(1), this action is properly removed to the Seattle
11 Division of the Western District of Washington because the action is currently pending in
12 King County and because MedData resides in King County. *See* Complaint at ¶ 3.

13 **VIII. ATTACHMENT OF PLEADINGS**

14 36. As required by 28 U.S.C. § 1446(a), true and correct copies of all process,
15 pleadings, and orders served upon MedData and found in the files of the Superior Court of
16 the State of Washington for King County are attached hereto. *See* chart below.

Exhibit	Document
A	Order Setting Civil Case Schedule
B	Case Information Cover Sheet and Area Designation
C	Summons
D	Declaration of Service

17
18
19
20
21 **IX. NO ADMISSION**

22 37. Defendant expressly admits no liability to Plaintiff or to the putative class
23 she seeks to represent, does not admit that Plaintiff has stated a claim, does not admit that
24 Plaintiff is an adequate class representative for the putative class that she seeks to represent
25 or that the proposed class otherwise satisfies the requirements for class certification.
26

1 Defendant further does not admit that Plaintiff or the putative class members are entitled to
2 recover the damages, penalties, and other relief requested in the Complaint.

3 **X. CONCLUSION**

4 38. This action meets all of CAFA's requirements for removal, and this removal
5 pleading is both timely and proper. WHEREFORE, having provided notice as is required
6 by law, the above-entitled action should be removed from the Superior Court of the State of
7 Washington in and for King County, to this Court.

8
9 DATED: May 12, 2021.

ARETE LAW GROUP PLLC

10 By: /s/ Ralph H. Palumbo
11 Ralph H. Palumbo, WSBA No. 4751
12 Lynn M. Engel, WSBA No. 21934
13 1218 Third Avenue, Suite 2100
14 Seattle, WA 98101
15 Phone: (206) 428-3250
16 Fax: (206) 428-3251
17 rpalumbo@aretelaw.com
18 lengel@aretelaw.com

19 *Attorneys for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused true and correct copies of the foregoing document to be served upon the following, at the addresses stated below, via the method of service indicated.

TERRELL MARSHAL LAW GROUP PLLC

Beth E. Terrell
Ryan Tack-Hooper
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
bterrell@terrellmarshall.com
ryan@terrellmarshall.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

HEENAN & COOK

John Heenan (pro hac vice)
Teague Westrope (pro hac vice)
1631 Zimmerman Trail
Billings, MT 59102
john@lawmontana.com
teague@lawmontana.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

MORGAN & MORGAN

John A. Yanchunis (pro hac vice)
Ryan Maxey (pro hac vice)
201 North Franklin Street, 7th Floor
Tampa, FL 33602
jyanchunis@forthepeople.com
rmaxey@forthepeople.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

MORGAN & MORGAN

Michael F. Ram (pro hac vice)
711 Van Ness Avenue, Suite 500
San Francisco, CA 94102-3275
mram@forthepeople.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated this 12th day of May, 2021 in Seattle, Washington.

/s/ Janet C. Fischer
Janet C. Fischer
Paralegal

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON,
IN AND FOR THE COUNTY OF KING

NICOLE TOKARSKI, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

MED-DATA, INC.,

Defendant.

NO.

CLASS ACTION COMPLAINT

Plaintiff Nicole Tokarski, individually and on behalf of the proposed class, brings this
action against Defendant Med-Data, Inc., and submits her Class Action Complaint as follows:

INTRODUCTION

1. Plaintiff brings this action against Med-Data for its failure to protect her
sensitive personal information, including health information, and the sensitive personal
information, including health information, of others similarly situated, and for its failure to
timely advise Plaintiff and others similarly situated of a data breach which occurred over the
span of approximately 10 months. Med-Data had access to such sensitive information through
contracts it had with healthcare providers.

1 **PARTIES**

2 2. Plaintiff is a resident of Yellowstone County, Montana.

3 3. Med-Data is a for-profit corporation organized under the laws of Washington
4 with offices in Bellevue, WA, with its principal place of business in Texas.

5 **JURISDICTION & VENUE**

6 4. This Court has jurisdiction pursuant to RCW 2.08.010 because Plaintiff seeks
7 damages in excess of three hundred dollars and as an action to enforce the Consumer
8 Protection Act under RCW 19.86.090.

9 5. Venue is proper in King County pursuant to RCW 4.12.025 because Defendant
10 is located in and transacts business in King County.

11 **COMMON ALLEGATIONS**

12 6. On March 31, 2021, Med-Data sent a letter to Plaintiff advising her of a “data
13 security incident” (the Data Breach) which may have impacted her sensitive personal
14 information, including health information. Med-Data received this sensitive personal
15 information from a health care provider in Yellowstone County, Montana. Med-Data provides
16 revenue cycle services to health care providers and in so doing performs services under a
17 contract between health care providers and their patients.

18 7. According to Med-Data’s letter, on December 10, 2020, an independent
19 journalist informed Med-Data that some data related to its business had been uploaded to a
20 public facing website. On December 14, 2020, the journalist provided to Med-Data a link to
21 the website, after which Med-Data launched an internal investigation. The investigation
22 reportedly revealed that an employee of Med-Data, while employed by Med-Data, had saved
23 business files on the website sometime between December 2018 and September 2019. Med-
24 Data claimed that the files were removed from the website on December 17, 2020.

25 8. According to Med-Data’s letter, Med-Data hired cybersecurity specialists to
26 assist in the review of the files to determine what information was included. On February 5,

1 2021, the cybersecurity specialists completed their review and provided Med-Data a list of
2 impacted individuals. The investigation determined that Plaintiff's sensitive personal
3 information may have been impacted by the Data Breach, including Plaintiff's name, physical
4 address, date of birth, health conditions, diagnoses, claims information, dates of service, and
5 subscriber identification (which may have included Plaintiff's social security number).

6 9. Although Med-Data did not identify the website to Plaintiff in its letter, Plaintiff
7 is informed and believes that the website was GitHub Arctic Code Vault, which is an open-
8 source, public data repository.

9 10. Upon information and belief, Med-Data notified Plaintiff's health care provider
10 of the Data Breach on February 8, 2021.

11 11. Upon information and belief, Med-Data did not inform the Department of
12 Public Health & Human Services and the affected patients of the Data Breach until March 31,
13 2021.

14 12. It is unknown why Med-Data did not immediately contact Plaintiff and others
15 similarly situated to advise them of the Data Breach.

16 13. Med-Data was aware, or reasonably should have been aware, that a patient's
17 sensitive personal information is of significant value to those who would use it for wrongful
18 purposes.

19 14. Personal health information is especially valuable on the black market and
20 companies that store large amounts of this information are prime targets of cyber criminals
21 who seek to obtain this information.

22 15. A "cyber black market" exists in which criminals openly post stolen social
23 security numbers and other personal information on multiple underground websites on the
24 Dark Web. Identity thieves can use sensitive personal information, such as that of Plaintiff
25 and others similarly situated, to perpetrate a variety of crimes.

26

1 16. Personal health information can be used not only to commit identity theft (like
2 opening new credit accounts or filing false tax returns), but also to commit medical identity
3 theft and fraud like stealing prescription drugs or creating false medical IDs. Medical data is
4 particularly valuable because unlike financial information—like credit card numbers—which
5 can often be quickly changed, medical data is static.

6 17. The ramifications of Med-Data’s failure to keep the affected patients’ sensitive
7 personal information secure are long lasting and severe. Once sensitive personal information
8 is stolen, fraudulent use of that information and damage to the affected patients may
9 continue for years. As explained by the Federal Trade Commission:

10 Medical ID thieves may use your identity to get treatment – even surgery – or
11 to bilk insurers by making false claims. Repairing damage to your good name
12 and credit record can be difficult enough, but medical ID theft can have other
13 serious consequences. If a scammer gets treatment in your name, that person’s
14 health problems could become a part of your medical record. It could affect
15 your ability to get medical care and insurance benefits and could even affect
16 decisions made by doctors treating you later on. The scammer’s unpaid medical
17 debts also could end up on your credit report.¹

18 Also, as reported by CreditCards.com:

19 The Ponemon Institute found that 36 percent of medical ID theft victims pay to
20 resolve the issue, and their out-of-pocket costs average nearly \$19,000. Even if
21 you don’t end up paying out of pocket, such usage can wreak havoc on both
22 medical and credit records, and clearing that up is a time-consuming headache.
23 That’s because medical records are scattered. Unlike personal financial
24 information, which is consolidated and protected by credit bureaus, bits of
25 your medical records end up in every doctor’s office and hospital you check
26

¹ Federal Trade Commission, *Medical ID Theft: Health Information for Older People*, available at www.consumer.ftc.gov/articles/0326-medical-id-theft-health-information-older-people (accessed November 8, 2019).

1 into, every pharmacy that fills a prescription and every facility that processes
2 payments for those transactions.²

3 18. According to Med-Data's letter, Med-Data is offering affected patients 12
4 months of identity theft protection services. Such an offer is inadequate to protect Plaintiff
5 and others similarly situated.

6 **CLASS ACTION ALLEGATIONS**

7 19. Plaintiff brings this lawsuit as a class action on her own behalf and on behalf of
8 all other persons similarly situated as members of the proposed Class, pursuant to Federal
9 Rules of Civil Procedure 23(a) and (b)(3), and/or (b)(1), (b)(2), and/or (c)(4). This action
10 satisfies the numerosity, commonality, typicality, predominance, and superiority
11 requirements.

12 20. The proposed Class is defined as:

13 All persons whose personal information was compromised
14 as a result of the breach of Med-Data's electronic
15 information systems.

16 Plaintiff reserves the right to modify, change, or expand the Class definition, including
17 proposing subclasses, based on discovery and further investigation.

18 **NUMEROSITY AND ASCERTAINABILITY**

19 21. The size of the Class cannot yet be estimated with reasonable precision, but
20 based on the size of Med-Data and because the breach is reported to have affected patients
21 across the country, the number is great enough that joinder is impracticable.

22 22. The disposition of the Class members' claims in a single action will provide
23 substantial benefits to all parties and to the Court.

24
25 ² Cathleen McCarthy, CreditCards.com, *How to Spot and Prevent Medical Identity Theft*,
26 available at www.creditcards.com/credit-card-news/spot-prevent-medical-identity-theft-1282.php (accessed November 8, 2019).

1 d. Whether Med-Data violated RCW 19.255.010(1) by failing to promptly
2 notify Plaintiff and Class members that their sensitive personal information had been
3 compromised in the Data Breach; and

4 e. Whether Med-Data's failures to implement reasonable data security
5 practices and procedures and to timely notify Plaintiff and Class members of the Data Breach
6 violates Washington's Consumer Protection Act, RCW 19.86, *et seq.*

7 **SUPERIORITY**

8 27. A class action is superior to all other available methods for the fair and efficient
9 adjudication of this controversy. Absent a class action, most Class members would likely find
10 the cost of litigating their claims prohibitively high and would have no effective remedy.
11 Because of the relatively small size of the individual Class members' claims, it is likely that few,
12 if any, Class members could afford to seek redress for Defendants' violations.

13 28. Class treatment of common questions of law and fact would also be a superior
14 method to piecemeal litigation in that class treatment will conserve the resources of the
15 courts and will promote consistency and efficiency of adjudication.

16 29. Classwide declaratory, equitable, and injunctive relief is appropriate under Rule
17 23(b)(1) and/or (b)(2) because Med-Data has acted on grounds that apply generally to the
18 Class, and inconsistent adjudications would establish incompatible standards and substantially
19 impair the ability of Class members and Defendants to protect their respective interests.
20 Classwide relief assures fair, consistent, and equitable treatment of Class members and
21 Defendants.

22 **FIRST CAUSE OF ACTION**

23 **Negligence**

24 30. Plaintiff incorporates the above allegations as if fully set forth here.
25
26

1 31. Med-Data collected from Plaintiff and the Class members their names, physical
2 addresses, dates of birth, health conditions, diagnoses, claims information, dates of service,
3 and subscriber identifications (which may have included their social security numbers). Med-
4 Data therefore owed Plaintiff and Class members a duty of reasonable care to preserve and
5 protect the confidentiality of the sensitive personal information they collected. This duty
6 included, among other obligations, taking reasonable security measures to safeguard and
7 adequately secure from unauthorized access the sensitive personal information of Plaintiff
8 and the Class members.

9 32. Plaintiff and the Class members were the foreseeable victims of Med-Data's
10 inadequate cyber security. The natural and probable consequence of Med-Data failing to
11 adequately secure their information networks was the unauthorized access of Plaintiff's and
12 the Class members' sensitive personal information.

13 33. Med-Data knew or should have known that Plaintiff's and the Class members'
14 sensitive personal information was an attractive target for cyber thieves.

15 34. Med-Data had the ability to sufficiently guard against data breaches.

16 35. Med-Data breached its duty to exercise reasonable care in protecting Plaintiff's
17 and the Class members' sensitive personal information by failing to take reasonable security
18 measures to safeguard and adequately secure from unauthorized access the sensitive
19 personal information of Plaintiff and the Class members.

20 36. Under RCW 19.255.010(1), Med-Data also owed a duty to timely disclose to
21 Plaintiff and the Class members that their sensitive personal information had been, or was
22 reasonably believed to have been, compromised. Timely disclosure was necessary so that
23 Plaintiff and the Class members could, among other things: (1) purchase identity protection,
24 monitoring, and recovery services; (2) flag asset, credit, and tax accounts for fraud, including
25 by reporting the theft of their social security numbers to financial institutions, credit agencies,
26 and the IRS; (3) purchase or otherwise obtain credit reports; (4) place or renew fraud alerts on

1 a quarterly basis; (5) routinely monitor loan data and public records; and (6) take other steps
2 to protect themselves and recover from identity theft.

3 37. Med-Data breached its duty to timely disclose the Data Breach to Plaintiff and
4 the Class members. After learning of the Data Breach, Med-Data unreasonably delayed in
5 notifying Plaintiff and the Class members of the Data Breach.

6 38. There is a close connection between Med-Data's failure to employ reasonable
7 security protections and the injuries suffered by Plaintiff and the Class members. When an
8 individual's sensitive personal information is stolen, she faces a heightened risk of identity
9 theft and need to: (1) purchase identity protection, monitoring, and recovery services; (2) flag
10 asset, credit, and tax accounts for fraud, including by reporting the theft of her social security
11 numbers to financial institutions, credit agencies, and the IRS; (3) purchase or otherwise
12 obtain credit reports; (4) monitor credit, financial, utility, explanation of benefits, and other
13 account statements on a monthly basis for unrecognized credit inquiries and charges; (5)
14 place and renew credit fraud alerts on a quarterly basis; (6) contest fraudulent charges and
15 other forms of identity theft; (7) repair damage to credit and financial accounts; and (8) take
16 other steps to protect themselves and recover from identity theft and fraud.

17 39. The policy of preventing future harm strongly disfavors application of the
18 economic loss rule, particularly given the extremely sensitive data entrusted to Med-Data.
19 Med-Data had an independent duty in tort to protect this data and thereby avoid reasonably
20 foreseeable harm to Plaintiff and the Class members.

21 40. As a result of Med-Data's negligence, Plaintiff and the Class members have
22 suffered damages that have included or may, in the future, include, without limitation: (1) loss
23 of the opportunity to control how their sensitive personal information is used; (2) diminution
24 in the value and use of their sensitive personal information entrusted to Med-Data with the
25 understanding that Med-Data would safeguard it against theft and not allow it to be accessed
26 and misused by third parties; (3) the compromise and theft of their sensitive personal

1 information; (4) out-of-pocket costs associated with the prevention, detection, and recovery
2 from identity theft and unauthorized use of financial accounts; (5) costs associated with the
3 ability to use credit and assets frozen or flagged due to credit misuse, including increased
4 costs to use credit, credit scores, credit reports, and assets; (6) unauthorized use of
5 compromised sensitive personal information to open new financial and other accounts; (7)
6 continued risk to their sensitive personal information, which remains in Med-Data's
7 possession and is subject to further breaches so long as Med-Data fails to undertake
8 appropriate and adequate measures to protect the sensitive personal information in its
9 possession; and (8) future costs in the form of time, effort, and money they will expend to
10 prevent, detect, contest, and repair the adverse effects of their personal information being
11 stolen in the Data Breach.

12 **SECOND CAUSE OF ACTION**

13 **Invasion of Privacy (Intrusion Upon Seclusion)**

14
15 41. Plaintiff incorporates the above allegations as if fully set forth here.

16 42. Plaintiff and the Class members reasonably expected that the sensitive
17 personal information entrusted to Med-Data would be kept private and secure and would not
18 be disclosed to any unauthorized third party or for any improper purpose.

19 43. Med-Data unlawfully invaded the privacy rights of Plaintiff and the Class
20 members by:

- 21 a. failing to adequately secure their sensitive personal information from
22 disclosure to unauthorized third parties or for improper purposes;
- 23 b. enabling the disclosure of personal and sensitive facts about them in a
24 manner highly offensive to a reasonable person; and
- 25 c. enabling the disclosure of personal and sensitive facts about them
26 without their informed, voluntary, affirmative, and clear consent.

1 44. A reasonable person would find it highly offensive that Med-Data, having
2 collected Plaintiff's and the Class members' sensitive personal information, failed reasonably
3 to protect that information from unauthorized disclosure to third parties.

4 45. In failing to adequately protect Plaintiff's and the Class members' sensitive
5 personal information, Med-Data acted in reckless disregard of their privacy rights. Med-Data
6 knew or should have known that its ineffective security measures, and the foreseeable
7 consequences thereof, are highly offensive to a reasonable person in Plaintiff's and the Class
8 members' position.

9 46. Med-Data violated Plaintiff's and the Class members' right to privacy under the
10 common law.

11 47. Med-Data's unlawful invasions of privacy damaged Plaintiff and the Class
12 members. As a direct and proximate result of Med-Data's unlawful invasions of privacy,
13 Plaintiff and the Class members suffered significant anxiety and distress, and their reasonable
14 expectations of privacy were frustrated and defeated. Plaintiff and the Class Members seek
15 actual and nominal damages for these invasions of privacy.

16 **THIRD CAUSE OF ACTION**

17 **Washington Data Breach Notice Act**
18 **RCW 19.255, *et seq.***

19 48. Plaintiff incorporates the above allegations as if fully set forth herein.

20 49. Med-Data is a business within the meaning of RCW 19.255.010(1).

21 50. Med-Data is required to accurately notify Plaintiff and the Class members
22 following discovery or notification of the breach of their data security systems if personal
23 information was, or is reasonably believed to have been acquired by an unauthorized person
24 and the personal information was not secured, in the most expedient time possible and
25 without unreasonable delay under RCW 19.255.010(1), (8).
26

1 c. enabling the disclosure of personal and sensitive facts about Plaintiff
2 and the Class members without their informed, voluntary, affirmative, and clear consent;

3 d. omitting, suppressing, and concealing the material fact that Defendant
4 did not reasonably or adequately secure Plaintiff's and the Class members' sensitive personal
5 information; and

6 e. Failing to disclose the Data Breach in a timely and accurate manner.

7 59. Med-Data's systematic acts or practices are unfair because these acts or
8 practices (1) caused substantial financial injury to Plaintiff and the Class members; (2) are not
9 outweighed by any countervailing benefits to consumers or competitors; and (3) are not
10 reasonably avoidable by consumers.

11 60. Med-Data's systematic acts or practices are unfair because the acts or practices
12 are immoral, unethical, oppressive, and/or unscrupulous.

13 61. Med-Data's systematic acts or practices are deceptive because they were and
14 are capable of deceiving a substantial portion of the public.

15 62. Med-Data's unfair or deceptive acts or practices have repeatedly occurred in
16 trade or commerce within the meaning of RCW 19.86.010 and RCW 19.86.020.

17 63. The acts complained of herein are ongoing and/or have a substantial likelihood
18 of being repeated.

19 64. Med-Data's unfair or deceptive acts or practices impact the public interest
20 because they have injured Plaintiff and the Class members.

21 65. As a direct and proximate result of Med-Data's unfair or deceptive acts or
22 practices, Plaintiff and the Class members have suffered injury in fact and lost money.

23 66. As a result of Med-Data's conduct, Plaintiff and the Class members have
24 suffered actual damages including from fraud and identity theft, time and expenses related to
25 monitoring their financial accounts for fraudulent activity, an increased and imminent risk of
26

1 fraud and identity theft, the lost value of their personal information, and other economic and
2 non-economic harm.

3 67. Plaintiff and the Class members are therefore entitled to legal relief against
4 Med-Data, including recovery of nominal damages, actual damages, treble damages,
5 injunctive relief, attorneys' fees and costs, and such further relief as the Court may deem
6 proper.

7 68. Plaintiff and the Class members are also entitled to injunctive relief in the form
8 of an order prohibiting Med-Data from engaging in the alleged misconduct and such other
9 equitable relief as the Court deems appropriate.

10 **PRAYER FOR RELIEF**

11
12 WHEREFORE, Plaintiff prays for an order:

- 13 A. Certifying this case as a class action, appointing Plaintiff as Class representative,
14 and appointing Plaintiff's counsel to represent the Class;
- 15 B. Entering judgment for Plaintiff and the Class;
- 16 C. Awarding Plaintiff and Class members monetary relief;
- 17 D. Ordering appropriate injunctive relief;
- 18 E. Awarding pre- and post-judgment interest as prescribed by law;
- 19 F. Awarding reasonable attorneys' fees and costs as permitted by law; and
- 20 G. Granting such further and other relief as may be just and proper.
- 21
22
23
24
25
26

1 RESPECTFULLY SUBMITTED AND DATED this 12th day of April, 2021.

2 TERRELL MARSHALL LAW GROUP PLLC

3 By: /s/ Beth E. Terrell, WSBA #26759

4 Beth E. Terrell, WSBA #26759
5 Email: bterrell@terrellmarshall.com
6 Ryan Tack-Hooper, WSBA #56423
7 Email: ryan@terrellmarshall.com
8 936 North 34th Street, Suite 300
9 Seattle, Washington 98103-8869
10 Telephone: (206) 816-6603
11 Facsimile: (206) 319-5450

12 John Heenan, *Pro Hac Vice forthcoming*
13 Email: john@lawmontana.com
14 Teague Westrope, *Pro Hac Vice forthcoming*
15 Email: teague@lawmontana.com
16 HEENAN & COOK
17 1631 Zimmerman Trail
18 Billings, Montana 59102
19 Telephone: (406) 839-9081

20 John A. Yanchunis, *Pro Hac Vice forthcoming*
21 Email: jyanchunis@forthepeople.com
22 Ryan Maxey, *Pro Hac Vice forthcoming*
23 Email: rmaxey@forthepeople.com
24 MORGAN & MORGAN
25 201 North Franklin Street, 7th Floor
26 Tampa, Florida 33602
Telephone: (813) 223-5505
Michael F. Ram, *Pro Hac Vice forthcoming*
Email: mram@forthepeople.com
711 Van Ness Avenue, Suite 500
San Francisco, California 94102-3275
Telephone: (415) 358-6913
Facsimile: (415) 358-6923

Attorneys for Plaintiff

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

Nicole Tokarski

Plaintiff(s)

vs

INC. MED-DATA

Defendant(s)

NO. 21-2-04918-1 SEA

ORDER SETTING CIVIL CASE SCHEDULE

ASSIGNED JUDGE: MCDONALD, Dept. 48

FILED DATE: 04/13/2021

TRIAL DATE:04/11/2022

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

NOTICE TO PLAINTIFF: The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

You are required to give a copy of these documents to all parties in this case.

I. NOTICES (continued)

CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of **\$240** must be paid when any answer that includes additional claims is filed in an existing case.

KCLCR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

All parties to this action must keep the court informed of their addresses. When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$250 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$400 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at www.kingcounty.gov/courts/clerk.

II. CASE SCHEDULE

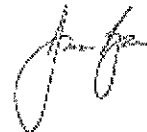
* CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	04/13/2021
* Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. \$220 arbitration fee must be paid	09/21/2021
* DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	09/21/2021
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	10/05/2021
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)].	11/08/2021
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(k)].	12/20/2021
DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	01/03/2022
DEADLINE for a Change in Trial Date [See KCLCR 40(e)(2)].	01/03/2022
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	02/22/2022
DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	03/14/2022
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	03/21/2022
* DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)].	03/21/2022
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	03/28/2022
* Joint Statement of Evidence [See KCLCR 4 (k)]	04/04/2022
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	04/04/2022
Trial Date [See KCLCR 40].	04/11/2022

The * indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action **must** serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 04/13/2021



PRESIDING JUDGE

IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE

READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

COMPLEX LITIGATION: If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

APPLICABLE RULES: Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

CASE SCHEDULE AND REQUIREMENTS: Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.

A. Joint Confirmation regarding Trial Readiness Report

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at www.kingcounty.gov/courts/scforms. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

B. Settlement/Mediation/ADR

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

C. Trial

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website www.kingcounty.gov/courts/superiorcourt to confirm the trial judge assignment.

MOTIONS PROCEDURES

A. Noting of Motions

Dispositive Motions: All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Non-dispositive Motions: These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule

7 governs these motions, which include discovery motions. The local civil rules can be found at www.kingcounty.gov/courts/clerk/rules/Civil.

Motions in Family Law Cases not involving children: Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

Emergency Motions: Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

B. Original Documents/Working Copies/ Filing of Documents: All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at www.kingcounty.gov/courts/clerk regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at www.kingcounty.gov/courts/clerk/rules.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at www.kingcounty.gov/courts/clerk/documents/eWC.

Service of documents: Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at www.kingcounty.gov/courts/clerk/documents/efiling regarding E-Service.

Original Proposed Order: Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: www.kingcounty.gov/courts/SuperiorCourt/judges.

Presentation of Orders for Signature: All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.


Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department. Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count

includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3) the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.



PRESIDING JUDGE

EXHIBIT B

0300
GEGÁÚÁFHÁKÉÁE
SÖÖÁUWVY
ÙWÚÖÜÜÁÏUWÜVÁÖŠÖÜS
ÖEÖSÖÖ
ÖEÜÖÁKÖEÖE JFÏ ÈÁÜÖE

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING**

Nicole Tokarski

vs

Med-Data

No. 21-2-04918-1 SEA

**CASE INFORMATION COVER SHEET AND
AREA DESIGNATION**

(CICS)

CAUSE OF ACTION

MSC - Miscellaneous

AREA OF DESIGNATION

SEA

Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

EXHIBIT C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

NICOLE TOKARSKI, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

MED-DATA, INC.,

Defendant.

NO.

SUMMONS (20 DAY)

TO: MED-DATA, INC.
c/o COGENCY GLOBAL INC., Registered Agent
1780 Barnes Boulevard SW
Tumwater, Washington 98512-0410

A lawsuit has been started against you in the above-entitled court by the Plaintiff. The claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what has been asked for because you have not responded. If you serve a

1 notice of appearance on the undersigned person, you are entitled to notice before a default
2 judgment may be entered.

3 You may demand that Plaintiff file this lawsuit with the Court. If you do so, the demand
4 must be in writing and must be served upon Plaintiff. Within fourteen (14) days after you
5 serve the demand, Plaintiff must file this lawsuit with the Court, or the service on you of this
6 Summons and Complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly
8 so that your written response, if any, may be served on time.

9 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
10 State of Washington.

11 DATED this 12th day of April, 2021.

12 TERRELL MARSHALL LAW GROUP PLLC

13 By: /s/ Beth E. Terrell, WSBA #26759

14 Beth E. Terrell, WSBA #26759

15 Email: bterrell@terrellmarshall.com

16 Ryan Tack-Hooper, WSBA #56423

17 Email: ryan@terrellmarshall.com

18 936 North 34th Street, Suite 300

19 Seattle, Washington 98103-8869

20 Telephone: (206) 816-6603

21 Facsimile: (206) 319-5450

22 John Heenan, *Pro Hac Vice forthcoming*

23 Email: john@lawmontana.com

24 Teague Westrope, *Pro Hac Vice forthcoming*

25 Email: teague@lawmontana.com

26 HEENAN & COOK

1631 Zimmerman Trail

Billings, Montana 59102

Telephone: (406) 839-9081

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

John A. Yanchunis, *Pro Hac Vice forthcoming*
Email: jyanchunis@forthepeople.com
Ryan Maxey, *Pro Hac Vice forthcoming*
Email: rmaxey@forthepeople.com
MORGAN & MORGAN
201 North Franklin Street, 7th Floor
Tampa, Florida 33602
Telephone: (813) 223-5505
Michael F. Ram, *Pro Hac Vice forthcoming*
Email: mram@forthepeople.com
711 Van Ness Avenue, Suite 500
San Francisco, California 94102-3275
Telephone: (415) 358-6913
Facsimile: (415) 358-6923

Attorneys for Plaintiff

EXHIBIT D

0300
GEGAEUAFI
S00AUWVY
UMUOUUAOUWVAVS0US
OEJ0AKOFEI JFI EAUOE

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF WASHINGTON

**NICOLE TOKARSKI, ON BEHALF OF HERSELF
AND ALL OTHERS SIMILARLY SITUATED**
Plaintiff/Petitioner

Cause No.: **21-2-04918-1 SEA**
Hearing Date:

vs.
MED-DATA, INC

Defendant/Respondent

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT; ORDER SETTING CIVIL CASE
SCHEDULE**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

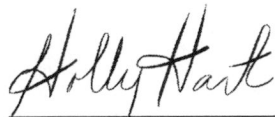
On the **14th day of April, 2021 at 10:24 AM** at the address of **1780 BARNES BLVD SW, TUMWATER, Thurston County, WA 98512-0410**; this declarant served the above described documents upon **MED-DATA, INC c/o COGENCY GLOBAL INC, REGISTERED AGENT** by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **Connie Hogan , SERVICE REPRESENTATIVE, who accepted service in accordance with social distancing requirements (placed the documents in a clearly visible place at least six feet away from the subject and advised the subject to retrieve them after stepping away), with identity confirmed by subject stating their name, a blonde-haired white female approx. 35-45 years of age, 5'4"-5'6" tall and weighing 120-140 lbs..**

No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: **\$82.00**

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

Date: 04/15/2021



Holly Hart, Reg. # 16-0509-05, Thurston County, WA

ORIGINAL PROOF OF SERVICE

PAGE 1 OF 1



For: Terrell Marshall Law Group PLLC
Ref #: 2464-001 Med-Data

Tracking #: **0068323101**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NICOLE TOKARSKI, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

MED-DATA, INC.,

Defendant.

No.

**CERTIFICATE OF SERVICE
Re Defendant’s Notice of Removal
of Civil Action**

I hereby certify that on May 12, 2021, I electronically filed Defendant’s Notice of Removal of Civil Action with the foregoing Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiff

Terrell Marshall Law Group PLLC
Beth E. Terrell, WSBA No. 26759
Ryan Tack-Hooper, WSBA No. 56423
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
bterrell@terrellmarshall.com
ryan@terrellmarshall.com

Heenan & Cook
John Heenan
Teague Westrope
1631 Zimmerman Trail

1 Billings, MT 59102
2 john@lawmontana.com
3 teague@lawmontana.com

4 Morgan & Morgan

5 John A. Yanchunis (pro hac vice)
6 Ryan Maxey (pro hac vice)
7 201 North Franklin Street, 7th Floor
8 Tampa, FL 33602
9 jyanchunis@forthepeople.com
10 rmaxey@forthepeople.com

11 Michael F. Ram (pro hac vice)
12 711 Van Ness Avenue, Suite 500
13 San Francisco, CA 94102-3275
14 mram@forthepeople.com

15 DATED: May 12, 2021.

ARETE LAW GROUP PLLC

16 By: /s/ Ralph H. Palumbo
17 Ralph H. Palumbo, WSBA No. 4751
18 Lynn M. Engel, WSBA No. 21934
19 1218 Third Avenue, Suite 2100
20 Seattle, WA 98101
21 Phone: (206) 428-3250
22 Fax: (206) 428-3251
23 rpalumbo@aretelaw.com
24 lengel@aretelaw.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused true and correct copies of the foregoing document to be served upon the following, at the addresses stated below, via the method of service indicated.

TERRELL MARSHAL LAW GROUP PLLC

Beth E. Terrell
Ryan Tack-Hooper
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
bterrell@terrellmarshall.com
ryan@terrellmarshall.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

HEENAN & COOK

John Heenan (pro hac vice)
Teague Westrope (pro hac vice)
1631 Zimmerman Trail
Billings, MT 59102
john@lawmontana.com
teague@lawmontana.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

MORGAN & MORGAN

John A. Yanchunis (pro hac vice)
Ryan Maxey (pro hac vice)
201 North Franklin Street, 7th Floor
Tampa, FL 33602
jyanchunis@forthepeople.com
rmaxey@forthepeople.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

MORGAN & MORGAN

Michael F. Ram (pro hac vice)
711 Van Ness Avenue, Suite 500
San Francisco, CA 94102-3275
mram@forthepeople.com

- Facsimile
- E-mail
- U.S. Mail
- E-filing

Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated this 12th day of May, 2021 in Seattle, Washington.

/s/ Janet C. Fischer

Janet C. Fischer

Paralegal

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Nicole Tokarski

(b) County of Residence of First Listed Plaintiff Yellowstone County, MT (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Terrell Marshall Law Group PLLC

Please see additional page

DEFENDANTS

Med-Data, Inc.

County of Residence of First Listed Defendant King County, WA (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Ralph Palumbo and Lynn Engel / Arete Law Group PLLC 1218 Third Avenue, Suite 2100 Seattle, WA 98101 (206) 428-3250

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and incorporation status. Includes options for Citizen of This State, Citizen of Another State, and Citizen or Subject of a Foreign Country.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453

Brief description of cause: Alleged breach of data privacy and related claims

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

TERRELL MARSHAL LAW GROUP PLLC

Beth E. Terrell
Ryan Tack-Hooper
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
bterrell@terrellmarshall.com
ryan@terrellmarshall.com

HEENAN & COOK

John Heenan (pro hac vice)
Teague Westrope (pro hac vice)
1631 Zimmerman Trail
Billings, MT 59102
john@lawmontana.com
teague@lawmontana.com

MORGAN & MORGAN

John A. Yanchunis (pro hac vice)
Ryan Maxey (pro hac vice)
201 North Franklin Street, 7th Floor
Tampa, FL 33602
jyanchunis@forthepeople.com
rmaxey@forthepeople.com

MORGAN & MORGAN

Michael F. Ram (pro hac vice)
711 Van Ness Avenue, Suite 500
San Francisco, CA 94102-3275
mram@forthepeople.com

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Med-Data Hit with Class Action Over Data Breach Disclosed in Late March 2021](#)
