

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

IN RE: MOVEIT CUSTOMER DATA
SECURITY BREACH LITIGATION

This Document Relates To:

All Cases

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MDL No. 1:23-md-03083-ADB-PGL

MDL Order No. 12
(Direct Filing)

It is hereby ORDERED:

1. This Order is to eliminate delays associated with the transfer to this Court of cases filed in or removed to other federal district courts and to promote judicial efficiency. Any plaintiff whose case would be subject to transfer to this MDL proceeding may file his or her case directly in the United States District Court for the District of Massachusetts as related to the MDL in accordance with the procedures set forth in this Order.

2. Any complaint that is filed directly in the District of Massachusetts pursuant to this Order shall be deemed directly filed in the MDL and filed as a new civil action in the Court's electronic filing system. At the time of filing, the complaint shall bear the caption set forth in Paragraph 3(c) of this Order and be accompanied by a civil cover sheet and summons. The filing party shall use the origin code 8 on the civil cover sheet. The Clerk of Court is directed to assign

the action to the MDL Judge's docket. After review by the Clerk of Court's office, the case will be automatically consolidated for pretrial purposes in the MDL and listed as a Member Case.

3. The process for directly filing will be as follows:

a. MDL Order Nos. 2 and 6 apply to attorneys filing directly pursuant to this Order. For clarity, no parties in any individual case filed directly in this MDL proceeding shall be required to obtain local counsel in this District, and any attorney who appears in this matter in accordance with this Order shall be subject to the Local Rules of this Court, including its attorney discipline rules.

b. All plaintiffs directly filing in the MDL are required to pay the standard filing fee to initiate the case.

c. Any complaint directly filed in the MDL shall bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
MASSACHUSETTS**

IN RE: MOVEIT CUSTOMER DATA
SECURITY BREACH LITIGATION

This Document Relates To:

_____,

Plaintiff(s),

v.

_____,

Defendant(s).

MDL No. 1:23-md-03083-ADB-PGL

DIRECT FILED COMPLAINT [& JURY
DEMAND] PURSUANT TO MDL
ORDER NO. 12

CIVIL ACTION NO.

d. Any complaint filed directly in this MDL proceeding must (a) comport with the Federal Rules of Civil Procedure and any MDL Orders in this proceeding, (b) specifically allege the district court in which the plaintiff would have otherwise filed the case, absent this Order, and (c) specifically allege the jurisdictional and venue basis for filing in that other court. If any complaint fails to comply with this provision, the plaintiff will have 30 days after notification by any defendant to file an amended complaint to cure the defect. Failure to file an amended complaint that complies with this provision may result in the dismissal of the complaint without prejudice.

e. At the conclusion of pretrial proceedings, should the parties agree that (1) a case filed directly in this MDL proceeding should be transferred and (2) the case should be transferred to a particular district, the parties will jointly advise the Court of the district to which the case should be transferred. Absent agreement by the parties, this Court shall transfer direct-filed cases to the district where the plaintiff would have otherwise filed absent this Order, as specified in paragraph 3(d). For purposes of choice-of-law analysis, the specified district court shall be treated as if it were a transferor court.

f. Plaintiffs, through Co-Lead Counsel, and defendants shall have fourteen (14) days from the date the action is listed as a Member Case, pursuant to Paragraph 3, supra, to confer and object by motion to the inclusion of the case in the MDL. The party in favor of inclusion in the MDL shall then have three (3) days to file a response to any such objection. Failure to object as set forth herein shall constitute a waiver of any objection to inclusion of the case in the MDL for pretrial proceedings.

4. Except as provided in this Order, no direct filing shall operate to waive or otherwise limit any defendant's right with respect to file motions to dismiss or to transfer

based on improper venue, *forum non conveniens*, lack of personal jurisdiction, or the requirements of 28 U.S.C. § 1407(a) and *Lexecon, Inc. v. Milberg Weiss*, 523 U.S. 26 (1998).

5. The direct filing of a complaint in the MDL pursuant to this Order shall stop the running of any statute of limitations or prescriptive or preemptive period as if the complaint had been filed in an appropriate venue.

6. Defendants reserve all rights to move to dismiss or otherwise respond to any directly filed complaint, consistent with a schedule to be entered by the Court. Until further order of this Court, all complaints directly filed in the MDL, any tag along actions subsequently transferred, and all cases originally filed in this Court or transferred or removed to this Court for inclusion in the MDL, are deemed answered and denied, without waiver of any defense.

SO ORDERED.

March 28, 2024

/s/ Allison D. Burroughs
ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE