

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

IN RE: MOVEIT CUSTOMER DATA  
SECURITY BREACH LITIGATION

This Document Relates To:

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

ALL CASES

**MDL Order No. 13**

**(Case Management Order Regarding Briefing CAFA, Arbitration, Class Waiver, and  
Article III Standing Issues)**

The parties jointly proposed, and the Court hereby enters, the following case management order.

No memoranda supporting or opposing allowance of motions shall exceed 50 pages, double spaced. Replies and sur-replies, when permitted, shall not exceed 20 pages, double spaced. As discussed with the Court, for omnibus motions, the Parties may file appendices to support the arguments as to individual Plaintiffs or Defendants, which shall not count toward page limits. Any party seeking additional pages shall move for such no later than fourteen (14) days before the brief is due. Non-argumentative attachments, e.g., copies of contractual provisions, shall not count towards page limits.

Counsel are discouraged from moving for leave to file sur-replies; if counsel feels it absolutely necessary to do so, the motion must be filed within fourteen (14) days of the reply.

Events/deadlines referring to “an existing MDL complaint” mean complaints transferred to, or filed in, this MDL as of 30 days prior to that respective event/deadline (and not, e.g., as of the entry of this order). Defendants may, but are not required to, address in a motion a complaint

that is transferred to, or filed in, this MDL fewer than 30 days prior to that particular motion's deadline.

The following schedule shall apply:

Event	Deadline
Defendants provide Plaintiffs with requests for Plaintiffs' biographical information needed to assess whether to bring (1) motion to compel arbitration and/or enforce class waiver provisions or (2) CAFA motion.	Wednesday, May 1, 2024 (7 days after April 24 hearing)
Parties submit joint or competing protective orders limited to the biographical information requested by the defendants.	Friday, May 3, 2024 (3 days after receiving requests for biographical information)
Plaintiffs provide Defendants with requested biographical information and parties complete meet and confer process regarding (1) motion to compel arbitration and/or enforce class waiver provisions and (2) CAFA motion.	The later of Wednesday, May 8, 2024 or 14 days after the request is made (14 days after April 24 hearing)
Plaintiffs file amended complaint of common factual allegations. <sup>1, 2</sup>	Friday, May 24, 2024 (30 days after April 24 hearing)

<sup>1</sup> The parties' previous submission referred to this as "a set of common factual allegations that Plaintiffs contend are relevant to the standing analysis for all parties" and noted "[b]y agreeing to this process, Plaintiffs do not waive any procedural rights. Specifically, Plaintiffs reserve the right to amend in due course." ECF No. 851.

<sup>2</sup> Nothing in this submission, or any other submission, waives or modifies Defendants' right to object to or move to strike any improper allegations. Defendants do not concede that Plaintiffs' effort to preserve their "right to amend in due course" as set forth in footnote 1 means they are not bound by their allegations or the Court's ruling on the Motion to Dismiss based on

Event	Deadline
<p>Defendants in an existing MDL complaint shall file:</p> <ol style="list-style-type: none"> <li>1. A single joint motion to compel arbitration and/or enforce class waiver contractual provisions against any Plaintiff in an existing MDL complaint (“motion to compel arbitration”); and</li> <li>2. A single joint motion pursuant to Rule 12(b)(1) for a determination as to whether the Court has jurisdiction under CAFA (“CAFA motion”).</li> </ol> <p>Defendants shall address any unique Defendant issues as required, and attach relevant declarations and exhibits for the Court’s centralized review.</p>	<p>Monday, June 3, 2024</p> <p>(10 days after Plaintiffs file amended complaint of common factual allegations)</p>
<p>Plaintiffs file oppositions to CAFA motion and motion to compel arbitration.</p>	<p>Wednesday, July 3, 2024</p> <p>(30 days after Defendants file opening brief)</p>
<p>Defendants file replies in support of CAFA motion and motion to compel arbitration.</p>	<p>Friday, July 26, 2024</p> <p>(23 days after Plaintiffs file opposition)</p>

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lack of Article III jurisdiction. Similarly, Defendants do not concede that, after this first round of briefing on threshold issues, Plaintiffs may file a further amended complaint as of right without first seeking leave from the Court; nor do Defendants concede that they should be prohibited from raising any available defense in response to a further amended complaint.

Event	Deadline
Defendants file a single omnibus Rule 12(b)(1) motion to dismiss against any Plaintiff in an existing MDL complaint who allegedly lacks Article III standing (“Article III standing motion”), premised on existing complaints and the amended complaint of common factual allegations.	Tuesday, July 23, 2024 (60 days after amended complaint)
Plaintiffs file opposition to Defendants’ Article III standing motion.	Thursday, August 22, 2024 (30 days after Defendants file opening brief)
Defendants file reply in support of Article III standing motion.	Thursday, September 12, 2024 (21 days after Plaintiffs file opposition)

**SO ORDERED.**

April 25, 2024.

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