

**BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

IN RE PERRY JOHNSON & ASSOCIATES DATA BREACH LITIGATION	MDL DOCKET NO.
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**MOVANTS’ MOTION FOR TRANSFER AND CENTRALIZATION OF
RELATED ACTIONS TO THE DISTRICT OF NEVADA PURSUANT TO
28 U.S.C. § 1407 FOR CONSOLIDATED PRETRIAL PROCEEDINGS**

Pursuant to 28 U.S.C. § 1407 and Rule 6.2 of the Rules of Procedure of the Judicial Panel of Multidistrict Litigation, Movants¹ respectfully request that the Judicial Panel on Multidistrict Litigation (“the Panel”) enter an order consolidating and transferring all actions arising from the Perry Johnson and Associates (“PJ&A”) data breach and identified in the Schedule of Actions (the “Related Actions”), as well as any subsequently filed related claims (“tag along cases”). As of the filing of this Motion, there are currently twenty-six (26) filed cases pending in two (2) federal jurisdictions with many more actions anticipated. Each case involves class action allegations involving similar facts and claims and raising common questions of law.

Transfer for pretrial consolidation and coordination is proper and necessary for the following reasons:

1. Pursuant to 28 U.S.C. § 1407, “when civil actions involving one or more common questions of fact are pending in different districts,” the Panel is empowered to transfer the actions

¹ Movants include Plaintiffs in the following related matters: *Gill v. Perry Johnson & Associates, Inc. et al.*, 2:23-cv-1851 (Dist. of NV); *Lowery v. Northwell Health, Inc.*, 2:23-cv-1857 (Dist. of NV); *Levitt v. Northwell Health, Inc. et al.*, 2:23-cv-1892 (Dist. of NV); *Shanahan et al v. Perry Johnson & Associates*, 2:23-cv-01947 (Dist. of NV).

“to any district for coordinated or consolidated pretrial proceedings” in the event the Panel determines a transfer “will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of [the] actions.” 28 U.S.C. § 1407(a).

2. These actions allege numerous causes of action related to a data breach involving the computer systems and data security of a common defendant, Perry Johnson and Associates, Inc.

3. There are currently twenty-six (26) cases pending in two (2) separate jurisdictions and given the scope of impact on more than 8.9 million consumers many more filings are anticipated.

4. Each of these actions arise out of the same or similar nucleus of operative facts and all arise out of the same or similar alleged conduct.

5. Each of these actions will involve the resolution of the same or similar questions of fact and law, as they all arise from PJ&A same or similar wrongful conduct.

6. Centralization will eliminate duplicate discovery, prevent inconsistent pretrial rulings, and promote judicial efficiency. In particular, centralization will allow the parties to coordinate document discovery and to coordinate a single set of depositions of key witnesses, and allow one court to manage the discovery disputes and address common questions of law.

7. PJ&A is incorporated in the State of Nevada, and the District of Nevada has the most pending matters. Movants request that these be centralized in the District of Nevada before Judge Boulware who has substantial experience presiding over data breach litigation and has been assigned eight (8) of the currently pending matters, or Judge Cristina Silva who has been assigned five (5) actions including the first filed action.

WHEREFORE, Movants respectfully request that the actions noted on the accompanying Schedule of Actions be transferred to the District of Nevada for consolidation and coordinated pre-trial proceedings.

Dated: December 8, 2023

Respectfully submitted,

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