

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ST. LAWRENCE**

CLAXTON-HEPBURN MEDICAL CENTER,)
INC., CARTHAGE AREA HOSPITAL, and)
NORTH COUNTRY ORTHOPAEDIC GROUP,)
P.C.,)

Index No.:

Plaintiffs,

Summons

vs.

**EMERGENCY CYBER
SECURITY BREACH**

JOHN DOE)
Address Unknown)

Date Purchased: November 29,
2023

and)

JANE DOE)
Address Unknown,)

Defendants.

To the above named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

The basis of venue is CPLR 503, which is proper based on the address of Plaintiff in St. Lawrence County.

Dated: November 29, 2023

/s/ Harris S. Freier
GENOVA BURNS, LLC
Harris S. Freier
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115 Broadway, 15th Floor
New York, NY 10006

973-230-2079

*Attorneys for Plaintiffs, Claxton-Hepburn Medical
Center, Inc., Carthage Area Hospital and North
Country Orthopedic Group*

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COMPLAINT

vs.)

**EMERGENCY CYBER
SECURITY BREACH**

JOHN DOE)
Address Unknown)

and)

JANE DOE)
Address Unknown,)

Defendants.)

Plaintiffs, CLAXTON-HEPBURN MEDICAL CENTER, INC., CARTHAGE AREA HOSPITAL, and NORTH COUNTRY ORTHOPAEDIC GROUP, P.C. (hereinafter respectively “Claxton,” “Carthage,” and “North Country,” collectively “the Hospital Group”), by and through their undersigned attorneys, as for its complaint against Defendants John Doe and Jane Doe, hereby allege as follows:

Nature of the Case

1. Introductory Statement. This action arises out of a recent cyberattack and data breach (“Data Breach”) that was perpetrated against the Hospital Group. As part of their regular business practices, the Hospital Group collects and is entrusted with sensitive personal information, an unknown quantity of which was compromised and unlawfully accessed due to the Data Breach. The sensitive personal information compromised in the Data Breach, included names, addresses, dates of birth, financial information, social security numbers, health insurance

information, and other personally identifying and protected health information, as defined by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) (collectively “the Stolen Data”), was targeted and exfiltrated by cyber-criminals and remains in the hands of those cyber-criminals and their servers. As a result of the Data Breach, the Hospital Group suffered concrete injury, including, but not limited to: (i) invasion of privacy; (ii) lost or diminished value; (iii) lost opportunity costs associated with attempting to mitigate the actual consequences of the Data Breach, including but not limited to lost time; (iv) loss of benefit of the bargain; and (v) the continued and certainly increased risk to their information, which: (a) remains available for unauthorized third parties to access and abuse; and (b) remains in Defendants’ possession and is subject to further unauthorized disclosures so long as Defendants possess the information.

Parties, Jurisdiction, and Venue

2. The Hospital Group. Claxton, Carthage and North Country are corporations incorporated and/or licensed to operate in the State of New York.

3. The Defendants. Defendants John Doe and Jane Doe (“Defendants”) conspired to carry out the complex cybercrime and movement of stolen assets more fully described below. The identity of the Defendants is currently unknown, as they have perpetrated the subject scheme in secrecy and utilizing the Worldwide Web. Defendants are named herein as unknown parties pursuant to NY CPLR § 1024.

4. Venue. North Star Health Alliance, Inc., the parent organization of the Hospital Group entities, and Claxton Hepburn Medical Center, whose patient information was exfiltrated, are located in St. Lawrence County, New York,. Pursuant to NY CPLR § 503, venue is proper in St. Lawrence County, New York.

5. As a result of the Data Breach, on or about August 31, 2023, Defendants were able

to gain access to the IT infrastructure of the the Hospital Group and to transfer the stolen data to a cloud server owned and operated by *Wasabi Technologies, Inc.* (hereinafter “Wasabi”), which has its corporate offices at 111 Huntington Avenue, Boston, Massachusetts 02199.

6. Discovery of the Fraud. Subsequently, the Hospital Group discovered the Data Breach and took action to request a return of the Stolen Data from Wasabi, notify the authorities, and otherwise mitigate the damages.

COUNT I – INJUNCTIVE RELIEF

7. The Hospital Group realleges and readopts paragraphs 1 through 6 above as if fully set forth herein.

8. The Hospital Group requires injunctive relief against the Defendants and other entities, preventing the access, transfer or duplication of the Stolen Data and requiring that, after the Stolen Data is returned to the Hospital Group, all other copies of the Stolen Data be destroyed. Upon Information and belief, Wasabi has already provided copies of the stolen data to the FBI.

9. The Hospital Group lacks a plain, speedy, and adequate remedy at law to mandate that the Stolen Data be protected and to prevent the fraudulent and unlawful proliferation and/or use of the Stolen Data.

10. Injunctive relief is the necessary, appropriate remedy to ensure that the Stolen Data be protected and to prevent the fraudulent and unlawful proliferation and/or use of the Stolen Data.

11. The Hospital Group is likely to succeed on the merits, the balance of equities favors The Hospital Group, and injunctive relief is in the public interest.

WHEREFORE, The Hospital Group respectfully requests that the Court enter an order for injunctive relief:

- a) preventing the access, transfer or duplication of the stolen data;

- b) requiring that the stolen data be returned to the Hospital Group,
- c) requiring that all other copies of the stolen Data be destroyed; and,
- d) such further relief as this Court deems just and appropriate under the circumstances.

Dated: November 29, 2023

Respectfully submitted,

/s/ Harris S. Freier

GENOVA BURNS, LLC

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