

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

IN RE: BLACKBAUD, INC.,
CUSTOMER DATA BREACH
LITIGATION

Case No.: 3:20-mn-02972-JFA

ORDER

This matter comes before the Court on Plaintiffs’ Motion to Stage Class Certification Briefing. (ECF No. 283). During this Court’s case management conference on November 3, 2022, Plaintiffs proposed this Court institute a “bellwether” or phased approach to class certification. This Court instructed Plaintiff to file a Motion with their proposed plan for briefing and Defendant to file a Response with their respective proposal.

On November 10, 2022, Plaintiffs filed the instant Motion proposing the parties engage in class certification briefing on the following claims: (1) Negligence and Gross Negligence, (2) California’s Consumer Privacy Act, Cal. Civil Code Section § 1798.150, et seq. (“CCPA”); (3) California’s Medical Information Act, Cal. Civil Code. Section § 56.06, et seq. (“CMIA”); (4) New York’s General Business Law § 349 (“NY GBL”); and the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. Ann. § 501.201, et seq. (“FDUTPA”). (ECF No. 283).

On November 17, 2022, Defendant filed its Response which opposed Plaintiffs’ entire suggested plan for briefing on class certification. (ECF No. 284). However, if this Court were inclined to adopt such plan, Defendant requested this Court order the parties to brief the following claims for class certification on behalf of the nationwide class:

(1) Negligence and Gross Negligence; (2) Declaratory Judgment; and (3) Invasion of Privacy.

After careful consideration, Plaintiffs' Motion is granted in part and denied in part. (ECF No. 283). Plaintiffs' shall brief the following subset of claims in their class certification motion:

- (1) Negligence and Gross Negligence;
- (2) Invasion of Privacy;
- (3) California Consumer Privacy Act, Cal. Civil Code § 1798.100, *et seq.*;
- (4) California Confidentiality of Medical Information Act, Cal. Civil Code § 56, *et seq.*;
- (5) Florida's Deceptive and Unfair Trade Practices Act, Fla. Stat. Ann. § 501.201, *et seq.*;
- (6) New York's General Business Law § 349.

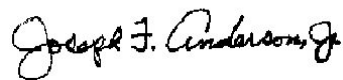
The case management order (ECF No. 258) previously entered by this Court on June 2, 2022, includes a briefing schedule which is still in effect and will govern the timing for the parties' briefs on the instant issue of class certification. Further, as to the common law claims of Negligence, Gross Negligence, and Invasion of Privacy against the nationwide class, this Court has previously ruled that Massachusetts law shall apply. (ECF No. 265).

Finally, litigation will continue as to this subset of claims. The remainder of Plaintiffs' claims asserted in the Amended Complaint (ECF No. 194) shall be stayed until these claims are resolved.

Therefore, Plaintiffs' Motion is granted in part and denied in part. (ECF No. 283).

IT IS SO ORDERED.

November 21, 2022
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge