

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

JOHN DOE, on behalf of his minor child JACK
DOE, and on behalf of others similarly situated,

Plaintiff,

v.

FRED HUTCHINSON CANCER CENTER;
UNIVERSITY OF WASHINGTON SCHOOL
OF MEDICINE; UW MEDICAL CENTER;
HARBORVIEW MEDICAL CENTER;
VALLEY MEDICAL CENTER; UW
PHYSICIANS; UW NEIGHBORHOOD
CLINICS(d/b/a UW MEDICINE PRIMARY
CARE); AIRLIFT NORTHWEST; and
CHILDREN’S UNIVERSITY MEDICAL
GROUP,

Defendants.

NO. 2:23-cv-01893-JHC

**ORDER GRANTING JOINT
MOTION TO CONSOLIDATE
RELATED CASES**

ROBERT AYERS, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

FRED HUTCHINSON CANCER CENTER,

Defendant.

NO. 2:23-cv-01916-JHC

1 JONATHAN HUNTER, individually and on
2 behalf of all others similarly situated,

NO. 2:23-cv-01988-JHC

3 Plaintiff,

4 v.

5 FRED HUTCHINSON CANCER CENTER, a
6 Washington Nonprofit Corporation,

7 Defendant.

8 GARY HOLZ, JOEL GUAY, and GLORIA
9 MONCRIEF, individually and on behalf of all
10 others similarly situated,

NO. 2:23-cv-01998-JHC

11 Plaintiff,

12 v.

13 FRED HUTCHINSON CANCER CENTER, a
14 Washington Nonprofit Corporation,

15 Defendant.

16 This matter comes before the Court on Plaintiffs' Unopposed Joint Motion to
17 Consolidate. (Dkt. No. 5.) The plaintiffs in four different actions filed against Defendant Fred
18 Hutchinson Cancer Center ask the Court to consolidate all four into a single action. Having
19 reviewed the Motion and all supporting materials, and having noted the lack of any opposition,
20 the Court GRANTS the Motion and ORDERS that the above-captioned cases be consolidated
21 for all purposes.

22 1. Under Rule 42(a), the Court may consolidate cases that involve common
23 questions of law or fact. Fed. R. Civ. P. 42(a). The Court enjoys broad discretion in making this
24 determination. *Pierce v. County of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008); *see also*
25 *Pedraza v. Alameda Unified Sch. Dist.*, 676 Fed. App'x 704, 706 (9th Cir. 2017). When
26 determining whether a motion to consolidate should be granted, this Court typically weighs
several factors, including considerations of "judicial economy, whether consolidation would

1 expedite resolution of the case, whether separate cases may yield inconsistent results, and the
2 potential prejudice to a party opposing consolidation.” *Pecznick v. Amazon.com, Inc.*, No. 2:22-
3 cv-00743, 2022 WL 4483123, at *3 (W.D. Wash. Sept. 27, 2022); *see also* 9 Charles Alan
4 Wright & Arthur R. Miller, *Federal Practice and Procedure: Civil* § 2383 (3rd ed. 2020).

5 2. Consolidation is appropriate here given that the four actions present common
6 questions of law and fact and there are substantial efficiencies to be gained. All four actions
7 concern the same data breach resulting from a cyber-attack on Fred Hutchinson Cancer Center.
8 And plaintiffs pursue the same or similar causes of action against Fred Hutchinson Cancer
9 Center on behalf of overlapping proposed classes. Consolidation for all purposes will further
10 conserve party and judicial resources. Fred Hutchinson has not voiced any opposition, and the
11 Court is unaware of any inconvenience, delay, confusion, or prejudice that may result from
12 consolidation. As such, the Court GRANTS the Motion and consolidates all four actions.

13 3. All filings in this consolidated action shall be filed on the docket of the first-
14 filed case (2:23-cv-01893) and use the following caption: *In re Fred Hutchinson Cancer Center*
15 *Data Security Litigation*.

16 4. Any action subsequently filed in, transferred to, or removed to this Court that
17 arises out of the same or similar operative facts as the Consolidated Action, shall be
18 consolidated with the Consolidated Action for pre-trial purposes. The Parties shall file a Notice
19 of Related Action whenever a case that should be consolidated into this action is filed in,
20 transferred to, or removed to this District.


- 21 5. If the Court determines that the case is related, the clerk shall:
- 22 a. Place a copy of this Order in the separate filed for such action;
 - 23 b. Serve on Plaintiffs’ counsel in the new case a copy of the Order;
 - 24 c. Direct that this Order be served upon Defendant(s) in the new case; and
 - 25 d. Make appropriate entry in the Master Docket.
- 26

1 6. Plaintiffs shall confer and propose a schedule for filing a Consolidated Amended
2 Complaint no later than ten (10) days following the entry of this Order.

3 7. This Order shall apply to the above-captioned matters, any subsequently
4 consolidated action, any actions consolidated with the above-captioned matters, and any actions
5 filed in or transferred or removed to this Court relating to the fact and the data breach
6 underlying this litigation.

7
8 **IT IS SO ORDERED.**

9 DATED: January 5, 2024

10 
11 _____
12 THE HONORABLE UNITED STATES
13 DISTRICT COURT JUDGE FOR THE
14 WESTERN DISTRICT OF WASHINGTON

15 Presented By:

16 TOUSLEY BRAIN STEPHENS PLLC

17 By: s/ Kim D. Stephens, P.S.
18 Kim D. Stephens, P.S., WSBA #11984
19 Cecily C. Jordan, WSBA #50061
20 1200 Fifth Avenue, Suite 1700
21 Seattle, WA 98101
22 Telephone: 206-682-5600
23 Facsimile: 206-682-2992
24 kstephens@tousley.com
25 cjordan@tousley.com

26 James J. Pizzirusso*
HAUSFELD LLP
888 16th Street N.W.
Suite 300
Washington, D.C. 20006
(202) 540-7200
jpizzirusso@hausfeld.com

Steven M. Nathan*
HAUSFELD LLP
33 Whitehall Street
Fourteenth Floor
New York, NY 10004
(646) 357-1100
snathan@hausfeld.com

1 Ashley M. Crooks*
2 HAUSFELD LLP
3 33 Whitehall Street
4 Fourteenth Floor
5 New York, NY 10004
6 (646) 357-1100
7 acrooks@hausfeld.com

8 *Attorneys for Plaintiff Hunter and the Proposed Class*

9 TURKE & STRAUSS LLP

10 By: s/ Samuel J. Strauss
11 Samuel J. Strauss, WSBA #46971
12 Raina Borrelli*
13 613 Williamson St., Suite 201
14 Madison, Wisconsin 53703-3515
15 Telephone: (608) 237-1775
16 Facsimile: (608) 509 4423
17 sam@turkestrauss.com

18 *Attorneys for Plaintiff Doe and the Proposed Class*

19 Brian C. Gudmundson*
20 Charles R. Toomajian*
21 Michael J. Laird*
22 ZIMMERMAN REED LLP
23 1100 IDS Center
24 80 South 8th Street
25 Minneapolis, MN 55402
26 Telephone: (612) 341-0400
brian.gudmundson@zimmreed.com
charles.toomajian@zimmreed.com
michael.laird@zimmreed.com

Attorneys for Plaintiff Ayers and the Proposed Class

1 EMERY REDDY, PLLC

2 By: s/ Timothy W. Emery

3 Timothy W. Emery, WSBA #34078

4 Patrick R. Reddy, WSBA #34092

5 600 Stewart Street, Suite 1100

6 Seattle, WA 98101

7 Phone: (206) 442-9106

8 Fax: (206) 441-9711

9 Email: *emeryt@emeryreddy.com*

10 Email: *reddyp@emeryreddy.com*

11 M. Anderson Berry*

12 Gregory Haroutunian*

13 Brandon P. Jack*

14 CLAYEO C. ARNOLD

15 A PROFESSIONAL CORPORATION

16 865 Howe Avenue

17 Sacramento, CA 95825

18 Telephone: 916.239.4778

19 Fax: 916.924.1829

20 *aberry@justice4you.com*

21 *gharoutunian@justice4you.com*

22 *bjack@justice4you.com*

23 Gary M. Klinger*

24 MILBERG COLEMAN BRYSON

25 PHILLIPS GROSSMAN LLC

26 227 W. Monroe Street, Suite 2100

Chicago, IL 60606

Phone: (866) 252-0878

gklinger@milberg.com

Attorneys for Plaintiffs Holtz, Guay, and Moncrief and the Proposed Class

**pro hac vice forthcoming*