



information, and treating physician information, collectively known as Personally Identifiable Information (“PII” or “Private Information”).

2. This class action is brought on behalf of patients whose sensitive PII was stolen by cybercriminals in a cyber-attack that accessed sensitive patient information through BioPlus’s services on or around October 25, 2021 (the “Data Breach”).

3. The Data Breach affected at least 350,000 individuals from BioPlus’s services.

4. BioPlus reported to Plaintiffs that information compromised in the Data Breach included their PII.

5. Plaintiffs were not notified until December of 2021, nearly three months after their information was first accessed.

6. As a result of the Data Breach, Plaintiffs and other Class Members will experience various types of misuse of their PII in the coming years, including but not limited to unauthorized credit card charges, unauthorized access to email accounts, and other fraudulent use of their financial accounts.

7. Defendant’s security failures enabled the hackers to steal the Private Information of Plaintiffs and other members of the class—defined below. These failures put Plaintiffs’ and other Class Members’ Private Information at a serious, immediate, and ongoing risk. Additionally, Defendant’s failures caused costs and

expenses associated with the time spent and the loss of productivity from taking time to address and attempt to ameliorate the release of personal data, as well as emotional grief associated with constant monitoring of personal banking and credit accounts. Mitigating and dealing with the actual and future consequences of the Data Breach has also created a number of future consequences for Plaintiffs and Class Members—including, as appropriate, reviewing records of fraudulent charges for services billed but not received, purchasing credit monitoring and identity theft protection services, the imposition of withdrawal and purchase limits on compromised accounts, initiating and monitoring credit freezes, the loss of property value of their personal information, and the stress, nuisance, and aggravation of dealing with all issues resulting from the Data Breach.

8. Plaintiffs and Class Members suffered a loss of the property value of their Private Information when it was acquired by cyber thieves in the Data Breach. Numerous courts have recognized the propriety of the loss of the property value of personal information in data breach cases.

9. There has been no assurance offered from BioPlus that all personal data or copies of data have been recovered or destroyed. BioPlus offered one free year of Experian IdentityWorks's Credit 3B monitoring services, which does not guarantee the security of Plaintiffs' information. To mitigate further harm, Plaintiffs

chose not to disclose any more information to receive services connected with BioPlus.

10. Accordingly, Plaintiffs assert claims for negligence, breach of contract, breach of implied contract, and breach of fiduciary duty, as well as a claim for declaratory relief.

### **PARTIES, JURISDICTION, AND VENUE**

#### **A. Plaintiff Wendy Bryan**

11. Plaintiff Wendy Bryan is a citizen of New Jersey and brings this action in her individual capacity and on behalf of all others similarly situated. Ms. Bryan has resided in the state of New Jersey for nearly fifty years and owns a home within the state. Ms. Bryan intends to remain in New Jersey indefinitely.

12. Ms. Bryan used BioPlus's services in 2021 when she had a specialty prescription filled through her doctor's office. To receive services at BioPlus, Plaintiff Bryan was required to disclose her PII, which was then entered into BioPlus's database and maintained by Defendant. In maintaining her information, Defendant expressly and impliedly promised to safeguard Plaintiff Bryan's PII. Defendant, however, did not take proper care of Ms. Bryan's PII, leading to its exposure as a direct result of Defendant's inadequate security measures. In December of 2021, Plaintiff Bryan received a notification letter from Defendant stating that her sensitive PII was taken.

13. The letter also offered one year of credit monitoring through Experian's IdentityWorks Credit 3B monitoring, which was and continues to be ineffective for Bryan and other Class Members. The Experian credit monitoring would have shared Ms. Bryan's information with third parties and could not guarantee complete privacy of her sensitive PII.

14. In the months and years following the Data Breach, Ms. Bryan and the other Class Members will experience a slew of harms as a result of Defendant's ineffective data security measures. Some of these harms will include fraudulent charges, medical procedures ordered in patients' names without their permission, and targeted advertising without patient consent.

15. Plaintiff Bryan greatly values her privacy, especially in receiving medical services, and would not have paid the amount that she did for pharmacy services if she had known that her information would be maintained using inadequate data security systems.

**B. Plaintiff Patricia White**

16. Plaintiff Patricia White is a citizen of Connecticut and brings this action in her individual capacity and on behalf of all others similarly situated. Ms. White has resided in Connecticut for her entire life, has a registered automobile in the state of Connecticut, and has been a member of local civic groups in the state of

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