

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

<p>CRYSTAL HULLET, on behalf of herself and all others similarly situated,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>BIOPLUS SPECIALTY PHARMACY SERVICES, LLC,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No.</p> <p><b><u>CLASS ACTION COMPLAINT</u></b></p> <p style="text-align: center;"><b>JURY TRIAL DEMANDED</b></p>
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Plaintiff, Crystal Hullet (“Ms. Hullet” or “Plaintiff”), through her attorneys, brings this Class Action Complaint against the Defendant, BioPlus Specialty Pharmacy Services, LLC (“BioPlus” or “Defendant”), alleging as follows:

**INTRODUCTION**

1. BioPlus, a pharmacy provider servicing over 350,000 patients throughout the United States, lost control over patients’ highly sensitive medical and personal information in a data breach by cybercriminals (“Data Breach”). The Data Breach compromised the personally identifiable information (“PII”) and personal health information (“PHI”) of every patient in its system, meaning all patients are at risk of identity theft and harm. Cybercriminals could steal patient

data because BioPlus did not adequately protect and secure patient PII and PHI, leaving the data an unguarded target for theft and misuse. Ms. Hullet was a victim of the Data Breach and brings this Class Action on behalf of herself and all patients harmed by BioPlus's conduct.

2. On November 11, 2021, BioPlus learned that cybercriminals had breached its data systems and potentially accessed all patients' PII and PHI. BioPlus internally investigated the breach over the next month but failed to identify exactly what the cybercriminals stole and from which patients. But the investigation did reveal that hackers started accessing BioPlus's data systems on October 25, 2021, over two weeks before BioPlus identified the Data Breach.

3. Due to BioPlus's inability to detect and prevent the Data Breach earlier, cybercriminals had access to patients' highly sensitive PII and PHI, including patient "name, address, date of birth, Social Security number, medical record number, current/former member ID number, claims information, diagnosis and/or prescription information."

4. BioPlus's inability to safeguard patients' highly sensitive PII and PHI and determine the scale of the Data Breach violates Florida law and Biolife's implied contract with patients to safeguard their PII and PHI.

5. Ms. Hullet and class members face a lifetime risk of identity theft due to the nature of the information lost, including patients' dates of birth and Social

Security numbers, which they cannot change.

6. BioPlus's harmful conduct has injured Ms. Hullet and class members in multiple ways, including: (i) the lost or diminished value of their PII and PHI; (ii) costs associated with the prevention, detection, and recovery from identity theft, tax fraud, and other unauthorized use of their data; (iii) lost opportunity costs to mitigate the Data Breach's consequences, including lost time; and (iv) emotional distress associated with the loss of control over their highly sensitive PII and PHI.

7. BioPlus's failure to protect patients' PII and PHI violates Florida law and harms hundreds of thousands of patients, causing Ms. Hullet to seek relief on a class wide basis.

### **PARTIES**

8. Plaintiff, Crystal Hullet, is a natural person and resident of North Carolina.

9. BioPlus is a limited liability company registered to do business in Florida with headquarters at 376 Northlake Blvd., Alamonte Springs, Florida 32701. On information and belief, BioPlus has two manager members, Stephen C. Vogt and Stephen H. Garner, who have listed addresses at 376 Northlake Blvd., Alamonte Springs, Florida 32701. On information and belief, BioPlus also has an "authorized" member, BioPlus Parent, LLC, with an address at 50 Kennedy Plaza,

12<sup>th</sup> Floor, Providence, Rhode Island 02903.

### **JURISDICTION & VENUE**

10. This Court has subject matter and diversity jurisdiction over this action under 28 U.S.C. § 1332(d) because this is a class action in which the amount in controversy exceeds \$5 million, exclusive of costs and interest, there are more than 100 members in the proposed class, and at least one class member is a citizen of a different state than BioPlus, establishing minimal diversity.

11. This Court has personal jurisdiction over BioPlus because it is organized in Florida and its headquarters is in Alamonte Springs, Florida.

12. Venue is proper in this Court under 28 U.S.C. §§ 1391 because a substantial part of the alleged wrongful conduct and events giving rise to the claims occurred in this District and because BioPlus conducts business in this District.

### **FACTUAL ALLEGATIONS**

#### **A. BioPlus**

13. BioPlus provides drugs that treat cancer, infusion, multiple sclerosis, hepatitis C, and complex chronic conditions, boasting itself as the “first and only independent, national specialty pharmacy[.]” On information and belief, BioPlus has over 350,000 current and former patients.

14. In exchange for its services, BioPlus requires its patients to provide

their highly sensitive PII and PHI, including their name, address, date of birth, Social Security number, medical record number, current/former member ID number, claims information, diagnosis and/or prescription information.

15. BioPlus promises to safeguard patients' PII and PHI as part of its services, providing patients its "Notice of Protected Health Information Practices and Privacy Statement" ("Privacy Notice").

16. The Privacy Notice explains how BioPlus collects patient data as part of its services:

#### **How We Collect Information**

BioPlus and its employees collect data to serve patients through a variety of means including but not necessarily limited to physician input of information into the TAP App, medical records, phone calls, emails, and voice mails. The information is allowed to be collected and shared either because the patient has signed a HIPAA compliant authorization release, or because the exchange or sharing of the information is excepted from HIPAA restrictions.

17. BioPlus's Privacy Notice recognizes BioPlus's duty to secure and maintain patient PII and PHI and use it only in delivering BioPlus's services:<sup>1</sup>

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<sup>1</sup> See BioPlus's Privacy Notice, <https://bioplusrx.com/privacy-policy/> (last visited January 4, 2021).

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