

RACKSPACE LITIGATION UPDATE 12.15.22

Thank you for contacting us about the Rackspace data breach and the class action we filed. For your reference, the amended multi-state Complaint is viewable on our website at: <https://colevannote.com/wp-content/uploads/Complaint-Rackspace-Final.pdf>

Communication Regarding the Lawsuit

Last week, the Court ordered that our law firm serve as lead class counsel, meaning we are making all decisions regarding the lawsuit. This also means we will be providing updates from time to time about important events that may affect you and other impacted consumers.

The Amended Complaint

On December 13, 2022, we filed an amended Complaint, which includes nationwide claims as well as state-specific charges for 18 states. The amended Complaint is led by “representative” plaintiffs from each of these states. In choosing those particular plaintiffs, we were forced to make choices based on various factors such as (1) when we received their retainer agreements, (2) whether others from their respective States were already available to serve as representatives, (3) whether their damages and experiences were outliers (i.e., significantly different from other claimants) and so forth. Not being included in this version of the Complaint as a State representative has little, if any, practical effect to you (i.e., if you are not chosen) since we have brought the action as a nationwide class action, meaning we intend to represent the interests of everyone—nationwide. If you were not chosen as a representative, there is nothing further you need to do at this time, except to retain all documentation in your possession regarding your contracts for services with Rackspace and information regarding damages arising out of this security incident. If you were chosen as a representative, you should also maintain this information, and we will be in touch shortly to discuss how to transmit that information to us.

Foreign Persons/Businesses

We received requests for representation from individuals and businesses in the U.K., Canada and other nations. At this time, our firm is not representing individuals located and/or doing business outside of the United States. As such, unless you are a U.S. resident or operate U.S.-based business, we cannot advise you regarding what to do. For foreign citizens/businesses, if you choose to seek representation elsewhere, we simply ask that you contact us first to discuss how that choice might interplay with the case already pending.

Rackspace’s Response to the Litigation

As you might expect, we have reached out to Rackspace to inform it of this litigation and to open a dialogue about what it intends to do to provide compensation for affected individuals/businesses. For reasons which might also be obvious, it appears the company is unwilling to respond at this point and is, undoubtedly, discussing this matter with its own legal counsel to determine the best path forward. We are also reaching out to the Attorneys General of each state in the country to keep those offices updated. It is unknown at this time how each intends to respond.

We understand each of you was substantially impacted by Rackspace’s negligence and assure you everything is being done to provide a remedy. Thank you for your interest in this important case, and I’d be remiss in not encouraging you to contact us if you receive a notice of data breach arising out of these events and/or ones from any other companies.