

CLASS ACTION DATA BREACH WRIT ARGUMENT HELD IN THIRD DISTRICT

Press Release

23, June 2014

June 23, 2014 – [Rob Bunzel](#) argued for client Sutter Health, in a large data breach case now in the Third District Court of Appeal in Sacramento. The appeal stems from 14 coordinated class actions brought against Sutter following the 2011 theft of a Sutter computer with a database related to 4.2 million patients. Mr. Bunzel argued to the panel that no relief should be available to the class in the absence of plaintiff medical information being actually viewed by a third party, and that the inherently personal nature of medical privacy renders class actions improper. In January 2013, the Court of Appeal had issued an extraordinary alternative writ, as requested by the firm for Sutter, which stayed all activity in the massive case so the Court of Appeal could first determine if a claim is stated under the California Confidentiality of Medical Information Act (CMIA). Plaintiffs seek \$1,000 per class member in CMIA statutory damages. A merits decision on the writ should issue in the next 90 days, with a potential significant impact on other pending CMIA class actions. [View PDF copy](#) of the article. Attorneys [Mike Abraham](#), Bill Edlund, Simon Goodfellow and Zaneta Butscher and paralegal Dana Marie Knapp have assisted in this case.

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