

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: THE UNIVERSITY OF PHOENIX, INC.
DATA BREACH LITIGATION**

MDL No. _____

**BRIEF IN SUPPORT OF PLAINTIFFS MARI SOLIZ, DENISE RICO, STEPHANIE
HILL, AND HAILEY WALLER'S MOTION FOR TRANSFER AND CONSOLIDATION
OF ACTIONS PURSUANT TO 28 U.S.C. § 1407 TO THE DISTRICT OF ARIZONA**

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Pursuant to 28 U.S.C. § 1407 and the United States Judicial Panel on Multidistrict Litigation (“JPML” or “Panel”) Rule 6.2**Error! Bookmark not defined.**, Plaintiffs Mari Soliz, Denise Rico, Stephanie Hill, and Hailey Waller (“Plaintiffs”)¹ respectfully submit this brief in support of the motion for an Order from the Panel transferring and consolidating the currently-filed cases listed in the attached Schedule of Actions (collectively, “the Actions”),² as well as any cases subsequently filed involving similar facts or claims (“tag-along cases”) to the U.S. District Court for the District of Arizona for pretrial proceedings.

I. INTRODUCTION

This litigation concerns a data breach that occurred at Defendant The University of Phoenix, Inc. (“University of Phoenix” or “Defendant”)—one of a least a hundred *separate* data breaches perpetrated by Russian threat-actor group Cl0p between at least July and November 2025. Seizing on vulnerabilities in specific versions of Oracle’s E-Business Suite (“EBS”) software, these hackers exfiltrated different data from hundreds of companies’ systems around the world—from the U.S. to Saudi Arabia—operating in a wide range of industries, including manufacturing, electronics, transportation, fashion, and as reflected in this action, education. On

¹ Plaintiffs in the following two Actions: *Mari Soliz and Denise Rico v. The University of Phoenix, Inc.*, No. 2:25-cv-04522 (D. Ariz. Dec. 4, 2025) (“*Soliz*”) and *Stephanie Hill and Hailey Waller v. The University of Phoenix, Inc.*, No. 2:25-cv-04936 (D. Ariz. Dec. 23, 2025) (“*Hill*”).

² See, e.g., (1) *Soliz*; (2) *Hill*); (3) *Meshweida Carter v. The University of Phoenix, Inc.*, No. 5:26-cv-00401 (C.D. Cal. Jan. 29, 2026) (“*Carter*”); (4) *Chaka Theus v. The University of Phoenix, Inc.*, No. 2:26-cv-01151 (C.D. Cal. Feb. 4, 2026) (“*Theus*”); (5) *Mark Peterson v. The University of Phoenix, Inc. and Oracle Corporation*, No. 1:25-cv-01915 (W.D. Tex. Nov. 25, 2025) (“*Peterson*”); (6) *Sarah Brumwell, Cindy Clark, Matt Culpepper, Steve Landes, Kimberley Madsen-Price, Stacy Ranson, Dawn Stratton, and April Watts v. Oracle Corporation, Emerson Electric, Co., Integra Lifesciences Corporation, Canon U.S.A., Inc., The University of Phoenix, Inc., Abbott Laboratories, WP Company LLC d/b/a The Washington Post, Michelin North America, Inc., Logitech Inc., and Humana, Inc.*, No. 1:25-cv-01980 (W.D. Tex. Dec. 4, 2025); (7) *Linda Curlee v. Oracle Corporation and University of Phoenix, Inc.*, No. 1:25-cv-01999 (W.D. Tex. Dec. 5, 2025) (“*Curlee*”); (“*Brumwell*”); (8) *Yammarii Long, Jose Guardado, and Nicole Hughes v. Oracle Corporation, LKQ Corporation, and The University of Phoenix, Inc.*, No. 1:25-cv-02072 (W.D. Tex. Dec. 18, 2025) (“*Long*”); (9) *Tiaa Pointer v. The University of Phoenix, Inc., Phoenix Education Partners, Inc., and Oracle Corporation*, No. 1:26-cv-00009 (W.D. Tex. Jan. 5, 2026) (“*Pointer*”); (10) *Sarah Clark v. The University of Phoenix, Inc. and Oracle Corporation*, No. 1:26-cv-00184 (W.D. Tex. Jan. 26, 2026) (“*Clark*”); see also Schedule of Actions, Exhibits A – K (Complaints and Docket Sheets).

December 2, 2025, Defendant’s parent corporation, Phoenix Education Partners, Inc., filed an 8-K with the U.S. Securities and Exchange Commission announcing a data breach on its systems, which University of Phoenix claims to have detected on November 21, 2025 (the “Data Breach”), months after it occurred in August 2025. The notice letter confirmed Cl0p was able to exfiltrate and obtain certain highly valuable, protected personally identifiable information, including the names and contact information, dates of birth, social security numbers, and bank account and routing numbers with respect to current and former University of Phoenix students, employees, faculty and suppliers (collectively “PII”) from its private instance of EBS. This information is unique to the University of Phoenix breach and dramatically worse than the data Cl0p obtained from other entities by exploiting the same vulnerability, confirming it originates from a different system. For example, a similar (but separate) breach of California-based engineering firm GlobalLogic’s EBS in July 2025 resulted in exfiltrated “HR information” data not likely found in a non-employment context and a similar (but separate) breach of electronics manufacturer Logitech’s EBS in November 2025 returned *no* sensitive data at all.³

At present, there are approximately ten putative class actions, in front of five different judges, in three districts, against University of Phoenix pending between the District of Arizona, the Central District of California, and the Western District of Texas that contain similar allegations concerning this specific Data Breach. Six of these class actions—all of which are pending in the Western District of Texas—name as defendants the University of Phoenix (or its parent, Phoenix Education Partners, Inc.), Oracle (who made the EBS software), and/or at least

³ Sergie Gatlan, *GlobalLogic warns 10,000 employees of data theft after Oracle breach* (Nov. 11, 2025), <https://www.bleepingcomputer.com/news/security/globallogic-warns-10-000-employees-of-data-theft-after-oracle-breach/>; see also Eduard Kovacs, *Logitech Confirms Data Breach Following Designation as Oracle Hack Victim*, Security Week (Nov. 17, 2025), <https://www.securityweek.com/logitech-confirms-data-breach-following-designation-as-oracle-hack-victim/>.

nine other unrelated defendants involved in different data breaches based on a mistaken claim that these entities were all breached at the same time when C10p obtained access to unified database *at Oracle*.⁴ While these have recently been consolidated solely for “pretrial proceedings” in Texas based on this false factual predicate, as explained herein, the different dates of the alleged breaches and data exfiltrated, confirm this is not a single breach and thus provides no basis for these cases against University of Phoenix to proceed in Texas.

Importantly, all of the cases are in relatively early stages of litigation, with those in Arizona—where University of Phoenix has answered the complaints—being the furthest along. Moreover, the proposed classes for each of the Arizona and California Actions, which asserted claims against University of Phoenix alone, overlap and are nearly identical, whereas at least the portion of those cases pending in Texas that concern claims against University of Phoenix (and do not mistakenly include Oracle or other defendants) are completely subsumed within in these properly pled cases. *See* n.10, below. As such, this is precisely the kind of situation Section 1407 was designed for. Absent that, there would be an enormous amount of unnecessary duplication and a needless diversion of judicial resources. There is also a substantial risk of inconsistent and conflicting rulings on critical issues, including but not limited to liability as well as class certification. For these reasons and for the reasons set forth more fully below, transfer and consolidation are fully warranted here.

II. BACKGROUND AND STATUS OF LITIGATION

A. The Data Breach

The University of Phoenix Data Breach is one of at least a hundred separate data breaches taking advantage of vulnerabilities in EBS software, which began as early as July 2025.

⁴ *See In re Oracle Corp. Data Breach Litig.*, No. 1:25-cv-01805, ECF No. 25 (W.D. Tex. Jan. 5, 2026).

Soliz, ECF No. 20. The attacks proceeded one-by-one over several months, combining several distinct hacking techniques to “gain remote code execution on the target Oracle EBS server” and exfiltrate data. *Id.* Unlike a ‘hub-and-spoke’ data breach where hackers who gain access to a single software vendor’s systems (the “hub”) that hold data for other customers (the “spokes”) and are able to access everyone’s data, here there were hundreds of individual breaches at different times, on different dates, within different entities’ environments, running different versions of EBS, and housing different data. *Id.* For instance, based on what is currently known, threat actors with C10p separately exfiltrated data from more than 100 companies in multiple industries including but not limited to, universities (University of Pennsylvania and University of Phoenix), pharmaceutical companies (Abbott Laboratories), auto manufacturers (Mazda), transportation (Envoy Air), electronics (Schneider Electric), news (Washington Post), apparel (Fruit of the Loom). *Id.* Each of these breaches involved *a separate attack* on each company’s systems at a different point in time. *Id.* For instance, The Washington Post reported threat actors accessed its EBS environment starting on July 10, 2025, while University of Pennsylvania was breached on August 9 and 11, 2025. *Id.* The differences in time, dates, and data confirm this is not one unified breach, but a series of disparate breaches carried out by one sophisticated hacking group over time.

B. The Pending University of Phoenix Cases

Plaintiffs Mari Soliz and Denise Rico filed the first action against the University of Phoenix that expressly brought class claims on behalf of students. Plaintiffs Soliz and Rico are themselves former students of the University of Phoenix, and the action was filed in the District of Arizona on December 4, 2025.⁵ Plaintiffs Stephanie Hill and Hailey Waller filed their action

⁵ See *Soliz* Compl., Ex. A.

against the University of Phoenix in the District of Arizona on December 23, 2025. Over a month later, on January 29, 2026, plaintiff Meshweida Carter filed their action against University of Phoenix in the Central District of California, followed by Chaka Theus in the same District on February 4, 2026.

The cases filed in Texas largely concern different classes subsumed within the Arizona and California cases. For instance, Plaintiff Mark Peterson filed his complaint against Oracle and University of Phoenix on November 25, 2026, in the Western District of Texas on behalf of current and/or former University of Phoenix employees. Plaintiff Stacy Ranson, along with seven other plaintiffs filed their complaint against University of Phoenix, Oracle, and eight other defendants on December 5, 2025, in the Western District of Texas. Plaintiff Ranson is a former University of Phoenix employee and brings class claims on their behalf. Plaintiff Linda Curlee filed her complaint against University of Phoenix and Oracle on December 5, 2026. Plaintiffs Yammarii Long, Jose Guardado, and Nicole Hughes filed their complaint against Oracle, University of Phoenix, and LKQ Corp. on December 18, 2025, on behalf of current or former employees of University of Phoenix. Plaintiff Tiaa Pointer filed her complaint against University of Phoenix, Phoenix Education Partners, Inc., and Oracle on January 5, 2026. Plaintiff Sarah Clark filed her complaint against University of Phoenix and Oracle on January 26, 2026.⁶

Both *Peterson*, *Brumwell*, *Long*, and *Clark* expressly allege employee-only breaches of records allegedly maintained on Oracle's systems. Only one of the Western District of Texas cases is expressly brought on behalf of students.⁷ However, as explained above, each of these cases misstates the facts of the underlying breach, incorrectly attributing it to Oracle's systems

⁶ See, e.g., *Hill* Compl., Ex. B; *Carter* Compl., Ex. C; *Theus* Compl., Ex. D; *Peterson* Compl., Ex. E; *Brumwell* Compl., Ex. F (amended complaint attached as Ex. G.); *Curlee* Compl., Ex. H; *Long* Compl., Ex. I; *Pointer* Compl., Ex. J. *Clark* Compl., Ex. K.

⁷ See *Pointer* Compl., Ex. J. It is unclear of the plaintiff status in *Curlee*, Ex. H.

instead of University of Phoenix’s installation of an Oracle software product. *See* Soliz, ECF No. 20. That misstatement of fact is the only reason these cases exist in that district, where Oracle is located, as part of a malformed case against Oracle for a ‘hub-and-spoke’ data breach that did not actually occur.

Thus, there are now ten putative class actions⁸ pending against University of Phoenix in three federal district courts assigned to five different district judges, bringing claims for negligence, negligence *per se*, unjust enrichment, declaratory and injunctive relief, breach of implied contract, breach of fiduciary duty, California Unfair Competition Law, California Consumer Privacy Act, California Customer Records Act, California Security Notification Laws, and Illinois Consumer Fraud And Deceptive Business Practices Act.⁹ These cases are all based upon the similar factual and legal theories—minus the misstatement about Oracle—namely that University of Phoenix failed to properly secure and safeguard the PII of its current and former students, employees, faculty and suppliers. In each of the Actions, the plaintiffs seek certification of overlapping nationwide and/or California and Illinois state subclasses of impacted persons.¹⁰

⁸ Another action against University of Phoenix was filed in the District of Arizona but was voluntarily dismissed without prejudice fifteen days later. *See Melissa Neblock and Antonyo Wyche v. The University of Phoenix, Inc.*, No. 2:26-cv-00261 (D. Ariz. Jan. 14, 2026).

⁹ *See, e.g., Soliz* Compl. ¶¶ 102-168; *Hill* Compl. ¶¶ 93-168, *Carter* Compl. ¶¶ 53-122; *Theus* Compl. ¶¶ 39-86; *Peterson* Compl. ¶¶ 159-234; *Brumwell* Amend. Compl. ¶¶ 258-338; *Curlee* Compl. ¶¶ 82-115; *Long* Compl. ¶¶ 95-138; *Pointer* Compl. ¶¶ 66-109; *Clark* Compl. ¶¶ 76-151.

¹⁰ *See, e.g., Soliz* Compl. ¶ 91 (“All persons residing in the United States whose PII was compromised in the Data Breach made public by Defendant in December 2025”); *Hill* Compl. ¶ 82 (“All individuals in the United States whose Private Information was compromised in the Data Breach”); *Carter* Compl. ¶ 45 (“All citizens of the State of California whose PII was compromised in the data breach publicly announced by Defendant on or about December 2, 2025.”); *Theus* Compl. ¶ 28 (“Class: All persons to whom the University of Phoenix, Inc. sent a Notice of Data Breach letter, dated on or about December 22, 2025;” “Sub-Class: All persons residing in the state of California to whom the University of Phoenix, Inc. sent a Notice of Data Breach letter, dated on or about December 22, 2025.”); *Peterson* Compl. ¶¶ 145-45 (“All persons whose Private Information was actually or potentially accessed or acquired in the Data Breach that impacted UOPX in 2025;” “All persons residing in California whose Private Information was actually or potentially accessed or acquired in the Data Breach that impacted UOPX in 2025”); *Brumwell* Amend. Compl. ¶ 243 (“All individuals residing in the United States whose PII was accessed and/or acquired by an unauthorized party as a result of the Data Breach”); *Curlee* Compl. ¶ 74 (“All persons in the United States whose Private Information was accessed, acquired, or compromised as a result of the 2025 data breach

C. The Oracle Proceedings

Prior to University of Phoenix even disclosing it suffered a data breach, counsel in the *Eagan* Action¹¹ filed the first complaint against Oracle Corporation on November 10, 2025, in the Western District of Texas. This complaint—which is the genesis of the pile-on in the Western District of Texas—was the first to incorrectly claim Oracle as the ‘hub’ in a singular ‘hub-and-spoke’ breach where, allegedly, hackers who accessed Oracle’s server exfiltrated data about hundreds of clients. Between late November 2025 and January 2026, over thirty actions against Oracle and other defendants, including the six Actions identified above, adopted the same incorrect theory, which subsequent reporting debunked as breached institutions announced, one-by-one that their individual systems were compromised on separate dates over a period of nearly 6 months in 2025. *Soliz*, ECF No. 20 at 3-4. Notwithstanding these facts, the plaintiffs in Texas sought consolidation and leadership appointments over all cases filed in that District under the same theory. *See In Re Oracle Corp. Data Breach Litig.*, No. 25-cv-01805 (W.D. Tex.), ECF No. 23 at 3 (asserting all cases for which counsel sought consolidation “aris[e] from the same Data Breach, alleg[e] the same operative facts, and assert[] substantially identical claims”). With no resistance (Oracle consented), the Court consolidated the actions for pretrial purposes only and appointed the proposed leadership slate which included positions for lawyers from over a dozen separate law firms (roughly one from each case that was filed). *Id.*, ECF No. 25 at 9, 14-15.

affecting Defendant University of Phoenix.”); *Long* Compl. ¶ 80 (“All individuals residing in the United States whose PII was accessed and/or acquired by an unauthorized party as a result of the Data Breach”); *Pointer* Compl. ¶¶ 56-57 (“All persons whose PII was accessed in the Data Breach by unauthorized persons, including all who were sent a notice of the Data Breach;” “All persons who provided their PII to UOPX and whose PII was accessed in the Data Breach by unauthorized persons, including all who were sent a notice of the Data Breach;” “All residents of Illinois whose PII was accessed in the Data Breach by unauthorized persons, including all who were sent a notice of the Data Breach.”); *Clark* Compl. ¶ 64 (“All individuals residing in the United States whose PII was compromised in the Data Breach”).

¹¹ *See Patricia Eagan v. Oracle Corporation*, No. 1:25-cv-01805 (W.D. Tex.).

None of these leaders made any attempt to correct the record, amend their complaints to plead accurate facts, or separately pursue the claims of class members impacted by the separate breach they claimed to represent.

D. Other Separately Pending Actions/Motion to Intervene

Texas plaintiffs did, however, seek to intervene in Arizona and transfer the pending cases against University of Phoenix to the Western District of Texas based on the same false ‘hub-and-spoke’ narrative. As there are several other pending cases proceeding separately against various entities that Cl0p compromised, it is unclear why Texas plaintiffs chose Plaintiffs’ cases in this District for intervention and transfer. For instance, there is an action pending against only the Washington Post in the District of Columbia. *See Kim v. WP Co. LLC*, No. 1:25-cv-04229 (D.D.C.). That Texas plaintiffs have, to date, made no attempt to intervene in that action, or others like it, further confirms the impropriety of attempting to consolidate discrete breaches into one master action—under the guise of a ‘hub-and-spoke’ breach—in Texas.

E. The Current Motion

Plaintiffs here have moved for Section 1407 transfer and consolidation only for those cases relating to the University of Phoenix Data Breach. Although a group of plaintiffs in Texas have tried to force cases against each of the different entities Cl0p breached into a single consolidated action by claiming they are part of a ‘hub-and-spoke’ breach, this is factually incorrect, and thus the wrong approach.

As this Panel recently explained in *In re Salesforce, Inc., Customer Data Sec. Breach Litig.*, MDL No. 3164, 2025 WL 3649301, at *2 (J.P.M.L. Dec. 16, 2025), centralization of dozens of discrete breaches at different companies is inappropriate even when they involve exploitation of a common software vulnerability. The Panel correctly distinguished these facts

from the ‘hub-and-spoke’ pattern because it involved an “attack directly on a Salesforce customer, not an exploit of Salesforce itself with downstream consequences.” *In re Salesforce, Inc., Customer Data Sec. Breach Litig.*, 2025 WL 3649301, at *2.

Proponents of a Salesforce MDL argue that all actions raise common questions of fact surrounding a vulnerability in the Salesforce platform. We are not persuaded that any common questions of fact that may exist justify centralization of a large, multi-defendant MDL. ***The actions allege separate data breaches affecting multiple different Salesforce customers.*** Each breach involved a social engineering attack directly on a Salesforce customer, not an exploit of Salesforce itself with downstream consequences. Different facts will emerge for each Salesforce customer defendant regarding how the attacks were conducted, which employee was involved, how the employee reacted, whether that defendant had procedures for guarding against social engineering attacks, how that defendant responded to the incident, and which types of personally identifiable information (PII) were impacted.

Salesforce, 2025 WL 3649301, at *2 (emphasis added). Each of these individual *Salesforce* breaches are now proceeding separately in light of the differences between the underlying breaches, the data involved, the precautions taken, and remedial measures. The same approach should apply here: with all cases involving the University of Phoenix Data Breach proceeding in Arizona, not California (which had no nexus), or Texas where the actual breach did not occur.

Now is the time to transfer and centralize. All of the Actions are in the nascent stages of litigation where no discovery has taken place.¹² In *Soliz*—the first filed Arizona Action and the first filed case concerning University of Phoenix students’ information—there is a pending motion to consolidate the *Soliz* and *Hill* Actions and appoint interim co-lead class counsel as well as a pending motion from the *Oracle* plaintiffs in Texas seeking to intervene and wrongfully

¹² Furthermore, a consolidated amended complaint has not yet been filed in *In re Oracle Corp. Data Breach Litig.*, No. 1:25-cv-01805, ECF No. 25 (W.D. Tex. Jan. 5, 2026) (ordering consolidated amended complaint to be filed within sixty days of Jan. 5, 2026).

transfer this unrelated breach to the Western District of Texas.¹³ In both the *Soliz* and *Hill* Actions, Defendant filed its Answer on February 25, 2026, in lieu of filing a motion to dismiss, thereby placing it procedurally ahead of the Texas actions which are set to file an amended complaint on or around March 6, 2026. And in *Carter* and *Theus*, Defendant has not yet responded to the respective complaints.¹⁴ As explained below, given their procedural posture, an MDL is appropriate here given (i) the real risk these Actions face of conflicting pretrial rulings and (ii) getting improperly swept up and grouped into the consolidated *In re Oracle Corp. Data Breach Litig.*—a forum and litigation where these cases do not belong.

III. LEGAL STANDARD

Transfer is appropriate when actions pending in different judicial districts involve similar questions of fact such that coordinating or consolidating pretrial proceedings would “promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407. Specifically, Section 1407 permits transfer and consolidation or coordination of cases that meet three requirements: (1) the cases “involv[e] one or more common questions of fact;” (2) transfer and consolidation or coordination will further “the convenience of parties and witnesses;” and (3) transfer and consolidation or coordination “will promote the just and efficient conduct of [the] actions.” 28 U.S.C. § 1407(a).

“The purpose of § 1407. . . is to eliminate the potential for conflicting contemporaneous pretrial rulings by coordinat[ing] district and appellate courts in multidistrict related civil actions.” *In re Plumbing Fixture Cases*, 298 F. Supp. 484, 490-92 (J.P.M.L. 1968). Consolidation is designed to “eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially

¹³ Plaintiffs recently responded to proposed intervenors’ motion on February 23, 2026, and their reply was filed on March 3. *See Soliz*, ECF Nos. 20, 22.

¹⁴ In *Carter*, on February 24, 2026, the Court issued a show cause order for the parties to respond by March 4 as to why it should not transfer the action to the Western District of Texas. As explained above, these cases like *Soliz/Hill*, having nothing to do with an Oracle data breach because the data at issue is not from a central Oracle system.

with respect to class certification matters), and conserve the resources of the parties, their counsel and the judiciary.” *In re Methyl Methacrylate (MMA) Antitrust Litig.*, 435 F. Supp. 2d 1345, 1347 (J.P.M.L. 2006).

Pretrial transfer under Section 1407 is appropriate and necessary here. The Actions involve nearly identical facts, a common corporate defendant, and overlapping proposed classes. The Actions are also in their early stages. There have been no rulings on any dispositive motions, nor has any discovery taken place. Consolidation of these Actions at this early stage will allow the transferee court to efficiently resolve the common factual and legal issues and address overlapping discovery related to these issues. As demonstrated below, each of the requirements for transfer and consolidation under Section 1407 are satisfied.

IV. ARGUMENT

A. **These Cases Meet the Standard for Transfer and Consolidation Under 28 U.S.C. § 1407**

The ten Actions pending against University of Phoenix in three different jurisdictions present precisely the sort of situation for which 28 U.S.C. § 1407 was enacted and thus plainly meet the standards for transfer and consolidation articulated by this Panel. *See In re Plumbing Fixture Cases*, 298 F. Supp. 484 at 490-92.¹⁵ Given the very similar and in many instances identical allegations in each of the Actions, the threshold requirement that the actions involve common issues of fact is easily met. *See* 28 U.S.C. § 1407; *see also Complaints*, Exhibits A – K.

Moreover, there are several other benefits to transfer and consolidation, including the fact that it would promote efficiency, minimize the potential for duplicative discovery, minimize the

¹⁵ As the Panel has repeatedly emphasized, transfer and consolidation are appropriate when actions pending in different judicial districts involve similar questions of fact such that consolidating pretrial proceedings would “promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407.

likelihood of inconsistent pretrial decisions (including dispositive inconsistent class decisions) and increase the possibility of achieving coordination between the federal courts and any state courts that later become involved.

1. The Panel May Transfer Those Actions in the Western District of Texas Actions Involving the University of Phoenix to the District of Arizona for Pretrial Proceedings Before Remanding Them Back for Trial if Needed.

“Section 1407(a) authorizes the transfer of ‘actions’ and the remand not only of ‘actions’ but also the remand of ‘claims’ so long as that remand occurs while some part of the action remains pending before the transferee court.” *In re Brand-Name Prescription Drugs Antitrust Litig.*, 264 F. Supp. 2d 1372, 1377 (J.P.M.L. 2003) (internal citation omitted). *See also* 28 U.S.C. § 1407(a) (“Each action so transferred shall be remanded by the panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated: Provided, however, That the panel may separate any claim, cross-claim, counter-claim, or third-party claim and remand any of such claims before the remainder of the action is remanded.”). The Panel can, and should, transfer those six Texas Actions involving the University of Phoenix to Arizona for pretrial purposes. After completion of pre-trial discovery, the panel can then remand any remaining claims against Oracle or defendants properly in Texas back to the Western District of Texas where they can be tried in the original court. Plaintiffs in these Texas cases could also choose to sever their claims against Oracle and the other defendants (either by motion or by stipulation) prior to transfer to allow those to proceed in Texas if they so desire.¹⁶ There are multiple ways to ensure, consistent with *Salesforce*, that the claims against

¹⁶ Claims against Oracle are already represented by plaintiffs and putative classes in multiple actions (not naming the University of Phoenix) in the consolidated *Oracle* litigation in the Western District of Texas. *See Eagan v. Oracle Corporation*, No. 1:25-cv-01805; *see also Oracle*, No. 1:25-cv-01805, ECF No. 25 (consolidation order; *see* caption of cases). The same is true for other defendants, including: WP Company LLC d/b/a The Washington Post (*Nance v. Oracle Corporation and WP Company LLC*, No. 1:25-cv-01924); Abbott Laboratories (*Shike v. Oracle Corporation and Abbott Laboratories*, No. 1:25-cv-01916); Humana Inc. (*Volsky v. Oracle Corporation and Humana Inc.*, No. 1:25-cv-02004); LKQ Corporation (*Gomez v. LKQ Corporation and Oracle Corporation*, No.

University of Phoenix’s separate breach can proceed in the correct forum (Arizona) while those against Oracle or other breached entities do as well. Indeed, the Texas plaintiffs acknowledge that at least some “claims” are “better suited for separate proceedings[.]” *Soliz*, ECF No. 22 at 6. Thus, there is no prejudice to the Texas plaintiffs or those in any District caused by transferring the claims against University of Phoenix to Arizona.

2. There Are Numerous Overlapping Actions Containing Nearly Identical Claims and Factual Allegations

As noted above, Defendant is currently defending ten proposed class actions in three different jurisdictions in which relief is sought for nearly identical classes based upon nearly identical factual allegations. This alone is sufficient to warrant transfer and consolidation. The Panel has routinely ordered consolidation of three or fewer cases. *See, e.g., In re HSBC Bank USA, N.A., Debit Card Overdraft Fee Litig.*, 949 F. Supp. 2d 1358 (J.P.M.L. 2013) (consolidating three class actions); *In re Foot Locker, Inc.*, 787 F. Supp. 2d 1364, 1366 (J.P.M.L. 2011) (transferring and consolidating four class actions); *In re Plumbing Fixtures*, 308 F. Supp. 242, 244 (J.P.M.L. 1970) (“Such a potential for conflicting or overlapping class actions presents one of the strongest reasons for transferring such related actions to a single district for coordinated or consolidated pretrial proceedings which will include an early resolution of such potential conflicts.”); *In re Wireless Tel. Replacement Prot. Programs Litig.*, 180 F. Supp. 2d 1381, 1382 (J.P.M.L. 2002) (granting transfer and centralization of three consumer protection cases and determining that pending motions can be presented to and decided by the transferee judge).

1:25-cv-01864); *Integra LifeSciences Holding Corporation (King v. Oracle Corporation and Integra LifeSciences Holding Corporation*, No. 1:25-cv-01925); *Canon U.S.A., Inc. (Smouse v. Canon U.S.A., Inc. and Oracle Corporation*, No. 1:25-cv-01952); *(Blount v. Oracle Corporation and Canon U.S.A., Inc.*, No. 1:25-cv-02003); *Michelin North America, Inc., Logitech Inc., Emerson Electric, Co. (Smith, et al. v. Oracle, Corp., Rheem Manufacturing Co., Trimble, Inc., Integra Lifesciences Holding Corp., Milgard Manufacturing, Inc., Envoy Air, Inc., Emerson Electric Co., Michelin North America, Inc., Mks Instruments, Inc., Schneider Electric USA, Inc., and Logitech, Inc.*, No. 1:25-cv-01964).

Common questions of law and fact exist in each of the Actions. Each Action alleges that Defendant's actions and omissions are generally applicable to all classes. The common factual and legal questions before the courts in the Actions include, *inter alia*: (a) whether University of Phoenix owed a duty to Class Members to safeguard their sensitive PII; (b) whether University of Phoenix failed to implement and maintain reasonable security procedures and monitoring practices appropriate for the nature and scope of the information compromised in the Data Breach; (c) whether University of Phoenix breached its duty to Class Members to safeguard their sensitive PII; (d) Whether University of Phoenix's data security systems and monitoring processes prior to and during the Data Breach complied with applicable law and were consistent with industry standards; (e) whether University of Phoenix's failure to provide adequate security proximately caused plaintiffs' and class members' injuries; (f) whether plaintiffs and class members suffered legally cognizable damages as a result of the Data Breach; (g) whether University of Phoenix owed a duty to provide timely and adequate notice of the Data Breach to plaintiffs and class members. *See, e.g.*, Complaints, Exhibits A – K. Given the commonality of factual issues in each of the related cases, MDL treatment is appropriate.

3. Transfer and Consolidation Would Promote Efficiency and Minimize the Potential for Duplicative Discovery

Transfer and consolidation of these actions would promote efficiency and minimize the potential for duplicative discovery. Because the allegations of all the cases are substantially similar and derive from the same common Data Breach, and because they all turn on the same factual question, namely whether University of Phoenix's policies and procedures allowed for the exposure of their PII, the parties face duplicative discovery if the cases are not transferred and consolidated. This is an important consideration for the Panel since it "ensure[s] that the actions are supervised by a single judge who, from day-to-day contact with all aspects of the

litigation, will be in the best position to design a pretrial program that will prevent duplicative discovery . . . and substantially conserve the time and efforts of the parties, the witnesses and the federal judiciary.” *In re Res. Expl., Inc., Sec. Litig.*, 483 F. Supp. 817, 821 (J.P.M.L. 1980).

The parties in these Actions will necessarily engage in duplicative discovery. All plaintiffs will be seeking the same documentation and data from University of Phoenix and will likely request to depose the same witnesses. University of Phoenix will raise the same class certification objections and discovery objections, seek the same protective orders, and assert the same privileges in each case. However, if the Panel transfers and consolidates the cases, the parties will coordinate their efforts and thus save all parties – and the courts – time and money. *See, e.g., In re Marriott Int’l, Inc., Customer Data Sec. Breach Litig.*, 363 F. Supp. 3d 1372, 1374 (J.P.M.L. 2019) (consolidation appropriate in order to minimize duplicative discovery regarding allegations relating to data breach, even when class case also posed “unique factual issues”); *In re Starmed Health Pers. FLSA Litig.*, 317 F. Supp. 2d 1380, 1381 (J.P.M.L. 2004) (consolidating two actions because transfer was necessary to “eliminate duplicative discovery” and “conserve the resources of the parties”).

Given the similarity of the Actions, the overlapping legal issues and the potential for duplicative discovery, transfer and consolidation would inevitably conserve the resources of the parties. It would also conserve the resources of the judiciary, as it would assign responsibility for overseeing threshold legal determinations and a pretrial plan (if necessary) to one judge as opposed to five or more different federal judges. *See In re Advanced Inv. Mgmt.*, 254 F. Supp. 2d 1377, 1379 (J.P.M.L. 2003). And while proceeding in separate actions would be burdensome to both Plaintiffs and University of Phoenix, both parties would suffer no prejudice as the result of

transfer and consolidation. All of the cases are in the early stages, and discovery has not commenced in any of them. A coordinated discovery schedule would therefore benefit all parties.

4. Transfer and Consolidation Would Minimize the Risk of Inconsistent Pretrial Decisions, Including Inconsistent Class Certification Decisions

Here the significant likelihood of inconsistent rulings, especially on dispositive motions, is real. University of Phoenix opted to quickly file its Answer in the *Soliz* and *Hill* Actions, while it has not yet responded in the *Carter* and *Theus* Actions or in the Texas Actions. If it moves to dismiss in those actions an adverse ruling would almost certainly have an effect on the *Soliz* and *Hill* Actions. The six actions in Texas adopting the incorrect ‘hub-and-spoke’ theory pose even greater risk as the claims do not comport with the facts. The existence of ten different actions containing similar allegations and asserting similar causes of actions pending before five different federal judges materially increases the likelihood that there will be a wide latitude of inconsistent pretrial decisions, ranging from inconsistent decisions on liability, to discovery rulings, as well as decisions on class certification.

The Panel considers the possibility of inconsistent rulings on pretrial issues because of the possible *res judicata* or collateral estoppel effects on other cases. *See In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 196 F. Supp. 2d 1375, 1376 (J.P.M.L. 2002) (granting a transfer in part to prevent inconsistent pretrial rulings, particularly with respect to questions of class certification). The Panel has long recognized that preventing inconsistent class decisions “presents one of the strongest reasons for” transfer and consolidation:

[T]here are at least three other actions with class action claims which are in potential conflict with the claims asserted by these plaintiffs. Such a potential for conflicting or overlapping class actions presents one of the strongest reasons for transferring such related actions to a single district for coordinated or consolidated pretrial proceedings which will include an early resolution of such potential conflicts.

In re Plumbing Fixtures, 308 F. Supp. at 243-44; *see also In re Sugar Industry*, 395 F. Supp. 1271, 1273 (J.P.M.L. 1975) (“We have consistently held that transfer of actions under Section 1407 is appropriate, if not necessary, where the possibility of inconsistent class determination exists.”). In light of this risk, it is in the best interests of all involved – the parties, the witnesses and the courts – to transfer and centralize these Actions.

B. The District of Arizona is the Most Appropriate Transferee Forum

Once the Panel determines that centralization is appropriate it then “looks for an available and convenient transfer forum.” Manual for Complex Litig. § 22.33, at 367 (4th Ed. 2004). The Panel balances a number of factors in determining the transferee forum, including but not limited to: the court’s case load; the number of cases pending in the jurisdiction; the convenience of the parties; where the defendant’s headquarters is located; the location of the witnesses and evidence; whether the district is in an accessible metropolitan location; and the experience of the judge. *See, e.g., In re Jamster Mktg. Litig.*, 427 F. Supp. 2d 1366, 1368 (J.P.M.L. 2006) (“This district i) provides an accessible metropolitan location that is equipped with the resources that this docket is likely to require, and ii) already hosts two of the three constituent actions (including the first filed action)”); *In re Omnitrition Int’l, Inc. Sec. Litig.*, No. 965, 1993 WL 52634, at *1 (J.P.M.L. Feb. 22, 1993) (transferring to forum since the “court’s docket is relatively uncongested.”); *In re Union Pac. R.R. Co. Emp. Pracs. Litig.*, 314 F. Supp. 2d 1383, 1384 (J.P.M.L. 2004) (transferring to forum since “documents and witnesses can be found at [defendant]’s [] headquarters” and “the district has the capacity to handle this litigation.”); *In re: Zimmer Nexgen Knee Implant Prods. Liab. Litig.*, 802 F. Supp. 2d 1374, 1377 (J.P.M.L. 2011) (“[Judge] to whom we assign this MDL, is an experienced and highly-regarded jurist, and we have every confidence in her ability to guide this litigation efficiently to a just resolution.”). A

significant “nexus” exists when a party who is common to all actions is headquartered or has facilities that are located within the transferee court’s jurisdiction, such that relevant witnesses and documentary evidence common to all the actions are likely to be found there. *In re Guidant Corp. Implantable Defibrillators Prod. Liab. Litig.*, 398 F. Supp. 2d 1371, 1372 (J.P.M.L. 2005). Here, a significant “nexus” exists in the District of Arizona, as it is the most appropriate venue for transferring and consolidating the Actions for numerous reasons as demonstrated below.

The District of Arizona is where University of Phoenix is headquartered and where numerous witnesses and documentary and electronic evidence are also likely to reside. *See In re: Sprouts Farmers Mkt., Inc., Emp. Data Sec. Breach Litig.*, 232 F. Supp. 3d 1348 (J.P.M.L. 2016) (“We are persuaded that the District of Arizona is an appropriate transferee forum for this litigation. Sprouts is headquartered in this district, and the witnesses and documents relevant to the facts of this litigation are located there.”). Additionally, of the ten Actions, the first filed action on behalf of students (the *Soliz* Action) was filed in the District of Arizona. *See In re: Phoenix Licensing, L.L.C., Pat. Litig.*, 536 F. Supp. 2d 1373, 1374 (J.P.M.L. 2008) (“We are persuaded that the District of Arizona is an appropriate transferee district for pretrial proceedings in this litigation. [Defendants] have their principal places of business in Arizona... and three of the six actions (including the first-filed action) are pending in the District of Arizona.”). It is also currently the most procedurally advanced case against the University of Phoenix, with defendant recently filing its answer on February 25, 2026. Other actions in California are pending resolution of an order to show cause regarding transfer to Texas—which is inappropriate because those breaches have nothing to do with the purported *In Re Oracle Corp. Data Breach Litig.* for the reasons above.

The current caseload and efficiency in the District of Arizona also counsels in favor of centralization there. Recent federal statistics confirm that the District of Arizona is an efficient jurisdiction capable of ensuring timely resolution of these Actions. The importance of the median time from filing to disposition in the district courts has previously been recognized by the Panel as an important consideration. *See In re Preferential Drug Prods. Pricing Antitrust Litig.*, 429 F. Supp. 1027, 1029 (J.P.M.L. 1977) (“Moreover, according to the latest available statistics, the median times from filing to disposition ... [is] significantly shorter in the Central District of California than in the Northern District of California.”). As of December 31, 2025, for the District of Arizona the median time from filing to disposition for all civil cases is 5.8 months; the Central District of California is 3.8 months, and the Western District of Texas is 7.5 months.¹⁷ As of December 31, 2025, the District of Arizona is also the least busiest docket compared to the Central District of California in terms of annual civil cases filed. The District of Arizona had 468 civil filings compared to the Central District of California (654).¹⁸ Additionally, as of February 2, 2026, the District of Arizona only had one pending MDL¹⁹ compared to the Central District of California (five).²⁰ *See In re Xyberbaut Corp. Sec. Litig.*, 403 F. Supp. 2d 1354, 1355 (J.P.M.L. 2005) (transferring to a district that “has relatively favorable caseload statistics.”). The consolidated Oracle litigation in the Western District of Texas is likely to prove unwieldy and unmanageable, with Proposed Intervenors’ counsel in the *Soliz* Action predicting it will involve

¹⁷ *United States District Courts* – U.S. District Courts–Combined Civil and Criminal Federal Court Management Statistics (December 31, 2025), *available at* https://www.uscourts.gov/sites/default/files/document/fcms_na_distprofile1231.2025.pdf.

¹⁸ *Id.* The Western District of Texas’s case load is negligible in comparison as it had 8 fewer civil filings in the same period at 460 civil filings.

¹⁹ *See IN RE: Bard Implanted Port Catheter Products Liability Litigation*, MDL No. 3081.

²⁰ J.P.M.L. – Pending MDLs by District as of February 2, 2026, *available at* https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-February-2-2026.pdf. The Western District of Texas is also negligible as it did not have a pending MDL.

more than a 100+ defendants. *See Soliz*, ECF No. 16-1 (“This case belongs in the Western District of Texas ... and [with] what will likely be at least one hundred other defendants.”). Given the uniquely Arizona nexus of this litigation—a data breach involving a dominant Arizona company headquartered in Phoenix—it makes little sense to send these actions to Texas, where it will be swept up into a litigation involving hundreds of other defendants who had no bearing on the facts and liability of *this* case.

Finally, the District of Arizona is located in Phoenix, Arizona, which is a major metropolitan area serviced by Phoenix Sky Harbor International Airport,²¹ and which is easily accessible to all the parties, witnesses, and their counsel from across the country. Perhaps most importantly, it is particularly convenient for University of Phoenix.

The Panel has vast discretion, and as discussed above, the Panel is tasked with looking “for an available and convenient transfer forum.” *Manual* at § 22.33. Indeed, the transfer and consolidation to the District of Arizona would “promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407. The District of Arizona serves as the most accessible jurisdiction and Judge Humetewa, assigned to the first-filed *Soliz* Action, is an experienced and able jurist. Thus, the District of Arizona has the resources and capacity to properly oversee this litigation, and the Panel should transfer the Actions to this District.

V. CONCLUSION

For the reasons stated herein, Plaintiffs respectfully requests that the Panel issue an Order transferring the actions listed on the Schedule of Actions to the U.S. District Court for the District of Arizona for consolidated pretrial proceedings.

Dated: March 4, 2026

Respectfully submitted,

²¹ Phoenix Sky Harbor International Airport is located approximately 12 minutes (6 miles) away via vehicle from the federal courthouse.

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