

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: MOVEIT CUSTOMER DATA
SECURITY BREACH LITIGATION

MDL No. 1:23-md-03083-ADB

Judge Allison D. Burroughs

This Document Relates To:
C.A. No. 1:23-cv-12711

STEPHEN GILMORE, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

THE BANK OF CANTON, and PROGRESS
SOFTWARE CORPORATION,

Defendants.

**DECLARATION OF BROOKS R. BROWN
REGARDING NOTICE PURSUANT TO THE CLASS ACTION FAIRNESS ACT**

I, Brooks R. Brown, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. I am a partner at the law firm of Goodwin Procter LLP and counsel of record for Defendant The Bank of Canton in the above-captioned action.

2. I am a member of the bars of this Court, the Commonwealth of Massachusetts, State of California, District of Columbia, the United States Supreme Court, and numerous other federal circuit and district courts.

3. Except as indicated below, I make these statements based upon my personal knowledge and/or upon a review of public records and other non-privileged records relating to this litigation kept by Goodwin Procter LLP in the regular course of its business.

4. I have participated in the defense of over one hundred (100) class action lawsuits,

and have been directly involved in the settlement of many such cases. I have significant experience defending class actions, and I specialize in the defense of putative class actions against banks and other financial services companies.

5. I submit this Declaration in advance of the Final Approval Hearing currently scheduled for October 21, 2025, to consider the Class Action Settlement Agreement and Release between the Settlement Representative Stephen Gilmore and The Bank of Canton (Case No. 1:23-md-03083, Dkt. 1398-1) (the “Settlement Agreement”), which the Court preliminarily approved on March 11, 2025 (Case No. 1:23-md-03083, Dkt. 1416). Capitalized terms in this Declaration shall, unless otherwise defined, have the same meaning as in the Settlement Agreement.

CAFA NOTICE

6. In accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, on February 26, 2025, I, together with Goodwin Procter LLP personnel working under my direction and supervision, caused notice of the proposed class action settlement (the “Section 1715 Notice”) to be served on 59 federal, state, and territorial officials. The Section 1715 Notice was sent to the Federal Deposit Insurance Corporation via FedEx and to the Massachusetts Division of Banks via the United States Postal Service. Additionally, the Section 1715 Notice was sent to the Attorney General of the United States and the Attorneys General of the 50 states, the District of Columbia, and the United States Territories (Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands) via FedEx, USPS, and/or email.

7. Each Section 1715 Notice package included a CD (for physical shipments) or .zip file (for email notice). The CD or .zip file included the following:

- a) The Complaint (Case No. 1:23-cv-12711, Dkt. 1);
- b) Plaintiffs’ Omnibus Set of Additional Pleading Facts (Case No. 1:23-md-

03083, Dkt. 908);

c) Plaintiff's Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement (with accompanying memorandum of law, declarations, and motion for leave to file overlength brief) (Case No. 1:23-cv-12711, Dkt. 20–24) (also filed at Case No. 1:23-md-03083, Dkt. 1396–1400);

d) Class Action Settlement Agreement and Release (Case No. 1:23-cv-12711, Dkt. 22-1) (also filed at Case No. 1:23-md-03083, Dkt. 1398-1);

e) Proposed Settlement Benefits Plan (Case No. 1:23-cv-12711, Dkt. 22-2) (also filed at Case No. 1:23-md-03083, Dkt. 1398-2);

f) Proposed Order of Preliminary Approval (Case No. 1:23-cv-12711, Dkt. 20-1) (also filed at Case No. 1:23-md-03083, Dkt. 1396-1);

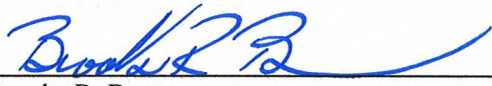
g) proposed forms of notice to the Settlement Class (Case No. 1:23-cv-12711, Dkt. 22-1 at 64–81) (also filed at Case No. 1:23-md-03083, Dkt. 1398-1 at 64–81); and

h) an estimated breakdown of the Settlement Class by State.

8. A true and correct copy of the Section 1715 Notice (without exhibits) is attached to this Declaration as **Exhibit 1**. The CAFA Notice Service List, which was vetted and confirmed by the Settlement Administrator, Epiq, was included with the Section 1715 Notice as Attachment A thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge, information and belief.

Executed on September 17th 2025.



Brooks R. Brown

EXHIBIT 1



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February 21, 2025

VIA FEDEX

John F. Vogel
Regional Director
Federal Deposit Insurance Corporation
15 Braintree Hill Office Park
Suite 200
Braintree, MA 02184

VIA USPS

Mary L. Gallagher
Commissioner
Massachusetts Division of Banks
One Federal Street
Suite 710
Boston, MA 02110

Re: *Gilmore v. The Bank of Canton*, No. 1:23-cv-12711 (D. Mass.)

Dear Sir and Madam:

We represent defendant The Bank of Canton (the “Company”) in *Gilmore v. The Bank of Canton*, No. 1:23-cv-12711, an action currently pending in the U.S. District Court for the District of Massachusetts (the “*Gilmore* Action”). The *Gilmore* Action has been designated as part of the multi-district litigation (“MDL”) proceeding captioned *In re: MOVEit Customer Data Security Breach Litigation*, MDL No. 1:23-md-03083, which is currently pending in the U.S. District Court for the District of Massachusetts (the “MOVEit MDL”).

Pursuant to 28 U.S.C. § 1715, this notice is to inform you of a proposed class action settlement of the *Gilmore* Action, which concerns a May 2023 cybersecurity incident in which a third-party criminal actor allegedly exploited a vulnerability in Progress Software’s MOVEit file transfer application—used by a third-party service provider to The Bank of Canton—to access personally identifiable information of the Company’s customers. The Bank of Canton provides this notice to the Federal Deposit Insurance Corporation and the Massachusetts Division of Banks consistent with 28 U.S.C. § 1715(c)(2). The Bank of Canton is also voluntarily providing notice of this settlement to the U.S. Attorney General and the Attorneys General of each U.S. state and territory and of the District of Columbia. See Attachment A.

In accordance with 28 U.S.C. § 1715(b), The Bank of Canton states as follows:

1. The complaint and all other pleadings and records filed in the *Gilmore* Action and the MOVEit MDL are available through the federal government’s PACER service at <https://www.pacer.gov>. The operative complaint in the *Gilmore* Action is included on the enclosed CD in the folder labeled Tab 1. The Omnibus Set of Additional Pleading Facts, which the MOVEit MDL Plaintiffs filed in the MOVEit MDL on May 24, 2024, is included on the enclosed CD in the folder labeled Tab 2.
2. On February 20, 2025, Plaintiff Stephen Gilmore moved for preliminary approval of the proposed class action settlement of the *Gilmore* Action. Plaintiff filed a Motion for Preliminary Approval of Proposed Class Action Settlement (ECF No. 20); a Memorandum of Law in Support of Plaintiff’s Motion for Preliminary Approval of Proposed Class Action Settlement (ECF No. 21); a Declaration of Gary F. Lynch in Support of Plaintiff’s Motion for Preliminary Approval (ECF No. 22); a Declaration of Cameron R. Azari, Esq. Regarding Notice Program (ECF No. 23); and a Motion for Leave to File an Overlength Memorandum in Support of Plaintiff’s Motion for Preliminary Approval (ECF No. 24) (collectively, the “Preliminary Approval Motion” (ECF Nos. 20–24)). The full Preliminary Approval Motion is included on the enclosed CD in the folder labeled Tab 3.



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3. The Class Action Settlement Agreement and Release, with all exhibits (the "Settlement Agreement"), was filed as Exhibit 1 to the Declaration of Gary F. Lynch (ECF No. 22-1), and is separately included on the enclosed CD in the folder labeled Tab 4. Included as exhibits to the Settlement Agreement are the proposed order of preliminary approval (*id.* at 52–63 (Ex. A)), the proposed class notices (*id.* at 64–81 (Ex. B–D)), the claim form (*id.* at 82–87 (Ex. E)), the proposed final approval order (*id.* at 88–97 (Ex. F)), and the proposed judgment (*id.* at 98–100 (Ex. G)). There are no additional agreements between class counsel and counsel for The Bank of Canton.
4. The Proposed Settlement Benefits Plan, which was filed as Exhibit 2 to the Declaration of Gary F. Lynch (ECF No. 22-2), is separately included on the enclosed CD in the folder labeled Tab 5.
5. The proposed order of preliminary approval is separately included on the enclosed CD in the folder labeled Tab 6.
6. The proposed forms of notice to class members, which provide notice of the proposed settlement and explain each class member's right to exclusion from the settlement, are separately included on the enclosed CD in the folder labeled Tab 7.
7. The court has not yet (a) scheduled any hearing related to the settlement, (b) issued any opinion related to the settlement, or (c) entered judgment or a notice of dismissal in the *Gilmore* Action.
8. For several reasons, including because the names of class members may be considered personally identifiable information entitled to protection under state or federal law, it is not feasible to provide a list of the names of the class members who reside in each state. The spreadsheet located on the enclosed CD in the folder labeled Tab 8 includes a table listing the approximate number of class members in each State and the approximate percentage of the total number of class members in each State. The proportionate share of the settlement amount that each class member is eligible to receive is dependent on certain matters that will not be known until the time of the final approval hearing (including, for example, the number of class members who request exclusion, the number of class members who submit valid claim forms, and the total value of the approved claims). As set forth in the Settlement Agreement, settlement class members are eligible to receive either: (1) reimbursement of proven ordinary losses up to \$2,500 and reimbursement of proven extraordinary losses up to \$10,000; or (2) an alternative cash payment of \$100. These payments are subject to *pro rata* adjustment based on total claim submission.

Sincerely,

A handwritten signature in black ink that reads 'W. Kyle Tayman'.

W. Kyle Tayman

Cc: All Addresses Listed in Attachment A hereto.

(Attachment and Enclosure)



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ATTACHMENT A

Pamela Bondi	US Department of Justice	950 Pennsylvania Ave NW		Washington	DC	20530
Treg Taylor	Office of the Attorney General	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Steve Marshall	Office of the Attorney General	501 Washington Ave		Montgomery	AL	36104
Tim Griffin	Office of the Attorney General	323 Center St	Suite 200	Little Rock	AR	72201
Kris Mayes	Office of the Attorney General	2005 N Central Ave		Phoenix	AZ	85004
CAFA Coordinator	Office of the Attorney General	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Phil Weiser	Office of the Attorney General	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.					CT
Brian Schwalb	Office of the Attorney General	400 6th St NW		Washington	DC	20001
Kathy Jennings	Office of the Attorney General	Carvel State Bldg	820 N French St	Wilmington	DE	19801
James Uthmeier	Office of the Attorney General	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Chris Carr	Office of the Attorney General	40 Capitol Square SW		Atlanta	GA	30334
Anne E Lopez	Department of the Attorney General	425 Queen St		Honolulu	HI	96813
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Anthony G Brown	Office of the Attorney General	200 St Paul Pl		Baltimore	MD	21202
Aaron Frey	Office of the Attorney General	6 State House Station		Augusta	ME	04333
Dana Nessel	Department of Attorney General	PO BOX 30212	525 W. Ottawa St.	Lansing	MI	48909
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Raul Torrez	Office of the Attorney General	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.					NV
Office of the Attorney General for New York	All documents sent to NY AG at their dedicated CAFA email inbox.					NY
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CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of the filing to all counsel of record.

Dated: September 19, 2025

/s/ Kristen A. Johnson
Kristen A. Johnson (BBO# 667261)