

PHILADELPHIA FIRM FILES FIRST LAWSUIT AGAINST LEHIGH VALLEY HEALTH NETWORK FOLLOWING ITS LATEST DATA BREACH

Saltz Mongeluzzi & Bendesky P.C. asserts in class-action complaint that privacy violations by LVHN resulted in release of cancer patient nude photos

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Patrick Howard, SMB class-action attorney

lawyers at [Saltz Mongeluzzi & Bendesky, P.C.](#), today filed the first lawsuit ([J. Doe v. Lehigh Valley Health Network](#), Lackawanna County Court of Common Pleas, No. 23-CV-1149), against the Lehigh Valley Health Network (LVHN) seeking justice on behalf of the cancer patients whose nude, medical-record photos appeared on the internet following a “preventable” and “seriously damaging” data breach, according to the filing. Negligence, breach of contract and privacy are among the claims asserted, all linked to the incident, acknowledged in early February by

LVNH after it allegedly prioritized money over patient privacy and refused to pay the hackers to keep the pictures private.

The complaint asserts that “while LVHN is publicly patting itself on the back for standing-up to these hackers and refusing to meet their ransom demands, they are consciously and intentionally ignoring the real victims: Plaintiff and the Class.” It also alleges that patients were unaware that the photos of them were part of their medical files, let alone susceptible to theft.

Besides seeking class-action status under Pennsylvania law, the complaint states that lead plaintiff, a LVNH cancer patient from Dunmore, Lackawanna County, identified in the lawsuit as J. Doe to protect her privacy – after it was allegedly breached by LVNH – and the other class members are entitled to punitive damages for “LVHN’s reckless, wanton and willful conduct in allowing nude images of cancer patients to be knowingly posted on the internet.”

While LVHN has directed outrage at those that hacked into its patient information systems, the lawsuit contends that it “breached its duty to Plaintiff and the Class by failing to adopt, implement, and maintain reasonable security measures to safeguard their Sensitive Information,” and, therefore, should be held accountable for its negligent actions, or inactions.

SMB class-action attorney Patrick Howard explained that the exact number of impacted patients would be determined through pre-trial discovery, but “clearly, one patient is one too many, and we already know there are likely hundreds if not thousands.”

Heading the SMB legal team with Mr. Howard is Simon Paris, joined by co-counsel from Scranton-based O’Malley & Langan (Todd J. O’Malley, Mary Anne O. Lucas), and Turke & Strauss, LLP, (Samuel J. Strauss, Raina Borrelli).

The data breach is believed to be the second in the past few years involving LVNH, one of the state’s largest health systems; it previously acknowledged being the target of a cyberattack in 2021, in which patient personal information was stolen from one of its vendors.

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