

## 2024 Trends in First Circuit Class Actions

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We are pleased to present our final 2024 update to the [New England and First Circuit Class Action Tracker](#), which focuses on class action filings in state and federal courts within the boundaries of the First Circuit in New England.

In 2024, there were 444 total state and federal filings, representing a sustained trend of increased class action filings, and exceeding pre-pandemic levels for the first time. If this trend continues into 2025, historical high points for class action filings in New England may soon become the norm.

### Cybersecurity and Data Privacy Litigation Continues to Grow

Federal class action cases in New England reflect a continued onslaught of cybersecurity and data privacy litigation arising from data breaches and the alleged unauthorized disclosure and/or use of consumer information, including [TCPA](#) claims.

The most asserted theories underlying data security and privacy class action claims were the exposure of personally identifiable information in a data breach and the receipt of unsolicited telephone calls and text messages.

The vast majority of these cases filed in federal courts have targeted professional services, health care, and retail/manufacturing industries, but there were also a significant number of filings targeting defendants in the technology and biotech/pharma services industries.

These record levels of federal cybersecurity and privacy litigation filings in New England are remarkable, because our totals do not include cases that were transferred and consolidated into the lead case *In re: MOVEit Customer Data Security Breach Litigation* (1:23-md-03083) pursuant to the transfer order from the Judicial Panel on Multidistrict Litigation dated October 4, 2023 transferring all listed actions to the District of Massachusetts and assigning them to Judge Allison D. Burroughs for consolidated pretrial proceedings.

In 2024 alone, 93 new cases were filed in connection with that multidistrict litigation and are not counted among the 213 federal district court filings in the District of Massachusetts in 2024.

Also notable, but not captured in our 2024 filing totals, is the removal of many previously filed wiretap class actions from Massachusetts state superior court to the District of Massachusetts in late 2024, following the Massachusetts [Supreme Judicial Court's ruling](#) in [Vita v. New England Baptist Hospital et al](#), SJC-13542.

If state court removals and multidistrict litigation filings had been included in our tabulation of cybersecurity and data privacy class actions in 2024, already notable high filing levels would have skyrocketed even more dramatically.

#### **Most Federal Cases Filed in Massachusetts District Courts**

The overwhelming majority of federal class action cases in New England filed in 2024—nearly 80%—were filed in the District of Massachusetts, followed by the District of Rhode Island, the District of Maine, and the lowest levels of filings in the District of New Hampshire. This trend is consistent with prior years.

#### **Securities and Antitrust Filings Up Year Over Year**

Securities class action filings have increased by 50%, and antitrust class action complaints have nearly doubled over prior years, marking two very active areas of litigation. Securities filings increased most prominently in the District of Massachusetts, while antitrust class action cases rose primarily in the District of Rhode Island.

#### **Industries Targeted are Consistent with Prior Years**

As in prior years, the financial/professional services, manufacturing/retail, health care, technology, and pharmaceutical/biotechnology industries continued to be the most frequent targets of class action complaints in the First Circuit throughout 2024.

#### **2025 Likely to Continue as Record Year for Class Action Filings**

With 2024 filings at their highest level in years, we expect the class action boom in the First Circuit to continue, along with the trend of class actions against health care and technology industry defendants. As these trends continue, we see the evolution to include the addition of financial, legal, and educational institution defendants. We will continue to monitor these developments as 2025 progresses.

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