

Judge Denies Neiman's Motion to Dismiss Data Breach Class Action

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A federal judge in the **Northern District of Illinois** has denied **Neiman Marcus Group LLC's ("Neiman")** motion to dismiss a consumer class action lawsuit arising from a December 2013 data breach at the retailer that exposed about 350,000 credit cards. As we previously [reported](#), the plaintiffs sued Neiman alleging various claims arising from fraudulent charges following the data breach.

The district court previously dismissed the suit on the ground that the plaintiffs lacked standing to sue, but that argument was rejected by the Seventh Circuit, and Neiman's request for [rehearing en banc](#) was denied. Back in the district court, Neiman argued that the court should still dismiss the suit because plaintiffs' alleged injuries were insufficient to state claims for, among other things, negligence, breach of implied contract, and violations of state data breach notification requirements.

In a brief docket entry, the district court denied the motion to dismiss, stating only that "[d]ismissal is not appropriate at this time." The case will therefore proceed on the merits, with a status hearing currently scheduled for February 25th.

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