

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

In re: Kelly Benefits Data Breach Litigation

Lead Case No. SAG-25-01304 · No. SAG-25-01304 · Decided December 10, 2025

SUMMARY

The United States District Court for the District of Maryland appoints Raina Borelli and James Pizzirusso as Interim Co-Lead Class Counsel and Cy Smith as Interim Liaison Counsel in the consolidated Kelly Benefits data breach litigation. Applying Federal Rule of Civil Procedure 23(g), the court favors the Gale Slate based on its earlier filing, work advancing consolidation, majority support, proposed cost-minimizing billing protocol, and litigation resources. The court grants ECF 17 and denies competing applications at ECF 22 and 23.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Stephanie A. Gallagher
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 10, 2025
DOCKET	SAG-25-01304
DISPOSITION	other
PROCEDURAL POSTURE	Three competing applications sought appointment of interim class counsel in consolidated putative class actions arising from the Kelly Benefits data breach.
STANDARD OF REVIEW	The court applied the selection standard in Federal Rule of Civil Procedure 23(g), appointing the applicant best able to represent the interests of the putative class after considering the rule's enumerated factors and other pertinent matters.
PRECEDENTIAL VALUE	unpublished

TOPICS

- class actions
- civil procedure
- commercial litigation
- consumer protection

PRACTICE AREAS

- class actions
- data privacy and security
- complex litigation
- civil procedure

QUESTIONS PRESENTED

1. Which of three competing applicant groups was best able to represent the interests of the putative class under Federal Rule of Civil Procedure 23(g)?
2. What factors should the court consider in selecting interim class counsel before class certification?

HOLDINGS

1. When more than one adequate applicant seeks appointment as interim class counsel, the court must appoint the applicant best able to represent the interests of the putative class.
2. The Gale Slate was the applicant best able to represent the interests of the putative class and therefore was entitled to appointment as interim co-lead and liaison counsel.

KEY QUOTATIONS

“If more than one adequate applicant seeks appointment, the court must appoint the applicant best able to represent the interests of the class.” (II)

“Ultimately, the fact that the Gale Slate filed the first class action, has built a majority coalition in support of its appointment, and has best advanced the progress of the litigation demonstrates to this Court that it is “the applicant best able to represent the interests of the class.”” (II)

FACTUAL BACKGROUND

The litigation concerns a data breach of Kelly & Associates Insurance Group, Inc., doing business as Kelly Benefits. Twenty-three substantially similar putative class actions were filed in the District of Maryland. The Gale Slate filed the first action, moved to consolidate the cases, established a litigation schedule, obtained support from attorneys in at least 18 of the 23 cases, proposed a cost-minimizing billing protocol, and identified three well-capitalized firms willing to fund the litigation.

PROCEDURAL HISTORY

Carolyn Gale filed the first putative class action on April 22, 2025. Twenty-two substantially similar class actions followed in the District of Maryland. The court granted Gale's motion to consolidate the cases and established a schedule for applications to serve as interim class counsel. After reviewing three applications, the court granted the Gale Slate's application and denied the competing Vazquez and Wargas applications.

DISPOSITION

other

CASES CITED

- In re Gerber Prods. Co. Heavy Metals Baby Food Litig., No. 1:21-cv-269 (MSN/JFA), 2022 WL 1494378, at *4 (E.D. Va. May 10, 2022)
- Riddick v. Medstar Health, Civ. No. 24-1335-BAH, 2024 WL 4712390, at *4 (D. Md. Nov. 7, 2024)

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