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### **Haviland Hughes Statement on the *Enslin v. Coke* case**

Haviland Hughes Managing Partner, Donald E. Haviland, Jr., comments on the September 29, 2105 decision of the Honorable Joseph F. Leeson, Jr. (“*Mem. Op.*”) as follows:

“As we stated when this case was first filed, this suit was brought because Coke refused to do the right thing by its current and former employees, even after it became clear that the personal identification information (“PII”) of tens of thousands of its employees had been compromised. The company that guards perhaps the best kept secret in America, the ‘Coke formula’, failed to reasonably protect its employees from the loss of *their* most precious information.

‘Identity theft’, as these cases have come to be mis-labeled, has become a needlessly challenging area of the law, largely due to defense efforts to convince courts that one’s personal information, including their credit, has no value. But, in this case, as in others cited by Judge Leeson, the Enslins have suffered from actual ‘*credit theft*’ due to Coke’s breach of its promise to its employees to safeguard their personal information. That breach has caused the Enslins (and likely others) to suffer ‘ongoing, present, distinct and palpable harms.’ *Mem. Op.* p.11. As Judge Leeson notes, the Enslins “lost more than just credit”; they were “forced to ... expend[] time, effort and money ... to combat these actual, imminent, and impending harms” caused by Coke. *Id.* at 11, n.4, 13.

Shane Enslin and his family are gratified that Judge Leeson has allowed their claims to proceed to discovery so that the truth about what happened can come out, and the harms suffered may be redressed in a court of law.”