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Cybersecurity & Data Privacy Attorney Collin Walke Software Makers May Face Greater Liability in Wake of MOVEit Lawsuit

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Hall Estill Cybersecurity & Data Privacy Attorney Collin R. Walke talks with DarkReading

A nationwide class-action suit filed against Progress Software in the wake of the massive MOVEit breach could point to additional litigation against software companies whose vulnerable applications are exploited in large-scale supply chain attacks, a legal expert says.

One such case was the Accellion data breach, in which the company reached an $8.1 million settlement relating to a zero-day exploit that resulted in a data breach impacting millions of people, says Collin Walke, a cybersecurity and data privacy attorney in Oklahoma City, who previously served in the Oklahoma House of Representatives.

Like other settlements and the MOVEit suits, the Accelion case was based on claims of negligence, breach of contract, and invasion of privacy, among others. Moreover, in ransomware cases like MOVEit, these rewards potentially could be on the higher side if the victim organization opted to pay the ransom, thus driving up the cost of their losses.

In the case of MOVEit, Coveware released an analysis recently estimating that the breach could earn Cl0p up to $100 million, money that companies may try to recoup through legal action.

"It certainly puts software companies on notice that they have exposure if their software is flawed," Walke says. "That would be especially true if the company knew about vulnerabilities and did nothing to stop them."

Collin R. Walke is special counsel and leads national law firm Hall Estill's Cybersecurity and Data Privacy practice. Prior to joining the firm, he served in the Oklahoma House of Representatives from 2016-2022 as the State Representative for House District 87.

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