

Mullenweg & Automattic Sued in Class Action Filing Over WordPress Dispute via @sejournal, @martinibuster

A new lawsuit seeking class action status alleges that WordPress co-creator Matt Mullenweg and Automattic engaged in unfair business practices to harm managed WordPress web host WP Engine (WPE) and its customers.

According to the lawsuit:

"Plaintiff and the class seek equitable relief pursuant to Cal. Bus. & Prof. Code § 17203 to end Defendants' wrongful practices including requiring Defendants to cease its tortious interference with contract."

...Plaintiff and the class also seek an order requiring Defendants to make full restitution of all monies it received through its wrongful conduct, along with all other relief permitted under Cal. Bus. & Prof. Code §§ 17200 et seq."

The lawsuit makes multiple claims against Mullenweg and Automattic:

- That defendants interfered with access to WordPress resources, disrupting WPE customers.
- Interfered with customers' ability to manage their websites hosted on WP Engine (WPE).
- The lawsuit claims that the actions were not legitimate trademark enforcement efforts but a pretext for degrading WP Engine's services and pressuring customers

to leave.

- The complaint also accuses the defendants of monopolistic behavior, alleging that they wielded control over the WordPress ecosystem for financial gain, harming WPE customers.

According to the legal filing:

“Defendants deliberately wielded their power over the WordPress.org website like a cudgel, not only blocking access to the website but stealing resources like the ACF plugin, forcing visitors to click a checkbox asserting they are not associated with WPE, publishing WPE customer website addresses in an attempt to pressure customers to leave WPE, and repeatedly threatening future consequences including the risk of additional service disruptions for class members who did not leave WPE. “

Why the Lawsuit Seeks Class Action Status

The legal filing asserts that the lawsuit qualifies for class action certification based on allegations that Mullenweg and Automattic engaged in conduct that harmed not just the plaintiff but a broader group of WP Engine (WPE) customers. The plaintiff contends that the defendants’ actions, including interfering with WPE’s services, blocking access to essential WordPress tools, disrupting and degrading service, and pressuring customers to leave WPE, resulted in harm that, according to the lawsuit, meets the criteria for class certification under Rule 23. The lawsuit claims that WPE customers faced service disruptions, financial losses, and potential security risks.

The justification for the class action is outlined in paragraph 58 of the lawsuit:

“Plaintiff brings this action as a class action pursuant to Rules 23(a) and 23(b)(1)-(3) of the Federal Rules of Civil Procedure, on behalf of himself, his business and a Nationwide Class defined as:

All persons in the United States who had ongoing active WPE WordPress Web Hosting Plans on or before September 24, 2024 through December 10, 2024.”

The legal filing asserts that numerous public statements and court records, including filings related to WP Engine, support the allegation that the defendants caused harm to the plaintiff and the alleged class. It then details the plaintiff’s personal experiences as further evidence of the alleged harm.

Section III, ‘Plaintiff’s Experiences,’ outlines how the defendant’s actions harmed the plaintiff, Keller, including:

- Service Disruptions
- Business and Financial Impact
- Personal Website Impact
- Security Risks
- Customer Relationship Concerns
- Consideration of Alternative Hosting

The legal filing details the following:

“Defendants’ interference significantly impacted the business of Plaintiff Keller. While Plaintiff Keller was happy with WPE services and intended to continue using WPE services, the service disruption and degraded service, coupled with repeated public statements and threats made by Defendants, led Plaintiff to explore moving his website and all those operated by his business to another managed web host.

Plaintiff’s livelihood revolves around building and operating websites, and significant disruptions will impact his

business including his own capacity to fulfill his contractual obligations to his own clients.

Plaintiff Keller's websites were significantly impacted by outages despite WPE's attempts to create workarounds.

Plaintiff Keller has had to spend significant time and expense responding to the service disruptions and degradations, preparing for moving his and his clients' websites to a new host, and in investigating a new host environment after a long and successful prior partnership with WPE. He is not alone in the harm he has suffered.

Plaintiff Keller's personal website was also significantly impacted. Access to the WordPress backend was available intermittently, and Plaintiff Keller received emails related to this downtime.

Plaintiff Keller pays WPE \$3,300 per year for its "Scale Plan," 2 additional websites, and GeoTargeting and Multi-Site services. Due to Defendants' actions, Plaintiff Keller was unable to update his website in a standard marketing cycle adjustment. Plaintiff Keller had to spend time and expense to manage, update, and modify his website as a result of Defendants cutting off WPE

from the WordPress ecosystem and therefore, did not receive the benefit of his bargain with WPE as Plaintiff Keller had to do the work that he pays WPE for."

A New Phase In Dispute Between Mullenweg/Automattic And WPE

This class action lawsuit is a new phase in the dispute between Mullenweg, Automattic and WP Engine. It expands the legal battle to include claims from individual customers. With allegations of unfair competition, monopolistic behavior, and deliberate service disruptions, the class action lawsuit adds

another layer to a dispute that has led some in the WordPress community to call for a change in governance to the WordPress open source project.

Read the text of the lawsuit here: (PDF)

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