

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: AT&T INC. CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 3114

TRANSFER ORDER

Before the Panel:* *Pro se* plaintiff in the action listed on Schedule A (*Wayne*) moves under Panel Rule 7.1 to vacate the order conditionally transferring the action to the Northern District of Texas for inclusion in MDL No. 3114. Defendant AT&T Inc. opposes the motion and supports transfer.

After considering the parties' arguments, we find that the action involves common questions of fact with the actions transferred to MDL No. 3114, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In our order establishing this MDL, we held that centralization was warranted for actions concerning "an alleged data security breach announced by AT&T in March 2024 concerning the personal information of over 70 million former and current AT&T customers released on the dark web."¹ *See In re AT&T Inc. Customer Data Sec. Breach Litig.*, 737 F. Supp. 3d 1350, 1351-52 (J.P.M.L. 2024). The action on Schedule A concerns the AT&T data breach announced in March 2024 and shares common factual questions with the actions in the MDL.

In opposition to transfer, plaintiff principally argues that transfer will impose a substantial burden on plaintiff given his status as a permanently disabled veteran and will result in numerous hardships. We are sympathetic to plaintiff's circumstances, but they are insufficient to justify denial of transfer. The Panel looks to "the overall convenience of the parties and witnesses in the litigation as a whole, not just those of a single plaintiff or defendant in isolation." *See In re Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012). We regularly transfer actions brought by *pro se* and disabled plaintiffs to MDLs. Plaintiffs generally benefit from the efforts of lead counsel to advance the litigation and the extensive common pretrial proceedings. Additionally, we note that, because transfer is for pretrial proceedings only, there likely will be no need for plaintiff to travel to the transferee forum.

* Judge Karen K. Caldwell, Judge Matthew F. Kennelly, and Judge David C. Norton did not participate in the decision of this matter.

¹ The personal information allegedly compromised by the breach was from a 2019 data set and included customer names, addresses, phone numbers, social security numbers, dates of birth, AT&T account numbers, and passcodes. *See In re AT&T Inc. Customer Data Sec. Breach Litig.*, 737 F. Supp. 3d at 1352 n.2.


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Plaintiff also argues that his action is not suitable for transfer because he seeks individualized damages and discovery. But the involvement of plaintiff-specific damages and discovery is not an impediment to transfer. Section 1407 does not require a complete identity of common factual issues or parties when, as here, the actions arise from a common factual core. *See In re Valsartan Prods. Liab. Litig.*, 433 F. Supp. 3d 1349, 1352 (J.P.M.L. 2019).

Plaintiff further argues that transfer would be inefficient because he has opted out of the class settlement in the MDL. We are not persuaded by this argument. The Panel routinely transfers opt-out actions to MDLs with class settlements because of the efficiencies to be gained from the transferee court's management of overlapping actions and expertise in the issues. *See, e.g., In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720, Doc. No. 204, Transfer Order at 2 (J.P.M.L. Oct. 16, 2013). Indeed, dozens of putative opt-out actions have been transferred to this MDL on this basis. *See, e.g., In re AT&T Inc. Customer Data Sec. Breach Litig.*, MDL No. 3114, Doc. No. 398 (J.P.M.L. Aug. 7, 2025).

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable Ada E. Brown for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Nathaniel M. Gorton
Acting Chair

Roger T. Benitez
Madeline Cox Arleo

Dale A. Kimball

**IN RE: AT&T INC. CUSTOMER DATA
SECURITY BREACH LITIGATION**

MDL No. 3114

SCHEDULE A

Northern District of Alabama

WAYNE v. AT&T, ET AL., C.A. No. 2:25-01882