

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:* Plaintiffs in the actions listed on Schedule A move under Panel Rule 7.1 to vacate the orders conditionally transferring the actions to MDL No. 3114. Defendant AT&T Inc. opposes the motions and supports transfer.

After considering the argument of counsel, we find that the actions involve 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.*, ___ F. Supp. 3d ___, 2024 WL 2884429 (J.P.M.L. June 5, 2024). The actions undisputedly concern the AT&T data breach announced in March 2024 and share common factual questions with the actions in the MDL.

In opposition to transfer, plaintiffs argue that (1) their actions involve unique “injuries and damages” which will not need common discovery; and (2) transfer will inconvenience plaintiffs and deprive them of their choice of forum. These objections are unpersuasive. The injuries alleged by plaintiffs – mainly increased risk of identity theft and emotional distress – are the same types of injuries alleged in the MDL. Additionally, even if plaintiffs did assert unique injuries, transfer is appropriate. 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).

The alleged inconvenience of transfer also does not weigh against 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.*

* Judge David C. Norton did not participate in the decision of this matter.

¹ The personal information allegedly compromised by the breach 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.*, 2024 WL 2884429, at *1 n.2.

Litig., 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012). Moreover, because transfer is for pretrial proceedings only, there likely will be no need for plaintiffs to travel to the transferee forum.

IT IS THEREFORE ORDERED that the actions listed on Schedule A are 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



Karen K. Caldwell

Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

Matthew F. Kennelly
Dale A. Kimball

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

MDL No. 3114

SCHEDULE A

Central District of California

REHN v. AT&T, INC., ET AL., C.A. No. 2:24-06224

Southern District of California

ELLIOTT v. AT&T, INC., ET AL., C.A. No. 3:24-01282

MOSES JR. v. AT&T, INC., ET AL., C.A. No. 3:24-01283

LEE v. AT&T, INC., ET AL., C.A. No. 3:24-01426

CHARUNGVAT v. AT&T, INC., ET AL., C.A. No. 3:24-01427

WINGARD v. AT&T, INC., ET AL., C.A. No. 3:24-01444