

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 and Schedule B move under Panel Rule 7.1 to vacate the orders conditionally transferring the actions to MDL No. 3114.¹ Defendants AT&T Inc. and AT&T Mobility LLC oppose the motions and support 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.”² *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 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, the *pro se* plaintiffs in *Phillips* argue that (1) there are “also questions of fact that are uncommon” to the MDL, and (2) transfer to a distant forum will be

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

¹ The Schedule A actions assert claims concerning the data breach at issue in MDL No. 3114 and were the subject of conditional transfer orders providing for transfer of the actions in their entirety. *See* CTO-2, CTO-3, and CTO-6. The Schedule B actions assert claims concerning both the data breach and an allegedly unlawful monthly administrative fee unrelated to the data breach claims. For the Schedule B actions, the CTO provided for transfer of the actions with simultaneous separation and remand of the claims challenging the administrative fee to the transferor court. *See* CTO-7. All parties to the Schedule B actions agree that exclusion of the administrative fee claims from the MDL is appropriate and do not challenge that part of the CTO.

² 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.*, 2024 WL 2884429, at *1 n.2.

inconvenient for their action. These objections are unpersuasive. First, plaintiffs do not indicate what the purported “uncommon” questions are. Assuming that their case does raise some case-specific factual questions (e.g., their individual relationship with AT&T), transfer remains warranted. Section 1407 does not require a complete identity of common factual issues or parties when 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). Additionally, the alleged inconvenience of transfer 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. 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.

Plaintiffs in the remaining seven actions principally argue that their actions were improperly removed and that the interest of efficiency is best served by allowing the transferor courts to decide the issues presented in their pending or anticipated motions for remand to state court. The Panel consistently has held, however, that jurisdictional objections do not present an impediment to transfer. *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347 (J.P.M.L. 2001) (explaining that “remand motions can be presented to and decided by the transferee judge” and transferor courts wishing to rule on such motions generally “have adequate time to do so”).

Plaintiffs in five actions (*Caruso, Surowiec, Young, Varela, and Quick*) also seek an order from the Panel remanding their actions to state court. The Panel does not have the authority to order remand of actions to state court. *See In re Ford Motor Co. DPS6 Powershift Transmission Prods. Liab. Litig.*, 289 F. Supp. 3d 1350, 1352 (J.P.M.L. 2018) (“Section 1407 does not empower the MDL Panel to decide questions going to the jurisdiction or the merits of a case, including issues relating to a motion to remand.”).

IT IS THEREFORE ORDERED that the actions listed on Schedule A and Schedule B 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.

IT IS FURTHER ORDERED that the administrative fee claims in the actions listed on Schedule B are simultaneously separated and remanded to the Southern District of Florida.

PANEL ON MULTIDISTRICT LITIGATION



Nathaniel M. Gorton
Acting Chair

Matthew F. Kennelly
Dale A. Kimball

Roger T. Benitez
Madeline Cox Arleo

**IN RE: AT&T INC. CUSTOMER DATA
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MDL No. 3114

SCHEDULE A

Middle District of Florida

RASLAVICH v. AT&T INC., C.A. No. 8:24-01422

Southern District of Florida

CARUSO v. AT&T MOBILITY LLC, C.A. No. 1:24-22597

PHILLIPS, ET AL. v. AT&T MOBILITY LLC, ET AL., C.A. No. 9:24-80700

Western District of Texas

EDWARDS v. AT&T INC., C.A. No. 1:24-00753

**IN RE: AT&T INC. CUSTOMER DATA
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SCHEDULE B

Southern District of Florida

SUROWIEC v. AT&T MOBILITY LLC, C.A. No. 1:24-22619

YOUNG v. AT&T MOBILITY LLC, C.A. No. 1:24-22625

VARELA v. AT&T MOBILITY LLC, C.A. No. 1:24-22666

QUICK v. AT&T MOBILITY LLC, C.A. No. 1:24-22682