

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: SNOWFLAKE, INC., DATA SECURITY BREACH
LITIGATION**

MDL No. 3126

ORDER DENYING REMAND

Before the Panel:* In February 2025, we transferred the action listed on Schedule A (*Wang*) from the Southern District of New York to the District of Montana for inclusion in MDL No. 3126.¹ *Pro se* plaintiff Hao Zhe Wang moves for remand of the action to its transferor court under Section 1407(a). Defendants AT&T Inc. and Snowflake Inc. oppose the motion.

After considering the arguments of the parties, we conclude that remand is not appropriate at this time, and we therefore deny plaintiff’s motion. In considering the question of Section 1407 remand, we accord great weight to the transferee judge’s determination that remand of a given action at a particular time is appropriate, as that judge has supervised the day-to-day pretrial proceedings in the MDL. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977). The transferee judge’s suggestion of remand to the Panel, *see* Rule 10.1(b), is an indication that the judge perceives his role under Section 1407 to have ended. *See In re Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008). Here, the transferee judge has not issued a suggestion of remand. Without a suggestion of remand, a party advocating Section 1407 remand “bears a strong burden of persuasion.” *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. at 1126. We conclude that plaintiff has not met that burden here.

In support of remand, plaintiff principally argues that (1) the pending class settlement devalues his claims, thus entitling him to remand of his case to the transferor court for case-specific proceedings; (2) he has received no benefit from the MDL, as the transferee court has stayed the proceedings against AT&T over the past year; (3) the reasons the Panel cited for transfer no longer exist, in particular, the potential for overlapping discovery; and (4) continued inclusion of *Wang* in the MDL violates due process. These arguments are unpersuasive.

* Judge David C. Norton and Judge Madeline Cox Arleo did not participate in the decision of this matter.

¹ *See* Transfer Order, *In re Snowflake, Inc., Data Sec. Breach Litig.*, MDL No. 3126 (J.P.M.L. Feb. 6, 2025) (“*Wang* Transfer Order”).

First, the alleged unfairness of the class settlement is irrelevant to remand, as plaintiff has the right to opt out of the settlement and pursue his claims individually. Additionally, he had the opportunity to present his objections to the settlement during the objections period, which expired on November 17, 2025.

Further, plaintiff's decision to opt out of the settlement does not support remand. Settlement approval proceedings are ongoing, and if the settlement is not granted final approval, substantial pretrial proceedings will remain. The transferee court is in the best position to determine the appropriate course of proceedings for the opt-out actions, as we recently held in rejecting similar arguments raised by other plaintiffs claiming they intend to opt out of the class settlement.²

Second, plaintiff's assertion that he has received no benefit from the MDL does not support remand. Transfer of *Wang* to the MDL occurred less than a year ago. Over the past year, the pretrial proceedings have focused on preparation of master complaints (as to all defendants), settlement proceedings for the settling defendants (AT&T, Advance Auto Parts, and Neiman Marcus), and dispositive motions by the non-settling defendants, including Snowflake. It is true that the claims against AT&T (including those in *Wang*) have been largely stayed pending completion of settlement approval proceedings. But the stay does not support remand. Centralization is based on "the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation." *See, e.g., In re Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012) ("While we are aware that centralization may pose some inconvenience to some parties . . . we look to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation."). Thus, we routinely have denied remand over plaintiff's objection that its individual action has been delayed in the MDL. *See, e.g., Order Denying Remand at 1-2, In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542 (J.P.M.L. Oct. 4, 2021).³

Third, plaintiff errs in asserting that the reasons we transferred *Wang* no longer exist. We previously determined that transfer of *Wang* would "serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation" based on the common

² *See* Transfer Order at 2, *In re AT&T Inc. Customer Data Sec. Breach Litig.*, MDL No. 3114 (J.P.M.L. Sept. 30, 2025); *see also In re Holiday Magic Sec. and Antitrust Litig.*, 433 F. Supp. at 1126 (denying opt-out plaintiffs' motion for remand, observing that the transferee court "is in the best position to determine the future course of . . . the non-settling claims").

³ Additionally, plaintiff's objection to the transferee court's stay of AT&T claims pending completion of the approval proceedings is essentially an objection to how the court is managing the MDL. The Panel has "neither the power nor the inclination to dictate in any way the manner in which the coordinated or consolidated pretrial proceedings are to be conducted by the transferee judge." *See, e.g., Transfer Order at 3 n.5, In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL No. 1720 (J.P.M.L. Oct. 16, 2013).

factual issues it shares with the MDL “concerning the breach of AT&T data on the Snowflake platform.” *See Wang* Transfer Order at 1. In addressing plaintiff’s objections, we further observed that “discovery in all actions, including *Wang*, concerning the Snowflake data breach will overlap, regardless of whether the claims are styled as individual or class claims.” *See id.* at 2 n.4. Those reasons still apply today, especially given that the MDL is at an early stage of proceedings.

The temporary stay of proceedings, the alleged lack of progress in *Wang*, and his dissatisfaction with leadership counsel are not to the contrary. All of these grievances are essentially disagreements with how to structure the proceedings in the MDL, not reasons supporting remand. *See, e.g.,* Order Denying Remand at 2, *In re Zantac (Ranitidine) Prods. Liab. Litig.*, MDL No. 2924 (J.P.M.L. Oct. 4, 2023) (“Dissatisfaction with a transferee court’s rulings and the course of pretrial proceedings, however, is clearly not a factor to be taken into consideration when deciding whether Section 1407 remand is appropriate.”) (citation and internal quotation marks omitted).⁴

Additionally, the stay of claims against AT&T in the *Snowflake* MDL is largely a consequence of the preliminary approval order in a related AT&T MDL in the Northern District of Texas. The order bars any member of the settlement classes from “continuing in any litigation” arising out of the released claims prior to a ruling on final approval.⁵ Plaintiff’s assumption that he could actively litigate his claims against AT&T in another court, outside the *Snowflake* MDL, ignores that provision in the preliminary approval order.

Plaintiff also ignores the efficiencies to be gained from coordinated proceedings on his claims against defendant Snowflake, which he names as a co-defendant in his complaint. Snowflake has asserted legal defenses in its motions to dismiss certain class action representative complaints that potentially will affect other actions in the MDL, including *Wang*. For example, Snowflake asserts that plaintiffs in certain class action complaints lack standing to bring claims based on breach of the Snowflake platform on grounds of lack of injury in fact, traceability, and redressability; Snowflake also asserts that plaintiffs fail to state a claim for negligence.⁶ These and other common defenses raised by the MDL defendants should be decided by the transferee judge.

⁴ As to plaintiff’s dissatisfaction with MDL leadership counsel, we further observe that any arguments as to deficiencies in MDL leadership should be directed to the transferee court. *See, e.g.,* Transfer Order at 2, *In re Valsartan, Losartan, and Irbesartan Prods. Liab. Litig.*, MDL No. 2875 (J.P.M.L. Mar. 27, 2020) (transferring action over plaintiffs’ objections concerning inadequate representation by court-appointed leadership in the MDL; “arguments as to any alleged deficiencies in the MDL leadership are properly directed to the transferee court”).

⁵ *See* Preliminary Approval Order ¶ 22, *In re AT&T Inc. Customer Data Sec. Breach Litig.*, No. 24-00757 (N.D. Tex. June 20, 2025).

⁶ The transferee court issued rulings on Snowflake’s motions to dismiss in October 2025. *See* Orders on Motions to Dismiss, *In re Snowflake, Inc., Data Sec. Breach Litig.*, No. 24-md-3126 (D. Mont. Oct. 28 and 29, 2025), ECF Nos. 591, 592, and 594.

Fourth, plaintiff fails to establish that his continued inclusion in the MDL violates due process. This argument is, in many respects, a repackaging of his previous arguments – that is, he is unable to pursue his claims in the MDL in the manner he prefers due to the stay, he has been precluded from taking discovery, and leadership counsel has been inadequate. None of these grievances warrants remand for the reasons stated above. Putting them under the mantle of due process does not change the result. “The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal quotation marks and citation omitted). Inclusion in the MDL does not deny plaintiff the opportunity to meaningfully participate in pretrial proceedings before the transferee court. Indeed, we rejected similar due process arguments made by plaintiff in the February 2025 order transferring *Wang* to the MDL. *See Wang* Transfer Order at 3 (“[T]ransfer does not violate plaintiff’s due process rights. Plaintiff’s argument is based on the speculative and conclusory assertion that the transferee court and plaintiffs’ leadership in the MDL will ignore the interests of individual plaintiffs in conducting pretrial proceedings Transfer does not deny plaintiff the opportunity to meaningfully participate in proceedings in the transferee court, and the Panel has rejected similar arguments in the past.”) (footnote and citations omitted).

Plaintiff attempts to revisit this determination based on the argument that, following transfer, his case has been “ignored” in the MDL, showing his concerns are no longer “speculative.” But the record in this MDL shows that plaintiff has had an opportunity to be heard on multiple occasions. The transferee court holds regular status conferences and allows parties to participate remotely via videoconference. Plaintiff participated in the June 2025 conference and spoke to the court about most of the concerns he now raises – specifically, his objection to the stay pending settlement, the alleged failures of plaintiffs’ leadership, and lack of access to MDL documents. The transferee court explained the status of settlement proceedings to plaintiff and directed plaintiffs’ leadership and defense counsel to provide plaintiff certain documents he sought.⁷ At least six other status conferences with opportunities for remote attendance also have been held this past year.⁸ Though the minute entries indicate that plaintiff did not participate in those other conferences, he had an opportunity to do so. Thus, we reject his due process arguments in support of remand.⁹

⁷ *See* Hr’g Tr. at 12-18, *In re Snowflake, Inc., Data Sec. Breach Litig.*, No. 24-md-3126 (D. Mont. June 25, 2025). We also note that the MDL leadership appointment order directs lead and liaison counsel to “[m]aintain contact with pro se plaintiffs to the extent possible and ensure service of all filings to pro se plaintiffs.” *See* Order Appointing Leadership Counsel and Case Mgmt. Order at 5, *Snowflake* Master Dkt., No. 24-md-3126 (D. Mont. Nov. 19, 2024).

⁸ *See* Minute Entries of Conferences on 03/24/2025, 04/17/2025, 05/22/2025, 08/28/2025, and 09/15/2025, *In re Snowflake, Inc., Data Sec. Breach Litig.*, No. 24-md-3126 (D. Mont.).

⁹ *See also* Order Denying Remand at 3, *In re AT&T Inc. Customer Data Security Breach Litig.*, MDL No. 3114 (J.P.M.L. Apr. 1, 2025) (“Plaintiffs’ attempt to cast inconvenience as a due process violation is meritless. The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner. Inclusion in the MDL does not deny plaintiffs

IT IS THEREFORE ORDERED that the motion for Section 1407 remand of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell

Chair

Nathaniel M. Gorton
Roger T. Benitez

Matthew F. Kennelly
Dale A. Kimball

the opportunity to meaningfully participate in pretrial proceedings before the transferee court.”) (citation and internal quotation marks omitted); *In re Equifax, Inc., Customer Data Sec. Breach Litig.*, MDL No. 2800, 2018 WL 3770539 (J.P.M.L. Aug. 8, 2018) (transferring *pro se* action over due process objection premised on potential “interference by . . . leadership counsel”; “we find that transfer does not deny plaintiff the opportunity to meaningfully participate in pretrial proceedings before the transferee court”).

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SCHEDULE A

District of Montana

WANG v. AT&T, ET AL., C.A. No. 2:24-00155
(Southern District of New York, C.A. No. 1:24-07206)