

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

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

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CASE NO. 3:24-cv-00757-E

MDL DOCKET NO. 3:24-md-03114-E

This Document Relates to All Cases

AFFIDAVIT OF ROYAL FURGESON

The Honorable Ada Brown has requested that I serve as a Special Master in the above multidistrict litigation under the auspices of Rule 53 of the Federal Rules of Civil Procedure. Judge Brown has also asked the parties to consent to my appointment. So that the parties will understand, before giving their consent, any and all possible relationships which I have to the parties or their lawyers, I make the following disclosures:

1. AT&T. This matter involves a data breach of AT&T and its affiliates. My law firm, my family and I are AT&T subscribers for wire, mobile and U-Verse services. To avoid any conflict in that regard, on behalf of my law firm, my family and myself, I disclaim any interest of any kind in this litigation and waive any right to any possible recovery in regard to said litigation. I also aver that my law partner, Marcellene Malouf, who is also my wife, joins me in this disclaimer and waiver. If requested, Ms. Malouf will execute an affidavit to such effect.

2. AT&T Legal Department. From 2013 to 2018, I was the founding Dean of UNT Dallas College of Law. During my tenure, members of the AT&T Legal Department, including Senior

Executive Vice President and General Counsel, David McAtee II, gave active support to the law school, at my request.

3. Mark W. Lanier. (a) The Lanier Law Firm, along with other law firms, settled a mass tort case for a large number of claimants in Cause No. D-1-GN-14-005114 in the 201st District Court of Travis County in *James Steele v. GTech Corporation*. Ms. Malouf and I were appointed Masters in Chancery under Rule 171 of the Texas Rules of Civil Procedure, to assist the parties in potentially settling the case by developing an allocation model to make potential distributions to eligible claimants. We have very recently completed our responsibilities as Masters in Chancery. Over 95% of the claimants accepted our allocation model, resulting in settlement of the case. (b) When I served as a member of the United States Judicial Panel on Multidistrict Litigation (JPML), from 2008 to 2013, Mr. Lanier argued several matters before us. (c) I attended the Baylor MDL Judicial Summit in 2023 and the Texas Tech MDL Judicial Summit in 2024, where Mr. Lanier and I both appeared on the program in both years. (d) The Lanier Law Firm files asbestos claims with the DII Industries LLC Asbestos Trust. Ms. Malouf is the Managing Trustee of the Trust.

4. Sean Modjarrad. Mr. Modjarrad gave active support to UNT Dallas College of Law, at my request. After I left the law school, he informed me that he and James Stanton were contemplating a substantial gift to the law school to sponsor a speakers program. To the best of my knowledge, the matter is still under consideration.

5. Joe Kendall. (a) Retired United States District Judge Joe Kendall and I were on the federal bench during the same time period until he resigned his commission to return to private practice. (b) While in private practice, Judge Kendall appeared before me in at least one case which eventually settled. (c) Judge Kendall gave active support to the UNT Dallas College of

Law, at my request. He gifted \$10,000 to the law school during my tenure. (d) I mediated at least two cases where he represented one of the parties. Neither case settled during mediation.

6. Michael K. Hurst. (a) I am an active member of the Dallas Bar Association. Michael Hurst is a past President of the Dallas Bar Association, and we have worked on Association projects from time to time. (b) I mediated at least two cases where Mr. Hurst represented one of the parties. Only one settled during mediation. (c) I am presently an arbitrator in an arbitration where members of Mr. Hurst's law firm, Lynn Pinker Hurst Schwegmann LLP, represent one of the parties. About two years ago, I completed an arbitration where members of Mr. Hurst's law firm represented one of the parties.

7. Barry Barnett. (a) When I served as a member of the JPML, Mr. Barnett argued at least one matter before us. (b) I have arbitrated three arbitrations where members of Mr. Barnett's law firm, Susman Godfrey L.L.P., have represented one of the parties. (c) From 2011 to 2013, I was President of the Federal Judges Association. During my tenure, the Federal Judges Association was represented by Susman Godfrey L.L.P. in a suit against the United States for salary restoration. A settlement was eventually reached to the satisfaction of all parties. (d) Mr. Barnett and I are elected members of the American Law Institute, and we attend the Institute's annual meetings.

8. Warren T. Burns and Daniel Charest. (a) Mr. Burns and I are elected members of the American Law Institute, and we attend the Institute's annual meetings. (b) I have mediated several cases with members of Burns Charest LLP. To the best of my memory, all have settled. (c) During my tenure as founding Dean of UNT Dallas College of Law, Burns Charest LLP hired several of my students. (d) Burns Charest LLP files asbestos claims with the DII Industries LLC Asbestos Trust. Ms. Malouf is the Managing Trustee of the Trust.

9. Rebecca L. Solomon. During the last two years of my federal judgeship, from 2012 to 2013, Rebecca L. Solomon served with distinction as one of my law clerks.

10. Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. The Beasley Allen law firm represented parties opposing the bankruptcy in the case of *In re LTL Management, LLC*, Case No. 23-12825 (MBK), United States Bankruptcy Court for the District of New Jersey. I was an expert witness on behalf of the parties opposing the bankruptcy, testifying that the MDL forum provided a superior method for resolving the mass tort claims in general and in the LTL matter, specifically.

11. Hossley & Associates. Hossley & Associates files asbestos claims with the DII Industries LLC Asbestos Trust. Ms. Malouf is the Managing Trustee of the Trust.

12. Seeger Weiss, LLP. Seeger Weiss LLP files asbestos claims with the DII Industries LLC Asbestos Trust. Ms. Malouf is the Managing Trustee of the Trust.

13. Morgan & Morgan Mass Tort Department. Morgan & Morgan Mass Tort Departments files asbestos claims with the DII Industries LLC Asbestos Trust. Ms. Malouf is the Managing Trustee of the Trust.

14. Baker Hosteler LLP. Baker Hosteler LLP represents the DII Industries LLC Asbestos Trust in connection with cyber security assessments and all other matters relating to information security. Ms. Malouf is the Managing Trustee of the Trust.

In light of my disclaimer and waiver of any interest or recovery against AT&T in connection with this litigation, I am not aware of any grounds for my disqualification under 28 U.S.C. § 455. While I am of the opinion that my other disclosures herein do not reveal any basis to reasonably question my impartiality in connection with this litigation, I have made the

disclosures so that, if any party believes otherwise, they may object to my appointment so that Judge Brown can withdraw the appointment and find an appropriate replacement.

Signed this 20th day of August, 2024.

Royal Furgeson
Royal Furgeson

Before me, a notary public, on August 20th, 2024, personally appeared Royal Furgeson, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

SB
Notary Public's Signature

(Notary Seal)

Notary public for the State of Texas
Notary Commission/ID Number: 134609182

