

Jenner & Block Secures Rare Double Appellate Victory for Client Marriott International

News

June 4, 2025

This week, the Fourth Circuit Court of Appeals delivered a complete victory for Marriott, reversing for the second time a district court's certification of what would have been the largest class action arising from a data security incident in US history. If the ruling had been allowed to stand, the district court's class certification order would have had enormous implications for class litigation, multidistrict litigation, and class-action waivers.

These back-to-back appellate victories establish ironclad precedent that standard litigation coordination in an MDL cannot be weaponized by plaintiffs to circumvent explicit contractual protections against class litigation. The Fourth Circuit's unanimous rejection of the "MDL waiver" theory protects fundamental principles of contract law while maintaining the efficiency benefits of coordinated pretrial proceedings. The Fourth Circuit's decision also makes clear that a class waiver need not be coupled with an arbitration clause to be enforced in federal courts.

Appellate courts rarely grant interlocutory review of class certification orders. Having the court reverse twice on appeal, decertifying classes representing over 133 million potential claimants, represents a major legal achievement.

The team included Partners Matt Hellman, Lindsay Harrison, and Elizabeth Deutsch, Associates Mary Marshall and Emanuel Powell III, Paralegal Supervisor Cheryl Olson, and Executive Assistant Beth Gulden.

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