

Technology, Data Breach, and Privacy Litigation

Cahill's technology, data breach, and privacy litigation practice has a proven track record of fighting and winning groundbreaking cases for both global technology leaders and companies facing technology-related litigation.

We are best known for crafting unique and precedent-setting strategies across a wide variety of matters, from fighting cybercrime to defending policies and practices under the First Amendment to enforcing the immunity provided under Section 230 of the Communications Decency Act. The practice also routinely handles data breach and privacy litigation matters for companies.

Headlines offer a snapshot of the challenges facing today's technology companies.


- **"Can Big Tech Be Disrupted?"** asks the *Harvard Business Review*.
- **"Big Tech Must Be Scared,"** announces the *Financial Times*.
- **"Big Tech's Overpowering Influence"** present "Risks to the Market and Your Money," notes *Forbes* in an article that explores "the mechanics of Big Tech's dominance."

The assault on the world's most dynamic and innovative technology companies continues, as policymakers, regulators, and interest groups grasp for increasingly inventive and sophisticated legal strategies to target the industry.

Cahill's clients have included industry leaders such as Microsoft, Clearview AI, a leading food ordering and delivery platform, a leading electronic car manufacturer, and a leading social media platform. These tech titans rely on the deep experience of Cahill's sophisticated legal counsel to help them solve their most complex legal issues. Cahill's team takes creative and collaborative approaches to solve those issues, bringing to bear the very best of Cahill's white collar, intellectual property, digital assets, First Amendment, and commercial litigation practices, among others.

Examples of our ground-breaking work:

- As counsel to Microsoft, Cahill developed a unique civil litigation strategy to disrupt a global cybercrime scheme that harmed Microsoft and its customers worldwide; devising a unique strategy to halt this scheme; filing suit under seal in the Southern District of New York (SDNY); and obtaining a temporary restraining order, preliminary injunction, and supplemental permanent injunction, through which Microsoft seized the malicious domains and infrastructure used to operate the scheme. Cahill was selected as a finalist for the *Financial Times'* Innovative Lawyers in the Technology Sector Award and the *New York Law Journal's* Innovation Award as a result of this work.
- Cahill secured an order in the SDNY that struck down a New York City ordinance on First Amendment grounds, that would have required a major food-ordering and delivery platform to disclose valuable customer data to restaurants without customer consent. In connection with the victory, Cahill lawyers were recognized as "Legal Lions of the Week" by *Law360* and as "Litigator of the Week" finalists by *The American Lawyer's Litigation Daily*.
- In the wake of a series of putative class action lawsuits, Cahill helped successfully defend Clearview AI against a potentially crippling preliminary injunction in the Northern District of Illinois that had the potential to put Clearview out of business. The suit alleged Clearview had utilized individuals' photos available on the web without the individuals' permission. Cahill's unique defense strategies allowed for the preservation of Clearview's core business and led to an eventual settlement of the case that allowed Clearview to continue to operate. Cahill's work on the matter earned the team recognition from *The American Lawyer's* Litigators of the Week. *Law360* and the Associated Press called the structure of the settlement "unique," while *The New York Times* labeled it "unusual," and Reuters described it as "novel."
- Cahill secured a major Ninth Circuit victory on behalf of an industry-leading social media platform, blocking enforcement of a California law that sought to force the disclosure of the platform's moderation practices concerning certain controversial categories of speech (e.g., hate speech, racism, disinformation, misinformation,



extremism, harassment, and foreign political interference). This work led to the Cahill team's recent recognition as "Legal Lions of the Week" by *Law360* and as "Litigator of the Week" finalists.

- Cahill secured a precedent-setting victory for a leading social media platform in the Eastern District of California, striking down a California law that would have forced covered social media platforms to remove or label certain political speech about elections that the State deems false or misleading. California's AB 2655 law, which was passed after a user posted AI-generated "deepfake" political parody videos that the State found objectionable, has been described in the media as "one of the country's strictest bans on election deepfakes." Cahill successfully argued the state statute had the potential to censor important election-related speech, including satire and parody, and impermissibly substituted the State's judgments about what content was permissible on covered platforms for those of the platforms. The court thus held that the statute violated and was preempted by the immunity provided to platforms under the federal Communications Decency Act's Section 230.
- Cahill represents Trust Wallet, a multi-chain self-custody cryptocurrency wallet, in the Northern District of Illinois in connection with ongoing litigation involving allegations that the company collected and disclosed the biometric identifiers and/or biometric information of its users, in violation of the Illinois Biometric Information Privacy Act. The case raises questions at the bleeding edge of privacy and technology.
- Cahill represents a leading electronic car company in an ongoing dispute with the California Department of Motor Vehicles concerning how the company describes and markets driver-assistance features that raises significant First Amendment issues.
- Cahill is currently leading a groundbreaking lawsuit to disrupt a Vietnam-based cybercrime ring that has led a sophisticated effort to defraud the creator revenue-sharing program of a leading social media platform. The defendants have used bots, AI-generated content, and stolen U.S. identities to create fake engagement and thereby siphon payouts that were meant for legitimate content creators. Cahill has shaped the legal strategy, overseeing the identification of key defendants, and is seeking injunctive relief and damages under RICO, the Lanham Act, and other laws.