

Privacy Litigation

Privacy and data security lawsuits are especially complicated and constantly changing, as the security and regulatory threats that spawn such lawsuits continue to expand and evolve. That is why clients seek out Polsinelli's cross-disciplinary national Privacy Litigation team. Drawing on our privacy and data security litigators' deep experience across a number of industry verticals, Polsinelli's cross-disciplinary national team secures consistently excellent outcomes for companies facing contested proceedings on privacy and security issues. Our team is experienced both in counseling clients on the protection of personal information and guiding them through the aftermath of data incidents potentially impacting that information. Building on those capabilities, our Privacy Litigation team has extensive experience helping companies of all sizes navigate this increasingly treacherous legal, regulatory and litigation landscape.

Our privacy litigators work hand-in-hand with our cyber incident response attorneys to provide a seamless, collaborative experience for our clients facing the multi-front challenges of a significant privacy or security incident. Our attorneys understand the disruption lawsuits create and work closely with clients to prevent or minimize litigation risk throughout the process, from the onset of disputed issues in a pre-litigation context through litigation on the merits and all necessary appeals. We strive to obtain the best and most practical results for our clients quickly and cost-effectively while vigorously defending these cases in courts across the country.

Our litigators have experience in single-plaintiff, mass action and class action cases across a wide spectrum of privacy-related tort and contract scenarios, as well as federal and state statutory schemes, including:

- Tort and contract theories
 - Alleged data compromise by unknown actors
 - Inadvertent data loss or compromise
 - Alleged failure to supervise outside contractors
- Private rights of action under
 - Illinois Biometric Information Privacy Act (BIPA)
 - Telephone Consumer Protection Act (TCPA)
 - Fair Credit Reporting Act (FCRA)
 - California Consumer Privacy Act (CCPA)
 - California Confidentiality of Medical Information Act (CMIA)
- Health Insurance Portability and Accountability Act (HIPAA) and other laws and regulations bearing on medical privacy
- Federal Trade Commission Act and State Deceptive and Unfair Trade Practices Acts
- State Consumer Protection Acts
- Claims of unjust enrichment, breach of fiduciary duty and invasion of privacy, among others

The factual context of these cases can be as simple as a lost or stolen laptop or as complex and multi-dimensional as a ransomware or hacking incident or the newest wave of lawsuits attacking Meta Pixel technologies, session replay software or “chatbot” capabilities.

Polsinelli’s team stands ready with the experience and skill set necessary to counsel our clients on the best course of action to limit exposure and mitigate potential damages when our clients face a potential class action. If litigation ensues, whether by an individual or a putative class, our Privacy Litigation team has a record of obtaining dismissals and other positive outcomes early in the process as well as strong, cost-effective defense of cases that reach the merits.

Polsinelli’s national Privacy Litigation team crosses geographical and industry borders with ease and agility to best serve the needs of our clients when they are facing these types of potentially catastrophic exposures and the burdens of a protracted defense of their businesses. In addition to our experienced and nationally recognized Health Care attorneys, Polsinelli’s team also brings data incident and litigation experience in the financial services, accounting, legal services, manufacturing, e-commerce and maritime sectors to bear for our clients.

Our privacy litigation work is nationally recognized as a "Standout" practice area in the *2025 BTI Litigation Outlook* guide for both Cybersecurity Litigation and Class Action Litigation. If a business is facing these issues or needs more information about our national Privacy Litigation practice, please contact one of our experienced Polsinelli attorneys today.

Matters

- *Enslin v. The Coca-Cola Company, et al., Case No. 2:14-cv-06476 (E.D. Pa.)*: Obtained summary judgment, and affirmance on appeal, in a putative class action alleging privacy violations under federal and state law in connection with the theft of 55 laptops containing employee information.
- Defended national bank and payment processor in class action in Illinois alleging violation of California privacy acts. Case settled favorably.
- Defended health care organization in class action claims in Iowa alleging violations of privacy rights, common law, and statutory obligations.
- Defended health care organizations in class action claims in New York alleging violations of privacy rights, common law and statutory obligations.
- Defended health care organization in class action claims in New Hampshire alleging violations of privacy rights, common law and statutory obligations.
- Defended health care organizations in class action claims in Missouri alleging violations of privacy rights, common law, and statutory obligations.
- Defended health care organizations in class action claims in Illinois alleging violations of privacy rights and common law and statutory obligations.
- Defended company providing patient portal and management services in five class action lawsuits in Tennessee alleging privacy rights violations, common law and statutory obligations.
- Defended health care organizations in class action claims in California alleging violations of privacy rights, common law, and statutory obligations.
- Represented health care organization in class action claims in Vermont alleging privacy rights violations and common law and statutory obligations.
- Defended class action claims in Nevada alleging privacy rights violations, common law and statutory obligations.
- Represented financial services company defending class action claims in New Mexico arising from cybersecurity incidents.
- Represented educational institution against class action claims in Missouri alleging violation of privacy laws.
- Represented a coalition of health care organizations and service providers in Arizona against class action claims alleging violation of patient rights of access to medical records.

- Defended correctional facility operator in class action alleging federal wiretap violations.
- Represented manufacturing and sales/finance company in the transportation and outdoor camping sector against class action claims in Illinois.
- Represented Illinois vendor in business-to-business pre-litigation claim matter in California arising from data incident.
- Represented information technology provider in multiparty business-to-business recovery action filed in the aftermath of a multimillion-dollar misdirected wire transfer incident.
- Represented radiology provider through multiyear class actions in New York, culminating in dismissing all claims.
- Represented national medical provider in multiclass action cases in various states, most recently consolidated in Florida.