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Gibson Dunn Team Secures Unanimous Ruling in Favor of Client DoorDash

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The U.S. Court of Appeals for the Second Circuit has ruled unanimously in favor of DoorDash, Uber Eats, and Grubhub in a First Amendment challenge to New York City's Customer Data Law, which required third-party platforms such as DoorDash to share customer information with restaurants — information that included customer names, phone numbers, email addresses, and delivery addresses.

The Second Circuit held that the law was subject to intermediate scrutiny, not deferential Zauderer review. Applying intermediate scrutiny, the court held that the law was overbroad because it presumed that every customer consented to having their information shared with restaurants. The decision confirms important limits on the government's ability to compel speech, vindicates third-party platforms' ability to use powerful data-based tools to serve customers and restaurants alike, and safeguards the privacy interests of thousands of everyday consumers.

The Gibson Dunn team representing DoorDash was led by partner Michael Holecek and included of counsel Jonathan Soleimani and associates Aaron Smith, Megan Murphy, and Apratim Vidyarthi.

Related People

Michael Holecek

Jonathan N. Soleimani

Aaron Smith

Megan R. Murphy

Apratim Vidyarthi

Related Capabilities

Litigation

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