Martie Kutscher Clark

Partner

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Palo Alto



Martie Kutscher Clark is a partner in Gibson Dunn's Palo Alto office. She represents leading technology companies in complex, high-stakes litigation and regulatory enforcement matters, with a focus on consumer protection, data privacy, advertising technology, and algorithmic bias. She has also litigated a number of "bet-the-company" founders' disputes, securities actions, and wiretap disputes.

Martie is known for her ability to handle novel legal questions arising from emerging technologies, providing strategic counsel that anticipates future risks. Her skill in distilling complex technological concepts into clear, persuasive arguments has made her a sought-after litigator in cases requiring nuanced explanations of intricate technologies to courts and factfinders, and her results-driven focus and strategic approach have made her a trusted advocate and advisor for many of Silicon Valley's most innovative companies.

In 2025 and 2024 Martie was named to Lawdragon's "500 X—The Next Generation" list, which recognizes "those who will define where the legal profession of our country goes". She was named in 2024 as one of the top 40 lawyers under 40 in California by *The Daily Journal,* and *The Best Lawyers in America*® recognized her as "One to Watch" in 2022 and 2023.

Select Representative Matters:

- Representing Meta and its officers in a series of putative class actions, government enforcement actions, and shareholder derivative litigation relating to data privacy issues arising out of the Cambridge Analytica events.
- Representing global technology company in non-public advertising technology investigations by federal regulators.
- Secured dismissal of California UCL claims against leading technology company alleging undisclosed data-sharing, in an opinion holding the data-sharing claims did not establish standing under the UCL or Article III.
- Secured dismissal of data-sharing claims against leading technology company in opinion holding the company is not responsible for third-parties' violations of its policies.
- Represented gig-economy company in non-public investigations by state attorney generals regarding consumer disclosures.
- Secured dismissal on the pleadings of putative securities fraud class action regarding electric vehicles on behalf of leading venture capital firm and its Board in a published Seventh Circuit opinion expanding the scope of available defenses at the pleading stage.
- Successfully defended global technology company in litigation regarding the scope of the Wiretap Act and Communications Assistance for Law Enforcement Act and

Capabilities

Litigation
Appellate and Constitutional Law
Artificial Intelligence
Class Actions
Consumer Protection
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
Securities Litigation
Tech and Innovation
Technology Litigation

Credentials

Education

Columbia University - 2012 Juris Doctor
Dartmouth College - 2007 Bachelor of Arts

Admissions

New Jersey Bar
California Bar
New York Bar

Clerkships

US Court of Appeals, 9th Circuit, Hon. Milan D. Smith Jr., 2013 - 2014
USDC, Eastern District of Pennsylvania, Hon. Legrome D. Davis, 2012 - 2013

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continued representation in related appeal to the Ninth Circuit.

- Successfully defended leading social media company against claims arising from a high-profile founders' dispute and obtained affirmance on appeal.
- Obtained favorable settlement for transportation start-up and its Board in a founders' dispute concerning trade secrets, employee solicitation, and equity distribution.
- Successfully defended a blockchain-based predictions platform in a founders' dispute regarding equity and token distribution.
- Obtained favorable settlement for global technology company and its co-founders in connection with patent infringement, trade secret, fraud, and joint venture claims in a high-profile founders dispute.
- Obtained a favorable settlement on behalf of a leading mobile gaming company in an action concerning high speed, cloud-based technology and equity distribution.
- Strategized a pre-enactment challenge to a proposed ordinance targeting a peer-to-peer ridesharing company.

Pro Bono and Community: Martie has an active pro bono practice that includes developing impact litigation regarding anti-WOKE legislation, developing impact litigation regarding police brutality, bringing constitutional claims on behalf of prison inmates, and representing immigration clients in removal proceedings.

Clerkships: Prior to joining Gibson Dunn, Martie served as a law clerk to the Honorable Milan D. Smith, Jr. of the United States Court of Appeals for the Ninth Circuit and as a law clerk to the Honorable Legrome D. Davis of the United States District Court for the Eastern District of Pennsylvania.

Education: Martie graduated as a James Kent Scholar from the Columbia University School of Law in 2012. She holds a Bachelor of Arts degree in Government from Dartmouth College, where she graduated *magna cum laude* and was admitted as a member of the Phi Beta Kappa Society.

Admissions: Martie is admitted to practice law in the states of California, New Jersey, and New York. She is a member of the bars of the United States Courts of Appeals for the Seventh and Ninth Circuits and the United States District Courts for the Central, Northern, and Eastern Districts of California, and the Eastern District of Wisconsin.

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