

Cybersecurity & Privacy Group Of The Year: Gibson Dunn

By **Shayna Posses**

Law360 (January 23, 2019, 11:26 AM EST) -- Gibson Dunn & Crutcher LLP's cybersecurity and privacy attorneys continue to show why they're the trusted choice for leading technology companies, guiding the likes of Uber and Yahoo to favorable outcomes in closely watched data breach litigation to land among Law360's Cybersecurity & Privacy Groups of the Year for the second year running.

Between the firm's long-standing focus on privacy and cybersecurity issues and its deep bench of former cybercrime prosecutors, Gibson Dunn is uniquely situated to handle this ever-evolving area of the law, group leader Alexander H. Southwell said.

"It's an area that is growing incredibly fast, both because it's incredibly important to clients and because it's the stuff of front page news regularly," he said. "But we've been at it for a decade-plus."

As a result, even with a slew of cybersecurity practices cropping up in recent years, Gibson Dunn continues to do some of the most cutting-edge work in the space, including representing longtime client Facebook in Cambridge Analytica-related matters, Southwell said.

The attorneys are helping the social media giant tackle civil litigation stemming from the political consulting firm's alleged misuse of user data, including shareholder suits and the dozens of consumer privacy actions that were consolidated into multidistrict litigation in California.

Though the firm has done plenty of important work for Facebook over the years, being trusted with the Cambridge Analytica actions is particularly meaningful for the attorneys, Southwell said, explaining that the litigation involves some of the "most significant privacy legal issues of our day."

Partner Michael Li-Ming Wong echoed his sentiments, saying it's rewarding as an attorney to earn the trust of sophisticated clients and to tackle the novel and knotty legal issues they face.

"It's an honor to help these innovative companies solve problems in a creative way," he said.

The Gibson Dunn team demonstrated its ability to do just that with its representation of Uber in litigation stemming from a 2014 data breach that compromised drivers' personal information.



The matter had gone on for years, with a California federal court giving the lead plaintiffs multiple changes to revamp their proposed class action. But finally, after holding yet again that they hadn't alleged a sufficient injury to establish standing, U.S. Magistrate Judge Laurel Beeler washed her hands of the suit in May.

The determination that the suit was doomed by the drivers' failure to show that they faced an immediate, credible risk of fraud or identity theft because of the hack was an important development in the still-evolving law surrounding standing in the data breach context, according to the firm.

The attorneys were also instrumental in guiding client Yahoo through significant data breach-related litigation last year.

The company was facing wide-ranging consumer litigation revolving around a trio of massive data breaches, including an August 2013 incident that affected more than 3 billion accounts, making it the largest breach in history.

The Gibson Dunn team fiercely defended its client, pursuing two rounds of motions to dismiss and opposing efforts to certify a class of hundreds of thousands of users in early September.

But then the chance came to settle on terms that Yahoo was happy with, and they took it. The proposed \$50 million deal is now before U.S. District Judge Lucy Koh for preliminary approval.

It's always exciting to secure these sorts of positive results in data breach actions, Wong said, explaining that breaches are very risky to companies, both in terms of the potential financial implications and their reputations.

"It's really important to get a favorable outcome that goes beyond the dollars involved," whether that means securing a jury verdict, a dismissal on the merits or a negotiated settlement, he noted.

And at the end of the day, it's Gibson Dunn's global team of privacy and cybersecurity attorneys that makes it possible, Southwell said. The firm has lawyers around the world working on these issues, with lawyers from New York and the Bay Area to Paris and Brussels actively involved in the practice, he explained.

"We have a really strong, dedicated group of lawyers focused in the area that have contributed to our success in serving our clients in this fast-paced legal environment," he said. "I'm grateful and appreciative of our team and our ability to work incredibly hard and deploy our smarts and legal creativity to best serve our clients."

--Editing by Alyssa Miller.