

# Daily Journal

SEPTEMBER 25, 2024

## TOP 40 UNDER FORTY 2024



Gibson, Dunn  
& Crutcher  
PALO ALTO • AGE 39

### Martie Kutscher Clark

**M**artie Kutscher Clark is a Silicon Valley tech litigator who handles cutting-edge legal matters for some of the most sophisticated technology companies in the region. Her expertise spans civil litigation, investigations and enforcement actions.

Kutscher Clark's practice includes data-privacy class actions, consumer protection investigations, "bet-the-company" founders' disputes, securities actions, wiretap subpoenas and trade secret disputes.

"As a child, I dreamed of being an Olympic figure skater," she said. "Around the age of 12, I had to face the reality that I was never meant to be an athlete and (at my mother's urging), I redirected my energy to more academic activities, starting with my middle school's mock trial team. My cross-examinations and closing arguments quickly outshined my figure eights. From that point on, I was hooked."

Kutscher Clark has represented Meta in several high-profile consumer protection and data-sharing cases.

One notable case is the Cambridge Analytica multidistrict litigation where Kutscher Clark, alongside partners at Gibson Dunn, represented Meta. In re: Facebook Inc., Consumer Profile Litigation, 3:18-MD-02843-VC (N.D. Cal., filed June 6, 2018).

They successfully consolidated more than 30 federal actions stemming from the Cambridge Analytica events into a single MDL in the Northern District of California. The consolidated complaint was extensive, involving all U.S. and U.K. Facebook users since 2007. Kutscher Clark and the team managed to narrow a 1400-paragraph complaint to four theories, secure the dismissal of key claims about Meta's disclosures and limit the case to a U.S.-only class. After years

of intense discovery, a settlement was reached and approved in March 2023.

"These cases are quite technical," Kutscher Clark said. "To litigate them effectively, I needed to dive deep into the intricate details of highly technical concepts. I learned about application programming interfaces and how different APIs function; how data is stored and shared; and how complex algorithms and computing systems work."

Currently, she is also handling an appeal of the MDL settlement to the 9th U.S. Circuit Court of Appeals and leads several related actions brought by private plaintiffs and government actors that remain in active litigation.

In another significant case, Kutscher Clark secured a major win in February 2023. This matter involved allegations of undisclosed data-sharing and a request for injunctive relief. *Leah Ballejos, et al. v. Facebook, Inc.*, 18-CIV-03607 (San Mateo, Super. Ct., filed July 11, 2018).

After four years of motion practice, Kutscher Clark achieved a complete dismissal with prejudice, with the court finding that the plaintiffs' data-sharing claims could not establish standing under the California UCL's "economic injury" requirement or under Article III.