



# Privacy Class Action Litigation

The rapid expansion of state privacy laws, coupled with rising consumer expectations, has ushered in a new era of complex, high-stakes class action litigation. From biometric and genetic data collection to behavioral tracking and data-sharing practices, plaintiffs are aggressively pursuing claims under an evolving and fragmented legal landscape. Seyfarth's Privacy Class Action team partners with businesses to deliver strategic, business-aligned defenses—mitigating legal exposure and reputational risk while supporting operational goals.

## What Sets Us Apart

**Strategic Class Action Defense in Privacy Law.** We defend clients in class actions under BIPA, GIPA, CCPA/CPRA, CIPA, TCPA, VPPA, and various other federal and state privacy laws. We also have extensive experience defending clients against data breach class actions and helping them navigate their incident response. Our approach balances legal risk with operational needs, focusing on early resolution, challenging vague and insufficient pleadings, establishing broad defenses, opposing class certification, and protecting reputation.

**Technical and Statutory Fluency.** From biometric authentication systems and tracking technologies to session replay tools, generative AI, and regulatory requirements for responding to and defending data breaches, we understand the intersection of law and technology—enabling defenses rooted in both statutory interpretation and platform functionality.

**Integrated Multidisciplinary Support.** As a core component of Seyfarth's Privacy and Data team, our class action litigators work seamlessly alongside colleagues in regulatory and

compliance counseling, employment law, incident response, and data analytics. This integrated structure allows us to deliver cohesive, business-aligned strategies in class actions that often intersect with government enforcement, statutory compliance, and mitigation efforts.

**Privacy Class Actions.** We regularly defend companies in privacy class actions related to their data collection, websites, and marketing activities. Our expertise spans across industries including automotive, retail, healthcare, fitness, grocery and food, entertainment, and higher education.

**eDiscovery and Litigation Efficiency.** We integrate defensible data governance and litigation support practices to reduce cost and complexity. Our team advises on data preservation, discovery strategy, and privacy-aligned workflows to support large-scale class actions. We utilize our data analytics team and technology experts to get a head start on investigation and deep analysis into the privacy and data issues.

## Our Services

- Illinois Biometric Information Privacy Act (BIPA)
- Illinois Genetic Information Privacy Act (GIPA)
- California Consumer Privacy Act (CCPA) & California Privacy Rights Act (CPRA)
- California Information Privacy Act (CIPA)
- California Medical Information Act (CMIA)
- Video Privacy Protection Act (VPPA)
- Wiretap and Eavesdropping Statutes
- Cookie Tracking and Pixels
- Intrusion Upon Seclusion
- Privacy class claims under the Telephone Consumer Protection Act (TCPA) and State mini-TCPAs, Computer Fraud and Abuse Act (CFAA), and Fair Credit Reporting Act (FCRA)
- Regulatory investigations by State Attorneys General (AGs) and the Federal Trade Commission (FTC)
- Emerging State Privacy Statutes

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**Our attorneys regularly publish on Seyfarth's Consumer Class Defense Blog, covering emerging privacy trends and litigation updates. Visit: [www.consumerclassdefense.com](http://www.consumerclassdefense.com)**

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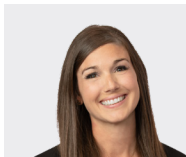
## Our Experience

Seyfarth's Privacy Class Action team defends high-stakes matters under evolving privacy laws, often obtaining early dismissals, defeating class certification, or securing favorable resolutions. We serve clients across retail, technology, healthcare, and logistics—the matters below are a sampling of our work.

- Defended over 50 national retailers in putative class actions alleging violations of the California Invasion of Privacy Act (CIPA) and related state statutes tied to the use of chat functions, session replay, pixel tracking, and cookies on consumer-facing websites.
- Defended rental car company against privacy class action alleging wrongful collection of consumer data through phones linked to infotainment system.
- Successfully defended a specialty retailer in a putative California class action under the Song-Beverly Credit Card Act, with the court sustaining demurrer and denying leave to amend.
- Defended a major healthcare provider against CIPA and CMIA claims based on the use of tracking technologies on their website. Successfully opposed class certification, avoiding over \$1 billion in exposure to the class.
- Secured a favorable settlement in a putative class action involving allegations of improper marketing-related data sharing.
- Defeated class certification in a nationwide FACTA class action challenging the printing of credit card expiration dates.
- Obtained a favorable settlement on behalf of a national merchant services provider in a call recording class action, resulting in resolution for less than 1% of the potential \$1.7B exposure.
- Achieved full dismissal of a nationwide TCPA class action filed in the Northern District of Illinois against a global logistics company, where potential exposure exceeded \$10 billion.
- Defended website operators in class actions alleging violations of the Video Privacy Protection Act (VPPA) related to online video tracking technologies.
- Defended a military and veteran resource company in a class action alleging VPPA and CIPA violations based on the use of tracking technologies on the website.
- Defended local food bank against allegations of wrongful collection of data through the use of tracking technologies in a class action.
- Defended a genealogy company against multiple class actions alleging wrongful data sharing.
- Represented numerous clients in class litigation under the Telephone Consumer Protection Act (TCPA), Florida Telephone Solicitation Act (FTSA), Texas Business and Commercial Code (TBCC), and Virginia Telephone Privacy Protection Act (VTPPA), securing dismissals and favorable settlements across jurisdictions.
- Defended a global staffing company in a national Fair Credit Reporting Act (FCRA) class action, securing dismissal at the trial level and affirmation on appeal.
- Handled over 100 BIPA lawsuits, including class actions, in federal and state courts and arbitrations, covering every phase from pre-litigation counseling to dispositive motion practice.
- Defended companies across industries in class actions under the Illinois Genetic Information Privacy Act (GIPA), including challenges to data collection and disclosure practices.

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## Key Contacts



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