



Data Breach Class Action Litigation

The frequency and scale of data breaches, along with the state notification requirements, have made class action litigation an almost inevitable consequence of a cybersecurity incident. Seyfarth attorneys have represented numerous clients in putative class actions involving data breaches, ransomware attacks, and other cybersecurity issues, and have been at the forefront of this emerging area of the law.

Whether stemming from social engineering, phishing, system misconfigurations, or vendor vulnerabilities, cybersecurity incidents invite scrutiny from plaintiffs' lawyers, regulators, and the public—often in parallel. Seyfarth's Data Breach Class Action team provides strategic, business-minded defense across every phase of breach-related litigation.

WHAT SETS US APART

Strategic Class Action Defense in the Wake of a Breach.

We defend clients in breach-related class actions under consumer protection laws, negligence and contract theories, and emerging biometric and data privacy statutes. Our strategy emphasizes early challenges to standing, causation, and jurisdiction—prioritizing containment of both litigation exposure and reputational risk.

Seamless Coordination with Breach Response. Our litigators are embedded within Seyfarth's Privacy & Cybersecurity team, ensuring direct collaboration with incident response counsel and regulatory advisors from day one. This alignment ensures litigation strategy is coordinated with notification obligations, privilege preservation, insurance recovery, and public relations considerations.

Pre-Litigation Counseling to Reduce Litigation Risk. In addition to litigation defense, we advise clients during the immediate aftermath of a breach—when litigation is most likely to follow. We work with companies handling highly sensitive

personal, financial, health, employment, consumer, and student data across regulated industries (including healthcare, automotive, education, financial services, employee benefits and investment funds, logistics, retail, and technology). Our goal is to help clients make informed decisions that reduce exposure and strengthen defenses before lawsuits are filed.

Discovery and Data Governance Strength. We guide clients through the unique challenges of data breach litigation—from standing and jurisdictional defenses to complex discovery disputes involving forensic reports, system data, and incident response communications. Seyfarth's dedicated eDiscovery & Information Governance team supports defensible, scalable discovery strategies and has managed extensive data collection and production in breach matters, including successful productions to state Attorneys General. This integrated support ensures privilege preservation, cost efficiency, and litigation readiness—reducing client burden while maintaining confidence in the process.

Seyfarth's Consumer Class Defense Blog regularly features insights and analysis on trends in data breach and privacy class action litigation. Our attorneys publish timely content on regulatory developments, court decisions, and best practices for minimizing litigation risk following a breach. Visit: www.consumerclassdefense.com

OUR SERVICES

We defend clients in breach-related class actions involving:

Federal & State Privacy Laws

- Health Insurance Portability and Accountability Act (HIPAA)
- Gramm-Leach-Bliley Act (GLBA)
- Family Educational Rights and Privacy Act (FERPA)
- Fair Credit Reporting Act (FCRA)
- Computer Fraud and Abuse Act (CFAA)
- Federal Trade Commission Act, Section 5 – Unfair or Deceptive Practices (FTC Act)
- State Data Breach Notification Statutes

- California Consumer Privacy Act and California Privacy Rights Act (CCPA & CPRA)

State-Level and Industry-Specific Laws

- New York Stop Hacks and Improve Electronic Data Security Act (SHIELD Act)
- Massachusetts Standards for the Protection of Personal Information (201 CMR 17.00)
- Florida Information Protection Act (FIPA)
- Illinois Biometric Information Privacy Act (BIPA)

Litigation Strategy and Support

- Class certification opposition and Article III standing defenses
- Claims involving negligence, breach of contract, unjust enrichment, and various statutory causes of action
- Regulatory investigations by the FTC, HHS Office for Civil Rights (OCR), and State Attorneys General
- Coordination of notification strategy, privilege, and regulatory response
- Discovery management, forensic report handling, and insurance recovery alignment

OUR EXPERIENCE

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

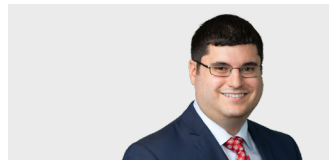
- Defended a car rental company against a class action alleging that the client failed to ensure cell phone and mobile device data was properly deleted at the end of the customer's rental period.
- Defended a healthcare company against several consolidated class actions involving a data breach into a vendor's billing system.
- Defended a national retailer against a class action asserting claims based on breach of both employee and consumer information. Succeeded on a motion to compel arbitration.
- Defended an insurance company against a class action alleging negligence and breach of contract following a data breach. Obtained a favorable class settlement following mediation.
- Defended an aviation company against three simultaneously filed class action lawsuits alleging failure to adequately protect personal information to prevent a breach. Obtained a favorable global, individual settlement.
- Defended a benefits fund in connection with multiple state attorney general investigations following a data breach.
- Defended a mutual aid society against a class action alleging negligence and breach of contract following a ransomware attack. Succeeded on a motion to dismiss for lack of Article III standing by showing that the named plaintiff failed to allege injury arising from the attack.

KEY CONTACTS



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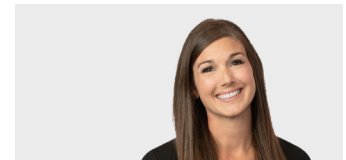
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