



Recent Trends and Developments in Cyber and Data Breach Litigation

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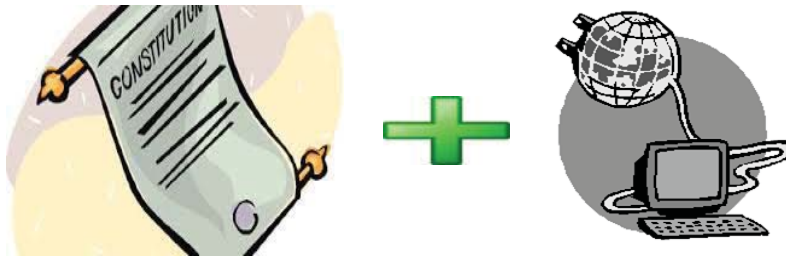
1

Recent Trends and Developments in Cyber & Data Breach Litigation

- Article III: Where do we stand?
 - *Spokeo*
 - *Clapper*
- Financial Institution Plaintiffs' Bar
- Developments in Negligence Claims
- The Economic Loss Rule
- ECPA and TCPA
- Privileged Investigations
- Offers of Judgment Post-*Gomez* & Settlements
- Looking Beyond the U.S.: Cybersecurity and Privacy Risks in the E.U.

Article III: Where do we stand?

Constitutional “case or controversy” requirement + new technology = Article III Renaissance?



Article III: Where do we stand?

- Three Requirements
 - Injury in fact;
 - That is fairly traceable to the challenged conduct of a defendant; and
 - That is likely to be redressed by a favorable judicial decision



Article III: Where do we stand?/ Spokeo

- Background
 - Spokeo is a search engine operator
 - Allegedly published inaccurate information about plaintiff
 - Plaintiff filed FCRA class action lawsuit, seeking maximum statutory damages
 - Theory of harm: Speculated that information would affect employment, ability to obtain insurance



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5

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Article III: Where do we stand?/ Spokeo

A screenshot of the Spokeo website's search results page. The page has a blue header with the Spokeo logo and a search bar containing 'Donald Houser'. Below the header, there's a map of the United States with orange location pins. To the right of the map, it says '319 Results found' and 'Donald Houser'. Below this, there are three tabs: 'Persons', 'Locations', and 'Relatives'. The 'Persons' tab is selected, showing three results for Donald Houser. Each result includes a person's name, age, and a list of locations. The first result is 'Donald S Houser, age 48' with locations in Clayton, NC; Peachtree City, GA; Dayton, OH; Pickerington, OH; and Columbus, OH. The second result is 'Donald M Houser, age 51' with locations in Granbury, TX; Ottumwa, IA; Overland Park, KS; Blue Springs, MO; and Denver, CO. The third result is 'Donald L Houser, age 73' with locations in Forest City, NC; Mooresboro, NC; Ellenboro, NC; Rutherfordton, NC; and Union Mills, NC. Each result also has a 'Relatives' section and a 'See Results' button. On the left side of the page, there's a 'Browse locations' section with a list of states and the number of results for each: Alabama (4), Alaska (1), Arizona (7), Arkansas (4), California (37), and Colorado (7).

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6

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Title search: Recent Trends and Developments in Cyber and Data Breach Litigation

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[Cybersecurity Civil Litigation Update](#)

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"Civil Litigation Update"