

Cybersecurity & Privacy Group Of The Year: Quinn Emanuel

By Crystal Owens

Law360 (February 5, 2024, 3:11 PM EST) -- Quinn Emanuel Urquhart & Sullivan LLP's data privacy and security practice successfully thwarted what was potentially one of the largest class actions in history with hundreds of millions of litigants and more than \$5 billion in damages at stake defending Google in a nationwide data collection suit, earning it a spot among Law360's 2023 Cybersecurity and Privacy Practice Groups of the Year.

After years of litigation, the group spearheaded a successful strategy in seeking summary judgment in the case, in which Chrome users alleged the tech giant breached its promise not to collect personal data from those who used the browser and did not enable its sync feature.

In December 2022, U.S. District Judge Yvonne Gonzalez Rogers granted Google LLC's bid for an early win, determining the issues to be moot since most were "browser-agnostic" rather than specific to Chrome. And because they were not specific to Chrome, Google's general privacy policies rather than the Chrome-specific policies applied.

The ruling, according to the group, paved the way for companies to rely on their disclosure and consent processes to defeat data privacy class actions prior to trial.

"What made [the case] such a big win is that it was really like scorched-earth discovery that was very intensely litigated," Stephen A. Broome, co-chair of the firm's data privacy and security practice, told Law360. "They had filed a motion for class certification for a class of over 100 million Chrome users. Basically, everyone who uses Chrome."

"It would have been one of the biggest classes in history," he added.

The firm, which has offices throughout the world with thousands of attorneys, operates with a team of 12 to 15 core lawyers based in Los Angeles, D.C. and New York City and others who are dedicated to its data privacy and security practice, according to Viola Trebicka, co-chair of the group.

Its recipe for success, Trebicka said, is the practice group's hard work, "starting from the most senior partners to the most junior associates."



"Over the last couple of years, our practice has delivered some of the most significant wins in this space for our clients. We are especially proud of it, given some of the big and public setbacks for defendants in this space," Trebicka told Law360. "We do not strive to be the largest practice; we strive to be the best for having the best strategies on data and privacy security matters."

That's evident, the co-chairs said, as the group continues to defend Google against another national class action in which it is alleged to have improperly collected data from those using private or incognito modes on their browsers.

Following several rounds of sanctions motions, the group attended a strategy of opposing a class action certification bid based on implied consent to the alleged conduct. By pointing to public articles, Google and public developer tools, and expert survey evidence indicating users are generally aware of this conduct, the team was able to argue questions of implied consent predominated.

In December 2022, Judge Rogers denied class certification in the lawsuit, sinking plaintiffs' chance at a multimillion-dollar verdict.

A trial on the individual plaintiffs' damages and the injunctive relief claims is set to begin this month, according to Broome.

With at least two major wins in the last year, Quinn Emanuel's data privacy and security practice is focused now on more complex cases that require a lot of strategy, creativity and "around-the-clock coverage," Broome said.

"There's a competitive spirit there, and from Day 1, once we're assigned a case, we are strategizing all the way to trial," he said.

The firm is constantly expanding its data privacy and security practice, including matters surrounding artificial intelligence, the co-chairs said.

"It's an area where a lot of clients have potential exposure, and it is the next frontier where you need lawyers who can think outside the box and craft the right strategies," Trebicka said.

--Editing by Caitlin Wolper.