

Plaintiffs Firm Edelson Brings Privacy Prowess To SF

By **Allison Grande**

Law360, New York (November 4, 2015, 7:27 PM EST) -- Plaintiffs class action firm and privacy litigation heavyweight Edelson PC revealed Tuesday that it has set up shop in San Francisco, a move that the Chicago-based firm said would allow it to file more suits and put more pressure on Silicon Valley companies.

The firm's new digs, located in the South of Market neighborhood, move the firm closer to the Northern District of California, where more than half of its cases are currently pending, including putative class actions accusing Twitter of snooping on consumers' private messages for economic gain and online data recovery provider Backblaze Inc. of failing to adequately secure users' personal documents.

The expansion allows the firm to not only keep a closer watch over its existing cases, but is also expected to help it identify and launch additional putative class actions against some of Silicon Valley's leading tech companies, the firm's leadership told Law360 Wednesday.

"We have a lot more cases that are going to be filed here, which contributed to the whole push to get out here and get established," Rafey Balabanian, Edelson's head of litigation and managing partner of the new San Francisco office, said. "There's a lot happening in this area, so our caseload is only going to increase."

The firm is also hoping that its presence in the Bay Area will help to keep the privacy and data-gathering practices of its neighbors — which include the likes of Twitter, Facebook Inc. and Google Inc. — in check, according to Balabanian.

"The mere presence of us alone will certainly make companies think longer and harder about cases where they are considering overreaching and infringing on consumers' rights and privacy," he said.

To support his assertion, Balabanian noted that after the firm filed a cutting-edge case in Illinois state court alleging that Facebook's facial software violates state privacy laws, it heard "through the legal grapevine" that another "household name" in the tech industry that had been contemplating whether or not to collect and analyze the type of biometric data at issue in the suit had decided against it.

While other plaintiffs firms that are active in the privacy class action bar, including Robins Kaplan LLP and Girard Gibbs LLP, already have a presence in the Bay Area, Edelson's expansion stands out because of the firm's long-standing and groundbreaking work in the privacy class action arena.

"A decade ago, the privacy area didn't even exist, and five years ago, people thought it was kind of dead," Balabanian said. "Now we're seeing more and more firms filing huge privacy cases, and I think we had a lot to do with paving the way for those kinds of actions."

Besides Balabanian, associates Alicia Hwang and Jennifer Lee will immediately join the San Francisco office and three other Chicago-based associates will be affiliated with the office as well, according to the firm. Its leadership also expects to soon hire two lateral associates and several law clerks from the neighboring law schools in the Bay Area, the firm disclosed.

Since its establishment in 2007, Edelson has won more than \$1 billion for consumers in litigation arising out of the Telephone Consumer Protection Act, the Video Privacy Protection Act and a host of federal and state privacy and consumer protection statutes.

The disputes include a potentially game-changing Fair Credit Reporting Act class action against Spokeo Inc. that originated in the Central District of California and is currently being considered by the U.S. Supreme Court.

That case, which the justices heard on Monday, focuses on the question of whether consumers can sue for technical violations of laws such as the FCRA without alleging an actual injury and has drawn amici briefs from tech giants such as Facebook and Google, which contend that tidal waves of litigation will hit businesses if the high court sides with Edelson's client Thomas Robins.

"The Spokeo case has been referred to as one of the most important cases in the last 10 years for not only consumer rights, but also for areas such as employee rights and intellectual property rights," Balabanian said. "It's something that we're very focused on and feel good about coming out of oral arguments."

Besides enabling the firm — which is led by plaintiffs bar titan Jay Edelson — to increase its workload and keep closer tabs on tech companies, the expansion also brings with it the added benefit of allowing the firm to establish itself in the Bay Area legal community, according to Balabanian.

"Seeing that we have a presence in the legal community here will not only be important to the courts we are practicing in, but it will also allow us to do things other than class cases, such as expanding our pro bono work by helping to bring the settlement assistance program that has been successful in Chicago to this area," he said.

--Editing by Katherine Rautenberg.