



David Mindell

Partner | (312) 572-7213 | Chicago | dmindell@edelson.com



DAVID I. MINDELL is a Partner at Edelson PC and Co-Chair of the firm’s Public Client and Government Affairs group, where he represents state Attorneys General, counties, and cities in high-stakes litigation and investigations involving consumer protection, information security and privacy violations, the opioid crisis, and other areas of enforcement that protect government interests and vulnerable communities. David also counsels governments and state and federal lawmakers on a range of policy issues involving consumer protection, privacy, technology, and data security.

In addition to his Public Client and Government Affairs practice, David helps direct the firm’s Investigations team, including an “internal lab of computer forensic engineers and tech-savvy lawyers [who study] fraudulent software and hardware, undisclosed tracking of online consumer activity and illegal data retention.” Cybersecurity & Privacy Practice Group of the Year, *Law360* (Jan. 2019). His team’s research has led to lawsuits involving the fraudulent development, marketing and sale of computer software, unlawful tracking of consumers through mobile-devices and computers, unlawful collection, storage, and dissemination of consumer data, mobile-device privacy violations, large-scale data breaches, unlawful collection and use of biometric information, unlawful collection and use of genetic information, and the Bitcoin industry.

David also helps oversee the firm’s class and mass action investigations, including claims against the National Collegiate Athletic Association by thousands of former high school, college, and professional football players suffering from the long-term effects of concussive and sub-concussive hits; claims on behalf of hundreds of families and business who lost their homes, businesses, and even loved ones in the “Camp Fire” that ravaged thousands of acres of Northern California in November 2018; and on behalf of survivors of sexual abuse.

Representative Public Client Cases

- Represents labor unions and over two dozen governments from throughout the Country—including a State Attorney General—in lawsuits against drug manufacturers and distributors over the opioid crisis.
- Helped lead investigation on behalf of City of Chicago and Cook County State’s Attorney in their consolidated data breach/failure to notify lawsuit against Uber Technologies. *See City of Chicago and People of the State of Illinois, ex rel. Kimberly M. Foxx, State’s Attorney of Cook County, Illinois v. Uber*

Education

Chicago-Kent College of Law
J.D. (2012)

Michigan State University,
James Madison College
B.A. (2009)

Bar and Court Admissions

U.S. District Court for the Eastern
District of Michigan (2015)

U.S. District Court for the Northern
District of Illinois (2012)

U.S. District Court for the District
of Colorado (2012)

Supreme Court of Illinois (2012)

Teaching

Chicago-Kent College of Law
Adjunct Professor, Cyber Fraud &
Privacy Class Actions (2017)

Technologies, Inc., No. 17-CH-15594 (Cir. Ct. Cook Cty, Ill.).

- Part of team leading the investigation on behalf of the Cook County State's Attorney in enforcement action against Facebook and Cambridge Analytica-affiliated companies for the breach of personal information to Cambridge Analytica and others. See *People of the State of Illinois, ex rel. Kimberly M. Foxx, State's Attorney of Cook County, Ill. v. Facebook, Inc., et al.*, 18-cv-02667 (N.D. Ill.).
- Part of team leading the litigation on behalf of the City of Chicago in the Equifax Data Breach litigation. *In re: Equifax, Inc., Customer Data Security Breach Litigation*, MDL No. 2800 (N.D. Ga.).

Representative Privacy and Data Security Cases

- First to uncover the widespread unlawful collection and use of biometric information, like facial recognition technology. Research led to first of its kind class action against Facebook under the Biometric Information Privacy Act, alleging Facebook collected facial recognition data from its users without authorization. Members of team were appointed Class Counsel in securing adversarial certification of class of Illinois Facebook users. See *In re Facebook Biometric Privacy Litigation*, No. 15-cv-03747 (N.D. Cal.).
- Brought first ever genetic privacy action against a leading direct-to-consumer DNA testing company accused of disclosing customers' DNA test results without permission. See *Cole v. Gene by Gene, Ltd.*, No. 14-cv-00004-SLG (D. Alaska).
- Counsel in cases alleging that major players in the Bitcoin industry defrauded consumers. See *Greene, et al v. MtGox Inc., et al.*, No. 14-cv-01437 (N.D. Ill.); *Hussein v. Coinabul, LLC, et al.*, No. 14-cv-05735 (N.D. Ill.).
- Investigated and litigated cases alleging the deceptive design and sale of computer software. See *Gross v. Symantec Corp., et al.*, No. 12-cv-00154 (N.D. Cal.); *Rottner v. AVG Technologies CZ, s.r.o., et al.*, No. 12-cv-10920 (D. Mass.); *Beaton v. SpeedyPC Software*, No. 13-cv-08389 (N.D. Ill.); *Hall v. TuneUp Corporation*, No. 13-cv-01804 (N.D. Ill.); *Yencha v. ZeoBIT LLC*, No. 14-cv-00578 (W. Penn.).
- Counsel in precedent-setting lawsuits that have shaped the legal landscape in privacy and data breach-related litigation. See *Resnick, et al. v. AvMed, Inc.*, No. 10-cv-24513 (S.D. Fla.) (precedent-setting data breach litigation); *In re LinkedIn User Privacy Litig.*, No. 12-cv-3088 (N.D. Cal.) (same); *Harris, et al. v. comScore, Inc.*, No. 11-cv-5807 (N.D. Ill.) (certified class action accusing Internet analytics company of improper data collection practices).
- Research resulted in lawsuits against well-known tech companies for allegedly defrauding consumers into paying for products or services without authorization. See *Atanasov v. GoLive! Mobile, LLC, et al.*, No. 2013-CH-08460 (Cir. Ct. Cook Cnty, Ill.) (Plaintiff claimed that mobile ad network exploited users by leveraging its technology to engineer deceptive advertisements); *Burton v. iYogi, Inc.*, No. 13-cv-06926 (S.D.N.Y.) (Plaintiff alleged that iYogi's computer support services tricked consumers into purchasing subscriptions).
- Research has also led to cases against tech companies alleging violations of the Telephone Consumer Protection Act. See *Sterk v. Path, Inc.*, No. 13-cv-02330 (N.D. Ill.); *Goodman, et al. v. Hangtime, Inc.*, No. 14-cv-01022 (N.D. Ill.); *Coffman v. Glide Talk, Ltd.*, No. 13-cv-05190 (N.D. Ill.).
- Investigations led to lawsuits under Michigan's Preservation of Personal Privacy Act, alleging unlawful disclosure of magazine subscribers' personal information. See *Perlin v. Time Inc.*, No. 16-cv-10635 (E.D. Mich.); *Raden, et al. v. Martha Stewart Living Omnimedia, Inc., et al.*, No. 16-cv-12808 (E.D. Mich.).

Representative General Class and Mass Actions

- Overseeing investigations that have already led to hundreds of lawsuits brought against the NCAA, its conferences and member institutions alleging personal injury claims on behalf of college football players resulting from repeated concussive and sub-concussive hits. *In re: National Collegiate Athletic Association Single School/Single Sport Concussion Litig.*, No. 16-cv-8727, MDL No. 2492 (N.D. Ill.).
- Representing Houston-area homeowners in litigation against the United States seeking recovery for alleged constitutional takings of their properties in the wake of Hurricane Harvey. See, e.g., *Bouzerand v. United States*, No. 1:17-cv-01195-VJW (Ct. Fed. Claims).
- Part of team bringing actions on behalf of numerous victims of the Northern California “Camp Fire,” allegedly caused by utility company Pacific Gas & Electric. See, e.g., *Burnett et al v. PG&E Corp et al.*, No. CGC-18-571849 (S.F. Sup. Ct. Dec. 5, 2018).
- Part of team who investigated and then filed first-of-its-kind class action against nationally recognized volleyball training club and its co-owners, alleging fraud claims arising from defendants’ alleged failure to disclose rape and sexual abuse of underage women committed by company principal. See *Mullen v. GLV, Inc., et al.*, No. 18-cv-1465 (N.D. Ill.).

Professional Affiliations, Activities and Achievements

David attended the James Madison College at Michigan State University and graduated *cum laude* from the Chicago-Kent College of Law.

While in law school, David was a research assistant for University of Chicago Law School Kauffman and Bigelow Fellow Matthew Tokson, and for the predominate cyber-security professor, Hank Perritt at the Chicago-Kent College of Law. David’s research included cyberattack and denial of service vulnerabilities of the Internet, intellectual property rights, and privacy-related issues.

Prior to joining Edelson PC, David co-founded several tech, real estate, and hospitality-related ventures, including a tech startup that was acquired by a well-known International corporation within its first three years.