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Cardon leads the privacy and cybersecurity team at Sheppard Mullin, where he represents and advises a roster of blue chip brands on global cybersecurity compliance in the increasingly challenging pandemic era.

The process has grown more complex as retailers move into omnichannel platforms designed to give customers an undifferentiated online experience—leading to a new world of retail technology with evolving vulnerabilities.

“It’s hard to find a company these days that hasn’t been hit by a cyber-attack or is worried that one is around the corner,” Cardon said. “Today I’m busier than ever. There are more pathways for the bad guys to get in, and they are becoming more sophisticated and businesslike.”

In mid-December, he described a ransomware attack in which the perpetrators offered a Christmas discount for quick compliance with their demands. “They know the kinds of vulnerabilities that companies will pay to plug,” Cardon said.

Clients include Williams-Sonoma Inc., Burberry Group PLC, Tapestry Inc., TJ Maxx, Levi Strauss & Co., Inspire Brands, Inc., Deckers Outdoor Corp. and Kontoor Brands plus professional sports teams and technology platforms.

Cardon is currently preparing for

a rare data breach class action jury trial set for next year. He’s defending fast-food chain Sonic Corp. against claims by some 5,000 financial institutions that allegedly they sustained damages from a 2017 intrusion. In re: Sonic Corp. Customer Data Security Breach, 1:17-md-02807 (N.D. Ohio, filed Dec. 12, 2017).

In December, the trial judge granted Cardon’s Daubert motion to exclude the plaintiffs’ damages expert who intended to put an \$80 million value on the breach. “It’s a classic conflict in these cases between correlation and causation,” Cardon said, explaining that when a credit card that has been exposed to a breach later experiences fraud, the plaintiff still has to establish that the former caused the latter. “They had data on half a percent of exposed cards and tried to extrapolate it to 100%, and the judge said that was taking it too far.”

The exclusion of the plaintiffs’ expert was key in Cardon’s motion to decertify the class.

Cardon said his practice has expanded greatly from his early days in white collar defense—he’s been with Sheppard Mullin since 2003—to the point where his work for clients now covers a broad spectrum of counseling and defense duties. On his current reading shelf is a 2019 book by David Epstein titled “Range: Why Generalists Triumph in a Specialized

CRAIG CARDON
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LOS ANGELES
LITIGATION

A professional headshot of Craig Cardon, a man with light brown hair, wearing a dark suit jacket over a white collared shirt. He is smiling slightly and looking directly at the camera. The background is a neutral, light-colored wall.

World” that sums up for Cardon his career so far.

“I feel that I’ve done a lot of different things, and I love the game I’m playing now,” he said.

— JOHN ROEMER