



→ Wynter L. Deagle

Partner

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Wynter is a trusted advisor in the boardroom and a fierce advocate in the courtroom when businesses face issues found at the intersection of law, technology, and innovation. Clients depend on her ability to combine thoughtful legal analysis and strategy with an aggressive but practical “big picture” approach to litigation and compliance matters.

Wynter is an experienced trial lawyer who specializes in defending individual and class actions relating to privacy, consumer protection, cybersecurity, false advertising and unfair business practices, and data collection, use and storage practices (including breach-related litigation). Wynter has successfully defended claims brought under the California Invasion of Privacy Act, California Confidentiality of Medical Information Act, Washington Privacy Act, Consumer Legal Remedies Act, California False Advertising Law, Electronic Communications Privacy Act, Computer Fraud and Abuse Act, Video Privacy Protection Act, and various other privacy, consumer protection, and cybersecurity-related state and federal laws and regulations. Wynter has significant experience in defending individual, class actions and arbitrations arising out of the use of chatbots, session replay technology, and other tracking technologies such as the Meta pixel. Wynter also defends clients from investigations and enforcement actions brought by federal and state regulators arising out of data breaches and/or data collection, use, sharing, and security practices.

Outside of the courtroom, Wynter designs global privacy and cybersecurity compliance programs that satisfy legal obligations while driving business value. Wynter’s experience includes:

- Advising on compliance with state, federal and international privacy and data security laws including CCPA, GLBA, COPPA, BIPA, GDPR and UK GDPR.
- Providing guidance on mitigating litigation and regulatory risks associated with the use of AI chatbots, session replay technology, and website tracking technologies.
- Formulating practical strategies to mitigate the legal, regulatory and operational risks presented by data collection, use, storage and sharing practices.
- Preparing for and responding to data security incidents.
- Creating and delivering employee privacy and cyber awareness training.
- Conducting privacy and cybersecurity compliance due diligence in connection with mergers and acquisitions and other corporate and strategic transactions.
- Advising on the legal and regulatory aspects of developing and commercializing data-driven products and services, including in the areas of the internet of things (IoT), machine learning, digital media, AI, and blockchain.

Wynter is a passionate advocate for diversity, equity, and inclusion in the legal and business communities. She holds a Certified Diversity Professional (CDP) designation from the National Diversity Council and regularly provides advice related to inclusive recruiting and talent management strategies and diverse leadership development programs. She serves as a member of the Board of Directors of Girls Inc. and Girls, Inc. of San Diego County. She also serves as pro-bono counsel to SunLaw – an organization dedicated to the promotion and advancement of women in-house attorneys – and Native Son – an organization dedicated to elevating the voices, visibility, and lived experiences of Black gay/queer men.

Honors

- Woman of Influence in Law, *San Diego Business Journal*, 2023
- Recognized Lawyer - Cyber Law, *Legal 500 US*, 2023-2024
- "Client Service All-Star," *BTI Consulting*, 2022
- "Leader in the Law," *San Diego Business Journal*, November 2020
- "California Trailblazer," *The Recorder*, October 2020
- "Top Female Executive Under 40," *Databird Business Journal*, March 2020
- "Business Woman of the Year - Rising Star," *San Diego Business Journal*, September 2019
- "50 Influential Leaders in San Diego," *San Diego Daily Transcript*, September 2019
- "40 Under 40 Hot List," *Benchmark Litigation*, September 2019
- "40 Next Top Business Leaders Under 40," *San Diego Business Journal*, August 2019
- "Top 40 Under 40," *San Diego Daily Transcript*, May 2019
- "Most Influential Women in San Diego County," *San Diego Daily Transcript*, March 2019

Experience

Representative Matters

- Representing nationwide health plan and hospital group in putative class action in California federal court alleging violations of Electronic Communications Privacy Act, California Information Privacy Act, Washington Privacy Act, Washington Healthcare Information Act, invasion of privacy, violation of the California constitutional right to privacy, breach of contract, and breach of implied contract arising out of use of session replay and website tracking technologies.
- Representing insurance company in putative class action in California federal court alleging violations of California Information Privacy Act, invasion of privacy, and breach of implied contract arising out of use of chatbot technology.
- Representing numerous companies in the retail, consumer products and technology industries in arbitrations alleging violations of California Information Privacy Act, invasion of privacy, and breach of implied contract arising out of use of chatbot technology.
- Assisted publicly-traded company build and implement global privacy and cybersecurity compliance program.
- Obtained dismissal of a putative nationwide class action against an e-commerce company arising out of a data security incident. Simultaneously resolved a state attorney general investigation into the company's

data management and security practices with no adverse action being taken against the company.

- Defeated a class certification motion in a putative class action in California federal court alleging an event management company's website disclosures and data collection practices violated the consumer legal remedies act, false advertising law, and unfair competition law.
- Guided a managed IT services company through responding to a data security incident that resulted in a successful malware infection and ransomware attack against nearly all of its customers. Also successfully resolved third-party claims for indemnification from customers impacted by the incident.
- Defended a registration and event management company in a putative class action in California state and federal courts alleging website disclosures and data collection practices violated the California Consumers Legal Remedies Act and Unfair Competition Law.
- Assisted clients in a number of industries in developing email marketing campaigns, text message campaigns, pre-recorded call campaigns, and online information collection programs in compliance with CAN-SPAM and COPPA, among other laws.
- Obtained terminating sanctions and nearly \$4 million in monetary sanctions on behalf of CrossFit, Inc. in federal court trade libel, deceptive advertising, and unfair competition litigation against its direct competitor, the National Strength and Conditioning Association.
- Represented Shari Redstone in highly contentious litigations in Delaware and Massachusetts concerning the corporate governance of Viacom, Inc., including the proper composition of the Viacom board. The settlement was hailed in the press as a complete victory for Shari Redstone and her father, Sumner Redstone. [The Los Angeles Times, "Viacom Power Struggle Ends With Shari Redstone Ushering in New Era for the Media Company"; The Los Angeles Times, "Viacom Struggle Ends: Shari Redstone at Helm: Daughter of Media Mogul 'Pulled Off the Palace Coup'"; The Wall Street Journal, "Viacom and the Redstones Call it a Day"; The New York Times, "Fight for Viacom Is Said to End With the Redstones in Control."]
- Represented the board of directors of a broker-dealer in an internal investigation that resulted in discovery of multimillion-dollar fraud by senior executives. Secured seven-figure restitution award from perpetrators while ensuring that the client incurred no penalties or sanctions from regulatory authorities.

Articles

- Cos. Should Mind Website Tech As CIPA Suits Keep Piling Up
Law360, 04.12.2024
- HHS' Updated Tracking Tech Guidance Offers Little Clarity
Law360, 03.27.2024
- Eye on Privacy: 2023 Year in Review
01.26.2024
- All 'Penned' In: Latest Privacy Litigation Trend Alleges Internet Technologies Are Illegal Pen Registers
Law.com, 12.26.2023
- My Health My Data! Washington Poised to Upend How Companies Handle Health Information
CPO Magazine, 06.26.2023
- Washington's Health Data Privacy Law Raises Compliance Hurdles
Bloomberg Law, 05.02.2023

- OSHA Emergency Temporary Standard Survival Guide
12.22.2021
- Key Legal Developments in Privacy and Data Security in 2020 and Gazing Ahead to 2021
The Review of Banking & Financial Services, July 2021

Eye On Privacy

- "FTC Decision with Global Tel*Link Signals Expectations for Use of Testing Environments," November 29, 2023
- "Scraping the Bottom of the Barrel: X Corp. Sues Bright Data Over Site Scraping," August 29, 2023
- "Iowa Becomes Sixth State with Comprehensive Privacy Law," April 11, 2023
- "EU's Initial Response to US Proposed Data Transfers Framework," December 22, 2022
- "How To Handle CPRA Regulations Delay," December 21, 2022
- "California AG Takes Aim At Customer Loyalty Programs," February 23, 2022
- "To Zoom or Not to Zoom—Privacy and Cybersecurity Challenges," *Bloomberg Law*, April 10, 2020
- "Welcome to New York, Its Been Waiting for You ... But Is Your Business Ready for the New York SHIELD Act?," *CPO Magazine*, April 1, 2020
- "Calif. AG's Latest Privacy Law Revisions Miss Some Spots," *Law360*, March 19, 2020
- "CCPA Modified Draft Regulations: Two Steps Forward, One Step Back," *The Recorder*, February 10, 2020

Class Action Defense Strategy Blog Posts

- "Cutting the Cord on Video Privacy Protection Act Claims – The Emerging Non-Consumer Defense," June 6, 2023

Corporate & Securities Law Blog Posts

- "Corporate Transparency Act: Reporting Requirements; Preparing Your Company and Other Related Considerations," June 22, 2023

Intellectual Property Law Blog

- "AI Technology – Governance and Risk Management: Why Your Employee Policies and Third-Party Contracts Should be Updated," April 27, 2023

Labor & Employment Law Blog

- "OSHA Emergency Temporary Standard Survival Guide," December 22, 2021

Retail Law Blog

- "State Privacy Law Roundup: What Retailers Need to Know," July 26, 2023

Media Mentions

Landmark Washington Health Data Privacy Law Creates Suit Risk

Bloomberg Law, 03.28.2024

The State of Data Privacy 2024

RealTime Cyber, 03.13.2024

Web User-Tracking Lawsuits Find New Tack in Pen-Register Theory

Bloomberg Law, 01.16.2024

Quoted, Fake Press Releases, Disinformation – Are Companies Ready?

Agenda, 09.20.2021

Profiled, A Strong Legal Advocate For Clients, Colleagues And Community

Forbes, 12.17.2020

Featured, Full Speed: She's Stopped Street Racing, But Litigator Wynter Deagle Still Loves Winning

Daily Journal, 07.05.2019

Speaking Engagements

- Speaker, "Priorities & Risk: Leading on Cybersecurity," Corporate Directors Forum, May 7, 2024.
- Speaker, "AI: A Treasure Trove of Legal Fees?" Alumni Ventures, March 20, 2024.
- Speaker, "What's Behind the Surge in VPPA Class Actions," Sourcepoint, October 18, 2023.
- Speaker, "I, Robot: Overview and Implications of Using AI and Machine Learning in Your Daily Operations," National Apartment Association, September 13, 2023.
- Speaker, "I Robot: Legal Implications of the Rise of AI and Machine Learning," RHALS 2023 Education Sessions, August 3, 2023.
- Panelist, "Data Beware! Class Actions in the Privacy and Data Sharing Space," Class Action Threats in 2023 and Beyond Webinar Series, June 13, 2023.
- Speaker, "Just When You Thought It Was Safe to Market Again...," Ad Law Symposium, May 16, 2023.
- Panelist, "Wait, A Privacy Violation Is Now A Security Incident?," Privacy +Security Forum, May 11, 2023.
- Panelist, "IR: Optimizing Communications and Action Between Legal and Tech Leaders," RSA Conference, April 25, 2023.
- Panelist, "Preparing for CPRA Litigation and Enforcement," Privacy + Security Forum, November 2, 2022.
- Panelist, "Top Five Priorities for Getting Your Privacy House in Order In 2022," Association of Corporate Counsel – San Diego, April 22, 2022.
- Speaker, How Providers Can Prepare for a Ransomware Attack, HIT Cybersecurity, HIMSS TV, May 20, 2021.
- Moderator, Recent Developments and Best Practices in Data Breach Incident Response, Association of Corporate Counsel – San Diego, April 22, 2021.
- Panelist, "Capabilities of Counsel During a Security Incident," Nisos APT Legal Series, March 3, 2021.
- Panelist, "OMG! We've Been Hacked," Athena, March 2, 2021.

- Panelist, “Five Key Developments in the Privacy and Data Security Sector in 2020 and Five Predictions for 2021,” Webinar, January 26, 2021.
- Presenter, “The Nuts and Bolts of CCPA 2.0,” Webinar, June 10, 2020.
- Speaker, Protecting the Attorney-Client Privilege in a Digital World, Association of Corporate Counsel – San Diego, March 10, 2020.
- Moderator, “Privacy and Information Security,” 2019 Private Funds Forum, September 26, 2019.
- Speaker, “SOC 2 Audits and Cyber Litigation,” C-Suite Technology Dinner, February 27, 2019.
- Keynote, “Identifying and Managing Cyber Risks,” CFO Roundtable, February 20, 2019.
- Panelist, “Managing Cyber Risk,” Entrepreneurs’ Organization, February 19, 2019.
- Panelist, “Cyber Risk: Do You Recognize Your Organization’s Vulnerability?,” Corporate Directors Forum, November 1, 2018.

Events

6th Annual All Day MCLE La-LAW-palooza

Staying Ahead of the Curve: Best Practices for Online and AI-Based Advertising in a Changing Legal Landscape
Rancho Bernardo Inn, San Diego, CA, 04.19.2024

AI: A Treasure Trove of Legal Fees?
03.20.2024

Class Action Threats in 2023 And Beyond - A Webinar Series
Webinar Series, 2023

What’s Behind the Surge in VPPA Class Actions?
Webinar, 10.18.2023

What’s behind the surge in VPPA class actions?
Webinar, 10.18.2023

Addressing Cyber Risk in M&A Transactions Through Legal and Insurance Solutions
Webinar, 10.11.2023

I Robot: Legal Implications of the Rise of AI and Machine Learning
08.03.2023

Handling the US State Privacy Law Deluge
Webinar, 08.01.2023

Data Beware! Class Actions in the Privacy and Data Sharing Space
Class Action Threats in 2023 and Beyond - A Webinar Series
Webinar, 06.13.2023

3rd Annual Ad Law Symposium
Webinar, 05.16.2023

Privacy Litigation and Enforcement in a CPRA+ World
Webinar, 02.08.2023

Preparing for CPRA Litigation and Enforcement
11.03.2022

Cybersecurity Stories: Lessons Learned from the Cybersecurity Community
Virtual, 08.23.2022

ACG NextGen Cyber Security Panel Event
Virtual, 07.27.2021

Memberships

- Board of Directors, Girls Inc.
- Editorial Advisory Board, Privacy & Cybersecurity, Law360
- Corporate Counsel Women of Color
- San Diego Women's Foundation
- International Association of Privacy Professionals (CIPP/US)
- National Association of Women Lawyers

Podcasts & Webinars

Emerging Claims Involving Insurance Class Actions
11.09.2023

Handling the US State Privacy Law Deluge
08.01.2023

Data Beware! Defending Class Actions in the Privacy and Data-Sharing Space
06.13.2023

Third Annual Ad Law Symposium
05.16.2023

Privacy Litigation and Enforcement in a CPRA+ World
02.08.2023

Practices

Privacy and Cybersecurity

Biometric Information Privacy Act (BIPA)

California Consumer Privacy Act (CCPA)

Litigation

Class Action Defense
Financial Services Litigation
Intellectual Property
False Advertising, Lanham Act and Unfair Competition
White Collar Defense and Corporate Investigations
Technology Transactions
Advertising
Entertainment, Technology and Advertising

Industries

Advertising
Artificial Intelligence
Blockchain
Blockchain and Fintech
Entertainment, Technology and Advertising
Financial Services
Fintech
Food and Beverage
Hospitality
Life Sciences
Self-Storage
Wine

Education

J.D., Northeastern University School of Law, 2007
B.A., Roger Williams University, 2004

Admissions

California
Massachusetts
New York