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Whitepaper: Consumer Class Actions Arising from Data Breaches Present a Battleground for Standing to Bring Suit

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Announcements of data breaches quickly turn the gears of the court system, as class action attorneys waste little time in acting upon the potential large-scale liability from such breaches. When Target announced in December 2013 that it had suffered a data breach that potentially exposed information for forty million customers, 15 class action lawsuits were filed against the company within a week. This comes as no surprise when the damages from a class action suit can stretch over the hundred-million-dollar mark and the average attorney fees for data breach litigation is more than one million dollars. Of course, class action plaintiffs' counsel want to establish position to control major litigation that is a prime candidate for expansion into even larger multidistrict litigation. But in many cases, plaintiffs' counsel may be acting too quickly by filing before identifying a putative class representative with an injury sufficient to establish standing and invoke the court's jurisdiction.

A team of Vorys attorneys recently authored a whitepaper that outlines the U.S. Supreme Court's *Clapper* decision and the impact it may have on decisions related to standing in data breach suits. Download the whitepaper [here](#).