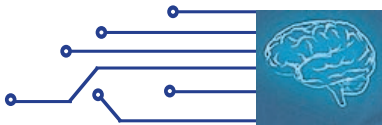


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TOP CYBER/ARTIFICIAL INTELLIGENCE LAWYERS 2018



Craig Cardon

Sheppard, Mullin,
Richter & Hampton
LLP

Los Angeles and San
Francisco

Practice: Litigation
Specialties: Data
privacy, advertising,
e-commerce

Cardon has advocated since 2010 on behalf of clothier Williams-Sonoma Inc. in a seminal case regarding the intersection of privacy and data collection.

The plaintiffs won some early victories, including a certified class of California consumers.

But last year, after winding through the appellate courts, the case came before San Francisco County Superior Court Judge Curtis E.A. Karnow, who made a bench trial ruling that Williams-Sonoma did not violate the state's Song-Beverly Consumer Warranty Act. *Pineda v. Williams-Sonoma*, JCCP 4611 (S.F. Super. Ct., filed Oct. 8, 2009).

Karnow pointed out, among other pieces of evidence, that Williams Sonoma posted signs indicating that providing the zip codes was optional. "We were not the evil empire," Cardon said.

Cardon's client is now moving to decertify the class.

The case follows other victories for Cardon on behalf of retailers collecting information, including prevailing for Levi's Strauss in appellate court in 2015.

In winning these cases, Cardon helped shape the laws for which he counsels clients. The lawyer is hopeful judges take a "rational approach" to what is a legitimate privacy concern.

"A lot of these cases were pitched as



strict liability to a number of courts," Cardon said. "But it really goes back to how the consumer perceived it. How would the average customer perceive this?"

So long as the consumers perceive providing their information as optional, Cardon said, companies should have a modicum of protection in court.

— Matthew Blake

As co-chair of Sheppard Mullin's privacy & cybersecurity practice, Cardon must advise businesses on what data it collects, while fighting in court for his client's existing data collection policies.

"I look at the overall legal policies in terms of data collections practices," Cardon explained. "The privacy side of it and the advertising side of it. Advertising these days is all about data, how you organize it and use it."

"The idea of data is scary," he added. "It can be scary to customers, and it can be scary to judges."