

## Consumer Protection Group Of The Year: Mayer Brown

By Mike LaSusa

*Law360 (January 22, 2020, 3:48 PM EST)* -- Mayer Brown LLP helped household names like Facebook, Google and Nestle fend off several major suits brought by consumers over the past year, earning the firm a place for the third year running among Law360's Consumer Protection Groups of the Year.

Archis A. Parasharami, the co-chair of Mayer Brown's consumer litigation and class actions group, told Law360 that the firm's creative approach to legal problem-solving is one of the backbones of his team's success in recent years.

"We're always looking for things that are outside the box of typical class action defenses," Parasharami said.

Following on the heels of big wins in 2017 and in 2018, Mayer Brown spent the past 12 months delivering victories for some of the most recognizable brands in the world.



One of the firm's biggest triumphs came in March, when the U.S. Supreme Court remanded an \$8.5 million privacy class action settlement against Google. The high court said it could not address an underlying dispute over the deal's fairness because of questions over whether the Google users can plausibly claim to have suffered concrete harm.

But for the Mayer Brown attorneys, it was also significant that the court declined to address the *cy pres* settlement itself, in which Google steered millions to charities, universities and attorneys but nothing to class members.

"That took a fair amount of creative lawyering and persistence," said Lauren Goldman, the co-head of Mayer Brown's Supreme Court and appellate group.

In addition to its win in the Google case, Mayer Brown helped Facebook convince the Ninth Circuit in December 2018 that a lower court had rightly dismissed a suit against the social media giant.

Facebook users had claimed the company illegally scraped data about their visits to medical websites, but the appeals panel found the users consented to the tracking by agreeing to Facebook's privacy policy.

"It was the first case to apply Facebook's terms with its users to a dispute of this kind," Goldman said.

Another big win came in September, when a California federal judge dismissed a proposed class suit accusing Nestle and several retailers of deceiving customers into buying a coffee creamer that includes a source of trans fat. The court ruled that the consumer behind the suit didn't put forward enough specifics to support his allegations.

Parasharami said Mayer Brown's successful defense of Nestle highlights not only the firm's expertise in class actions, but also its prowess in representing major food and beverage companies. (Mayer Brown's food and beverage team was named to Law360's annual list of top practice groups in 2017, 2018 and 2019.)

"The last eight to 10 years, the arena of class actions against food and beverage companies has really blown up, and we've been at the forefront of defending those cases," Parasharami said.

Part of the reason for Mayer Brown's success, according to both Goldman and Parasharami, is the firm's congenial and cooperative culture.

"We love working with one another," Parasharami said. "We really have a team."

The consumer protection practice, which has about 80 attorneys, can count on the expertise of hundreds of colleagues across the firm with varying specializations, Goldman said.

"That enables us to really take a 360 degree view of our clients' challenges," she said.

The team also draws on past experience, according to Parasharami.

"We take a lot of the work we've done at the appellate courts and the Supreme Court and apply it to cases in trial courts around the country," he said.

As for the future of the practice group, Goldman said a lot will hinge on developments in the political arena, including the elections this fall.

"We're still seeing a patchwork of state laws in a lot of different areas where, if we had a federal law that had preemptive effect, you might see more consistency from jurisdiction to jurisdiction," she noted.

Goldman and Parasharami said they have been able to apply lessons they've learned from working with companies in established industries to working with those in emerging sectors of the economy.

"In the past couple years, we've really seen a substantial increase in the amount of work that we've done for technology and media companies," Parasharami said. "And I think that we expect that to continue to grow as well."

--Additional reporting by Ben Kochman and Mike Curley. Editing by Bruce Goldman.