September 2024

BUSINESS LAW UPDATE

In This Issue:

BUSINESS PERSPECTIVES

Interesting Times

By Frank D. Chaiken, Practice Group Leader, Corporate Transactions & Securities

I am delighted to welcome our Los Angeles-based partner Amanda Ashton to this edition of the *Business Law Update* with her timely contribution on employment law issues in California. For many years now, our firm has operated as a national law firm handling transactions, disputes, and advisory matters in California and throughout the country. The opening of our new Los Angeles office underscores our nationwide scope and confirms our commitment to the vibrant and important California business community with bricks, mortar, and boots on the ground.

In this issue we cover several major themes in the economy that continue to occupy business leaders and their advisers: artificial intelligence, growth of private investment vehicles, and proliferation of concerns over data privacy. These tectonic shifts in the business environment affect everyone and we are working to keep abreast of the latest developments.

Earlier this year we noted the impending "normalization" of interest rates, as inflationary pressures moderate around the world. Heading into the fall, we are seeing rate reductions reflected in monetary policy in the EU, United States, and other countries. This should have a salutary effect

For more details on any of the topics covered in this *Business Law Update*, please contact the authors via the links at the end of each article or David R. Valz, editor-in-chief. For information on our Corporate Transactions & Securities practice, please contact Frank D. Chaiken, practice group leader.

on our clients' growth and investment plans. With interest rates declining, we expect to see robust M&A activity as we head into the fourth quarter of the year.

Of course, many things can happen. There are major geopolitical conflicts ongoing around the world. Also, of course, 2024 is a presidential election year in the United States. The outcome of the election will have major impacts on fiscal, economic, and tax policies, and, therefore, on the long-term growth and direction of our economy and business community. So, get out and vote! Even so, a major bank recently commented that, statistically, the presidential election rarely has a major impact on near-term market returns and investment strategies.

Will businesses stay the course and continue to pursue their business growth and investment strategies? Time will tell. One thing I have noticed over the years is that our clients always find ways to succeed in a wide variety of business environments. And as noted above, our firm is investing for the future and making sure we are well-positioned well to help meet those varied business challenges.

Frank Chaiken leads the firm's highly regarded Corporate Transactions & Securities practice, which comprises more than 100 professionals who represent clients of all sizes across virtually every industry. If you have questions or would like to share your thoughts, please contact Frank at 312.998.4249 or Frank.Chaiken@ThompsonHine.com.

RECENT NEWS & ARTICLES

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- U.S. Department of Commerce Proposes Ban on Connected Vehicles Using Chinese or Russian Hardware and Software
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- Chemical Industry Regulatory Update - September 2024
- DOD Proposes Rule for Implementing Cybersecurity Maturity Model Certification 2.0 Program
- Employment Legislation Outlook – September 2024
- NHTSA Extends Manufacturer Record Retention to 10 Years
- SEC Adopts Portfolio Reporting Enhancements; Declines Swing Pricing and Hard Close
- New Ventures Update - August 2024
- Fifth Circuit Vacates DOL Final Tip Credit Rule
- NHTSA Seeks Comments on Reaffirmed Airbag Inflator Recall Decision
- Texas Court Blocks FTC Noncompete Rule
- Illinois Enacts State Laws Regulating AI Use in Employment
- Seventh Circuit Confirms ECOA Applies to Prospective Applicants Post-*Loper Bright*

ARTIFICIAL INTELLIGENCE

Compliance-Forward Approach to Developing and Deploying AI and GAI

By Julie D. Honor

This summer, the European Union and Colorado passed significant legislation regarding the regulation of artificial intelligence (AI), and other U.S. states, including California, have similar laws working through the legislative process. These regulations aim to establish consumer protections and ethical standards for AI systems, particularly those posing high risks to health, safety, or fundamental rights. Although many compliance deadlines are years away, these laws provide a roadmap for organizations to start evaluating and incorporating AI and generative AI (GAI).

Risk Classification

Both the EU AI Act and the Colorado AI Act use a risk-based approach to regulate AI systems, applying different obligations based on potential harms. The EU AI Act identifies high-risk AI systems in use cases including, among others:

- **Education and Vocational Training:** Determining access, admission, or assignment to institutions, evaluating learning outcomes and steering learning processes, and monitoring student behavior.
- **Employment, Workers Management, and Self-Employment:** Recruiting or selecting candidates, creating and placing job ads, filtering or analyzing applications, evaluating candidates, promoting or terminating employees, allocating tasks, and monitoring performance.
- **Public and Private Services:** Assessing eligibility for benefits and services, evaluating creditworthiness (excluding fraud detection), classifying emergency calls, and assessing insurance risk.

Similarly, the Colorado AI Act regulates high-risk AI uses that influence consequential decisions, including those related to:

- Education enrollment or opportunities
- Employment or employment opportunities
- Financial or lending services
- Essential government services
- Healthcare services
- Housing
- Insurance
- Legal services

Compliance Requirements

To comply with these laws, companies developing or deploying AI systems will need to adhere to requirements such as developing risk management policies, protecting data, and documenting potential risks. These compliance measures are complex and time-consuming, and being proactive allows companies to systematically address the obligations without an impending deadline. While most compliance deadlines for high-risk AI systems are set for 2026, companies can start preparing *now*, as doing so provides them with a competitive advantage, by both building trust internally as well as showing a strong public commitment to high ethical and compliance standards.

Four Actions to Take Now

1. **Define AI Use:** Identify business areas where AI and GAI can be used, and document use cases. Understand the required data types and expected outputs, as well as how those outputs can be used.

2. **Establish a Risk-Based Evaluation Process:** Develop a process to evaluate AI development and deployment based on risks associated with both intended and unintended uses. Regularly reevaluate AI systems to account for legislative changes and technological advancements to ensure appropriate risk classification and identify applicable compliance obligations.

3. **Refresh or Create a Data Governance Program:** Review or establish a data governance program to ensure alignment with AI use cases. As new AI systems are evaluated, understand how data will be used, created, and stored and update the program as needed. Creating or updating an enterprise-wide, unified language with respect to data empowers companies to provide strong guidance to employees when interacting with AI systems.

4. **Assess and Monitor AI Systems:** Create guidelines for human review of AI systems, as well as for assessing AI systems for discrimination, bias, fairness, and other unintended results. Consider adopting external tools to monitor those results if AI is critical to your business or your customer offerings.

By beginning preparations now, companies can navigate the regulatory complexities of AI regulation more effectively, integrate ethical standards into their AI processes, and gain a competitive advantage. When the 2026 deadlines arrive, companies will not only be compliant, but also well-positioned to leverage AI and GAI both ethically and responsibly.

If you have any questions, please contact Julie Honor.

NEW VENTURES

Side Letters Are Back on the Side of Emerging Funds

By Lindsay Karas Stencel and Jacob J. Denham

Side letters have long been a standard piece of the relationship between funds and their investors, especially when emerging managers, defined as those running Funds I, II or III, need to negotiate specific terms with anchor investors to get their funds up and running. They are often used to grant additional rights to an investor beyond the limited partnership or equivalent document signed by all investors. Common side letter rights are rights to a limited partner advisory committee seat, the right to request financial information, reduced management fees or carried interest, and a most favored nation clause requiring that the fund grant the recipient of the side letter any preferential treatment granted to other investors of like size.

Partially for fund administrative reasons, it has been the market standard for a side letter's contents (and even existence) to stay private—that is, until recently.

In 2023, the Securities and Exchange Commission adopted what became known as the "Private Funds Rule." Officially, the SEC adopted the Private Funds Rule to increase private funds' transparency regarding fee structures, expenses, and relationships with their investors. To achieve this increased transparency, the SEC enacted several rules, including the near-mandatory disclosure of one investor's side letter terms to any subsequent investors, which ultimately meant that all other investors would request the same rights received by the side letter holder, making it even more difficult for an emerging manager to raise funds and create a sustainable fund management business model.

The Fifth Circuit Court of Appeals struck down the Private Funds Rule in June. While the ruling's impacts are wide-reaching enough to warrant the publishing of several articles, its impact on emerging fund managers and small funds is unique in the private fund community.

Emerging funds are often in a unique position in that they lack the negotiating power that an established manager has with potential investors. Established fund managers may negotiate under a model of "I have an established track record, so I am selecting my investors." First-time or emerging fund managers, however, often operate under a model of "I must have the capital to establish a track record, so I very much need investors." Prospective investors know that an emerging fund manager is in this position and will heavily negotiate the terms of their investments. A side letter codifies this agreement between the fund and the investor and allows the emerging manager to start building that investment track record with the investor's capital.

The most common scenario that demonstrates the above is when an institutional investor, like a pension fund or large investment arm of a company, wants to invest. Having one of these investors on its schedule of partners would be a major boon to the emerging fund and likely attract more high-caliber investors. The significant investor knows this and will ask for items like a board seat, reduced management fee payments, or a change in its capital contribution timeline. Realizing the impact that the large investor money may have, the fund is more than happy to grant these rights in a side letter.

After receiving the side letter, the large investor invests, and other established investors see this investor on the cap table and invest. Then, the emerging fund manager's need for capital becomes much less of a problem.

However, if the law required the fund to disclose the terms of that side letter to all subsequent investors, this becomes highly problematic. While the SEC like wrote the rule to prevent large funds from harming smaller, everyday investors, the rule would have an outsized impact on smaller, emerging funds.

With egos brimming in private fund investment, mandatory disclosure presents an obvious problem: Most subsequent investors would want the same or similar terms as the much larger investor. Not only would having to deal with this slow the pace of closing investment, it is likely a mission an emerging fund manager is unprepared to undertake. Because of this, such managers may fly by the seats of their pants while negotiating side letter terms, or hire experienced advisors. Choosing either of these options costs emerging funds two things that they are all in short supply of: time and money.

Another problem manifested by mandatory disclosure is one that established funds know much about and that emerging funds will painfully become aware of: compliance costs. One of the most significant costs in launching a fund is compliance with all federal and state securities laws. These costs already make survival difficult for emerging funds. Tracking side letters and ensuring the proper investors receive notice of their key terms would have likely made the weight of compliance even heavier upon funds.

As one can see, overturning the Private Funds Rule eased some enormous potential burdens on emerging funds and their managers. The SEC's attempted implementation of the rule continues a recurring pattern of the Commission failing to consider the impact of its policies on smaller, emerging funds. While the Commission rightfully aims to protect investors, its recent rulings and attempted implementations may have the opposite effect by chilling the number of emerging managers and the funds available for investment to seed much needed businesses across the country.

Please contact Lindsay Karas Stencel or Jake Denham with any questions.

LABOR & EMPLOYMENT

Top 5 California Employment Concerns

By Amanda R. Washton

As we head into the last quarter of 2024, it may be a good time to review these notable employment issues if your company has operations in California.

#1. Individual Discrimination and Harassment Claims

California is known for its employee-favorable courts, particularly when it comes to individual cases brought under the Fair Employment and Housing Act (FEHA), Govt. Code section 12965(b). In addition to substantive provisions, the FEHA provides for the recovery of attorney's fees, costs and expert witness fees. These awards override standard cost-recovery provisions that apply to civil actions generally (CCP §1032). Unfortunately, this fee statute is one-sided. For prevailing employees, attorney's fees are recoverable unless special circumstances would make the award unjust. For prevailing employers, these fees are **not** recoverable unless the court finds that the plaintiff's action was frivolous. Therefore, even the weakest of claims gets filed in the hopes of securing a settlement at virtually no risk to the plaintiff employee.

In light of this risk of FEHA actions, employers should implement anti-discrimination and harassment policies and trainings and promptly address complaints before a claim can be filed. In addition, we have recently seen an increase in claims of harassment and discrimination from the LGBTQ+ community, so training about sensitivity to LGBTQ+ issues can be helpful.

#2. Independent Contractor vs. Employee

Another critical issue for California employers is correctly classifying workers as either employees or independent contractors. Though many employers seek to avoid the costly burdens of payroll taxes, workers compensation insurance, and benefits such as health insurance retirement plans and compliance with California's ever-changing sick leave laws by hiring independent contractors instead of employees, there are many expensive risks. With Assembly Bill 5 (AB 5), the "ABC" test described in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles,* 4 Cal.5th 903 (2018) became statutory law, and there is now a heavier burden on employers to establish the classification of workers as independent contractors. What used to be a balancing test of many factors to create an independent contractor relationship has now been limited to three characteristics which the employer must establish: (A) the worker is free from control and direction in the performance of their work; (B) the worker performs work outside the usual course of the hiring entity's business; and (C) the worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed. The most difficult factor to overcome is (B), since employers can no longer engage independent contractors to work on "regular" business matters. For example, a bakery can hire a plumber as an independent contractor, but a baker or cashier must be hired as an employee. Misclassification can lead to significant penalties, including back wages, taxes, and fines. Employers should conduct a thorough review of their worker classifications and seek legal guidance if there's any uncertainty.

#3. Exempt vs. Nonexempt

Another issue that requires review on a yearly basis is the classification of employees as exempt or nonexempt. Exempt employees are those who are not covered by the overtime pay and certain other labor law requirements under both federal law (Fair Labor Standards Act or FLSA) and California law (the California Labor Code). To be properly classified as exempt, an employee must meet both parts of a two-part test: (1) the salary test and (2) job duties test. In California, the minimum salary for an exempt employee must be at least twice the state minimum wage for full-time employment (40 hours per week). Thus, every time the minimum wage increases, so does the minimum salary threshold for exempt workers. For 2024, for employers with 26 or more employees, the minimum annual salary is $66,560, which will increase to $68,640 on January 1, 2025.

The duties test depends on whether the employee would fall under the following job category:

- **Executive** - The employee's primary (more than 50%) duty must involve managing the business or a department, supervising at least two other full-time employees, and having the authority to make significant personnel decisions.
- **Administrative** - The employee's primary duties must involve office or non-manual work directly related to management or general business operations, and they must exercise discretion and independent judgment on significant matters.
- **Professional** - The employee must be engaged in work that requires advanced knowledge in a field of science or learning, usually acquired through prolonged education (e.g., lawyers, doctors, accountants).

There are exemptions for certain employees, such as computer professionals, creative professionals, and outside salespersons, who have specific job descriptions. Misclassifying an employee as exempt when they should be nonexempt can result in significant legal consequences for employers, including liability for unpaid overtime, penalties, and damages. It's crucial for employers to correctly classify employees based on their duties and compensation structure.

#4. Wage and Hour

A. One of the risks of misclassifying workers as exempt when they are nonexempt is the possibility of a wage and hour class action, the bane of every California employer's existence. One reason for the high cost of these cases is another one-sided attorney's fees statute in the California Labor Code, particularly §1194, which allows employees who successfully sue for unpaid minimum wages or overtime compensation to recover their attorney's fees and costs. Employers cannot recover attorney's fees under this section even if they successfully defend against the claim. Though this statute was enacted to encourage employees to assert their rights in the courts without the burden of potential legal costs and to deter employers from engaging in unfair employment practices, there are often bad faith filings in California since it is difficult to establish bad faith.

B. We are seeing an uptick in cases involving the "regular rate of pay," business expenses, off-the-clock work, and missed penalties for untimely or incomplete meal or rest breaks. For example, employers can have difficulty calculating the "regular rate of pay," which is an employee's total earnings (including non-discretionary bonuses, on-call pay, shift differentials, or commissions) divided by the total number of hours worked in a workweek or pay period. This "regular rate of pay" is the rate used to calculate overtime, as well as to pay California's paid sick leave and meal/rest break premiums for nonexempt employees. Failure to calculate (and pay workers) correctly can lead to non-payment of wage claims that have an assessment of penalties on a pay-period basis. Claims of missed hours or incorrect payments can add up on a worker by worker/class basis.

#5. Private Attorneys General Act (PAGA)

Among the biggest changes in 2024 are the amendments to the PAGA enacted in SB92/AB 2288. These statutes reformed the PAGA in the following ways:

A. PAGA Penalty Structure: The 2024 amendments to PAGA introduced potential caps on the total amount of penalties that can be imposed for certain types of violations: 15% of the penalties sought where an employer has previously taken "reasonable steps" to comply with the provisions identified in the notice and 30% of the penalties sought when the employer takes those steps within 60 days of receiving the notice. This change aims to limit the financial burden on employers and prevent excessive penalty amounts. Also, while PAGA retains the default $100 per employee/pay period penalty, there is no longer the $200 per employee/pay period successive violation penalty unless there has been a finding by the California Labor & Workforce Development Agency or a court that the employer's conduct was malicious, fraudulent, or oppressive.

B. PAGA Standing: The 2024 amendments modified the requirements for standing to bring a PAGA claim. The changes specify that employees must have worked in the job position or performed the work that is the subject of the claim within the one-year PAGA statute of limitations period, thus narrowing the scope of who can bring a claim.

C. PAGA Settlement Distribution: The new amendments to PAGA adjusted how settlements are distributed among affected employees and the state. A larger proportion of settlements must go directly to affected employees, while reducing the share allocated to the state.

D. PAGA Manageability: The new PAGA statute codified the California Supreme Court's ruling in *Estrada v. Royalty Carpet Mills, Inc.* that courts may limit the evidence that can be presented at trial. It also authorizes courts to limit the scope of any claim filed to ensure the claim can effectively be tried and permits courts to consolidate or coordinate claims against an employer that are legally or factually overlapping.

The 2024 amendments to the PAGA statute represent a significant shift in California's labor law landscape. These changes aim to balance the interests of employers and employees by addressing concerns about excessive penalties, increasing transparency, and modifying procedural aspects of PAGA claims. Employers and employees alike should stay informed about these updates to navigate the evolving legal environment effectively.

Please contact Amanda Washton with any questions.

PRIVACY & CYBERSECURITY

Opting In to CIPA Risk Mitigation After New Precedent

By Steven G. Stransky and Kim Sim Sandell

There has been a significant increase in claims arguing that website advertising cookies, pixels and similar technologies violate the California Invasion of Privacy Act's restrictions on pen registers and trap-and-trace devices. As the U.S. District Court for the Central District of California noted in *Byars v. Hot Topic Inc.* (656 F. Supp. 3d 1051, 105/1-/20 (C.D. Cal. 2023)), it is common for CIPA litigators to simply "copy and paste" their complaints "over and over again" to target new companies as potential violators. These CIPA lawsuits can disproportionately affect small businesses and can force them to choose between incurring costs to defend their business practices in court or through arbitration or settling the matter quickly to resolve the issue and make it go away.

Unfortunately for businesses, a July ruling by the Central District of California will likely increase the volume of CIPA claims for the foreseeable future. In *Dino Moody v. C2 Educational Systems*, Judge R. Gary Klausner denied the defendant's motion to dismiss the CIPA claim it was facing. He concluded that the plaintiff's allegations suggesting that the defendant's use of the TikTok marketing pixel on its corporate website might be comparable to unlawfully installing a pen register or trap-and-trace device, thus potentially violating CIPA, were plausible.

It is the first time a federal court has adopted such a broad interpretation of CIPA, and it may set a precedent for state courts to rule in the same manner. The plaintiff's counsel in *C2 Educational Systems* told Law.com that these CIPA claims "have become quite valuable" given Judge Klausner's recent holding, which could be an indication that privacy advocates will increase their search for CIPA violations and target businesses with additional lawsuits.

There are several measures businesses can undertake to avoid these CIPA claims, including adopting an opt-in approach to using third-party website advertising technologies.

Background: Dino Moody v. C2 Educational Systems

C2 Educational Systems provides online tutoring programs and, like many other businesses, operates a public-facing website that deploys advertising cookies and pixels.

On May 22, plaintiff Dino Moody filed a class action against C2 Education, alleging that the C2 website unlawfully processed data related to him and other users without their express or implied consent.

Specifically, the complaint alleged the C2 website deployed the TikTok pixel to capture form data entered by users on the C2 website (e.g., name, date of birth, addresses) and undertake a fingerprinting process to uncover the identities of individuals who accessed the C2 website. It argued that these activities violated Section 638.51(a) of the California Penal Code, which generally prohibits a person from installing or using a pen register or a trap-and-trace device without proper consent or a court order.

C2 Education filed a motion to dismiss and put forth several arguments describing why the plaintiffs were not entitled to relief. These arguments mirror those raised by many other defendants in CIPA actions filed in California state court.

For example, the motion to dismiss argued that, based on the text and structure of CIPA, the law's provisions on pen register and trap-and-trace devices are intended to regulate the interception of specific, targeted telephonic communications rather than general website tracking pixels. It also cites a federal court decision that concluded pen registers and trap-and-trace devices are limited to physical devices attached to telephone lines, and therefore they exclude website tracking software.

Separately, the motion to dismiss argued that the plaintiffs were not entitled to relief because of CIPA's user consent exception. In particular, C2 Education argued that it – and not the plaintiffs – is the user of the C2 website, and C2 Education consented to this data processing by installing the TikTok pixel in the first instance.

In his ruling, Judge Klausner indicated on multiple occasions that C2 Education's arguments were "persuasive" but did not satisfy the level of certainty needed to allow the case to be dismissed at its current stage of litigation.

Perhaps most importantly, Judge Klausner rejected C2 Education's argument that CIPA does not provide a private right of action for violations arising from Section 638.51(a) because it is a criminal statute that imposes only criminal penalties. According to Judge Klausner, the complaint demonstrates that C2 Education collected the plaintiffs' information "through the use of the TikTok Software ... constituting an invasion of privacy," which "are actionable injuries" under the law.

Risk Mitigation Measures

Given Judge Klausner's holding and the contradictory CIPA opinions emerging from California state courts, organizations should adopt measures to better safeguard themselves against CIPA lawsuits.

For instance, organizations should ensure they appropriately document how their websites collect, process and retain data, including through advertising pixels and cookies. They should also establish protocols for modifying website configurations and specifically delegate authority and accountability to an official to approve such changes.

Companies should ensure their privacy statements and terms of service properly address their data processing activities, including ensuring compliance with the broad range of privacy notice requirements outlined in the myriad consumer data protection laws in the United States.

An organization's website terms of service should clearly specify governing law and dispute resolution processes applicable to its online services, including provisions prohibiting class actions. Organizations should ensure their notices and terms are legally binding on end users, for example, by using click-wrap agreements.

Opt-In Consent for Targeted Advertising

One of the more aggressive tactics that an organization can undertake to protect itself from CIPA claims is to require all end users to affirmatively agree to the use of advertising cookies and pixels, even though this all-encompassing opt-in approach is contradictory to the California Consumer Privacy Act of 2018 (CCPA) and the California Privacy Rights Act of 2020 (CPRA).

For example, under the CCPA/CPRA, Californians have the right to opt out of a covered business using advertising cookies and pixels. The law gives more opt-out rights to Californians if a business uses advertising cookies and pixels to collect consumers' sensitive personal data, such as their precise geolocations, in certain circumstances.

However, under the CCPA/CPRA, a covered business cannot use such advertising cookies and pixels about Californians under age 16 or under age 13 without prior opt-in authorization from them or their parents or guardians, respectively.

Further, the CCPA/CPRA does not apply to all businesses located in, or doing business in, California. Rather, it only applies to a subset of companies that collect large volumes of personal information or generate significant revenue each year. In creating these applicability thresholds, the California legislature reflected the interests of its citizens not to impose complex mandates on small businesses' online cookie or pixel management practices.

Notwithstanding the CCPA/CPRA's general opt-out framework for deploying advertising cookies and pixels designed to collect nonsensitive data from individuals over age 16, all organizations doing business in California may consider adopting an all-encompassing opt-in consent approach to the deployment of their advertising cookies and pixels to safeguard themselves from CIPA-related litigation.

Such an opt-in consent process will better enable organizations to invoke the user-consent exception within CIPA and defeat arguments that the use of advertising cookies and pixels causes an invasion of privacy or other harm to a website end user.

Conclusion

By thoroughly examining the plain text, structure and legislative history of CIPA and other California privacy laws, there are strong arguments that website advertising cookies and pixels should not be considered pen registers and trap-and-trace devices under the law.

If a contrary interpretation of CIPA were to be adopted, then many organizations could be exposed to criminal liability for not obtaining proper cookie consent from each end user who voluntarily accesses their websites or online applications.

However, until this issue is fully resolved by the courts or the California legislature, organizations should consider implementing risk mitigation measures to deter CIPA lawsuits in the first instance, which may include adopting an all-encompassing opt-in approach for deploying advertising cookies and pixels on their websites.

With any questions, please contact Steve Stransky or Kim Sandell.

For more information, see these additional resources:

- Website and Mobile App Compliance & Litigation Checklist, September 2024
- "Thompson Hine Open Letter to Business Leaders and Corporate Counsel: California's Pen/Trap Law Inapplicable to Web Ad Cookies and Pixels," February 2024
- "California Has a Duty to Curtail Frivolous CIPA Suits," *Law360*, June 2024
- "Recent Holdings on the California Invasion of Privacy Act (CIPA)," Thompson Hine *Privacy & Cybersecurity Update,* July 2024
- "Judge Reverses Ruling on Punitive Damages in California Invasion of Privacy Act (CIPA) Case," Thompson Hine *Privacy & Cybersecurity Update,* July 2024
- "New Ruling on Punitive Damages and Attorney Fees in California Invasion of Privacy Act (CIPA) Case," Thompson Hine *Privacy & Cybersecurity Update,* July 2024