

## AUTONOMOUS VEHICLES: LEGAL ISSUES TO CONSIDER

Presented by:

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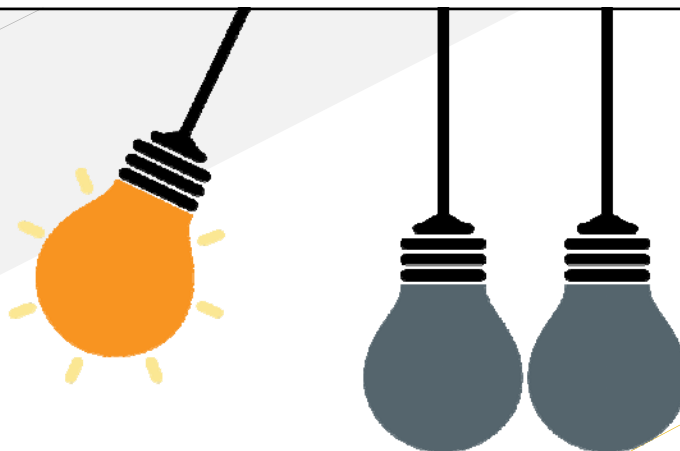
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# Autonomous Vehicles: Legal Issues to Consider



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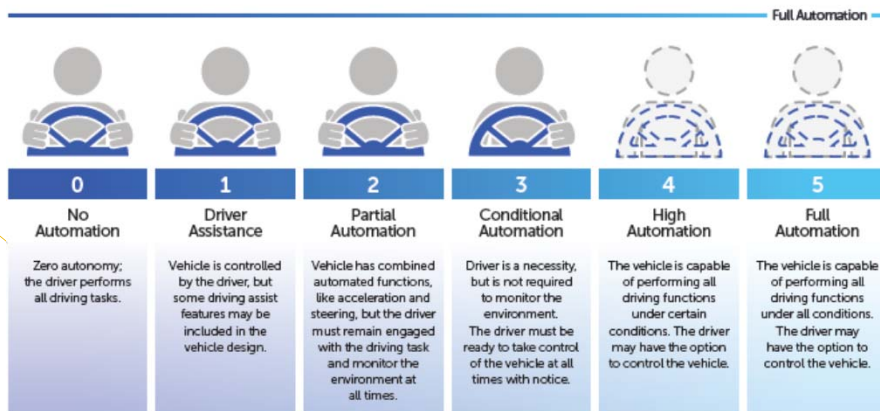
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Louis A. DePaul, Esquire  
Sandy Garfinkel, Esquire

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August 9, 2018

## What is AV?

### SAE AUTOMATION LEVELS



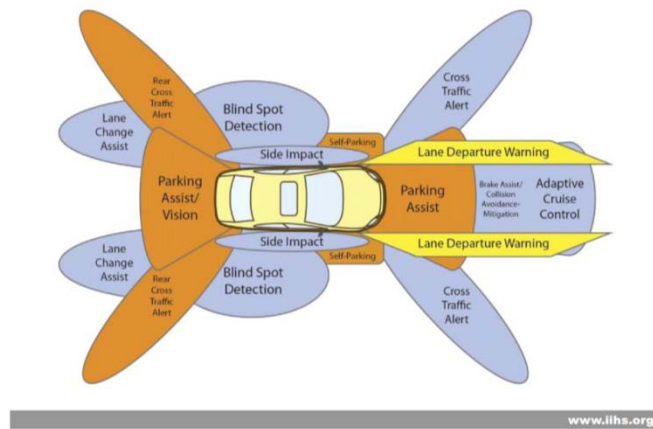
NHTSA, Automated Driving Systems: A Vision for Safety 2.0

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# What's here

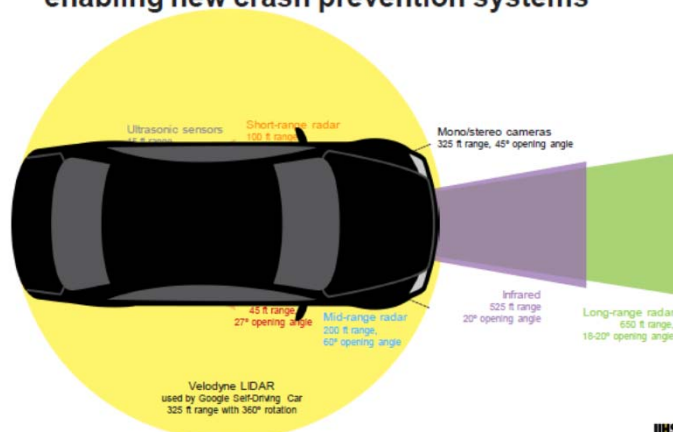
## Driver assistance features

Radar, LIDAR, ultrasonic, infrared, cameras, GPS



# What's to come

Cars that sense what's around them are enabling new crash prevention systems

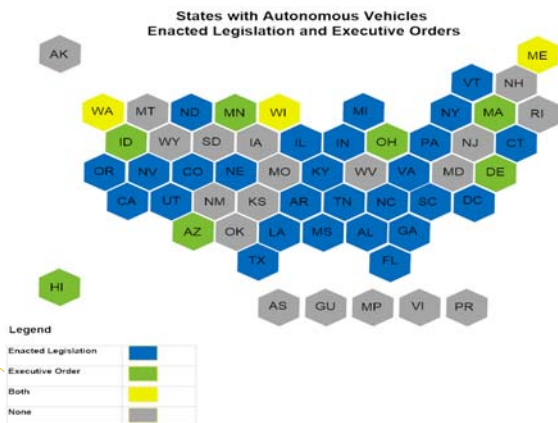


# Autonomous Vehicle Legislation

- In 2017, 33 states have introduced legislation. In 2016, 20 states introduced legislation.
- Sixteen states introduced legislation in 2015, up from 12 states in 2014, nine states and D.C. in 2013, and six states in 2012.
- Since 2012, at least 41 states and D.C. have considered legislation related to autonomous vehicles.
- Twenty-nine states—Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New York, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Washington and Wisconsin—and Washington D.C. have enacted legislation related to autonomous vehicles.

National Conference of State Legislatures, Autonomous Vehicles – Self-Driving Vehicles Enacted Legislation

# Autonomous Vehicle Legislation



National Conference of State Legislatures, Autonomous Vehicles – Self-Driving Vehicles Enacted Legislation

## Pennsylvania Legislation

- Pennsylvania SB 167 (2016)
  - Allows the use of allocated funds, up to \$40,000,000, for intelligent transportation system applications, such as autonomous and connected vehicle-related technology, in addition to other specified uses.

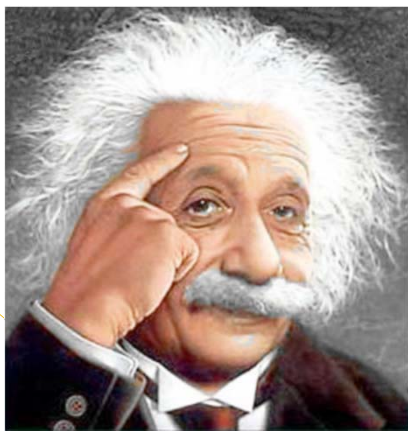
## Pittsburgh and AV

- Google (Waymo) and Carnegie Mellon are working together on AVs in Pittsburgh.
- General Motors/Carnegie Mellon's autonomous-driving lab is in Pittsburgh.
- Uber's autonomous vehicle program was launched in Pittsburgh at the Uber Advanced Technology Center in Lawrenceville.
- Argo AI is headquartered in the Pittsburgh Strip District (Ford is funding it with a \$1 billion investment focused on autonomous vehicles).
- Delphi is testing autonomous vehicles in Pittsburgh using algorithms and software architecture developed at Delphi Labs.

## Product Liability Claims

- Manufacturing Defects
- Design Defects
- Failure to Warn

## Product Liability Claims



### **New technology creates new theories of liability**

- Products without new technology are defective
- Should have had new technology sooner
- Should have had newer/better technology

## Product Liability Claims

- Challenges to new technology
  - Construction zones
  - Detours
  - Pedestrians
  - Animals

## AV Accidents

- May 2016: A Tesla Model S that had been switched to Autopilot mode, when a white truck joined the road from a cross street. Unable to distinguish the truck against the brightly lit sky, the self-driving system failed to apply the brakes.
- March 2018: An Uber vehicle, in autonomous mode, hit a woman, who was walking outside of the crosswalk and later died at a hospital. There was a vehicle operator inside the car at the time of the crash.



## Product Liability Parties

- Auto manufacturer
- Software designer
- Software installer
- Mechanic
- Government wireless providers

## Product Liability Defenses

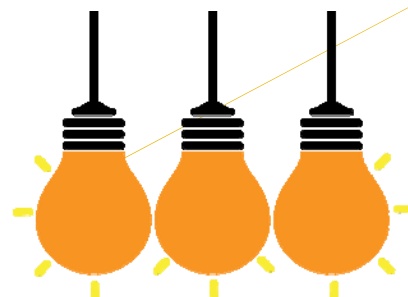
- State of the Art
- Product Misuse/Alteration
- Superseding Cause

## Product Liability of the Future?



USA Today  
December 29, 2016

## Protection of Proprietary Information will be an Important Factor Regarding AV Litigation



## Protecting Proprietary Information is an Important Aspect of All Litigation Involving Technology

- The rise of autonomous vehicles and artificial intelligence will bring the protection of confidential and trade secret information to the forefront of all litigation, as the intellectual property at issue will be key to both litigation and the client's business.
- As cases move from discovery to trials, the need to protect proprietary information becomes even more crucial.
- Complex amalgamations of local rules and protective orders often make it difficult to ascertain the best steps to protect proprietary information from becoming public before, during or after trial.
- Most prudent course of action is to take steps at every stage of litigation to protect proprietary information.

## 5 Steps to Protecting Proprietary Information During Litigation

Use Broad  
Protective  
Orders

Seal the  
Record

Attempt to  
Limit Access to  
Courtroom

Make timely  
objections

Use the  
Takings Clause

## Use of Broad Protective Orders

- At the outset of litigation, move for a broad protective order that contemplates all future stages of litigation, including all matters in open court.
- Be sure to include comprehensive language when describing the materials protected, such as:

Materials produced formally, informally, in any document, brief, motion, transcript, testimony, or any manner or means of discovery or disclosure at any stage of the litigation including, but not limited to, arguments, hearings, trials and other proceedings in open court.

## File Motions to Seal Prior, During, and After Trial

- The motion should demonstrate that secrecy outweighs the presumption of openness by presenting evidence that closure of the Court is essential to preserve the propriety of the information at issue.
- The motion should demonstrate that a clearly defined and serious injury will occur if the proprietary information is disclosed by, for instance, asserting that disclosure will allow competitors to gain an unfair advantage and result in significant damage to a party's business.
- In preparing the motion, be as specific as possible. Include what proprietary information may be included in the record, why that information isn't of public interest, and what specific injury the disclosure would cause.
- Illustrative cases: *Publicker Indus. Inc. v. Cohen*, 733 F.2d 1059, 1073 (3d Cir. 1984). *In re Cendant Corp.*, 260 F.3d 183, 194 (3d Cir. 2001). *ART+Com Innovationpool GmbH v. Google Inc.*, 2016 WL 10028722 (D.Del. 2016). *Gratz College v. Synergis Ed. Inc.*, 2015 WL 9582743 (E.D.Pa. 2015).

## Seek to Limit Access to the Courtrooms



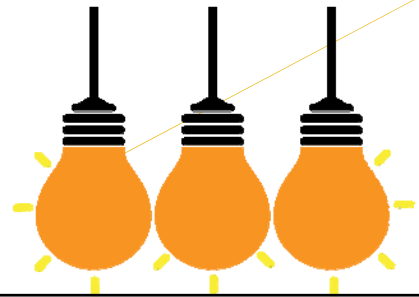
- File motions to limit access before, during and after court proceedings.
- The United States Supreme Court has ruled that in order to limit access to a courtroom, it is necessary to show that it serves an important governmental interest **and** that there is no less restrictive means.
- The Third Circuit has held that it is appropriate for a district court to hold a closed hearing to determine whether the court should close the courtroom.
- File a petition to limit access to the courtroom and a motion to seal the record of the closed hearing.
  - Attach a sealed affidavit that specifically states what proprietary information is at risk and how disclosure would injure the party's commercial standing.
    - The Third Circuit has recognized a higher level of protection for trade secrets than non-trade secret information.
- Illustrative Cases: *Globe Newspaper Co. v. Superior Court for Norfolk County*, 457 U.S. 596, 606-07 (1982). *Stamcarbon, N.V. v. American Cyanamid Co.*, 506 F.2d 532, 539-42 (2d Cir. 1974). *Publiker Indus. Inc. v. Cohen*, 733 F.2d 1059, 1073 (3d Cir. 1984). *Littlejohn v. Bic Corp.*, 851 F.2d 673, 685 (3d Cir. 1988).

## Use the Takings Clause



- A novel approach when attempting to avoid disclosure is to invoke the Takings Clause in a post-trial motion.
- The Takings Clause disallows private property from being taken for public use without just compensation.
- The California Supreme Court has found that trade secret information can constitute property within the meaning of the takings clause when disclosure is compelled by the government and can amount to unconstitutional taking of property.
  - Keep in mind that parties' own repeated public disclosures regarding the trade secrets at issue can relinquish any trade secret status and thus any Takings Clause protection.
- Illustrative Cases: *219 South Atlantic Blvd. Inc. v. City of Ft. Lauderdale, Fla.*, 239 F.Supp.2d 1265 (S.D.Fla. 2002). *St. Michael's Convalescent Hospital v. State of Cal.*, 643 F.2d 1369 (Cal. 1981). *Gal-Or v. U.S.*, 113 Fed.Cl. 540 (Fed.Cl. 2013).

## Autonomous & Connected Vehicles: The Problem of Cybersecurity



**A single autonomous car will  
generate 4,000 GB of data  
per day.**

*(Fast-tracking Safe  
Autonomous Vehicles, Ansys  
white paper, 2018)*



## Greater Advancements = Greater Vulnerabilities

*Advanced driver assistance technologies  
depend on an vast array of:*

- Electronics
- Sensors
- Computer Systems
- Radar
- LiDAR
- Stereo Cameras
- Navigation
- Odometry
- GPS guidance systems
- Processors
- Computer Algorithms
- WiFi
- DSRC

**CYBERSECURITY ENTRY  
POINTS**

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Autonomous Vehicle - can guide itself without human conduction (or with limited human involvement) through use of computer technology

Connected Vehicle - equipped with Internet access, and usually also with a wireless local area network. Allows car to share internet access with other devices both inside and outside vehicle.

- a) Internet Access
- b) Geolocation capability

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## A Rolling Cybersecurity Puzzle

- I. Systems and components that govern safety
- II. Protection of personal information



## Cybersecurity – Intentional Acts

### VEHICLE SAFETY:

Interference with steering, braking, navigation, engine function

### INFORMATION SECURITY:

Location Data, Biometric Data, Personally Identifying Information (PII)



## Will “Hackability” Lead to Liability?

If vehicle manufacturers fail to utilize sufficient security and/or fail to meet established standards, will that be a basis for claims or regulatory actions?

### Federal Trade Commission

1. *Representations/promises* made by manufacturers concerning cybersecurity that aren’t met
2. Simple failure to employ “adequate” protection measures (consumer protection laws)

## What Does The Government Say?

US Dept. of Transportation National Highway Traffic Safety Administration (NHTSA) is urging autonomous vehicle manufacturers to adopt:

### **NIST “Framework for Improving Critical Infrastructure Cybersecurity”**

- Voluntary, not mandated
- “Critical Infrastructure”



**NIST**  
National Institute of  
Standards and Technology  
U.S. Department of Commerce

## NIST Standard

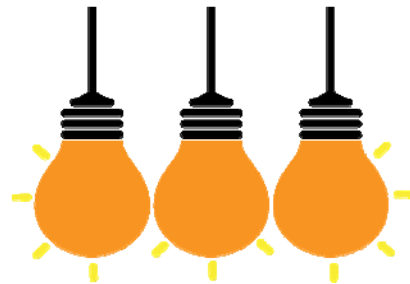
- A risk-based prioritized identification and protection process for safety-critical vehicle control systems;
- Timely detection and rapid response to potential vehicle cybersecurity incidents on America's roads;
- Architectures, methods, and measures that design-in cyber resiliency and facilitate rapid recovery from incidents when they occur; and
- Methods for effective intelligence and information sharing across the industry to facilitate quick adoption of industry-wide lessons learned.

## Thank You.

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## Dennis P. Ziemba

### MEMBER CHAIR, PRODUCT LIABILITY

Dennis Ziemba is a trial lawyer with a diverse civil practice, focusing on product liability litigation and other tort actions. He also represents product manufacturers in breach of warranty actions, and provides advice to clients in employment matters. Throughout his career, Dennis has represented multiple manufacturers of automobiles, automotive component parts, consumer products, industrial equipment, and motorcycles in civil litigation actions. He also serves as regional counsel for a national motorcycle manufacturer and has served as national coordinating counsel for a national plumbing component manufacturer.

Dennis has extensive experience in successfully handling mediations, arbitrations, and jury trials. He regularly appears in state and federal courts throughout Pennsylvania, New Jersey, and New York as well as other courts across the country. He has handled cases in the appellate courts of Pennsylvania, New Jersey, and Delaware, as well as the Sixth Circuit Court of Appeals. Dennis has also assisted clients in multistate and complex coordinated proceedings and class actions in federal and state courts. His background makes him well-qualified to evaluate and manage cases in a manner that is both cost-effective and results-oriented for his clients. Dennis frequently lectures and provides training to clients, their employees, and other counsel, providing them with tools to navigate through litigation and pre-litigation matters.

### REPRESENTATIVE MATTERS

- In 2017, Dennis secured a dismissal of all claims against a national manufacturer of solvents, removers, fuels and cleaning products. Plaintiff alleged he developed cancer as a result of working with the client's products. Because the plaintiff's alleged exposure occurred outside of Pennsylvania, the Eckert Seamans team moved to dismiss plaintiff's claims for a lack of personal jurisdiction. After detailed discovery and a hearing before the trial court, the court agreed that Dennis' client was not subject to personal jurisdiction in Pennsylvania and dismissed plaintiff's Complaint.
- In 2014, Dennis secured a defense verdict at trial for a national motorcycle manufacturer. Plaintiff alleged defects in the motorcycle caused excessive oil leaks which impacted the motorcycle's operation. Despite multiple dealer repair attempts, plaintiff claimed these conditions continued to plague the motorcycle. The jury found in favor of Dennis' client at the conclusion of the case.

### PRACTICE AREAS:

[Appellate](#)

[Litigation](#)

[Product Liability](#)

[Class Action Litigation](#)

### STATE ADMISSIONS:

Pennsylvania

New Jersey

New York

### COURT ADMISSIONS:

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Middle District of Pennsylvania

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Sixth Circuit

### EDUCATION:

J.D., Temple University School of Law, 1995

B.S., cum laude, University of Scranton, 1992

- In 2010, Dennis obtained a defense verdict at trial on behalf of an international motor vehicle manufacturer. Plaintiff, the vehicle owner, asserted the vehicle unintendedly accelerated on multiple occasions during her ownership. She alleged she was involved in multiple accidents as a result of this condition, and that the condition continued to arise despite multiple repair attempts by authorized dealerships. The jury found at the conclusion of the case that the vehicle was not defective.
- In 2008, Dennis successfully defended an international automobile manufacturer at trial in a matter involving a motor vehicle operator rendered a quadriplegic in an accident. Plaintiff alleged the airbag in his vehicle improperly deployed in the accident, causing him to strike the interior of the vehicle and cause his injuries. While the jury awarded in excess of \$20 million to plaintiff against the driver of another vehicle in the accident, it absolved Dennis' client of liability. The verdict was affirmed on appeal.
- In 2013, Dennis successfully argued an appeal before the Pennsylvania Superior Court, Pennsylvania's intermediate appellate court, on behalf of multiple motor vehicle manufacturers concerning the ability of a consumer to recover attorney's fees in matters resolved through an Independent Dispute Settlement Procedure. The panel ruled in favor of the manufacturers, affirming the trial court's decision granting summary judgment to the manufacturers on the issue.

## PROFESSIONAL AFFILIATIONS

- Philadelphia Association of Defense Counsel

## COMMUNITY INVOLVEMENT

- Youth Basketball Volunteer, Mt. Laurel, New Jersey
- Holy Cross Academy (Cinnaminson, New Jersey), Basketball Booster Club Steering Committee

## AWARDS AND RECOGNITION

- Selected for inclusion in Pennsylvania Super Lawyers – Rising Star
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

## NEWS AND INSIGHTS

### PUBLICATIONS

- [“Products Liability Practitioners Anxiously Await Tincher Ruling”](#), The Legal Intelligencer, November 2014.
- [“The Future of Strict Liability Law in Pennsylvania: Is Change Foreseeable?”](#) American Bar Association's Mass Torts Litigation Journal, Spring 2011, Vol. 9, No. 3 and the American Bar Association's Products Liability Newsletter, Summer 2011, Vol. 22, No. 2., May 2011.

- ["Pennsylvania's Statutory Employer Defense: A Primer"](#), The Legal Intelligencer, August 2010.
- "Personal Jurisdiction and Foreign Defendants: Issues to Consider," co-authored, Pennsylvania Bar Association Quarterly, October 2007.

#### SPEAKING ENGAGEMENTS

- "Personal Jurisdiction Challenges," American Conference Institute 10th Annual Summit on Defending & Managing Automotive Product Liability Litigation (Chicago), June 2017.
- "The Virtual Law Firm: Why Playing Nice in the Sandbox is Important to the Future of Your Practice," Defense Research Institute Product Liability Conference (Las Vegas), February 2017.
- ["Tincher and the Reformation of Products Liability Law in Pennsylvania"](#), co-presenter, Eckert Seamans' Continuing Legal Education Seminar, August 2016.
- "Evidence Preservation/Spoilation, Controlling Costs Associated with Discovery and E-Discovery, and Avoiding Sanctions for Discovery Abuse," American Conference Institute Automotive Product Liability Litigation Conference (Chicago), June 2016.
- "Virtual Testing: The Application of LS-Dyna and Madymo Computer Modeling in Automotive Products Liability Cases," American Bar Association 2016 Emerging Issues in Motor Vehicle Product Liability Litigation Conference (Phoenix), April 2016.
- "Lights, Camera, Evidence!" Philadelphia Bar Association (Philadelphia), April 2013 and July 2015.
- "Expert Strategy Issues in Automotive Litigation," American Conference Institute Automotive Product Liability Litigation Conference (Chicago), June 2014.
- "'Green' Vehicles: Emerging Liability Issues," Pennsylvania Bar Association (Philadelphia), April 2012.
- "The Re-Shaped Landscape on the Preemption Defense, Personal Jurisdiction, and the Stream of Commerce Theory for Manufacturers," American Conference Institute Automotive Product Liability Litigation Conference (Chicago), June 2012.
- "Venue, Venue, Venue: The Best and Worst Jurisdictions for the Defense and Key State-by-State Nuances," American Conference Institute Automotive Product Liability Litigation Conference (Chicago), June 2011.
- "ADR and Dealerships: The First Line of Defense," Automotive Forum: 360° Key Constituency's Perspectives on the Automotive Industry, October 2005.



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**PRACTICE AREAS:**

[Litigation](#)

[Product Liability](#)

[Food Liability Litigation](#)

[Class Action Litigation](#)

[Intellectual Property Litigation](#)

[Telephone Consumer Protection Act \(TCPA\)](#)

**STATE ADMISSIONS:**

Pennsylvania

**COURT ADMISSIONS:**

U.S. District Court for the  
Western District of Pennsylvania

**EDUCATION:**

J.D., University of Pittsburgh  
School of Law, 2004

B.S., Highest Graduating  
Distinction, Carnegie Mellon  
University, 2001



## Louis A. DePaul

### MEMBER

Lou DePaul concentrates his practice on business litigation. His practice and experience covers a broad range of business litigation, including complex commercial litigation, products liability litigation, real estate litigation, intellectual property litigation, bankruptcy litigation, and employment disputes. Lou has litigated cases in state, federal, bankruptcy, and appellate courts in multiple jurisdictions and his experience extends to commercial arbitrations and mediation.

### REPRESENTATIVE MATTERS

- Successfully defended a Fortune 500 company from claims for breach of contract in excess of \$20 million; after three years of litigation, international corporate plaintiff dismissed the case with prejudice on the eve of trial.
- Was an integral part of a trial team that obtained an award in excess of \$9 million after four weeks of hearings in a complex commercial arbitration on behalf of investors attempting to develop an emerging energy technology.
- Currently acts as national counsel for products liability and commercial litigation matters for a leading manufacturer of freight rail and passenger transit products.
- Defended an international seafood manufacturer in a nationwide class action concerning claims of alleged mislabeling.
- Regularly represents one of the nation's largest residential builders in matters involving land use, development, zoning, and commercial litigation.
- Represented various online booking hotel agencies in statewide class action lawsuit concerning the payment of hotel occupancy taxes.

### PROFESSIONAL AFFILIATIONS

- Allegheny County Bar Association
- American Bar Association
- Young Lawyer Fellow of Allegheny Bar Foundation

## COMMUNITY INVOLVEMENT

- Lou has served as a mentor and teaching assistant for Carnegie Mellon University's Tepper School of Business
- Pittsburgh Vintage Grand Prix Association, Board of Directors

## AWARDS AND RECOGNITION

- Selected for inclusion, on multiple occasions, in *Pennsylvania Super Lawyers – Rising Star*

## NEWS AND INSIGHTS

### PUBLICATIONS

- ["VoIP Services May Fall Beyond TCPA's Scope"](#), *Law360*, March 2018.
- ["INSIGHT: Third Circuit Continues to Rein in Runaway TCPA Claims"](#), co-author, *Bloomberg Law*, July 3, 2018.
- "Beware: Inspecting Goods May Waive Implied Warranty Protections," co-authored for *LJN's Equipment Leasing Newsletter*, May 2017.
- ["Examining Pennsylvania's doctrine of unconscionability."](#) co-authored for *PA Business Quarterly*, January 2017.
- "Pa. Courts Address 'Unconscionability' in Business Contracts," co-authored for *The Legal Intelligencer*, July 2016.

### MEDIA COVERAGE

- ["TCPA Rulings Give Cos. Liability Shield, But No Knockout."](#) *Law360*, July 2018.



**PRACTICE AREAS:**

[Data Security & Privacy](#)

[Hospitality](#)

[Litigation](#)

[Municipal Law & Governance](#)

[Real Estate](#)

[Telephone Consumer Protection Act \(TCPA\)](#)

[Health Care](#)

**STATE ADMISSIONS:**

Pennsylvania

**EDUCATION:**

J.D., Duquesne University School of Law, 1991; *Duquesne Law Review*; Appellate Moot Court Board

B.A., Emory University, 1986



## Sandy Brian Garfinkel

### MEMBER

Sandy Garfinkel is a business litigator who serves as the chair of the firm's Data Security & Privacy Group. As a nationally regarded authority on data security and privacy matters, Sandy is regularly published and speaks at numerous industry conferences on preparing for and responding to data breaches. In addition to his data breach response practice, Sandy has expertise concerning the GDPR (General Data Protection Regulation) and works closely with the firm's business clients concerning all aspects of GDPR compliance and enforcement. He works with clients on data security and privacy matters across a variety of industries and sectors, including hospitality, consumer products, insurance, education, health care, manufacturing, and telecommunications.

Businesses struggle to stay ahead of the increasing threats to sensitive data and the emerging regulatory requirements, which is why Sandy counsels his clients on laws relating to the collection, use, and protection of personal information as well as mitigating risks and reducing exposure to investigations and litigation arising from the loss, theft, or exposure of personal data. He guides clients through all stages of breach matters, including advance planning and preparation, response and notification, government investigations and regulatory response, and, when necessary, litigation.

Sandy also maintains a busy and diverse business litigation practice with a particular emphasis in the hospitality industry. He has deep trial and appellate experience and enjoys a long, consistent track record of producing cost-effective, positive results for his litigation clients.

## REPRESENTATIVE MATTERS

### DATA SECURITY AND RESPONDING TO DATA THEFT

- Counsels clients in responding to thefts of personal information and electronic data security breaches; has handled in excess of 50 data breach response matters.
- Advises on the application of state laws requiring notification to state agencies and affected individuals and in required forensic investigation.
- Drafts information security policies and data breach response plans.

- Assisted clinical laboratory company in responding to theft of employee personal information by hacking that resulted in the filing of numerous fraudulent federal tax returns and an attempt to compromise the company's bank account.
- Represented multiple hotel owners in responding to a major breach of the electronic security and theft of credit card data from a major hotel brand, in an attack perpetrated by hackers from Russia.
- Assisted a university in working with law enforcement investigators and complying with notification laws when a hacker attacked the university's online applications database.
- Represented insurance provider in meeting its obligations when personal information of insurance agents was inadvertently made accessible through the insurer's web portal.
- Represented manufacturing company in working with law enforcement agencies and addressing notification duties after a rogue employee stole personal information from employee files to be used to forge prescriptions for controlled substances.
- Assisted public school district in responding to inadvertent disclosure of personal information captured in computerized database for visitor registration.
- Drafted data breach response plans and reviewed/advised on cyber insurance coverage for bank and a nonprofit legal aid organization.
- Formulating data breach response plan, reviewing internal privacy and security policies, and cyber insurance coverage for multi-state accounting firm.

## HOSPITALITY

- Represents hotel and resort management companies, owners, and developers in commercial disputes and other issues.
- Advises and represents hospitality industry clients with regard to dealings and disputes between and among hotel owners, managers, franchisors, vendors, and guests.
- Provides legal services relating to compliance with electronic data security laws and industry standards, and in responding to breaches of data security.

## BUSINESS LITIGATION

- Represents manufacturing enterprises, commercial and residential builders and developers, oil and gas production companies, creative and computer design companies, professional athletes, insurance companies, professional associations, architectural firms, management companies, and communications companies in various types of tort and contract disputes.
- Represents commercial and public sector clients in trial, arbitration, and appellate court practice as well as practice before governmental and administrative tribunals.

- Tries numerous jury and non-jury trials in federal and state courts in various jurisdictions.
- Argues before all Pennsylvania appellate courts and the U.S. Court of Appeals for the Third Circuit.

## REAL ESTATE AND LAND USE

- Acts as regional counsel for major cellular carrier on land use and zoning matters for tower site acquisition;
- Represents commercial real estate developers in zoning and land use applications and proceedings;
- Represents real estate development companies, municipalities and public authorities in litigation matters arising from construction and real property disputes;
- Handles real estate related litigation matters including real property taxation.

## PROFESSIONAL AFFILIATIONS

- International Association of Privacy Professionals (IAPP)

## AWARDS AND RECOGNITION

- Selected for inclusion in *Pennsylvania Super Lawyers* – 2013, 2014, 2018

## NEWS AND INSIGHTS

### PUBLICATIONS

- ["The Unique Challenges of Data Security for the Hotel Industry"](#), *Beazley Breach Response Services Blog*, March 23, 2017.
- ["Employees are a soft spot in data security"](#), *HR.BLR.com*, April 2016.
- ["Data Breach Response: How to Counsel Your Client"](#), *Lawyers Journal*, May 2015.
- ["Business Forum: Data Breach Oversaturation — There's Danger in Complacency"](#), *Pittsburgh Post-Gazette*, November 2014.
- ["Anatomy of a Hotel Breach"](#), *Hospitality Lawyer Converge blog*, June 2014.
- ["Legal FAQ: Hotel Data Breaches"](#), *Hospitality World Network*, June 2011.
- ["Incidents Which Trigger a Legal Obligation to Notify Guests"](#), *Hospitality Upgrade*, Spring 2011.
- ["Circumstances That Could Lead To Accusations of Price Gouging"](#), *Lodging Magazine*, November 2017.
- ["Data Security Soft Spots: Safeguarding a Property Against Cyber Attacks."](#) *Lodging*, the official magazine of the American Hotel and Lodging Association, June 2017.
- "Trump Administration's Approach to Cybersecurity Remains Murky," *Eckert Seamans' Data Security and Privacy Alert*, March 2017.

- "Experian Forecast Predicts Major Data Breach Trends for 2017," *Eckert Seamans' Data Security and Privacy Alert*, March 2017.
- "Yahoo!'s Data Breach Incidents are Becoming an Extended Tale of Woe for the Company," *Eckert Seamans' Data Security and Privacy Alert*, January 2017.
- "Vizio — privacy concerns with "smart" devices are making the internet of things a focus for U.S. regulators," *Eckert Seamans' Data Security and Privacy Alert*, January 2017.
- "Hotel Price Gouging," *HospitalityLawyer.com – Convergence Blog*, October 2016.
- "Long Term Hotel Guests Might Not Be So Easy to Remove," co-author, *Hospitality Lawyer Converge blog*, September 2015.
- "[Manager vs. Owner: Which One Must Respond to a Data Breach?](#)" Hospitality Lawyer, *Hospitality Lawyer*, August 2011.

## MEDIA COVERAGE

- "GDPR Takes Effect In Two Weeks," *Pittsburgh Business Times*, May 11, 2018.
- "Hotel Data Breaches: Can You Protect Business Travelers?" *Business Travelers News*, February 08, 2016.
- "Tips to keep hotel data hackers at bay," *Hotel News Now*, February 10, 2015.
- "China's Alleged Cyber Attack on Pittsburgh Companies – How Vulnerable is Your Business?" *Our Region's Business with Bill Flanagan*, June 2014.

## SPEAKING ENGAGEMENTS

- "GDPR: The Impact on Data Privacy for U.S. Companies," presented at the Pittsburgh Compliance Roundtable, June 2018.
- "The Unique Challenges of Data Security for the Hotel Industry," presenter, 2018 Hospitality Law Conference, Houston, TX, April 2018.
- "Risk Transfer: Trends That Protect Your Firm's Assets," panelist at the Private Directors Association conference, *Locking the Cyber Security Door: What Private Company Leaders Should Do Now*, in Chicago, November 2017.
- "The Unique Challenges of Data Security for the Hospitality Industry," co-presenter at Hospitality Law Conference, April 24, 2017.
- "The Current State of the Law: Data Privacy and Security," presenter, Data Privacy & Security Update, March 2017.
- "The Defense, The Response, and The Future," presenter at Eckert Seamans' Data Privacy and Security Forum, October 2016.
- "Response to Data Breaches," Identity Theft, Pennsylvania Bar Institute (PBI) Continuing Legal Education (CLE) program, March 2016. "Employees Are a Soft Spot in Data Security and Data Security Incident Response Plans," Hospitality Law Conference, February 2016.

- "Data Security Incident Response Plans," Hospitality Law Conference, February 2016.<
- "[Data Security: Risks, Compliance and How to Be Prepared for a Breach](#)," Eckert Seamans' CLE, September 2015.
- "The Data Breach Reality: Preparing for the Inevitable," PBI CLE , July 29, 2015.
- "The Data Breach Reality: Preparing for the Inevitable," co-presenter, June 15, 2015.
- "The Data Breach Reality," co-presenter at the Consortium of Universities of the Washington Metropolitan Area, 2015 Consortium Day, June 5, 2015.
- "Data Breaches – Privacy and Liability," co-presenter, Allegheny County Bar Association 2015 e-Discovery Symposium, April 17, 2015.
- "Anatomy of a Hospitality Data Breach," Hospitality Law Conference, February 10, 2015.
- "The Data Breach Reality: What To Do When (Not If) You're a Victim of a Cyber Attack," Eckert Seamans' CLE, August 2014.
- "Protect My Data: Protection of Confidential Employee Information Under the Health Insurance Portability and Accountability Act," co-presenter, Eckert Seamans Human Resources Forum, May 2014.
- "Data Breach Response, State Laws Governing Data Breach Notification, and Federal Trade Commission Enforcement Actions," PBI CLE, January 2014.
- "Understanding and Managing the Challenges of Data Privacy Breaches in the U.S. and the E.U.," a webcast presentation to the Association of Corporate Counsel, May 2012.
- "Responding to Data Breaches," PBI CLE, October 2011.
- "Cyber Wars: Do You Know How to Respond if Your Data is Attacked?" presented at Eckert Seamans' CLE, August 2011.