

**News**

## **ANDRÉ IN 'LAW360' ON U.S. SUPREME COURT CONSIDERATION OF DATA BREACH INJURY**

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Los Angeles Partner Jean-Claude (J.C.) André was quoted Oct. 2 by *Law360* concerning the mounting pressure on the U.S. Supreme Court to address standing in data breach litigation. The Supreme Court issued privacy claims rulings in 2016 and 2013 that say plaintiffs must allege a concrete injury, or injuries that are real or imminent, and not merely speculative. The high court in January refused to take up a request from Facebook challenging a Ninth Circuit decision that cleared the way for a class of millions of Illinois users to take the company to trial over its alleged violations of the state's biometric privacy law. André, co-chair of BCLP's Appellate & Supreme Court Group, said that was notable because no justice requested that the plaintiffs respond to Facebook's arguments they lacked standing. "That was a procedurally shocking denial because it only takes one justice to order a response, and I can't think of another case where there's been a credible claim of a circuit conflict where the Supreme Court justices haven't ordered the other side to file a response," he said. "This split is not going away, and it seems as though the Supreme Court will have to jump in and take up this question sooner or later, and probably sooner. It's just a question of which case is the right vehicle to clearly implicate the conflict and when the moment will be right."

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### **Jean-Claude André**

Los Angeles

[jc.andre@bclplaw.com](mailto:jc.andre@bclplaw.com)

[+1 310 576 2148](tel:+13105762148)

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