MVP: BakerHostetler's Casie D. Collignon

By **Ben Kochman**

Law360 (October 19, 2020, 3:26 PM EDT) -- BakerHostetler's Casie D. Collignon helped set precedent that could let data breach defendants steer future litigation to friendlier venues when she won dismissal of a lawsuit stemming from a cyberattack at a shareholder communications company, earning her a spot as one of Law360's 2020 Cybersecurity & Data Privacy MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:
In March, Collignon was lead counsel on the BakerHostetler team that persuaded a California federal judge to find that a lawsuit over a data breach at shareholder relations firm Mediant Communications Inc. had no business in the Golden State.

U.S. District Judge Edward M. Chen dismissed the proposed class action brought by California- and New Jersey-based shareholders of Mediant's mutual fund and public company clients, which hire the company to distribute various materials to investors.

According to the judge, New York-based Mediant may have clients in California, but that does not mean it engaged in any business operations or marketing there. The shareholders affected by Mediant's data breach had no contracts with the firm, as they were "clients of Mediant's clients, or even — in some cases — of Mediant's clients' clients," the judge found.

Casie D. Collignon
BakerHostetler

The decision, along with a similar ruling in Florida federal court dismissing another nationwide proposed class action against Mediant, sets a precedent that will give companies sued after suffering data breaches more control over where those lawsuits are heard, according to Collignon, who called the rulings a "huge" win for the data breach defense bar.

"Plaintiffs want to file data breach actions in favorable forums like Florida or California," said Collignon. "But if defendants are based and have clients in defense-favorable jurisdictions like New York, these rulings say that the defendant's location determines where the case is adjudicated, rather than where a plaintiff lives or where a plaintiff was notified of the breach."

OTHER NOTABLE CASES SHE'S WORKED ON:
Collignon headed a team that in February persuaded a Nevada federal court to toss a nationwide proposed class action against Envision Healthcare Corp., which in 2018 announced that a data breach may have compromised people's personal data, including their Social Security numbers.

Instead of claiming that the data breach plaintiffs lacked standing to bring their claims — an issue on which different appeals courts have reached different conclusions — the BakerHostetler attorneys argued that plaintiff Peggy Pruchnicki had not alleged that she had suffered "cognizable damages" as a result of the incident.

The strategy paid off when U.S. District Court Judge James Mahan agreed with Collignon's team, dismissing Pruchnicki's negligence, breach of implied contract and other claims.

Collignon also helped persuade the court to stay discovery pending its ruling on the motion to dismiss, saving Envision the cost and effort of producing evidence in the case.

"For a defense lawyer, staying discovery can be just as much of a win as an outright dismissal," Collignon said. "In this case, we were able to do both."

WHAT MOTIVATES HER:
In the past decade, plaintiff lawyers have been keeping defense lawyers on their toes by more creatively attempting to apply state consumer protections laws in data privacy cases, Collignon said.

"Plaintiff attorneys are always crafting new, creative theories of liability, and I will be equally if not more aggressive in finding ways to defeat those theories," she said.

Collignon said she prides herself on taking risks and on her team's ability to track litigation trends in particular areas. The decision to attack the claims in the Envision case on the "cognizable damages" issue rather on standing grounds, for example, came after her team noticed that judges in that jurisdiction were trending in that direction, she said.

"When you call me, you won't get some kind of 'template' way to win your case," Collignon said. "Either we are going to be very creative about crafting new arguments, or we will meticulously track litigation in the jurisdiction where the case is being heard so that we know the right argument to make to get your case dismissed."

HER ADVICE FOR JUNIOR ATTORNEYS:
Collignon said that none of her recent litigation wins would have come without newer associates at her firm, whom she says she encourages to propose novel legal theories at meetings with partners.

"Any young lawyer who wants a data privacy career needs not to be scared to try new things," she said. "The difference makers in this field are able to take all of their research and figure out how to think outside the box and in new ways. Those associates are the ones that become rock star lawyers."

Newer lawyers shouldn't be afraid to suggest ideas even if they are untested, Collignon added.

"It's always better to have all options on the table, regardless of whether it has worked before," she said. "In my office, not only is it appropriate for associates to bring up new ideas, it is encouraged."

— As told to Ben Kochman

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