



David A. Straite, CIPP/US

Partner

New York

646.933.1000 | dstraite@dicellolevitt.com

485 Lexington Avenue
Suite 1001
New York, New York 10017

Overview

David is the nation's leading voice for the recognition of property rights in personal data, a 10-year effort culminating in the Ninth Circuit's landmark April 2020 decision in *In re: Facebook Internet Tracking Litigation* and the Northern District of California's March 2021 decision in *Calhoun v. Google*, both of which he argued. David also successfully argued for the extraterritorial application of the Computer Fraud and Abuse Act in 2019 in *In re: Apple Device Performance Litigation*, and filed the first-ever data privacy class action under seal to address a dangerous website vulnerability under Court supervision in *Rodriguez v. Universal Prop. & Cas. Ins. Co.* As M.I.T. Technology Review magazine put it, David is "something of a pioneer" in the field. In September 2022, Law360 named him a Cybersecurity/Privacy "MVP." He also protects investors in securities, corporate governance, and hedge fund litigation in federal court and in the Delaware Court of Chancery, admitted to practice in both New York and Delaware.

David is a former adjunct professor at Yeshiva University's Sy Syms School of Business, teaching Business Law and Ethics every fall semester from 2015-2021. He has co-authored *Dobbs Ruling Means It's Time to Rethink Data Collection* in Law360 (2022), *Google and the Digital Privacy Perfect Storm* in E-Commerce Law Reports (UK) (2013), authored *Netherlands: Amsterdam Court of Appeal Approves Groundbreaking Global Settlements Under the Dutch Act on the Collective Settlement of Mass Claims*, in The International Lawyer's annual "International Legal Developments in Review" (2009), and was a contributing author for Maher M. Dabbah & K.P.E. Lasok, QC, *Merger Control Worldwide* (2005). He speaks frequently on topics related to both privacy and investor protection.

David co-chairs the firm's Diversity, Equity and Inclusion Committee, which seeks to promote diversity within the firm and the legal profession generally. In 2022, David was also appointed to the LGBTQ Rights Committee of the New York City Bar Association, whose mission is to address "legal and policy issues in legal institutions and in the court system that affect lesbian,

gay, bisexual, transgender and queer individuals.”

Prior to joining the firm, David was a partner with Kaplan Fox & Kilsheimer LLP, and helped launch the US offices of London-based Stewarts Law LLP before that, where he was the global head of investor protection litigation. Prior to joining the plaintiffs’ bar, David was an associate with the New York office of Skadden Arps Slate Meagher & Flom LLP.

Practice Areas

CLASS ACTION LITIGATION

SECURITIES AND FINANCIAL SERVICES LITIGATION

PRIVACY, TECHNOLOGY, AND CYBERSECURITY

Education

Villanova University School of Law, J.D., *magna cum laude*, Managing Editor, Law Review and Order of the Coif

Tulane University, Murphy Institute of Political Economy, B.A.

Representative Matters

Calhoun, et al. v. Google, co-leading privacy action brought by Google Chrome customers whose PII was collected while “un-synched” with any Google account, in violation of contractual promises.

In re: Apple Inc. Device Performance Litigation, member of the co-lead team for putative class of iPhone6, SE and 7 owners related to computer intrusion and trespass claims related to device throttling.

In re: Facebook Internet Tracking Litigation, co-lead counsel for putative class of Facebook subscribers related to post-logout tracking.

In re: Yahoo Mail Litigation, member of the co-lead team for class related to Yahoo’s former practice of scanning incoming and outgoing email for content (settlement approved August 2016)

Rodriguez v. Universal Property & Casualty Ins. Co., co-lead counsel for a class of more than 600,000 consumers related to website security issue (settlement approved July 2017).

In re: CSO Hedge Fund Litigation, co-lead counsel for class of hedge fund investors (\$13.5 million settlement approved January 2016).

In re: Google, Inc. Cookie Placement Consumer Privacy Litigation, member of plaintiffs' steering committee and appellate team representing class of Safari users whose privacy controls were circumvented by Google.

In re: Horizon Healthcare Data Breach Litig., member of appellate team and co-lead team.

Awards & Honors

MVP – Cybersecurity & Privacy, **Law360** (2022)

Plaintiffs' Lawyers Trailblazer, **The National Law Journal** (2022)

500 Leading Plaintiff Financial Lawyers, **Lawdragon** (2019-2023)

Certified Information Privacy Professional, U.S., **IAPP** (2019-present)

New York Metro Super Lawyers, Class Actions (listed annually since 2019)

Publications & Presentations

Featured Panelist, "Data Breach Class Actions," Mass and Class Summit 2023, hosted by Epiq (January 2023)

Co-Author, Amy Keller & David Straite, *Dobbs Ruling Means It's Time to Rethink Data Collection*, Law360 (June 2022)

Featured panelist, "Artificially Private: the Inherent Conflict Between Privacy Laws and Artificial Intelligence," hosted by the New York American Inn of Court and Cravath, Swaine and Moore LLP (May 2022)

Featured panelist, "Tech, Consumer Protection and Data Privacy," 2022 Federalist Society Ohio Chapter Conference (April 2022), moderated by Hon. J. Phillip Calabrese, N.D. Ohio.

Industry Expert, *Live Testimony Before the Ohio House of Representatives* (House Government Oversight Committee), "Testimony in Opposition to House Bill NO. 376, The Ohio Personal Privacy Act" (Dec. 2021).

Featured panelist, "Emerging Opt-Out Mechanisms and the Data Dividend," Co-hosted by the IAPP and the Asian-Pacific American Bar Association of Silicon Valley (March 2021)

Featured panelist, "Balancing Government Investigation and Class Action Following a Data Breach" seminar at the Southern District of New York, hosted by the Federal Bar Council and moderated by the Hon. Naomi Reice Buchwald (January 2020)

Featured panelist, "Recent Developments in Cybersecurity and Data Privacy" seminar at the Southern District of New York, hosted by the Federal Bar Council and moderated by the late

Hon. Deborah Batts. (March 2018)

Featured panelist, “Data Privacy and Article III Standing” panel at the Federal Bar Council’s 2017 Winter Meeting with Dean Erwin Chemerinsky and moderated by the Hon. Lorna Schofield.

Featured speaker, St. John’s University “Cyber Law” CLE weekend (February 2016)

Co-Author, Laurence King & David Straite, *Google and the Digital Privacy Perfect Storm*, E-Commerce Law Reports (UK), Vol. 13, Issue 06 (2013).

Featured panelist, February 6, 2013 meeting of the National Association of Public Pension Attorneys in Washington, D.C. (“Structuring Investments – Do I get to Go to the Cayman Islands?”) (February 2013)

Admissions & Memberships

Bar Admissions

New York

Delaware

Pennsylvania

New Jersey

District of Columbia

Court Admissions

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, District of Delaware

U.S. District Court, District of New Jersey

U.S. Courts of Appeals, Second Circuit

U.S. Courts of Appeals, Third Circuit

U.S. Courts of Appeals, Ninth Circuit

Memberships

American Bar Foundation – Fellow



American Bar Association – Section of Litigation (Privacy and Data Security Committee) and
Section of Business Law

New York American Inn of Court (Master of the Bench)

Member, International Association of Privacy Professionals

LGBTQ Rights Committee of the New York City Bar Association