



## David A. Straite, CIPP/US

Partner

New York

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### Overview

David is one of the nation's leading voices 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 also co-chairs the firm’s Artificial Intelligence Working Group, tasked with vetting new AI products and related contracts; coordinating firm-wide training; drafting all relevant AI policies; and leading the AI ethics subcommittee. David has presented on numerous panels addressing the law of AI.

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

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CLASS ACTION LITIGATION

SECURITIES AND FINANCIAL PRODUCTS LITIGATION

PRIVACY, TECHNOLOGY, AND CYBERSECURITY

## Education

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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

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*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 privacy promises. In August 2024, in a landmark opinion, a unanimous panel of the Ninth Circuit rejected Google’s “consent” defenses and remanded to the district court for trial, pending class certification.

*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

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500 Leading Plaintiff Financial Lawyers, **Lawdragon** (2019-2025)

New York Metro Super Lawyers Honoree—Class Action & Mass Torts, **Super Lawyers** (2019-2025)

500 Leading Global Cyber Lawyers, **Lawdragon** (2025)

New York Super Lawyers Honoree, **Super Lawyers** (2024-2025)

Legal Lions of the Week, **Law360** (2024)

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

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

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

## Publications & Presentations

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### Publications

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

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

### Presentations

Committee Co-Chair and Featured panelist, "Highway to the Danger Zone: Automobile Data Privacy (Yes, Your Car is Spying on You)," New York Inn of Court, hosted by Norton Rose

Fulbright (June 2025)

Featured panelist, “The Privacy Class Action Chess Game,” ABA 2024 Class Actions National Institute, Nashville, TN (October 2024)

Featured panelist, “How Do the Rule 702 Amendments Impact Class Actions?” HarrisMartin MDL Conference, Portland, ME (July 2024)

Committee Co-Chair and Featured panelist, “Artificial Intelligence: Recent Developments in the Law,” New York Inn of Court, hosted by Norton Rose Fulbright (June 2024)

Featured panelist, “Mastering Global Data Flows: Laws, Challenges and Strategic Navigation,” Global GRC, Data Privacy and Cybersecurity ConfEx (NY) (May 2024)

Committee Co-Chair and Featured panelist, “Help, is there a Lawyer in the House? Healthcare Privacy Laws are Changing Fast,” New York Inn of Court (Sept. 2023)

Featured Panelist, “Data Breach Class Actions,” Mass and Class Summit 2023, hosted by Epig (Fort Lauderdale, FL) (January 2023)

Committee Co-Chair and 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)

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)

## Media Commentary

“Ignore the signal, pay the price: risks for websites under California’s Opt Me Out Act,” [Lexology](#), November 5, 2025

“TikTok divestiture addresses US security concerns, leaves privacy questions,” [MLex](#), September 26, 2025

“Tracking pixels face new US litigation, enforcement challenges,” [Bloomberg Law](#), October 17, 2023

“Scrutiny on Tracking Pixels Signals Shift for Data Collection,” [Bloomberg Law](#), October 16, 2023

“Meta Creates Privacy Risks by Tying New Threads App to Instagram,” [Bloomberg Law](#), July 25, 2023

“TikTok Raises Four Big Constitutional Challenges to Montana Ban,” [Bloomberg Law](#), May 26, 2023

“Software Maker Liability is Elusive Target of US Cyber Plan,” [Bloomberg News](#), March 21, 2023

“GCs Expect More Data Privacy Litigation But See Less Risk,” [Law360](#), March 3, 2023

“Who is Liable for Flawed software? New guidance upends the security standard,” [Cybersecurity Dive](#), March 6, 2023

“Supreme Court Criticisms; Does TikTok Wiretap Users?” [Bloomberg Law Podcast](#), February 15, 2023

“Does TikTok ‘Wiretap’ Users? Mounting Privacy Suits Press Claim,” [Bloomberg Law](#), February 10, 2023

“Facebook \$90 mln privacy settlement approved over antitrust lawyers’ objection,” [Reuters](#), November 14, 2022

“As Virtual Try-On Fashion Technology Grows, So Do Legal Risks,” [Bloomberg Law](#), July 8, 2022

“Dobbs Ruling Means It’s Time To Rethink Data Collection,” [Law360](#), June 30, 2022

“Conn. Privacy Law Hikes Pressure On Congress To Set Rules,” [Law360](#), May 12, 2022

“Driver’s License Privacy Claims Face High Bar in Data Lawsuits,” [Bloomberg Law](#), April 13, 2022

“Facebook Suit Spotlights States’ Growing Biometrics Focus,” [Law360](#), February 25, 2022

“Meta’s Settlement Could Be the Beginning of the End of Tracking Cookies,” [Lifewire](#), February 17, 2022

“Meta to fork out \$90 million to settle 2012 data privacy lawsuit,” [TechCircle](#), February 17, 2022

“US judges in Silicon Valley frustrated by business litigation secrecy requests,” [MLex](#), December 23, 2021

[“Why Privacy Is Big Business for Trial Lawyers,” MIT Technology Review](#), June 29, 2012

## **Admissions & Memberships**

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### **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

U.S. Supreme Court

### **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