

Daily Journal

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TOP WOMEN LAWYERS

The Daily Journal's Annual List of Leading Women Lawyers in California

Kristin L. Myles

Munger, Tolles & Olson LLP
San Francisco

Practice type:
Litigation

Specialty:
Complex business

A partner at Munger Tolles, Myles leads big-name clients like Facebook Inc., Amazon.com Inc. and The Coca-Cola Co. through high-stakes litigation involving everything from privacy to international tort.

Myles recently served as lead counsel for Facebook in the company's opposition to a certiorari petition issued by the U.S. Supreme Court regarding a previous privacy class action settlement. The petition opposed the use of cy pres in the previous settlement, meaning that the class itself would receive no monetary benefits, and in-



stead the damages would be funneled into a separate organization aimed at remedying the concerns in the original case. *Marek v. Lane*, 13-136

Myles said the case was similar to many others against large Internet

companies for alleged privacy violations against a class, in that proving damages is a difficult process.

"A feature oftentimes is that very little individual damages can be alleged," Myles said. "And then at the same time, the classes are very large."

Myles said when a class gets so large, the amount of damages awarded are sometimes dwarfed by the procedure of delivering them, including postage and delivery. So instead, the damages can sometimes be sent to an organization or charity.

"Instead of trying to give people an amount of money that's really meaningless, you can try to pit it to good use and actually make an improvement of the sort being addressed in the lawsuit," Myles said.

In this case, no organization was picked; instead, Facebook created one. The damages went to the Digital Trust Foundation, a grant-giving organization.

In November 2013, the court denied the writ of certiorari and Munger Tolles prevailed for its client.

— David Ruiz