

Daily Journal

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TOP WOMEN LAWYERS

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

Rosemarie T. Ring

As public debate over how personal data should be collected, used and protected continues to intensify, Ring is at the forefront, representing some of nation's most important technology and entertainment companies in litigation that is driving and shaping class action and privacy law. On these and other challenging issues, she guides and gains favorable results for clients such as Disney, ESPN, Facebook, HTC, LinkedIn and Microsoft. She also has an extensive pro bono practice, including a case pending in the Northern District of California in which she and the ACLU represent a group of servicewomen challenging the U.S. military's policy banning women from serving in combat positions which are the key to professional advancement, despite the fact that women are already serving in such positions but not getting credit for it because of the policy.

Ring is lead counsel for ESPN in a potential nationwide class action that could change the way video content is delivered. Plaintiffs claim that ESPN violated the Video Privacy Protection Act by disclosing to Adobe Systems Inc., a data analytics company, the serial numbers of third-party streaming devices made by Roku Inc. Ring won dismissal of the case, having successfully argued that personally identifiable information, as defined by the privacy protection act, does not include anonymous identifiers like the serial numbers in question. The dismissal set important limits on the potential liability of video content providers under the VPPA. The case is now before the 9th U.S. Circuit Court of Appeals.

In a nearly identical case before a district judge in the 2nd Circuit, Ring again won dismissal for client Disney over the alleged disclosure of Roku serial numbers to Adobe as violating the VPPA. She argued Disney's motion to dismiss in a hearing that lasted almost two hours and covered case law and legislative history of every major federal privacy statute

using the interpreting the phrase "personally identifiable information" (PII) under the privacy protection act. The plaintiffs' motion for reconsideration is pending. Depending on how the court rules, Ring could be defending appeals in two federal circuits that will decide the critical issue of the meaning of PII under the VPPA.

"These cases are yet another example of plaintiffs lawyers attempting to resurrect statutes meant to address privacy issues which simply do not apply to new technologies like streaming video," Ring said.

In a putative nationwide class action challenging how social networks can collect and use member information to generate revenue, Ring is lead counsel for LinkedIn. The case focuses on allegations that LinkedIn improperly grows its member base, and its revenues, by importing contacts from members' external email accounts, then emailing the contacts using the names and profile pictures of members without their consent. Plaintiffs asserted claims under the federal Wiretap Act, Stored Communications Act and California's common law and statutory right of publicity. Ring obtained dismissal of all federal statutory damages claims. She then successfully argued that any recovery under California law requires a showing of emotional harm which made class certification all but impossible because it would require individualized showings for each class member. Those victories cut away at plaintiffs' case in a way that allowed the parties to reach a settlement that was finally approved earlier this year.

"For me, they were particularly satisfying because in my consumer class action practice, my focus is always on litigating cases in a way that allows my clients to continue responding to their customers' desire for new and innovative products and services," Ring said.

On the pro bono front, just one week before the deadline for the Department of Defense to file an answer to the complaint filed by Ring



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Litigation

and the ACLU challenging the policy excluding women from combat service, the Secretary of Defense announced that the policy would be rescinded and integration of women into newly-opened combat position would be complete by Jan. 1, 2016. Despite achieving that objective, the case remains active because despite the Jan. 1, 2016 deadline combat positions remain closed to women. In addition to her pro bono advocacy, Ring serves on the board of directors of the Legal Aid Society-Employment Law Center of San Francisco and The Center for WorkLife Law at UC Hastings College of the Law.

— John Roemer