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# State Attorneys General Enforcement practice

In recent years, state attorneys general have increasingly been among the most aggressive regulators in the United States. Across a range of industries, state AG's have used their roles as their states' chief law enforcement and consumer protection officers to bring significant investigations and lawsuits. These matters are conducted both individually and, with greater frequency, as coordinated multi-state actions.

State AG's have at their disposal expansive investigative and prosecutorial powers under consumer, antitrust, environmental, healthcare, financial services and cybersecurity and privacy laws. And the actions they bring have often resulted in seven- to nine-figure recoveries against corporate entities across various industries.

This growth in state-level enforcement highlights the need to retain outside counsel with direct experience dealing with authorities as well as in-depth knowledge of the way agencies operate. Our experience handling these kinds of matters on both sides of the table – while in government and in private defense practice – allows us to offer our clients the best strategies for resolution.

We know how enforcement attorneys and prosecutors think and work. We work with our clients to implement strategies that give them the best chance of reaching a favorable outcome—whether it's working with an AG's office on data breach notification issues, assisting clients responding to AG subpoenas related to consumer protection issues (such as unfair and deceptive trade practices), negotiating with the government to bring an investigation to a close, or deciding not to intervene on a False Claims action, prevailing at trial, or reaching a settlement.

DLA Piper maintains one of the most complete and experienced State Attorneys General Enforcement practice teams in the country. We have been representing clients in state, federal and joint enforcement actions for decades, including some of the country's most high-profile state enforcement investigations and lawsuits. We also have an extensive bench of practitioners with a deep understanding of state AG cases based on their service as assistant and deputy state attorneys general, as well as federal prosecutors and government attorneys with experience throughout the United States.

In state AG offices across the country, our team has deep professional relationships with attorneys general, their senior staffs, and the offices' litigating sections. DLA Piper's team actively engages with state AGs and their staffs in key organizations, including the National Association of Attorneys General, the Conference of Western Attorneys General, the Democratic Attorneys General Association, and the Republican Attorneys General Association.

## OUR TEAM

We are experienced practitioners with backgrounds at the state and federal levels. Our professionals bring years of experience as the elected attorney general of Delaware, as well as senior management-level assistant and deputy

attorneys general from states such as California, Massachusetts, Maryland, and Michigan. The team also includes a number of former federal officials, among them presidentially-appointed US attorneys, assistant US attorneys in Florida, New Jersey, Massachusetts, Illinois, Maryland, Delaware, Pennsylvania and the District of Columbia, trial attorneys and senior policy officials from Main Justice, and key personnel in federal agencies like the SEC, FDA, EPA, FTC and DOD. We regularly have attorneys recognized in top-tier rankings by Chambers USA and Legal 500 for the work we handle for our clients.

## Representative Experience

### CONSUMER PROTECTION

- Represent a technology company in coordinating a settlement with 35 state attorneys general to resolve claims regarding alleged false and deceptive marketing and advertising
- Represented a consumer products company in an investigation by the Florida attorney general regarding claims of potential price-fixing; resolved the investigation with payment of only attorneys' fees and investigation costs to the State of Florida



- Represented a large mortgage company in separate FTC and state attorneys general investigations regarding allegations of price-fixing and fraud, reaching favorable settlements with the FTC and all state attorneys general offices

#### DATA PRIVACY

- Engaged to review a financial services company's 2017 data breach and to advise the client on its participation in very high-profile Congressional hearings regarding the breach. We conducted extensive review of the breach with the company's legal team and internal technical teams and prepared both the former CEO and interim CEO for five separate appearances testifying at congressional hearings during October and November and on responses to committees' requests for information
- Advised a financial services company regarding a data incident involving the accidental and harmless transmission of millions of records of the company to a trusted vendor who should not have received them
- Represented a hospitality and leisure company in connection with US and international security breach notification obligations, 12 US state attorney general and Canadian federal and provincial Privacy Commissioner inquiries, and two US state attorney general investigations relating to two separate hacking intrusions into branded hotel payment card systems

#### ANTITRUST

- Represented the largest packaged ice company in the United States as lead counsel for the company, in criminal and civil DOJ investigations of the packaged ice industry, a multistate attorney general investigation, and an informal SEC inquiry, as well as in related civil litigation, including an MDL proceeding containing 80+ antitrust class actions, two Canadian

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antitrust class actions, multiple federal securities class actions, state court shareholder derivative suits, an antitrust counterclaim and a civil RICO claim. Successfully reached a settlement

- Successfully settled antitrust and consumer protection claims for \$8 million, regarding damages which the AG claimed to be in excess of \$1 billion. The case arose out of investigations into the insurance industry by the attorneys general of New York, Connecticut and Illinois
- Represented a public company in significant antitrust litigation that involved a DOJ investigation, civil litigation and an investigation by a multi-state task force representing offices of the attorneys general for 38 states. The matter included responding to numerous CIDs and responding to inquiries lodged by the designated lead representative of the task force, in addition to individual state AG offices. No action was taken against the client

#### HEALTHCARE

- Represented a major insurance company's response to two New York state attorney general investigations into the health insurance industry
- Represented major pharmaceutical company in state attorney general inquiries into patent litigation settlement raising potential pay for delay issues.
- Represented a hospital system in writ of mandate proceeding against the California attorney general under the California Public Records Act (CPRA)

#### About us

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help clients with their legal needs around the world.

#### For more information

To learn more about DLA Piper, visit [www.dlapiper.com](http://www.dlapiper.com) or contact:

##### John M. Hillebrecht

Partner

T +1 212 335 4590

[john.hillebrecht@dlapiper.com](mailto:john.hillebrecht@dlapiper.com)

##### Jonathan D. King

Partner

T +1 312 368 7095

[jonathan.king@dlapiper.com](mailto:jonathan.king@dlapiper.com)

##### Jeff Tsai

Partner

T +1 415 615 6055

[jeff.tsai@dlapiper.com](mailto:jeff.tsai@dlapiper.com)