



## Stephen J. Newman Partner

Stephen Newman handles class action defense and other representative litigation, including multidistrict cases, as well as proceedings launched by government officials on behalf of the general public. He has extensive experience representing companies including internet businesses, retailers, banks, insurers and manufacturers under California's Unfair Competition Law and Consumers Legal Remedies Act.

Stephen's expertise extends to data security, consumer privacy, securities fraud, insurance and accountancy and actuarial malpractice.

Stephen contributed pro bono assistance that helped free Mario Rocha, a teenaged murder suspect who became the subject of a 2007 documentary. Additionally, his defense of the Museum Security Network, which tracks stolen art, helped set a precedent protecting online statements. Stephen also volunteers as a law and civics teacher at a Los Angeles middle school.

### Los Angeles

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### Related Services

- Consumer Financial Services Defense
- Corporate
- Financial Services Litigation, Regulation and Enforcement
- Insurance / Reinsurance
- Internal Investigations
- Litigation
- Privacy/California Consumer Privacy Act
- Regulatory Compliance and Enforcement Actions
- Technology Transactions and Cybersecurity

### Education

- J.D., *with honors*, University of Chicago, 1995; Member, *The University of Chicago Law Review*
- A.B., *magna cum laude in Economics*, Harvard University, 1992; Member, *The Harvard Crimson*

### Representative Matters

- *Pedro v. Equifax, Inc.*, 868 F.3d 1275 (11th Cir. 2017) (affirming dismissal of Fair Credit Reporting Act litigation)
- *Epstein v. JPMorgan Chase & Co.*, 2014 WL 1133567 (S.D.N.Y. Mar. 21, 2014) (dismissing class action relating to credit balances on credit card accounts)
- *Carvalho v. Equifax Info. Servs., LLC*, 629 F.3d 876 (9th Cir. 2010) (affirming summary judgment in favor of credit bureau on claim challenging reinvestigation practices)
- *Lee v. American Express Travel Related Servs., Inc.*, 348 F. Appx. 205 (9th Cir. July 10 2009) (rejecting challenge to arbitration clause)
- *Sanchez v. American Express Travel Related Services Co.*, 865 N.E.2d 410 (Ill. App. Ct. 2007) (affirming summary judgment in case relating to foreign currency conversion practices)
- *Berry v. American Express Publishing, Inc.*, 147 Cal. App. 4th 224 (2007) (establishing that Consumers Legal Remedies Act does not regulate credit agreements)
- *Baker v. Washington Mutual Finance Group, LLC*, 193 Fed. Appx. 294 (5th Cir. July 24, 2006) (approval of complex class action settlement)
- *Discover Bank v. Superior Court*, 134 Cal. App. 4th 886 (2005) (upholding class action waiver and compelling arbitration)
- *Batzel v. Smith*, 333 F.3d 1018 (9th Cir. 2003) (establishing immunity for internet publisher against defamation suit)

- *Wiz Technology, Inc. v. Coopers & Lybrand*, 106 Cal. App. 4th 1 (2003) (affirming summary judgment in accountants' liability case)
- *Cel-Tech Communications, Inc. v. Los Angeles Cellular Tel. Co.*, 20 Cal. 4th 163 (1999) (counsel for amicus curiae Los Angeles Area Chamber of Commerce in Unfair Competition Law/Unfair Practices Act matter)

#### **Honors & Awards**

- Recognized at the Library of Congress by the William C. Burton Foundation for excellence in Plain English legal writing.

#### **Selected Activities**

Stephen was a key member of the pro bono legal team that obtained freedom for Mario Rocha, a Los Angeles teenager who was wrongfully convicted of murder. Mario served ten years in prison before ultimately being released on habeas corpus. Stephen's other pro bono projects have included service as a volunteer arbitrator and mediator in cases assigned by the Los Angeles County Superior Court.

Stephen also previously served on the State Bar Litigation Section's Complex Litigation Committee.

#### **Speeches & Events**

- Speaker, "2021 Annual Overview of California's Unfair Competition Law and Consumers Legal Remedies Act," March 4, 2021
- Speaker, "California - Year in Review and a Look Ahead," December 16, 2020
- Panelist, "State Regulatory & Enforcement Trends," General Counsel Conference, August 11, 2020
- Podcast, "The Constitution and Robocalls," *Daily Journal*, July 10, 2020
- Panelist, "Understanding the Changes to California's Unfair Competition Law," June 17, 2020
- Speaker, "Credit Reporting Issues Resulting from the Coronavirus Emergency," May 8, 2020
- Panelist, "Charging Into the New Decade - A Look at California's Expansive Regulatory Moves," January 23, 2020
- Speaker, "Counseling Your Clients: Consumers, Banks and Businesses," HarrisMartin's Equifax Data Breach Litigation Conference, November 10, 2017
- Speaker, Metro 2, e-OSCAR and the New FCRA/CFPB Compliance Requirements, Lorman Education Services Webinar, January 2016
- Panelist, "Data Security and Privacy Issues," PLI's 20th Annual Consumer Financial Services Institute, April 6-7, 2015
- Speaker, "Best Practices for Drafting Arbitration Clauses," Bridgeport Continuing Education, Webinar, June 18, 2014
- Panelist, "Class Action Developments," Practising Law Institute's 18th Annual Consumer Financial Services Institute, 2013

- Presenter, Bridgeport Continuing Education's Annual Class Action Litigation Conferences, 2009, 2010, 2011, 2014

### Publications

- "California's UCL and CLRA: Open Issues for 2021 and Beyond," *Daily Journal*, March 4, 2021
- "Holders Beware: Holder Rule Could Expose Holder to Attorneys' Fees In Excess of Amount of Contract," *Stroock Client Alert*, February 16, 2021
- "California's Unfair Competition Law and Consumers Legal Remedies Act 2021 Annual Overview," *Stroock Client Memorandum*, February 4, 2021
- "Credit Reporting Under the CARES Act . . . and Beyond," *The Review of Banking & Financial Services*, Vol. 36, No. 11, December 7, 2020
- "Roadmap to California's Expanded Privacy Framework," *Stroock Client Alert*, November 5, 2020
- "California Attorney General CCPA FAQs – Clarification for Consumers, Help for Businesses," *Stroock Special Bulletin*, July 15, 2020
- "California Supreme Court Limits Scope of Class Action Ascertainability Defense," *Stroock Special Bulletin*, July 31, 2019
- "Supreme Court Opens Door to Challenges to FCC's TCPA Interpretations," *Stroock Special Bulletin*, June 20, 2019
- "Justice Thomas' Evolving Pro-Consumer Jurisprudence," *Daily Journal*, May 30, 2019
- "Eleventh Circuit Holds That a Legal Dispute May Not Form the Basis of a Claim Under the Fair Credit Reporting Act," *Stroock Special Bulletin*, April 30, 2019
- "SCOTUS Limits the Definition of 'Debt Collector' Under the Fair Debt Collection Practices Act," *Stroock Special Bulletin*, March 21, 2019
- "Ninth Circuit Rules Plaintiff Has Article III Standing In *Spokeo*, Leave More Questions Unanswered," *Stroock Special Bulletin*, August 15, 2017
- "Second Circuit Holds That Contractually Provided TCPA Consent May Not Be Unilaterally Revoked," *Stroock Special Bulletin*, June 23, 2017
- "D.C. Circuit Strikes Down FCC's Order Requiring Opt-out Language on Solicited Fax Advertisements," *Stroock Special Bulletin*, March 31, 2017
- "Election Implications for the CFPB," *Stroock Special Bulletin*, November 9, 2016
- "D.C. Circuit's PHH Ruling Reins in CFPB," *Stroock Special Bulletin*, October 12, 2016
- "Payment Processing Continued Target of CFPB and Litigation," *Stroock Special Bulletin*, August 23, 2016
- "CFPB Proposes Amendments to TRID Rule," *Stroock Special Bulletin*, August 1, 2016

- “Recent Developments under the Servicemembers Civil Relief Act and the Military Lending Act,” *The Review of Banking and Financial Services*, August 2016, Vol. 32, No. 8
- “CFPB Proposes ‘Drastic Overhaul’ of Debt Collection,” *Stroock Special Bulletin*, July 29, 2016
- “CFPB Publishes Long-Awaited Proposed Rule Precluding Class-Action Waivers in Arbitration Agreements,” *Stroock Special Bulletin*, May 5, 2016
- “2016 Annual Overview of California’s Unfair Competition Law and Consumers Legal Remedies Act,” *Stroock Client Memorandum*, March 2016
- “Supreme Court Ruling in Tyson Foods Leaves Many Class Action Questions Unresolved,” *Stroock Special Bulletin*, March 22, 2016
- “Recent Developments in the Law Governing the Fiduciary Duties of Bank Directors,” *The Banking Law Journal*, January 2016
- “Seventh Circuit Reverses Course On Dismissals Under Rule 68,” *Stroock Special Bulletin*, August 12, 2015
- “California Supreme Court Issues Important Federal Arbitration Act Preemption Ruling,” *Stroock Special Bulletin*, August 4, 2015
- “Seventh Circuit Rules No Heightened ‘Ascertainability’ Requirement,” *Stroock Special Bulletin*, July 29, 2015
- “Seventh Circuit Reverses Dismissal of Data Breach Class Action on Standing Grounds,” *Stroock Special Bulletin*, July 22, 2015
- “TCPA Verdict Used To Recruit Plaintiffs Through Social Media,” *Stroock Special Bulletin*, July 14, 2015
- “FCC Issues TCPA Declaratory Ruling,” *Stroock Special Bulletin*, July 13, 2015
- “FCC Votes On Pending TCPA Petitions,” *Stroock Special Bulletin*, June 18, 2015
- “Court Dismisses Data Breach Action, Rejecting Multiple Standing Theories,” *Stroock Special Bulletin*, June 3, 2015
- “Where class actions belong,” *Daily Journal*, May 6, 2015
- “CFPB Strongly Signals its Intent to Ban or Severely Limit Class Action Waivers and Pre-Dispute Arbitration Agreements,” *Stroock Special Bulletin*, March 10, 2015
- “Class Action Settlements – Seventh Circuit Limits Injunctions of Competing State Actions and Ninth Circuit Clarifies Permissibility of Gift Cards and Incentive Awards,” *Stroock Special Bulletin*, March 6, 2015
- “Recent Developments in Data Furnisher Liability under the Fair Credit Reporting Act,” *The Banking Law Journal*, January 15, 2015
- “California Court Of Appeal Issues Important Federal Arbitration Act Preemption Ruling,” *Stroock Special Bulletin*, December 22, 2014
- “US high court could resolve pure ‘injury-in-law’ split,” *Daily Journal*, November 25, 2014

- "Recent Development: Ninth Circuit Rejects State's Attempt to Obtain Double Recovery for Settlement Class," *Stroock Special Bulletin*, November 11, 2014
- "Eleventh Circuit Reverses District Court, Endorses FCC Interpretation of 'Prior Express Consent' Under The Telephone Consumer Protection Act," *Stroock Special Bulletin*, October 1, 2014

Quoted in:

- "High court OKs Facebook texts to non-customers," *Daily Journal*, April 2, 2021
- "Supreme Court Backs Facebook, Limits Federal Robocall Ban (2)," *Bloomberg Law*, April 1, 2021
- "Calif. High Court Establishes Tougher Antitrust Pleading Rules.," *Law360*, August 4, 2020
- "Companies Not Liable for Interfering With At-Will Contract, California Supreme Court Rule," *Law360/The Recorder*, August 4, 2020
- "Compassionate Observation, Listening and Learning to Better Solve Disputes," *Red Diamonds Features*, July 30, 2020
- "Justices Keep TCPA Litigation Machine Churning for Now," *Law360*, July 6, 2020
- "Attorneys are busy persuading authorities their clients business is essential," *Daily Journal*, April 17, 2020
- "Proof of Causation Likely Defense in Virus-Related Premises Liability Cases," *Daily Journal*, April 7, 2020
- "Lawsuits Following Unsolicited Marketing Texts Keeps Pressure on TCPA Compliance," *LegalTech News*, March 6, 2020
- "How The High Court Could Reshape The TCPA's Future," *Law360*, January 15, 2020
- "Which consumer issues are on the legal docket for 2020?," *Consumer Affairs*, January 3, 2020
- "Consumer Protection Cases To Watch In 2020," *Law360*, January 1, 2020
- "SEC: Transition From LIBOR Has Taken On 'Urgency,'" *Compliance Week*, July 26, 2019
- "High Court Punt Plunges TCPA Suits Into Greater Uncertainty," *Law360*, June 21, 2019
- "Supreme Court Kicks Fax Case Back to Appeals Court," *Business Insurance*, June 20, 2019
- "Consumer Protection Cases To Watch In 2019," *Law360*, January 1, 2019
- "Pa. ruling in breach suit likely to influence litigation in other states," *Business Insurance*, December 4, 2018
- "Marriott breach puts spotlight on hotel cyber risk," *Business Insurance*, December 4, 2018
- "Calif. Privacy Law To Spark GDPR-Like Compliance Effort," *Law360*, July 3, 2018

- “California Takes ‘Giant Leap Forward’ on Consumer Data-Privacy Rights,” *The Recorder*, June 28, 2018
- Featured Guest, “CA High Court: schools should protect students, UCLA stabbing case will move forward,” *AirTalk*, March 29, 2018
- “Schools Have a Duty to Protect Students From Attacks, Rules California High Court,” *The Wall Street Journal*, March 22, 2018
- “California High Court Rules Colleges Must Protect Students,” *Courthouse News Service*, March 22, 2018
- “Justices Hone Creditors’ Ability To Ax Pre-Bankruptcy Deals,” *Law360*, February 28, 2018
- “Judge rejects Tribune creditors’ attempt to claw back \$8B from shareholders,” *The Deal Pipeline*, January 12, 2017
- “Tribune Creditors Blocked from Buyout Proceeds,” *The Wall Street Journal*, January 9, 2017
- “Supreme Court Delivers Victory for People-Search Firm Spokeo,” *Los Angeles Business Journal*, May 17, 2016
- “Attorneys React To Supreme Court’s Spokeo Ruling,” *Law360*, May 16, 2016
- “Supreme Court shields online databanks from being sued over minor mistakes,” *Los Angeles Times*, May 16, 2016
- “New Cyber Law Won’t Be Liability Protection Panacea,” *Bloomberg BNA’s Antitrust & Trade Regulation Report*, February 19, 2016

#### **Admitted To Practice**

California

U.S. District Court, Central District of California; U.S. District Court, Northern District of California; U.S. District Court, Southern District of California; U.S. District Court, Eastern District of California; U.S. District Court, Northern District of Illinois; U.S. District Court, Southern District of Illinois; U.S. District Court, Eastern District of Michigan

Supreme Court of California

U.S. Court of Appeals, Second Circuit; U.S. Court of Appeals, Fourth Circuit; U.S. Court of Appeals, Fifth Circuit; U.S. Court of Appeals, Ninth Circuit; U.S. Court of Appeals, D.C. Circuit

U.S. Supreme Court

#### **Clerkships**

Law Clerk, the late Hon. M. Blane Michael, U.S. Court of Appeals, Fourth Circuit