



# Retail & E-Commerce Practice

THE RETAIL INDUSTRY IS IN A STATE OF INNOVATION AND DISRUPTION. SHIFTING CONSUMER BUYING PATTERNS, THE PROLIFERATION OF E-COMMERCE AND DIRECT-TO-CONSUMER BRANDS, AND RENEWED SPENDING PRIORITIES ARE CONVERGING WITH RAPIDLY EVOLVING TECHNOLOGY, GLOBAL SUPPLY CHAIN CHALLENGES, AND CHANGING REGULATORY PRIORITIES.

Today's customers are more informed, more empowered, and more demanding than ever before. Retailers need the same from their attorneys.

To stay relevant and competitive, 21st-century brands must distinguish themselves in a crowded marketplace, considering how they can create value, mitigate risk, and anticipate threats while protecting and enhancing their customer experience. Marketing and advertising, employee engagement, compliance, and consumer data protection are just a few areas where strategic business opportunities can become crippling vulnerabilities if not managed with precision. Retailers need a law firm that moves as quickly as they do and attorneys who consider the economic, legal, global, and regulatory factors that play into every business decision.

The attorneys who make up Benesch's Retail & E-Commerce Group have decades of experience defending retailers in high-stakes litigation, advising on new regulations, anticipating risks, identifying emerging opportunities, and positioning them to compete in a global, digital-first marketplace. Many other law firms accommodate retail and e-commerce clients through other practice areas; Benesch is one of the only firms in the country to offer a dedicated Retail & E-Commerce Practice Group in which several attorneys work exclusively for retailers.

Members of our Group have been named **Retail & E-Commerce "MVP" by Law360**, are on the **Board of Directors of the California Retailers Association**, and are frequently called upon by organizations including the **National Retail Federation** and **Retail Industry Leaders Association** for their thought leadership.

Benesch's diverse group of Retail & E-Commerce attorneys represent companies spanning Fortune 500 brands and luxury retailers to manufacturers, e-commerce start-ups, and brick-and-mortar boutiques. With this experience comes an intimate understanding of the challenges facing our clients and what it takes to excel in an era of rapid transformation. From bet-the-company commercial litigation to structuring joint ventures to counseling start-ups or managing a corporate restructuring, the attorneys in our Retail & E-Commerce Group deliver a comprehensive suite of legal and business services so our clients can focus on what matters: running their businesses.

*As one of the most comprehensive retail practice groups in the country—with several lawyers working exclusively with retailers and manufacturers—our team has its fingers on the pulse of the industry’s evolution.*



## Benesch Knows Retail & E-Commerce



**1000+**

**SUCCESSFUL ENGAGEMENTS WITH RETAILERS, E-COMMERCE COMPANIES, AND MANUFACTURERS IN THE LAST YEAR.**

Our clients span luxury brands, big-box stores, multi-level marketing companies, e-marketplaces, and direct-to-consumer start-ups, so we bring depth and breadth of experience to clients across multiple industries, including cosmetics and fashion, grocery chains, boutique and global hotel groups, and restaurants.



**150+**

**HIGH-STAKES CLASS ACTION SUITS DEFENDED OVER THE PAST DECADE.**

Today’s retailers, hospitality companies, and e-commerce operations face more litigation risks than ever before. Benesch’s attorneys help our clients anticipate and identify threats before litigation, and defend companies from allegations of data breach, false advertising, product liability, and more.



**120+**

**RETAIL INDUSTRY CLIENTS WHO ENTRUST THEIR LEGAL MATTERS TO BENESCH.**

Our attorneys advise clients on matters spanning advertising, privacy, ADA compliance, private equity, real estate, marketing, promotions, and more. With decades of combined experience, it’s no wonder that so many Fortune 500 companies and luxury brands partner with Benesch.

## FOCUS AREAS

### Class Action Defense

Class action lawsuits are more prolific than ever before, with brands at risk of suits stemming from claims of antitrust activities, false labeling and advertising, automatic renewal laws, deceptive pricing, data breaches, data disclosure, and other multibillion-dollar no-injury suits under various (and often obscure) federal and state laws. Our team of attorneys defends companies in nationwide class actions, collective employment actions, and third-party lawsuits.



#### Representative Matters:

Secured a dismissal a putative nationwide class action against a well-known retailer of outdoor apparel, sporting and camping gear, where the plaintiff claims that the zippered “waterproof” boots she bought were falsely advertised because the zipper was not waterproof. Benesch helped the retailer prove that the plaintiff could not have actually made the purchase as alleged and filed a novel motion to dismiss, and persuading the court that she lacked standing to bring the case.

Defended two prominent furniture companies against threatened mass arbitrations, each involving thousands of claimants and many millions of dollars in potential arbitration fees. Negotiated very favorable class-wide settlements in both matters.

Represented department store chain in a consumer class action alleging that our client falsely advertised certain bedding items. Filed an evidence-based motion to dismiss arguing that the plaintiff could not have purchased the comforter set as alleged; the plaintiff promptly dismissed.

Representing nationwide retail chain carrying gear and apparel for a wide range of outdoor and fitness activities in several federal and state litigation cases concerning advertising representations made in relation to its waterproof products and the presence of per- and polyfluorinated substances (PFAS).

Defended more than 40 class actions across the country alleging deceptive pricing practices—more than any other attorneys in the country—with an unmatched track record, including winning at trial, summary judgment, defeating class certification, and multiple appeals.

Secured dismissal of a consumer class action after using metadata on the as-filed complaint to prove that the complaint was finalized within days of the purchase at issue, and weeks before the date that the other side told the court it was prepared.

Defended the largest cosmetics company in North America in four putative class actions in both federal and state court concerning advertising representations made in relation to its branded cosmetic products.

Defended numerous retailers—from the nation’s largest beauty company to early-stage start-ups—against consumer class actions brought under California’s Automatic Renewal law.

Utilized novel “motions to deny class certification” to defeat class claims in multiple consumer fraud actions, including a pricing class action against a prominent department store.

Obtained a dismissal of several putative class actions seeking refunds for allegedly defective medical devices, despite the fact that the product had been subject to a voluntary recall.

Defeated class certification in two highly publicized cases alleging that the law schools violated consumer protection statutes by inflating post-graduation employment statistics.

Defeated a motion for catalyst fees seeking in excess of \$1 million, where the plaintiff argued that the client’s change in business practice resulted from the class action they filed.

Secured dismissal of four highly publicized class actions filed across the country against a beloved clothing and outdoor recreation equipment retailer relating to changes to its return policy.

In support of a motion to dismiss based on feigned injury, secured prompt voluntary dismissal after introducing video surveillance footage showing the plaintiff taking photographs and videos of in-store price displays at the time she was allegedly duped into making a purchase.

Defending numerous eyeglasses manufacturers and retailers against allegations arising from the company’s claims concerning blue light’s harmful effects and how its products can diminish or lessen those effects.

## Privacy & Cybersecurity

Modern retailers must navigate a host of privacy and consumer protection laws, implementing safeguards against increasingly sophisticated cybersecurity threats while appropriately leveraging customer data to inform strategic business decisions. Benesch's Data Privacy & Security attorneys understand this delicate balance and confidently advise clients on a wide range of security and privacy matters, helping clients design and implement data-management protocols, review existing practices, and respond with urgency to breaches and lawsuits that arise. Recognizing the need for immediate action when a security breach occurs, Benesch offers its clients access to a 24-hour, 7-day-a-week data breach hotline, providing support and assistance when our clients need it most.

### Representative Matters:

Defending 15 retailers against claims brought under the federal Wiretap Act and California's Invasion of Privacy Act (CIPA) concerning the alleged recording of chat conversations, use of session replay technology, and use of the Facebook Pixel.

Defended a dozen putative class actions alleging that the sale of customer information to data cooperatives and list brokers, who in turn sold their information to telemarketers and other advertisers without notice or their consent, was in violation of state law.

In a data breach case involving an unencrypted laptop containing medical information of 116,000 patients, where plaintiffs sought \$116 million in damages, we obtained dismissal of several of the plaintiffs' claims at the pleading stage and settled the remaining claims for a nominal amount.

Obtained dismissal of BIPA actions against a major grocery store company and airline service provider.

National TCPA and privacy counsel to one of the country's largest dispensary software platforms.

Defended multiple first-of-their-kind lawsuits under state telemarketing laws.

Assisted clients in complying with the vast array of data security and privacy technical standards and guidelines, including PCI-DSS, AICPA SOC 1 and SOC 2, SSAE 16 and SSAE 18, ISO 27001, ITIL, COBIT, and NIST standards, as well as with data classification, breach response, and mitigation, and in creating and implementing applicable policies/procedures.

Counseled on CCPA and other state law-based compliance for a variety of clients located within the U.S. that do business in California and other states with robust data security and privacy laws, rules, and regulations.

Counseled on EU GDPR compliance for a host of clients, including publicly traded companies located in the U.S. with substantial EU operations and customer bases.

Advised clients in comprehensive compliance projects under the privacy and data security laws of the member nations of the European Union, Switzerland, and Canada.

Advised clients regarding compliance with Payment Card Industry–Data Security Standards, HIPAA/HITECH/NIST privacy and security standards, ISO privacy and security standards, and the privacy and data security standards arising under state law.

Advised clients regarding a 50-state data breach response and notification for a national financial institution with respect to breached credit card and other personal data.

Represented numerous clients in connection with legal obligations involving data collection and aggregation, data storage, data transmissions, and the ownership, transferability, and monetization of data.

## FOCUS AREAS

### Marketing, Advertising & Promotions

Creative marketing and smart, engaging promotions are critical in our hyperconnected world. But these activities can present significant legal risks for companies, and strong line of sight into local, state, and national regulations is key. We regularly advise clients on related activities, such as labeling, marketing, advertising, and promotional campaigns, including phone call and text messaging laws, sweepstakes rules, gift card restrictions, daily-deal sales issues, and use of customer data collected through marketing efforts. Our clients turn to Benesch to ensure their marketing and advertising activities are fair, compliant, and impactful.



#### Representative Matters:

Benesch is the go-to sweepstakes counsel for over a dozen retailers nationwide, including a globally recognized sporting goods franchise, a well-known online food ordering and delivery platform, and a trending fast fashion retailer. Benesch partners with retailers' marketing teams to design the promotional format of the sweepstakes, to draft "Official Rules," and counsel clients through the run of all sweepstakes, including the application of alternative methods of entry and development of winner's forms. Benesch monitors changes to the multitude of state gaming laws and Federal Trade Commission guidelines to ensure up-to-date implementation of our clients' sweepstakes.

Represented two retailers in separate matters brought by California's Greenwashing Taskforce, alleging that clients falsely advertised products as "biodegradable," "plant-based," and "plastic free."

Acting as outside marketing counsel for several household brand names, which routinely involves reviewing and revising pricing policy; advising on online and in-store marketing campaigns; representing the company in government actions for weights and measures violations; advising on changes to return policy; advising on changes to website's terms and conditions; and advising on influencer negotiations and related agreements.

Preparing or overhauling pricing policies for eight prominent retailers and providing in-person trainings to several retailers' business teams on the new policies.

Engaged by largest retailer industry group in the country to prepare comments on updates to the FTC's Endorsement Guides.

## ADA Compliance

In recent years, we've seen a significant spike in the number of cases stemming from ADA compliance and accessibility on company websites. Our team has briefed a number of motions to dismiss, including filing novel motions to dismiss for lack of personal jurisdiction on the basis that the mere accessing of a website in a given jurisdiction does not create personal jurisdiction. Attorneys in our Retail & E-Commerce Practice are well attuned to what arguments can be raised in which jurisdictions as well as in what jurisdictions it benefits the client to reach a nuisance resolution rather than risk a tag-along suit. Our proactive approach makes plaintiffs' counsel consider whether challenging our motions is worth risking the viability of their practice. The result has been the resolution of these matters on extremely favorable terms for our clients.

### Representative Matters:

Defended more than 100 retailers in more than 200 filed or threatened lawsuits nationwide alleging violations of federal and state disability laws, such as the Americans with Disabilities Act (ADA), California's Unruh Act, and New York's Human Rights Law.

Met with the Department of Justice in Washington, D.C., to discuss potential legislative solutions to this onslaught of litigation.

## Public Enforcement Matters

In addition to regularly defending retailers in consumer class actions, Benesch represents numerous prominent brands in litigation, investigations, and other matters brought by local and state prosecutors.

### Representative Matters:

Prevailed after a two-week bench trial in a deceptive pricing case prosecuted by the City Attorney of Los Angeles on behalf of the State of California, after five years of litigation.

Representing multiple e-commerce companies with respect to investigations by the California Auto Renewal Taskforce (CART) into their subscription programs.

In a government enforcement action brought by the state of California, obtained a Court of Appeal decision laying the groundwork for finding that California's former price law violates the First Amendment; in response, the government dropped that significant claim under that statute.

Representing multiple clients with respect to investigations by the California Greenwashing Taskforce concerning the advertising of biodegradable, plastic-free, and plant-based products.

Represented numerous retailers in investigations by state attorneys general across the country into customer complaints relating to pricing, advertising, and other promotional practices.

## Consumer Products

In recent years, we've witnessed a significant adjustment in the regulatory priorities of our national, state, and local lawmakers, most notably with respect to the expansion of laws regulating per- and polyfluoroalkyl substances (PFAS). Where regulation was once almost exclusively environmental in nature, many states have passed—or are considering—legislation banning PFAS in an array of textiles, packaging, food products, and more. The result is enormous pressure for retailers to quickly assess not only their products, but also their supply chains, marketing materials, and reporting mechanisms, and make critical adjustments. Our attorneys are adept at helping clients understand current and pending legislation, perform operational audits, and develop strategies to achieve compliance.

Outside of the PFAS context, Benesch regularly advises brands on compliance with a broad range of products regulations and related standards, including the Textile Act, state Made in the USA laws, CBD laws, the Consumer Product Safety Improvement Act (CPSIA), Proposition 65.



### Representative Matters:

Representing popular underwear and loungewear company in the preparation of numerous agreements, including vendor, employment, and privacy agreements.

Outside products counsel for manufacturers across industries, including toys, cell phone cases, furniture, and small home appliances.

Review and revise product labeling to comply with a broad range of regulatory requirements.

Advise on warranties, sample retention, and other product-related policies and procedures.

### Product Liability

Benesch's Retail & E-Commerce Group understands that the pace of innovation in our world creates both enormous opportunity and tremendous liability. What's more, rapid change within the national, state, and local regulatory landscapes has created seismic shifts in the way retailers operate. Look no further than several recent court decisions arguing that digital marketplace owners can be held liable for products sold on their platforms, and you'll see a prime example of this shift. Benesch's attorneys bring significant experience at the intersection of law, regulatory compliance, and business operations, helping clients identify and overcome areas of weakness within their operations and supply chains. When necessary, we leverage decades of experience to support our clients through regulatory interventions and investigations, settlement negotiations, and litigation.

We have defended numerous bet-the-company cases involving product defects, overseen product recalls with the CPSC, and advised clients on how to mitigate risk when faced with potential defects.

### Transportation & Logistics



Benesch's nationally recognized Transportation & Logistics Practice Group works with clients in the retail and consumer products sectors to help them optimize their supply chains in connection with transportation, logistics,

and warehousing. Representative clients run the gamut from some of the world's largest big-box retailers to middle-market and emerging retailers in various verticals (including, but not limited to, clothing/apparel, hardware, home and garden, food and pharmaceuticals, automotive and fuel, and many others). Our practical, operations-oriented team provides our clients with multidisciplinary solutions—drafting and negotiating services contracts, developing metrics that properly incentivize service providers, designing private fleets, resolving business disputes, assisting with international trade compliance, providing regulatory advice, helping with in-transit freight finance, and generally providing day-to-day business advice and counsel.

### Restructuring & Insolvency

During periods of financial and economic uncertainty, brands need a strategic counselor to help maximize their value and position them for future success. Our team of attorneys provides transactional and litigation support for clients navigating corporate and financial restructuring and insolvency, working hand in hand to understand their motivations and future objectives to tailor favorable solutions for their specific circumstances.

### Intellectual Property

Benesch's Retail & E-Commerce Group includes attorneys from our Intellectual Property Practice Group who regularly engage in the prosecution and defense of IP claims for clients of various sizes and industries. Our attorneys make it their mission to help clients protect and optimize their intellectual capital by securing trademark and copyright protections and intellectual property rights. When necessary, they also prosecute infringement actions and counsel clients with respect to IP filings.

### Real Estate & Development

Despite the ubiquity of digital commerce, real estate remains a vital component of nearly every type of retailer and manufacturer. Our attorneys have significant experience guiding clients through all phases of the development and launch of their brick-and-mortar facilities, from boutiques and retail storefronts to distribution centers and industrial complexes. Our team guides clients through the process of identifying properties, securing investment capital, acquiring and purchasing land, negotiating franchise agreements, developing the property, and navigating any land or property use issues that may arise. In the event it becomes necessary to close a property, we help clients maneuver that too.



### **Labor & Employment**

Benesch's Labor & Employment attorneys routinely support our national retail clients with a full range of labor and employment services spanning executive recruiting, diversity and inclusion commitments, employee retention and engagement, workplace policies and benefits, workforce reduction efforts, and more. Our litigation team also helps company leadership assess and eliminate workplace risks and provides counsel through crises that may arise in the workplace.

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### **Private Equity**

Private equity investment is the foundation of so many of today's retail and e-commerce operations. Our attorneys have decades of experience providing services to private equity clients across the retail, hospitality, and consumer products spaces, including forming a venture capital fund focused on early-stage retail investments, defending portfolio companies through high-stakes litigation, and assisting our private equity clients with the identification, purchase, and/or sale of new investments for their portfolios.

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### **Corporate Transactions**

Structuring favorable transactions for key partners, vendors, and service providers is foundational to any successful retail and e-commerce business. Our transactional attorneys are a wealth of knowledge, advising clients through the formation of strategic business partnerships, including the negotiation and preparation of service contracts, distribution agreements, licensing matters, business disputes, joint ventures, and more. When the company is on the line, Benesch attorneys have the combined legal and business insights to help our clients navigate high-stakes negotiations and litigation, if needed.

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### **Commercial Litigation**

In today's retail landscape, brands are exposed to potential litigation at every phase, from conception to expansion. Commercial contracts, licensing agreements, vendor disputes, and indemnification demands—even activities as simple as printing receipts or placing telephone calls to customers—represent an area of risk for retailers. Benesch's proactive approach positions attorneys as business advisors, supporting every stage of a company to reduce exposure and risk. When litigation is necessary, our attorneys draw on decades of experience at the negotiating table and in the courtroom to secure favorable outcomes for our clients while maintaining key relationships within the industry.

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### **Apparel and Footwear**

We represent many of the best-known fashion retailers that you'd expect to see in any shopping mall, including department stores, boutiques, and luxury retailers. We regularly advise and defend these clients on issues relating to product advertising, including allegations of deceptive pricing, Made in the USA, sustainability, and textile disclosures, in addition to automatic renewal and accessibility issues.



### **Cosmetics and Beauty**

As a regulated industry, the beauty industry is subject to a broad range of unique concerns—especially under the newly enacted Modernization of Cosmetics Regulation Act (MOCRA). Several of the country's most prominent cosmetic and beauty brands trust us to advise them on product-related issues, in addition to other hot topics such as PFAS, influencers, social media, and subscriptions. We have also defended these clients against significant, bet-the-company litigation relating to their most profitable products.



### **Luxury Brands**

While lawsuits against high-end brands may look similar to those against other retailers, these companies have unique sensitivities and priorities that must be considered in any case. Many of the world's most iconic fashion houses have trusted us to represent their brands in such litigation, and regularly seek our advice and counsel on retail-related issues.



### **Start-ups**

Our finger is on the pulse of the changing retail landscape, which makes us a trusted resource to numerous retail start-ups of all stages and across industries. We regularly advise these clients on new business practices that do not fit clearly within existing legal frameworks.



### **Food, Restaurants, and Grocery Stores**

We work with many of the country's best-known food vendors, including fast food chains, corner stores, candy companies, grocery stores, and high-end restaurants—both defending them in litigation and advising them on a broad range of retail- and food-related issues, including in FDA-related matters and food transportation regulatory issues.



### **Furniture**

Big-ticket items such as furniture come with unique risks, including heightened risk of mass arbitrations, potential warranty issues, and delivery-related/last mile complications. We represent several of the country's largest furniture retailers, including big-box stores, start-ups, e-commerce giants, and higher-end home décor retailers, and are fluent in these issues.



### **Sporting Goods/Outdoors**

Our team is go-to marketing counsel for many of the country's most prominent retailers of outdoors and sporting goods equipment, and regularly advise these clients on issues relating to PFAS, endorsements, biodegradability claims, and returns issues.



### **Hardware/Home Improvement**

We represent a variety of retailers in the hardware and home improvement space on product-related issues, social media, advertising, deceptive pricing, returns issues, labor and employment issues, benefits matters, and more.



### **Media**

In the last year alone, we have defended more than a dozen media companies against claims relating to their alleged disclosure of subscriber information to third-parties. We have a deep understanding of the industry and the relevant technological issues, including the use of data cooperatives, Facebook Pixel, etc., and have successfully extracted numerous clients from potentially devastating privacy litigation.



### **Cannabis/CBD**

We regularly provide counsel to cannabis/CBD retailers on issues of regulatory compliance, risk avoidance, company formation, contracts and licensing, corporate transactions, advertising and product packaging, brand strategy, and intellectual property protection. We also perform legal due diligence for investors in the cannabis space and guide hemp, health, and beauty brand clients in navigating CBD and FDA laws.

**If you sell products to consumers, we are here to help.** Our retail clients run the gamut, including the biggest retailers of luggage, greeting cards, jewelry, toys, eyewear, flooring, pet supplies, and office supplies, to name a few.

## RETAIL & E-COMMERCE TEAM



### **Stephanie A. Sheridan**

Partner and Chair, Retail &  
E-Commerce Practice Group  
ssheridan@beneschlaw.com

One of the preeminent retail and e-commerce attorneys in the country, Stephanie was one of the first lawyers to build a retail-focused practice aimed at providing a “one-stop shop” for retailers across the industry. Since then, she has defended and advised dozens of the most iconic retail brands, spanning from luxury brands, department stores, big-box stores, hotels and restaurants, in addition to many of the country’s most promising start-ups.

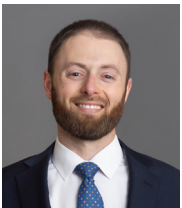
Named a Law360 “MVP in Retail & E-Commerce” for four consecutive years and the only law firm representative on the Board of the California Retailers Association, Stephanie helps clients build and maintain marketplace dominance while proactively addressing the multitude of federal, state and local consumer protection laws.



### **Meegan Brooks**

Partner  
mbrooks@beneschlaw.com

Meegan is a trial lawyer who has been defending and advising retailers, hospitality companies and product manufacturers for her entire career. The bread and butter of her practice is defending retailers against consumer class actions alleging unfair or deceptive business practices, most often involving false advertising, privacy and automatic renewal issues. She has defended many dozens of these cases across the country. Many of her cases have involved products in FDA-regulated industries, including cosmetics, food/beverage and drugs/medical devices.



### **Mark S. Eisen**

Partner  
meisen@beneschlaw.com

Mark’s practice focuses on defending companies against consumer fraud and statutory class actions. He defends cases alleging theories of false labeling and deceptive practices and all statutory privacy claims, including those brought under the Telephone Consumer Protection Act, the Fair Credit Reporting Act, the Fair and Accurate Credit Transactions Act, and the Biometric Information Privacy Act.

Mark’s practice is truly nationwide. Over the last five years, he has defended cases in Arizona, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Utah, Texas, Washington and Wisconsin.



### **Michael D. Meuti**

Partner  
mmeuti@beneschlaw.com

Michael brings a practical approach to litigation, representing businesses and individuals facing high-stakes litigation and government investigations. His practice spans various industries, including clients in energy, consumer products, manufacturing, financial services, consumer marketing, healthcare, and food service. A former clerk for federal judges at the trial and appellate levels, Michael achieves his clients’ goals efficiently and effectively by homing in on the issues that persuade judges and pursuing those issues doggedly.



### **Jonathan R. Todd**

Partner  
jtodd@beneschlaw.com

Jonathan’s nationally recognized practice targets the risks and opportunities that businesses encounter when goods move through domestic and international supply chains.

All providers and users of supply chain services face challenges in transportation and logistics, warehousing and distribution, customs and trade, procurement and business operations, as well as the disputes that follow. He represents the manufacturers, distributors, retailers, carriers, brokers, and forwarders that contribute at every step of the end-to-end supply chain in those matters. Their objectives often require business consult, regulatory compliance counseling, mergers and acquisitions strategy, drafting and negotiation of contracts, litigation and dispute resolution, and enforcement defense including during investigations and audits.



**Michael Vatis**

Partner

[mvatis@beneschlaw.com](mailto:mvatis@beneschlaw.com)

Michael represents companies and individuals in high-stakes litigation and enforcement actions. He is a deeply experienced appellate litigator with a track record of success in the U.S. Supreme Court, federal courts of appeal, and state appellate courts.

Michael served eight years in the government with leading operational and policy roles in the areas of cybercrime, cybersecurity, counterterrorism, counterintelligence, and critical infrastructure protection. He was the founding head of the FBI's computer crime and infrastructure protection program; Associate Deputy Attorney General for national security matters in the Department of Justice; and Special Counsel in the Office of General Counsel at the Department of Defense, where he received the Secretary of Defense Award for Excellence.



**Cole Hardy**

Of Counsel

[chardy@beneschlaw.com](mailto:chardy@beneschlaw.com)

Cole is a seasoned technology transaction attorney with a passion for innovation and a keen understanding of the ever-evolving legal landscape in the technology industry. His career has been dedicated to helping businesses navigate the complex world of technology, intellectual property, and privacy, enabling them to thrive in a digital age. Over the years, he has had the privilege of representing a diverse array of clients, including startups and established e-commerce, retail, and pharmacy companies.

Prior to joining Benesch, Cole was in-house at a national retail pharmacy.



**Antonia "Nina" Stabile**

Associate

[astabile@beneschlaw.com](mailto:astabile@beneschlaw.com)

Antonia is a litigator with experience defending against consumer class actions and handling a broad range of complex commercial disputes. Antonia focuses her retail-dedicated practice on false advertising class actions, representing food, beverage, and supplement companies at all stages of litigation, including trial. Antonia also has extensive experience litigating high-profile trade secret disputes. She has represented clients in both state and federal litigation, as well as in arbitration, and has experience drafting dispositive motions, appearing in court, and taking cases to trial.



**Matthew P. Farrell**

Associate

[mfarrell@beneschlaw.com](mailto:mfarrell@beneschlaw.com)

Matthew's practice focuses on securities litigation, internal investigations, and complex business litigation. He has represented over two dozen clients in consumer class actions, individual suits, and arbitrations arising from customers' use of their websites and apps.

Based on his extensive knowledge of the ways in which courts interpret and apply digital agreements, Matthew regularly advises clients on their Terms and Conditions, Privacy Policies, and Disclosures. He has drafted multiple dispositive motions advancing arguments based on online agreements, with a focus on holding consumers to the terms they agreed when obtaining membership.



**Emily Jaye Johnson**

Associate

[ejohnson@beneschlaw.com](mailto:ejohnson@beneschlaw.com)

Emily provides attentive guidance to clients across various industries at the state and federal levels. She regularly defends clients facing individual and class actions brought under state and federal privacy and consumer protection statutes, routinely counseling clients facing false labeling and advertising claims. Emily is a trusted resource by several retail and e-commerce clients and is frequently asked to provide guidance on a broad range of consumer-facing issues such as marketing and advertising, product labeling (including textile and fiber disclosures), drip pricing, junk fees, automatic renewal issues, influencer compliance, and reviews, endorsements and testimonials. Emily has also served as counsel for businesses involved in contract disputes, commercial insurance matters, and mass tort multi-district litigation, as well as advising on regulatory matters in burgeoning industries, including personal care products and cannabis. She also often represents companies in disputes related to website accessibility under the ADA and correlating state laws.



**Carlo Lipson**

Associate

[clipson@beneschlaw.com](mailto:clipson@beneschlaw.com)

Carlo focuses his practice on general commercial litigation and complex business litigation for retail and e-commerce entities. He has experience with class action defense alleging unfair or deceptive business practices, including false advertising claims.



**Lauryn T. Robinson**

Associate

[lrobinson@beneschlaw.com](mailto:lrobinson@beneschlaw.com)

Lauryn has experience handling a variety of complex commercial litigation in state and federal court. She is skilled at providing practical, actionable advice on a quick timeframe, and frequently researches novel retail and e-commerce issues, both for the purposes of litigation and risk-mitigation.

Lauryn regularly defends retail and e-commerce clients against class actions alleging unfair or deceptive business practices. Lauryn is also skilled at providing practical, actionable advice on a quick timeframe. She frequently researches novel retail and e-commerce issues, including developments in state and federal warranty laws, both for the purposes of litigation and risk-mitigation.