SPEAKING ENGAGEMENT

No Harm, Maybe Foul? The Rise of Injury-Less Claims | Michael D. Meuti

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Thanks to the defense bar’s efforts, courts are more frequently enforcing standing requirements and actual-injury elements of state consumer-protection laws. In response, the plaintiffs’ bar has adapted, increasingly targeting statutes like Washington's CEMA (and other states’ equivalents), the VPPA, TCPA, and state wiretap laws where statutory or liquidated damages eliminate the need to prove traditional out-of-pocket loss. This panel examines the shift from "no injury" as a defense weapon to "no injury needed" as a plaintiff-side litigation strategy, with a focus on how tracking pixels, cookies, session-replay tools, and text-message marketing have become the new class action targets. Panelists will discuss how Article III standing, statutory scope, consent, and class certification are evolving as the primary battlegrounds in advertising litigation where the alleged violation - not the alleged harm - drives the case.