



David M. Krueger

Co-Lead, Retail & E-Commerce
Practice

Cleveland

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Overview

David is a partner in Benesch's Litigation Practice Group, Co-Chair of the Privacy Litigation & Compliance Group, and is a member of the Retail & E-Commerce and Transportation & Logistics practice groups.

Privacy & Class Action Litigation Defense

With deep expertise in consumer privacy laws, and as a Certified Information Privacy Professional, United States (CIPP/US) through the International Association of Privacy Professionals (IAPP), David represents and advises companies in individual and class action lawsuits involving federal privacy statutes such as the TCPA, Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Video Privacy Protection Act (VPPA), online tracking and advertising statutes, and analogous related state laws (CIPA, FCCPA, etc.).

David has defended claims of all sizes across the country, from small individual lawsuits through class actions involving billion-dollar exposures, for companies of all sizes, and has the privilege of serving as national counsel for several Fortune 500 companies, responsible for coordinating litigation and strategies throughout the country. Text messages, telemarketing, e-commerce, video streaming, and online tracking and monitoring (cookies, pixels, etc.), are governed by a significant patchwork of various federal and state laws. David is an expert not only in the applicable law, but also in understanding the technologies that are central to developing novel and sophisticated defenses in advertising, customer contact, and privacy litigation.

In addition to litigation, David's practice extends beyond the courtroom, and he counsels clients on how to develop policies and practices that comply with TCPA, the Federal Trade Commission's Telemarketing Sales rules (TSR), the FCRA, other federal privacy and consumer protection statutes (COPPA, CAN-SPAM, CFPB regulations), and state specific laws and regulations regarding marketing, consumer credit, and customer contact. David also represents clients with respect to regulatory matters and investigations with the Federal Communications Commission (FCC) and state administrative and enforcement agencies.

Transportation & Aviation

As a member of the Transportation & Logistics group, David represents motor carriers, air carriers, brokers, and forwarders in a wide variety of business, cargo, and privacy claims. David has also defended carriers in a variety of class action lawsuits, including class action lawsuits alleging violations of the Truth-In-Leasing Regulations, FLSA, and the transportation-industry specific requirements under the Fair Credit Reporting Act.

David also assists pilots, aircraft owners, and businesses on a wide variety of aviation specific matters, including airport classification and compliance, leaseback and purchase agreements, charter agreements, and Part 107 remote pilot and UAS registration and compliance. David is a member of the Aircraft Owners and Pilots Association (AOPA) and maintains currency on his Private Pilot certificate.

Representative Matters

- Defended 10+ retailers involving claims under federal Wiretap Act and/or California Invasion of Privacy law concerning recording of chat conversation, use of session replay technology, and/or use of Facebook "Meta pixel."
- Won summary judgment in certified nationwide TCPA class action on the grounds that there was insufficient evidence that the seller sent or authorized the at-issue communications.
- Obtained voluntary dismissal of VPPA class action involving Facebook "Meta pixel" after establishing that the plaintiff subscribed to services specifically for the purpose of manufacturing litigation.
- Won summary judgment in TCPA action on the basis that the customer could not unilaterally revoke contractually provided consent.
- Forced voluntary dismissal with prejudice of putative TCPA class action based on bad faith claim-splitting argument.
- Represented multiple defendants in class action lawsuits for alleged violations of the Florida FCCPA by sending customer contact emails between the hours of 9:00 p.m. and 8:00 a.m.
- Obtained dismissal of VPPA class action after establishing that the at-issue videos involving Facebook "Meta pixel" were publicly available and did not require subscription to access.
- Successfully negotiated and resolved multi-party business dispute arising from breach of contract and fiduciary duty between former business partners, including negotiation on business loan.

Credentials

EDUCATION

- The University of Akron School of Law, 2009, J.D.
 - Assistant Editor, Law Review
- John Carroll University, 2006, B.A., *magna cum laude*

BAR & COURT ADMISSIONS

- Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Southern District of Indiana
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Eastern District of Missouri
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Eastern District of Arkansas

Memberships

- Member, Aircraft Owners and Pilots Association
- Publications Vice-Chair of the Class Action Committee of the Defense Research Institute
- Member, Defense Research Institute
 - Class Action Specialized Litigation Group
- Member, Lawyer Pilots Bar Association

Awards & Recognition

- Listed, Ohio Super Lawyers – Rising Stars, 2014-2021, 2023, 2024
- Rated, “Excellent” - Avvo, 2014

Beyond the office

Hobbies

Aviation, chess, running, tennis

Prized Possession

My pilot license

Favorite Vacation

Alaska, but really anywhere that is remote and has mountains

News & Insights

- [Opportunity and Uncertainty in Equal Measure: What You Should Know About the FCC’s Proposed TCPA Rulemaking](#)
October 16, 2025 | Client Alerts & Insights
- [Time to RE-act: The Washington Supreme Court’s Recent Email Subject Line Ruling Poised to Put Retailers on the Hook for Trillions \(September 2025 Update\)](#)
September 24, 2025 | Client Alerts & Insights
- [Privacy Daily Quotes Benesch Partner David Krueger on VPPA Court Rulings](#)
August 27, 2025 | Media Mentions
- [Privacy Daily Quotes Benesch Partner David Krueger on VPPA Circuit Split and Potential SCOTUS Review](#)
August 27, 2025 | Media Mentions
- [Texas Expands Mini-TCPA: Text Marketing Now in the Crosshairs](#)
August 27, 2025 | Client Alerts & Insights
- [SCOTUS Rejects FCC Edicts: Courts are \(Finally\) Free to Interpret the TCPA](#)
June 26, 2025 | Client Alerts & Insights
- [David M. Krueger and Carlo Lipson publish article in Federal Civil Practice | "Ninth Circuit Upholds Mass Arbitration Consolidation"](#)
June 2, 2025 | Contributed Content & Presentations

- [Time to RE-act: The Washington Supreme Court's New Email Subject Line Ruling Could Put Retailers on the Hook for Trillions](#)
May 9, 2025 | Client Alerts & Insights
- [Ubisoft Win Offers Defense Blueprint for VPPA Consent Challenges](#)
May 9, 2025 | Client Alerts & Insights
- [Benesch Partner David Krueger Quoted in Privacy Daily on Split Circuit Decisions on Video Privacy Law](#)
April 16, 2025 | Media Mentions

Speaking & Events

PAST EVENTS

- [Pump the Brakes: An Analysis of the TCPA Following Loper Bright and McLaughlin Chiropractic](#) | Mark S. Eisen, David M. Krueger
April 23, 2026 | Firm Events
- [Go West...and Lawyer Up! Recent Trends in Consumer Litigation on the West Coast](#) | Kennedy Dickson, Mark S. Eisen, Andrew J. Jarzyna, David M. Krueger, Michael D. Meuti
January 22, 2026 | Firm Events