Ellie Chapman

PARTNER

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PRACTICE AREAS

Litigation
Class Actions
Privacy and Security
Artificial Intelligence

Ellie is an experienced litigator who provides strategic counsel to clients, with a focus on class actions, data privacy, and security issues.

Ellie represents public, private, and non-profit clients in defending against complex class actions on a range of legal issues, including cases involving consumer privacy, biometric data, and cybersecurity. She has secured notable victories and favorable settlements in a variety of privacy-related matters, including cases brought under the Illinois Biometric Information Privacy Act (BIPA), the Video Privacy Protection Act (VPPA), the California Consumer Protection Act (CCPA), and a host of other data breach and cybersecurity statutes. Ellie also litigates cases involving online speech, representing digital platforms in matters arising under Section 230 of the Communications Decency Act and the First Amendment.

An experienced trial and appellate litigator, Ellie helps clients navigate a wide range of civil matters in state and federal courts. She manages all stages of civil litigation, including discovery, briefing and arguing dispositive motions, and trial preparation. She has also represented clients in several cases before the U.S. Court of Appeals for the Ninth Circuit.

Ellie complements her litigation practice by providing clients with strategic counsel on the complex patchwork of federal, state, and local laws governing data privacy and security, including CCPA, BIPA, VPPA, and Washington's My Health My Data Act. She also advises clients on emerging laws focused on artificial intelligence, machine learning, and automated decision making.

Ellie is actively committed to pro bono service, where she focuses on community-impactful work. She serves as counsel to the Washington Wildlife and Recreation Coalition, which supports state investment in wildlife conservation and the outdoors. She has also contributed to police reform initiatives, including advisory roles with the San Francisco District Attorney's Blue Ribbon Panel on law enforcement accountability and the San Francisco Police Commission's use-of-force policy reform.

Prior to joining Pacifica Law Group, Ellie practiced for a decade in data privacy, security, and commercial litigation at Perkins Coie LLP in Seattle and Morgan Lewis & Bockius in San Francisco. Outside of work, she enjoys playing tennis and basketball, reading, and spending time with her family.

Bar Admissions:
- Washington
- California
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of Illinois
- U.S. Court of Appeals for the Ninth Circuit

Education:
- Dartmouth College, B.A., with High Honors
- University of Virginia Law, J.D.

Publications & Speaking Engagements:
- "One Step Closer: California Privacy Protection Agency Reviews Comments for CCPA Regulations" – *Privacy Blog* (November 2022)
- "Privacy & Data Security: 2021 Update" – Client Webinar (October 2021)
- "California Consumer Privacy Act: A Work in Progress, With More Changes to Come" – *Bloomberg Law* (February 2019)
- "California Consumer Privacy Checklist" – *Privacy Blog* (January 2019)
- "California Consumer Privacy Act Could Spell a Sea Change in U.S. Privacy Law" – *JD Supra* (June 6, 2018)
- "Domestic Privacy Profile: California" – *Bloomberg Law* (October 2017)
- Monthly Columnist, *Report on Patient Privacy*, Health Care Compliance Association (October 2017 – March 2019)
- "Doing Business in the Golden State – Food and Beverage" – Speaker (September 6, 2017)
- "Going All the Way: California Bill Calls for 100% Renewable" – *JD Supra* (March 13, 2017)
- "2016 California Energy and Climate Legislative Update" – *Firm Blog* (March 1, 2017)
- "Coming to Terms with Meaningful Automotive Cybersecurity" – BNA *Privacy and Security Law Report* (December 5, 2016)
- "DOT Invites Public Comment on Cybersecurity Best Practices for Modern Vehicles" – *JD Supra* (November 9, 2016)
- "Decision Holds That Search Warrant Cannot Compel Data Stored Overseas" – *JD Supra* (July 18, 2016)
- "Calling All Robot Enthusiasts: The White House Wants Your Input" – *JD Supra* (July 7, 2016)
- Co-author, *Report of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement* – San Francisco Police Department (July 2016)

- "Cross-Racial Misidentification: A Call to Action in Washington State and Beyond" – *Seattle University Law Review*, Vol. 38, No. 3 (2015)

Awards & Certifications:

- Co-author, *Report of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement* – San Francisco Police Department (July 2016)
- Certified Information Privacy Professional – United States (CIPP/US), International Association of Privacy Professionals (IAPP) (2018–present)
- Excellence in Pro Bono Service Award, for representation of low-income San Francisco residents facing eviction and for successful representation of asylum-seeker (2016–2018)
- Certificate of Honor, San Francisco District Attorney's Office, for advisory role to the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement (2016)

Representative Matters:

Privacy, Security, and Class Action Defense

- Co-author, *Report of the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement* – San Francisco Police Department (July 2016)
- Defense of Amazon.com, Inc. and Amazon Web Services, Inc. in BIPA Class Actions
  U.S. District Courts (W.D. Wash. & N.D. Ill.); Circuit Court of Cook County, Illinois
  Serve as litigation counsel in multiple putative class actions alleging violations of the Illinois Biometric Information Privacy Act (BIPA), involving products and services such as Amazon Rekognition.
- Storey v. Amazon.com, Inc.
  U.S. District Court, W.D. Wash. (on appeal to U.S. Court of Appeals, Ninth Circuit)
  Defended Amazon in putative class action alleging Amazon failed to live up to its guaranteed delivery promises. Secured dismissal with prejudice under Rule 12 for all claims.
- Jimenez v. Amerit Fleet Solutions, Inc.
  U.S. District Court, N.D. Cal.
  Defended Amerit Fleet Solutions, Inc. in putative class action stemming from an alleged data breach involving personal and protected health information (PHI). Achieved a favorable confidential settlement following a motion to compel arbitration.
- Lugo v. Amazon.com, Inc.
  U.S. District Court, W.D. Wash.
  Defended Amazon in putative class action alleging unlawful retention of consumers' video rental histories under the Video Privacy Protection Act (VPPA). Secured dismissal under Rule 12 for lack of Article III standing.
- Huber v. Biden, et al.
  U.S. District Court, N.D. Cal.; U.S. Court of Appeals, Ninth Circuit
  Defended Twitter, Inc. in putative class action alleging First Amendment claims related to Twitter's content moderation decisions concerning user promulgation of COVID-19 misinformation. Obtained affirmance of dismissal with prejudice of all claims.
- S.A. and P.B. v. University of Washington
  Superior Court of Washington, King County
  Defended the University of Washington in a putative class action involving PHI of approximately one million

UW Medicine patients. Plaintiffs brought numerous statutory and common law claims. Successfully achieved dismissal of statutory damages claims at the pleadings stage and twice defeated class certification. Plaintiffs voluntarily dismissed remaining claims with prejudice.

- Barnes v. Hanna Andersson et al.
  U.S. District Court, N.D. Cal.
  Successfully defended Hanna Andersson in the first putative data breach class action brought under the California Consumer Privacy Act (CCPA). Secured favorable preliminary approval of a class settlement.

- Niantic v. Global++
  U.S. District Court, N.D. Cal.
  Obtained preliminary and permanent injunctive relief on behalf of Niantic in a case involving unauthorized access and copying of Pokémon Go source code. Claims included copyright infringement, violations of the Computer Fraud and Abuse Act (CFAA), and California's Unfair Competition Law.

- McDonald v. Kiloo ApS
  U.S. District Court, N.D. Cal.
  Defended Flurry, Inc. (Verizon Media) in a privacy class action involving allegations of improper collection and use of mobile gaming data for behavioral advertising.

- Doe v. CVS Pharmacy, et al.
  U.S. District Court, N.D. Cal.; U.S. Court of Appeals, Ninth Circuit
  Successfully defended CVS Pharmacy and affiliates in putative class action challenging the use of mail-order pharmacy for HIV/AIDS medications under the Affordable Care Act and privacy laws. Dismissal with prejudice affirmed on appeal in a precedential decision.

- RMBS Trustee Litigation
  Represented trustees in more than a dozen class, derivative, and individual actions brought by RMBS investors alleging damages in the hundreds of billions under the Trust Indenture Act of 1939, as well as for breach of fiduciary duty and trust agreements in state and federal courts.

Other Complex Commercial Litigation and Investigations

- Doe v. CVS Pharmacy, et al.
  U.S. District Court, N.D. Cal.; U.S. Court of Appeals, Ninth Circuit
  Successfully defended CVS Pharmacy and affiliates in putative class action challenging the use of mail-order pharmacy for HIV/AIDS medications under the Affordable Care Act and privacy laws. Dismissal with prejudice affirmed on appeal in a precedential decision.

- Represented a Fortune 50 technology company in a multijurisdictional fraud investigation by the SEC, DOJ, and UK Serious Fraud Office, related to the accounting practices of a company it acquired. The investigation resulted in the conviction of the acquired company's former CFO.

- In re The Lurie Co. – Shareholder derivative and contract litigation.

- Surreal v. AWS - Breach of contract litigation.

- TSI USA LLC v. Uber Technologies Inc. – Breach of contract litigation.

- Represented an industrial company and landowner regarding sediment contamination and liability at the Portland Harbor Superfund Site in Oregon.

- Represented a manufacturer in assessing potential successor liability, EPA allegations, and remedial obligations at a contaminated site.