

**Jeffrey N. Rosenthal | Partner**

Business Litigation

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## TEAM LEAD, BIOMETRIC PRIVACY

Jeffrey Rosenthal has extensive experience in high-stakes corporate and commercial litigation, having defended companies in multiple industries against claims involving:

- Class actions
- Biometric Information Privacy Act ("BIPA")
- Telephone Consumer Protection Act ("TCPA") / Junk Fax Prevention Act
- Florida Telephone Solicitation Act
- Consumer fraud and privacy
- Driver Privacy Protection Act ("DPPA")
- Labeling and false advertising
- Contracts
- Business torts
- Software and technology
- Intellectual property (trade secret / trademark / copyright)
- Civil Racketeer Influenced and Corrupt Organizations ("RICO") Act
- Securities / shareholder actions
- Financial industry arbitration
- Professional liability
- Alien Tort Statute

Jeffrey regularly writes the Cyberlaw column for *The Legal Intelligencer*, wherein he discusses the intersecting areas of law and computing with an emphasis on the impact of new technologies, online privacy, software, intellectual property, and social networking sites on corporations, businesses, and individuals. He also serves

as an editor for Blank Rome's **Biometric Privacy Insider** blog, which analyzes and explores emerging issues in the rapidly developing area of biometric privacy.

Jeffrey is a frequent lecturer on issues relating to attorney ethics. His recent speaking engagements include serving as a panelist discussing ethical issues in attorney use of social media for a national webcast, presenting on the proliferation of biometrics (fingerprint/face/voice scans) and the resultant impact on privacy and class action litigation, and presenting on practical class action avoidance strategies. He has also lectured on the topic of alternative dispute resolution at Villanova University School of Law, and on e-discovery and social media at Drexel University Thomas R. Kline School of Law. He also serves as a court-appointed Arbitrator as part of the Philadelphia County Court of Common Pleas' Compulsory Arbitration Program.

In 2014, Jeffrey was selected by a panel of judges as one of *The Legal Intelligencer's* "Lawyers on the Fast Track," a recognition given to only 36 lawyers throughout Pennsylvania under the age of 40 who have influenced the legal industry through their development of the law, commitment to the community, and service to the bar.

While in law school, Jeffrey served as executive editor of the *Syracuse Law Review*. He also served as a law clerk to the Honorable John P. Dean, Principal Administrative Law Judge for the Office of Administrative Hearings in Washington, D.C.

Jeffrey completed his undergraduate studies at Pennsylvania State University where he earned a B.S. in Business Management, Smeal College of Business, and a B.S. in Psychology.

## Select Engagements

- Obtained voluntary dismissal for multinational conglomerate corporation specializing in aerospace, building technologies, performance materials and technologies, and safety and productivity solutions, in putative BIPA class action involving allegations of the collection/possession of "voiceprint" data.
- Represented the largest owner of shopping malls in the U.S. in a nationwide class action suit by former tenants alleging a RICO conspiracy to overcharge for electricity, seeking hundreds of millions in damages. After class certification was denied, plaintiff dismissed all claims with prejudice with no financial or other compensation paid to plaintiff or counsel.
- Obtained voluntary dismissal for multinational jewelry retailer in putative BIPA class action involving allegations of the collection/possession of consumer hand geometry in connection with virtual try-on technology.
- Obtained voluntary dismissal for multinational chemical and consumer goods company in putative BIPA class action involving allegations of the collection/possession of consumer facial template data in connection with virtual try-on technology.
- Obtained voluntary dismissal for manufacturer of audio and personal

wearable consumer products in putative BIPA class action involving allegations of the collection/possession of consumer facial template data in connection with virtual try-on technology.

- Obtained voluntary dismissal for eighth-largest retailer in the United States in a putative BIPA class action involving allegations of the collection/possession of consumer facial template data in connection with virtual try-on technology.
- Representing nationwide cosmetics company in putative BIPA class action involving allegations of collection and possession of consumer facial template data in connection with client's virtual try-on technology.
- Representing the leading provider of highly complex combustion components for aerospace and power generation turbine engines in two biometric class actions involving allegations of improper employee fingerprint collection under BIPA.
- A nationwide food producer in a biometric class action involving allegations of improper employee fingerprint collection under BIPA.
- A nationwide retail chain of party stores in a biometric class action involving allegations of improper employee fingerprint collection under BIPA; client was voluntarily dismissed prior to filing an answer.
- Prepared a multistate biometric compliance plan for the largest and fastest growing national healthcare linen and laundry service.
- Counseled leader in the world of sports fashion on biometric compliance and employee consent.
- Counseled hospital and health network on biometric compliance and patient matters.
- A publisher of a nationally renowned drug interactions reference book in a putative class action alleging unsolicited fax advertising under the TCPA; successfully petitioned the U.S. Supreme Court to accept an appeal to address whether the district court was required to adopt the FCC's interpretation of the TCPA and obtained a unanimous (9-0) ruling vacating and remanding the case back to the Fourth Circuit.
- A global business process outsourcing ("BPO") firm, in a national putative class action alleging unsolicited and/or automated telephone calls in connection with debt collection activities under the TCPA.
- An online retailer and manufacturer of fitness equipment and apparel, in a national putative class action alleging unsolicited and/or automated telephone calls under the TCPA.
- An industry leader in healthcare informatics and Medicare quality reporting provider, in a national putative class action alleging unsolicited fax advertising under the TCPA.
- A provider of innovative electronic health records ("EHR") software, in a national putative class action alleging unsolicited fax advertising under the TCPA.
- An omnichannel commerce technology and operations provider, in TCPA spam text class action; after employing aggressive discovery strategy and motion practice, client was voluntarily dismissed from the case while co-defendant eventually agreed to a \$10+ million settlement.
- Government defense contractor psychologists involved in creating and

implementing the CIA's Enhanced Interrogation Techniques program in connection with claims arising under the federal Alien Tort Statute.

- Obtained complete pre-discovery dismissal of class action complaint following motion to dismiss and oral argument for health knowledge products and services provider in national putative class action alleging unsolicited fax advertising under the TCPA.
- Represented a Medicare reporting software provider in national putative class action alleging unsolicited fax advertising under the TCPA.
- A hardware manufacturer and wholesaler, in national putative class action alleging unsolicited fax advertising under the TCPA; following extensive discovery, filed multiple motions for summary judgment and obtained favorable class-wide settlement shortly after motions were filed.
- Obtained complete pre-discovery judgment on the pleadings and dismissal of class claims on behalf of a health system and medical group in a national putative class action under the TCPA involving flu shot reminder calls to patients; ruling was affirmed by the Second Circuit.
- A janitorial sanitation supply company in nationwide class action alleging unsolicited fax advertising under the TCPA; following aggressive motion practice and discovery, parties entered into a favorable class-wide settlement.
- Directors and officers of a regional bank against RICO claims asserted by former shareholders related to a 2008 merger; obtained dismissal at district court level and had decision affirmed by the Third Circuit.
- A national provider of tax resolution services, in class action asserting violations of state and federal consumer protection laws; successfully vacated and remanded district court order denying motion to compel arbitration under the Federal Arbitration Act before the Third Circuit.
- Won a six-figure FINRA arbitration award in which a broker was found liable for breach of fiduciary duty in failing to follow client's instructions.
- Obtained a permanent injunction in federal court that forced a software developer to return confidential business processes.
- A specialty pharmaceutical company, in response to FDA product recall involving homeopathic oral supplements as well as subsequent intellectual property dispute regarding same.
- A publicly traded defense contractor, in connection with contract, fraud and intellectual property claims against competitor.

## Admissions

- Pennsylvania
- New Jersey
- Supreme Court of the United States
- United States Court of Appeals for the Third Circuit
- U.S. District Court - Central District of Illinois
- U.S. District Court - Eastern District of Pennsylvania
- U.S. District Court - Nebraska
- U.S. District Court - New Jersey
- District of Columbia

- Illinois
- U.S. District Court - District of Columbia
- U.S. District Court - Middle District of Pennsylvania
- U.S. District Court - Northern District of Illinois
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Seventh Circuit

## Memberships

- American Bar Association
- Philadelphia Bar Association
- New York State Academy of Trial Lawyers
- Pennsylvania Bar Association

## Education

- Pennsylvania State University, BS, with distinction
- Syracuse University College of Law, JD, cum laude

## Recognitions


- 2014, "Lawyer on the Fast Track," listed in *The Legal Intelligencer*
- 2018, listed in Capital Pro Bono Honor Roll

## Professional Activities

Jeffrey handles a number of pro bono cases each year on behalf of indigent clients. He was recognized by Blank Rome with its Pro Bono Hero award in 2011 and serves as a member of the firm's Philadelphia Pro Bono Coordinating Committee. He was also named to the First Judicial District of Pennsylvania's Pro Bono Roll of Honor from 2008 to 2012. Jeffrey has also been accredited for the preparation, presentation, and prosecution of claims for veterans' benefits before the Department of Veterans Affairs.

In addition, Jeffrey regularly volunteers with the United Way of Southeastern Pennsylvania, and the Golden Slipper Club & Charities, a group that promotes a spirit of fraternalism and good fellowship through numerous charitable initiatives.

Jeffrey was elected to serve a three-year term on the Board of Governors for the Philadelphia Bar Association. He previously served as Financial Secretary to the Executive Committee of the Young Lawyers Division of the Philadelphia Bar Association ("YLD"). In that role, he chaired the YLD's annual fundraiser, which raised over \$19,000 for the Philadelphia Bar Foundation. He also organized a city-wide legal clinic, which provided living will and other end-of-life documentation to members of the community.



In 2015, Jeffrey was appointed to the Audit and Finance Committee of Philadelphia Legal Assistance (“PLA”) and Community Legal Services (“CLS”), the two largest organizations in Philadelphia that provide free civil legal services to low-income individuals. In 2016, he was elected to the Board of Directors of CLS.

In Spring 2011, Jeffrey was selected by the Jewish Federation of Greater Philadelphia to participate in its pilot Israel 360 program, which included a trip to Israel that incorporated community service and the political, religious, and societal aspects of Israeli culture. Jeffrey has also completed the Jewish Federation’s Leadership Development Program.

Jeffrey also serves on the firm’s Philadelphia Attorney Recruiting and Retention Committee.