

## MVP: Cohen Milstein's Andrew N. Friedman

*Law360 (November 30, 2018)* -- Andrew N. Friedman, co-chair of the consumer protection practice group at Cohen Milstein Sellers & Toll PLLC, helped earn final approval of a \$115 million settlement that ended litigation over health care giant Anthem Inc.'s 2015 data breach and represented consumers in other headline-grabbing breaches, earning him a spot as one of Law360's 2018 Cybersecurity & Privacy MVPs.

### ***HIS BIGGEST ACCOMPLISHMENT THIS YEAR:***

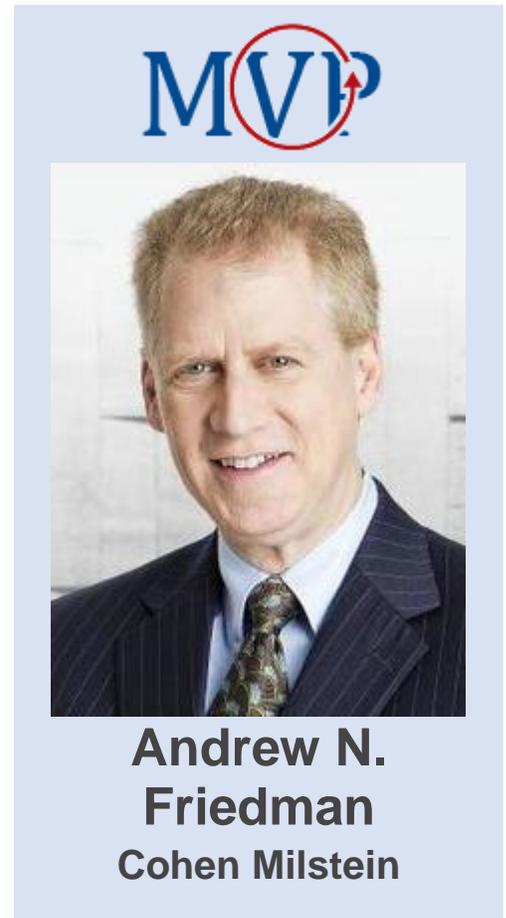
Friedman was co-lead counsel in the Anthem case that gained final approval from a California federal judge in August. The deal provided roughly 79 million consumers whose personal information was put at risk with credit monitoring, coverage of out-of-pocket expenses stemming from the breach and compensation for those who got their own credit monitoring.

U.S. District Judge Lucy H. Koh called the deal "exceptional" and noted in her order signing off on the settlement that it was "carefully calibrated to provide substantial benefits to all of the settlement class members."

The end result came after years of painstaking legal work, as the plaintiffs were suing not just Anthem but dozens of Anthem and Blue Cross affiliates who possessed the breached sets of data, Friedman said.

"We had to line up not just what representations were made by Anthem, but what representations were made by all of the defendants," he said. "We had to take depositions for all of the entities, we had to review documents for all of the entities, and ultimately, we had to say that the responsibility was common to all of them."

On top of the relief awarded to class members, Friedman cited "significant" changes that Anthem agreed to make to its data security practices for the next three years as a crucial component of the deal.



**Andrew N.  
Friedman  
Cohen Milstein**

#### ***WHAT ATTRACTED HIM TO CYBERSECURITY AND PRIVACY CASES:***

Like many attorneys in the data privacy space, Friedman still handles a broad range of consumer class action litigation. But with the rise of high-profile data breaches and cybersecurity threats, he's increasingly taken on corporations he believes are not doing enough to protect customers' personal information.

"I think there's a lag in corporate America's reaction to these kinds of incidents," Friedman said. "Yes, there are hackers everywhere, but it behooves companies to be one step ahead of them."

Friedman called data breach cases an outgrowth of consumer protection cases, which have long gotten him fired up because they include "things that you normally consider to be a ripoff," he said.

"Consumer cases just strike a nerve," he said. "These are cases people can relate to. You're sold a bill of service or sold a product and it's pretty easy to say that you didn't get what you were promised."

"Those cases excite me," he added. "I can pretty much determine at the start if this is a case I feel good about moving forward with."

#### ***OTHER NOTABLE CASES HE'S WORKED ON:***

Though he's devoted much of his recent time to the Anthem case, Friedman is on the steering committee for consumers suing in two other pending high-profile data breach cases against credit reporting giant Equifax and smart TV maker Vizio.

In the Equifax case, in which the company says hackers made off with sensitive data on nearly half of all Americans from mid-May through July 2017, the Judicial Panel on Multidistrict Litigation has centralized consumer litigation in Georgia federal court. The case is still pending.

In the Vizio case, Cohen Milstein is among several firms representing smart TV consumers who claim the company violated the Video Privacy Protection Act by secretly collecting information on what they watched and sharing it with advertisers and third-party data brokers.

In October, both sides agreed to settle the case in California federal court for \$17 million, which class counsel says is more than the revenue Vizio obtained from licensing class members' data during the class period. A judge's review of the settlement is still pending.

#### ***HIS ADVICE FOR JUNIOR ATTORNEYS:***

Attorneys just starting out should hone in on a focus or practice area they really enjoy learning about, Friedman said. "If you do something for 10 or 20 years, it's just not going to be satisfying in the long run if it's not something you like," he said.

Someone going the plaintiff lawyer route "shouldn't be afraid to be creative" after mastering the basics of his or her craft, Friedman said.

Partly because they can pick their own cases, plaintiffs firms have "a lot more flexibility" in the way they can pursue and litigate cases, he said — which is something he thinks young attorneys in particular should embrace.

"We're always looking for people to think outside the box," Friedman said. "Don't just rely on the fact that you've seen 10 similar cases go down in flames ... find what's different here. How do you make a unique argument?"

"There are really terrific defense firms, and they have to answer to more moneyed, corporate clients," Friedman added. "At a plaintiff's firm, you get more responsibility. You're asked to be more entrepreneurial. And the people we hire reflect that."

#### **WHAT MOTIVATES HIM:**

Friedman said he gets to spend every day digging into the details of his cases in pursuit of a company's foul play.

"What motivates me is finding the wrongdoing," he said. "It's the most interesting part of the practice. We start with our most basic assumptions about companies, that sometimes they cut corners, that sometimes they don't speak the whole truth. But hunting that down, finding out what did they know and when did they know it, that's really what gets me going. That's what gets the blood pumping."

Friedman said it helps that as a plaintiffs lawyer, he hand picks his cases based on what issues he's passionate to tackle.

"The great thing about being a plaintiffs lawyer is that I get to bring my own cases," he said. "When I decide to take a case, it's a case I feel really strongly about."

— *As told to Ben Kochman*

*Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2018 MVP winners after reviewing nearly 1,000 submissions.*

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