

## DAVID J. SHANNON

CHAIR, PRIVACY AND DATA SECURITY  
CHAIR, INTELLECTUAL PROPERTY, TECHNOLOGY AND MEDIA LITIGATION  
SHAREHOLDER



### AREAS OF PRACTICE

Privacy and Data Security  
Intellectual Property, Technology and Media  
Litigation  
Architectural, Engineering and Construction  
Defect Litigation  
Miscellaneous Professional Liability  
Commercial Litigation

### CONTACT INFO

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Philadelphia, PA 19103

### ADMISSIONS

New Jersey  
1994

Pennsylvania  
1994

U.S. Court of Appeals 3rd Circuit  
1998

U.S. District Court Eastern District  
of Pennsylvania  
1998

U.S. District Court of New Jersey  
2000

U.S. District Court Middle District  
of Pennsylvania  
2006

### OVERVIEW

David chairs both the Privacy and Data Security Practice Group and the Intellectual Property, Technology and Media Litigation Practice Group. He concentrates a substantial portion of his practice on privacy law, data breaches, intellectual property, copyright and trademark infringement, as well as trade secret, trade dress technology and media related litigation. David is experienced defending privacy and intellectual property cases venued throughout the United States and has been litigating cases in federal and state courts since 1994. David is a national and international featured speaker at privacy and data security conferences and seminars. His presentations focus on legal issues and emerging trends in the insurance industry with an emphasis on all areas of privacy, data breach and data security.

David additionally represents design professionals in a variety of construction industry related claims. He has extensive experience representing architects, engineers, surveyors, land developers, commercial property owners, general contractors, subcontractors and commercial landscapers. David has defended clients in cases that involved claims for design errors and omissions and other contractual and negligence claims. Over the past 25 years, he has tried a number of bench trials, jury trials, and arbitrations.

### EDUCATION

Widener University School of Law  
(J.D., 1994)

Denison University (B.A., 1990)

### HONORS & AWARDS

Pennsylvania Super Lawyers  
2005

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## ASSOCIATIONS & MEMBERSHIPS

Pennsylvania Bar Association, IP Law Section, Past Chair

Philadelphia Bar Association

Professional Liability Underwriting Society

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## YEAR JOINED

2005

## THOUGHT LEADERSHIP

### The MGM Data Breach: Hackers Leverage LinkedIn Data to Pull Off Sophisticated Social Engineering Attack

Philadelphia - Headquarters  
Privacy and Data Security  
September 15, 2023

On September 11, 2023, MGM announced that it had been the victim of a sophisticated data breach attack. Legal Updates for Privacy and Data Security, September 15, 2023,

### Managing Cyber Security Threats in 2023. Episode 3: Mid-Year Data Breach Trends

Philadelphia - Headquarters  
Privacy and Data Security  
September 14, 2023

### Managing Cyber Security Threats in 2023. Episode 2: The Current State of Ransomware Attacks in 2023

Philadelphia - Headquarters  
Privacy and Data Security  
April 6, 2023

### Managing Cyber Security Threats in 2023. Episode 1: Cryptojacking - New Risks For Carriers and Their Insureds

Philadelphia - Headquarters  
Privacy and Data Security  
March 1, 2023

### Third Party Business Associate Breaches Are Still a Major Concern for Health Care Providers

Philadelphia - Headquarters  
Health Care Liability  
July 26, 2022

A recent report by Healthcare Info Security demonstrates the continued vulnerability health care providers have to data breaches. The material in this law alert has been prepared for our readers by Marshall Dennehey.

## CLASSES/SEMINARS TAUGHT

PLUS Podcast: Managing Cybersecurity Threats in 2023. Episode 2: The Current State of Ransomware Attacks in 2023. April 2023

*Critical Infrastructure – A Global View on Cyber Risk and Systemic Threats*, ILG 360<sup>9</sup> London Annual Conference 2023, March 15, 2023

PLUS Podcast: Managing Cyber Security Threats in 2023. Episode 1: Cryptojacking - New Risks For Carriers and Their Insureds. March 2023

*Business Email Compromise & Wire Transfer Fraud - Evolving Trends and Cyber Crime*, Marshall Dennehey Client Webinar, Presented to Multiple Clients, 2022

*Ransomware Attacks: An Ongoing Global Threat*, Marshall Dennehey Client Presentation, Presented to Multiple Clients, 2022

*Ransomware Attacks: An Ongoing Global Threat*, ILG Virtual Conference, March 31, 2022

*Cybersecurity: Crucial for a Law Firm's Survival*, Moderator, Philadelphia Association of Defense Counsel, November 16, 2021

*Civil Litigation Updates in COVID-19 Litigation – Where Do We Stand One Year Later?* Marshall Dennehey Webinar, May, 2021

*Ransomware Attacks: An Ongoing Global Threat*, ILG Virtual Conference, March 25, 2021

*Cyber Security & Construction*, National Association of Women in Construction, November 2020

*Speaking Up on Silent Cyber*, A.M. Best Webinar Panelist, May 2020

*Emerging Global Cyber Ransom Threats Require A Strategic Response From The C-Suite*, A.M. Best Insurance Law Podcast, July 2018

*Cyber Claims: What to Do?*, National Conference of Insurance Guaranty Funds, November 2017

*Data Breaches Come in All Sizes*, Beacon Technologies, April 26, 2017

*Cyber: Global Perspectives*, Insurance Law Global, International Insurance Defence Network Conference, March 2017

*Cyber Security for the C Suite*, panelist, SIM, February 7, 2017

*Ethical and Statutory Concerns for Law Firms*, webinar panelist, Bloomberg & CNA Insurance, November 2, 2016

*Cybersecurity for the C Suite*, panelist, Tatum, October 26, 2016

*Cybersecurity: Emerging Trends and the Current Regulatory Environment for Independent Financial Advisors and Independent Financial Services Firm*, Financial Services Institute (FSI) webinar, September 22, 2016

*The Changing Landscape of Cyber Liability Litigation*, ACI's 13<sup>th</sup> Advanced Forum on Cyber & Data Risk Insurance, July 29, 2016

*Attorney Client Privilege Issues Arising out of Data Breaches, Breach Responses, and Subsequent Third Party Litigation*, ACI Data Breach & Privacy Litigation and Enforcement Conference, March 18, 2016

*Developments and Emerging Trends in the Legal and Insurance Areas of Cybersecurity*, Travelers Insurance, February 2016

*A Legislative Update From the Front Lines*, DRI Data Breach and Privacy Law Conference, November 4, 2015

*Litigation Roundup Including Recent Supreme Court Developments on Article III Standing, Injury, Damages (Spokeo v. Robins), Class Actions, and Data Breach Litigation*, ACI's 17<sup>th</sup> Advanced Global Legal & Compliance Forum on Cyber Security & Data Privacy and Protection, October 5, 2015

*Cyber Liability Insurance: New Risks & Emerging Trends*, Insurance Brokers' Association of the State of New York (IBANY), September 16, 2015

*Liability Concerns for Architects, Engineers and Construction Professionals: Pennsylvania Intellectual Property Overview*, Marshall Dennehey Client Seminar, July 2015

*Online Ethics: Blawgs, Directory Listings, Q & A Forums & Social Media Use and Confidentiality and Data Security*, National Business Institute, April 2015

*Cyber Hackers Are Everywhere! Are You Prepared?* Philly I-Day, April 9, 2015

*Current Trends in Data Breach First and Third-Party Claims and Litigation*, American Conference Institute's Cyber & Data Risk Insurance conference, March 24, 2015

*Hot Topics in Employment*, Assurex Loss Control & Claims Conference, October 22, 2014

*Cyber Technology, Data Breaches and Related E&O Trends, Claims and Coverage*, moderator and speaker, 8<sup>th</sup> Annual ExecuSummit E&O Insurance Conference, June 2014

*Cyber Liability Exposures, Every Business Has Them*, Panelist, PLUS Mid-Atlantic Chapter Seminar, May 2014

*Hot Topics in Employment*, Marshall Dennehey / AIG Seminar, Philadelphia, PA, October 10, 2013

*Employment Liability in the Cyber Age*, Marshall Dennehey / AIG Employment Seminar, Pittsburgh, PA, May 2, 2013

*Cyber Liability Claims, Coverage Issues*, panel speaker, 2nd Annual National Cyber Liabilities

Insurance ExecuSummit, 2013

*Data Privacy Risk: Red Flags in Higher Education*, ASFAA Annual Conference, 2012

## **PUBLISHED WORKS**

"Kaseya Data Breach Is Another Signal to Cyber Underwriters About the Dangers of Ransomware Attacks," *Defense Digest*, Vol. 27, No. 4, September 2021

"Cyber Threats: Why the Construction Industry Could be the Next Big Target," *The Legal Intelligencer*, Construction Law Supplement, August 12, 2021

"Kaseya Data Breach is Another Signal to Cyber Underwriters about the Dangers of Ransomware Attacks," *PLUS Blog*, July 19, 2021

"Insurance Law Global: Emerging Global Cyber Ransom Threats Require a Strategic Response From the C-Suite - Episode #143," *Defense Digest*, December 2018, Vol. 24, No. 4

"Weightmans LLP & Insurance Day Cyber Risk Survey Report," remarks on page 12. November 2015

"The Impact of EU Rulings on the Cyber Landscape," *Global Reinsurance*, October 14, 2015

"Are Hackers Secretly Stealing Your Practice?" *The Legal Intelligencer*, Cybersecurity Supplement (page 8), June 23, 2015

"New Year's Resolutions? For Financial Firms and Advisors, Cybersecurity Should Top the List," *Aon Advisor Solutions* newsletter, Winter 2015

"Financial Advisor Forecast: Stormy, With Scattered Data Breaches," *Financial Advisor*, June 23, 2014

"How to Minimize the Threat of the Dreaded Data Breach," *Catalyst*, Winter 2013/2014, publication of the Pennsylvania Chamber of Business and Industry

"How to Avoid Liability for Comments Posted on Your Company's Website," *Mondaq.com*, 2012 and *AgentsofAmerica.com*, 2012

"In A Copyright Infringement Action, a Secondarily Liable Defendant Is Only Responsible For One Statutory Damage Award," *Pennsylvania Bar Association Intellectual Property Newsletter*, 2011

"Starbucks v. Charbucks: Substantial Similarity Is Not Required To Prove Dilution By Blurring," *Intellectual Property Law Newsletter*, Pennsylvania Bar Association, Summer, 2010

## **MEDIA COMMENTARY**

"The Cost of Cybersecurity: Risks and Responses on the Rise," *The Legal Intelligencer*, February 17, 2015

## **RESULTS**

### **Dismissal of Data Breach Class Action Lawsuit**

#### **Privacy and Data Security**

**December 6, 2016**

We obtained a favorable decision from the Third Circuit Court of Appeals in a data breach class action lawsuit. The plaintiffs and the proposed class members were employees and customers of an on-line prescription drug company. The company was allegedly a victim of a hacking incident in which W-2 and other personal information of employees and customers were compromised. In 2015, our client's motion to dismiss was granted on the basis that no implied contract existed with the entities for privacy protection and the negligence claims were not available under Pennsylvania law.

### **Defense Victory in Privacy and Data Security Matter**

#### **Privacy and Data Security**

**August 25, 2016**

Obtained a non-suit after a three-week bench trial spread over several months in Bucks County, Pennsylvania. Our client was a third-party defendant in a multi-million dollar breach of contract claim related to an ERP software implementation. The defendant had filed a counterclaim against the plaintiff, alleging breach of contract related to a computer system outage that occurred during the course of our client's consultant services at a public utility water company.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully represented and assisted a large commercial payment card processing company in a data breach notice that affected over 2 million customers.

Successfully defended and resolved a multimillion dollar trademark and dilution lawsuit in the 9<sup>th</sup> Circuit that included obtaining dismissal of the dilution claim.

Obtained complete denial of a temporary and permanent injunction motion after a weeklong injunction hearing in a trademark dispute over a well known East Coast antique show brand.

Successfully resolved several copyright infringement claims by an international music recording association against various entertainment venues.

Obtained dismissal of all claims against a website developer on the first day of trial in a matter where plaintiff alleged significant lost profits after a new customer ordering platform was installed for plaintiff's website.

Successfully resolved a significant copyright infringement claim by the heirs of a famous European author against a theater where plaintiff attempted to enjoin national theater production and claim past and future profits.

Defeated vicarious liability claims for trademark infringement by luxury handbag manufacturer against the owner of a large retail shopping center. All claims were dismissed after a summary judgment motion was filed.

Obtained voluntary dismissal of trade secret and theft of confidential information matter where the initial demand was over \$300,000 by demonstrating that no trade secrets existed in the plaintiff's manufacturing process.

Successfully obtained summary judgment in an architectural copyright infringement action by demonstrating that client did not infringe on the plaintiff's drawings for a country club.

Successfully defended international chemical company in temporary and permanent injunction hearings regarding stolen trade secrets and hiring of former plant manager.

## **REPRESENTATIVE CASES**

*Longenecker-Wells v. Benecard Services*, No. 15-3538, 2016 U.S. App. LEXIS 15696 (3d Cir. Aug. 25, 2016).

*Gianacopoulos v. Glen Oak Country Club*, 2007 U.S. Dist. LEXIS 7710 (M.D. Pa. 2007)

*Luszczynski v. Bradley*, 729 A.2d 83 (Superior 1999)