

# Molly A. Arranz

Chicago, IL

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**PARTNER**

## Overview

For Molly Arranz, being a lawyer is about being an advocate. Growing up, she witnessed legal challenges her father faced while he ran his own, small business —issues that resulted from his not finding necessary legal assistance for his company's needs. Her decision to go to law school stemmed from her desire to address this gap and provide legal support for businesses like the one her father owned.

Molly is the chair of SmithAmundsen's Cybersecurity & Data Privacy Service Group. She is a certified privacy professional (CIPP-US) and a recognized Privacy Law Specialist by the American Bar Association. Molly regularly advises companies about how to protect against, and respond to, cyber and privacy invasions, and has provided compliance counseling to a global provider of cloud services. Molly also counsels clients on compliance considerations involving consumer protection regulations, data privacy practices, notification and consent requirements, including the requirements of the Illinois Biometric Privacy Act (BIPA), and advertising regulations.

Molly is a partner in the firm's Class Action Service Group. She has defended more than 80 class actions involving a range of legal theories, including privacy violations, consumer fraud, breach of contract, breach of warranty and misrepresentation. She defends clients in claims arising from BIPA, the Fair & Accurate Credit Transactions Act (FACTA), the Fair Credit Reporting Act (FCRA), the Fair Labor Standards Act (FLSA), the Telephone Consumer Protection Act (TCPA), the Chicago Residential Landlord and Tenant Ordinance (RLTO), CERCLA, the Clean Water Act, and RCRA. She represents a wide variety of companies from small family-owned businesses to Fortune 500 companies.

In her career, Molly has also defended more than 75 mass tort cases involving claims arising from allegations of exposure to asbestos, silica and benzene.

## SERVICES

Business Litigation

Class Action

Contaminants & Toxic Materials

COVID-19 Resource Center & Task Force

Cybersecurity & Data Privacy

## EDUCATION

University of Wisconsin Law School, J.D.

Marquette University, B.A., *magna cum laude* and Phi Beta Kappa

Certified Privacy Professional (CIPP-US)

## ADMISSIONS

Illinois

Wisconsin

Molly litigates in federal and state courts throughout the country. She briefed and then argued issues of statutory construction in front of the 11th Circuit, in a class action arising out of the Telephone Consumer Protection Act and Federal Communication Commission regulations. In another class action arising from consumer claims, she first defeated class certification and then tried the case to a defense verdict. Thereafter, she briefed, argued and won the appeal before the D.C. Court of Appeals.

Outside of practicing law, Molly participates in community, school and church organizations. An avid sports fan, she has volunteered at her daughter's school as an assistant basketball coach and is currently part of a women's league north of the city.

### Experience

Defended a National Medical Device Company in a Consumer Class Action

Obtained a Defense Verdict in Favor of a Small Company its Corporate Representative Accused of Violating the Telephone Consumer Protection Act

Assisted with a Data Incident Response to a Disclosure of Protected Health Information

Investigated a Matter Where Customer Social Security Numbers Were Inadvertently Disclosed

Obtained a Dismissal with Prejudice on the First Day of an Expected Two Week Trial

Investigated Data Incident with a Web Server

Won a Motion for Summary Judgment in a Telephone Consumer Protection Act Case in a Federal court in Florida

Investigated Personal Information Protection Act After a Breach

Successfully Defeated Class Certification in Two Landlord Tenant Class Actions

Helped to Revise and Implement a Record Retention Program

Successfully Defended a Company in a Cyberstalking Claim

Assisted with Data Incident Response Where Accounts Were Accessed Overseas

Secured Dismissal of a Class Action Lawsuit Based Upon Claims Against a Private Medicaid Administrator

Successfully Achieved an Appeal Before the Illinois Appellate Court Holding that the Defendant Who Hired the Fax Broadcaster was Not Liable for TCPA Violations

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Assisted an Accounting Firm that Suffered a Data Breach Orchestrated by Overseas Hackers

Coordinated the Response when a Small Company Suffered a Data Incident After an Employee's Laptop was Stolen

Assisted a Multi-national Company in Responding to Three Separate Data Incidents

Coordinated with the First Responders as to a Ransomware Attack from Overseas

Advised an Insurance Provider on Compliance with New York's Cybersecurity Regulations and Other States Enacting Similar Regulations

Advising a Multinational Company on a Response and Potential Remedies for a Hacker Bounty Engagement by a Business Partner

Secured an Order from the Illinois Supreme Court Vacating Judgment of the Appellate Court

Trial Court Dismissed and Appellate Court Affirmed Dismissal in Heating and Air Conditioning Case

Represented a Direct Marketing Company in a \$50 Million Cash-Out Merger and Sale to a Private-Equity Backed Competitor

Successfully Defended a Medical Service Provider Against Wisconsin Consumer Act Claims in Wisconsin State Court

Represented a Power Equipment Company Against a Products Liability Claim

Developed a Texting Program for an Insurance Company for the Launch of a New Marketing Campaign

Obtained Summary Judgment on Behalf of a Leading Transportation Service in a National Class Action Based on Allegations of the Fair Credit Reporting Act

Helps a National Multi-Line Insurance Company With Multiple Areas of Representation and Business Operations

Obtained Denial of Motion for Class Certification in a Wage and Hour Class Action Lawsuit Brought By Home Health Care Workers

### Membership & Involvement

- Member: International Association of Privacy Professionals; American Bar Association; Wisconsin Bar Association
- Former Co-Chair: SmithAmundsen Committee for Diversity and Inclusion

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**Court Admissions:** Illinois; Wisconsin; U.S. Court of Appeals Seventh Circuit; U.S. Court of Appeals Eleventh Circuit; U.S. District Court, Central District of Illinois; U.S. District Court, Northern District of Illinois; U.S. District Court, Northern District of Indiana; U.S. District Court, Eastern District of Michigan; U.S. District Court, Western District of Michigan; and, U.S. District Court, Eastern District of Wisconsin.

**Pro Hac Vice Admissions:** Florida; Indiana; Arizona; District of Columbia; U.S. District Court, District of Connecticut; U.S. District Court, Southern District of Florida; U.S. District Court, Eastern District of Missouri; U.S. District Court, Middle District of North Carolina; and, U.S. District Court, Eastern District of Pennsylvania.

### Honors

- Selected to the Illinois Super Lawyers List: 2021, 2022
- Selected to the Illinois Super Lawyers List of Rising Stars: 2011, 2013

### Firm News

35 SmithAmundsen Attorneys Included on 2022 Illinois Super Lawyers and Rising Stars Lists  
January 28, 2022

35 SmithAmundsen Attorneys Included on 2021 Illinois Super Lawyers and Rising Stars Lists  
January 29, 2021

SmithAmundsen Hosts a Celebration of Hispanic Heritage Month  
October 5, 2017

Cirque Du Soleil Deposit Won't Ax TCPA Suit Yet, Judge Says - *Law360* Eric Samore and Molly Arranz  
*Law360*, October 3, 2016

Cirque Du Soleil Can't End TCPA Suit With Payment: Group - *Law360* Article Mentions Eric Samore and Molly Arranz  
*Law360*, March 11, 2016

Illinois Super Lawyers & Illinois Rising Stars Names 19 SmithAmundsen Attorneys to 2013 List  
January 3, 2013

### In the Media

CyberSecurity Misconceptions -- ITSPMagazine Interviews Molly Arranz

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Law Firms Weigh in on Privacy Rules for Biometrics for Online Work and School - BiometricUpdate.com Quotes Molly Arranz

Molly Arranz Quoted in the *Cook County Record* on Facebook Settlement of Biometric Class Actions

How Criminal Organizations Have Refined Their Techniques -- Molly Arranz Quoted by *CNBC*

Cirque Du Soleil Wins TCPA Decert, After China Agritech – *Law 360* Article Mentions Eric Samore, Molly Arranz, Ronald Balfour and Albert Bower

Molly Arranz Quoted in *Chicago Lawyer* Article, “Cyber Insurance: Are Insurers’ New Digital-Attack Policies Worth the Hype?”

Citing *Spokeo*, Judge Blocks TCPA Class Against Pet Insurer - *Law360* Mentions Eric Samore, Molly Arranz, John Ochoa

Cirque US Arm Wants Out Of TCPA Junk Fax Complaint - *Law360* Article Mentions Eric Samore and Molly Arranz

Cirque Wants Stay, Group Wants Cert. In Junk Fax Fight - *Law360* article mentions Eric Samore and Molly Arranz

## Alerts

Employers’ Rights Under the Computer Fraud and Abuse Act (CFAA) Narrowed after Supreme Court Decision in *Van Buren*

Ready or Not: New Wisconsin Cybersecurity Law—Act 73—Imposes Cybersecurity Requirements on Insurance Providers

Data Collection Class Actions on the Rise: Consider Your Privacy Compliance

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments

A Data Protection Checklist for Education Vendors Navigating the “New Normal” of Remote Learning

A National Biometric Privacy Law? Laws Protecting “Biometric” Identifiers Continue to Cut a Blazing Trail

Emails Seemingly Sent from the Small Business Administration Regarding COVID-19 Loan Relief Could Be Phishing Emails: Exercise Caution!

Top 5 Data Privacy Considerations when Managing a Workforce Working at Home

Biometric Data in the Days of Virtual Interaction and E-Learning

Messaging about Deals, Sales or Curbside Pickup? What to Consider Before Texting Customers

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Cybersecurity in the Home Office: How to Stay Vigilant During COVID-19

The California Consumer Privacy Act: A Landmark Law Heralding the Future of Consumer Privacy?

Insurance Companies Take Note: Another Compliance Concern For Your Cybersecurity "To Do" List

Ransomware Attack of Fleet Vehicles? Yes, It Could Happen to You

U.S. Companies with Global-Reach Take Note: GDPR is on the Fast-Approaching Horizon

*Spokeo*: Now Part of Your Daily Dose of Data Breach Litigation

Concrete or Not So Concrete: That is the Question

Holster That Offer: Supreme Court Denies Company's Attempt to Pick-off Lead Plaintiff in a Class Action

### Speaking Engagements

Ransomware and Other Cyber-Related Issues  
USLAW Network General Counsel and Outside Counsel Forum; Phoenix, AZ, May 2022

Cyber Threat Actors Have their Eyes on the Construction Industry  
SmithAmundsen; Webcast, November 16, 2021

Cyber Security  
Wisconsin Association of Mutual Insurance Companies, Leadership Retreat; Lake Geneva, WI, October 20, 2021

Weathering the Cyber Attack or Data Incident as a Business  
2021 ATA Litigation Center Trucking Legal Forum, Seminar; Washington, DC, July 28, 2021

Short Course: Cybersecurity Legal Considerations for the Insurance Sector  
Wisconsin Association of Mutual Insurance Companies (WAMIC); Stevens Point, Wisconsin, July 13, 2021

Your Employee Asked to Work Remotely Indefinitely (or Short Term): Important Legal Considerations Before You Say Yes  
SmithAmundsen, Webcast, June 23, 2021

Attention All In-House Lawyers and GCs: Missteps Before Or After A Data Incident Could Land You In Professional Hot Water  
SmithAmundsen, Webcast, June 2, 2021

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BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments  
Illinois Manufacturers' Association, Webcast, November 5, 2020

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments  
SmithAmundsen, Webcast, October 29, 2020

USLAW Network Virtual Worldwide Retreat: 2021 and Beyond  
USLAW Network, Webcast, September 30, 2020 - October 9, 2020

Data Privacy: Obligations Under the Law and in Practice  
2020 American Trucking Association Litigation Center Trucking Legal Forum,  
Webcast, July 23, 2020

Pandemic Cybersecurity Related Issues and the New Normal  
USLAW Network, Inc, Webcast, June 2, 2020

CLE: Breaches and Biometrics – Current Trends in Data Privacy Enforcement and  
Litigation  
Illinois College of Law and the Law Alumni Board, Seminar; Chicago, IL, February  
20, 2020

Webinar: The California Consumer Privacy Act  
National Automatic Merchandising Association; Webinar, December 4, 2019

Managing Data Security and Privacy Risks  
USLAW Network In-House Counsel Forum, Seminar; Minneapolis, MN, October  
30, 2019

The State of Cyber Breach Litigation: Murky Water that Continues to Swell  
2019 IBA Security Conference; Carmel, IN 46032, October 2, 2019

Wisconsin Governor's Cybersecurity Summit: Small Enterprise Cybersecurity  
Workshop  
National Cybersecurity Alliance; Madison, Wisconsin, September 24, 2019

Cybersecurity Basics for Under-Resourced Organizations  
CyberSecure My Business Workshop, Seminar; Madison, WI, September 24, 2019

Celebrate PRIDE With SmithAmundsen  
Chicago, IL, June 27, 2019

CyberSecure My Business Workshop  
National Cyber Security Alliance; Chicago, IL, May 9, 2019

Electronic Data Storage: How to Protect your Employees' Privacy  
EBANI Meeting, February 27, 2019

Data Privacy, Immigration, Harassment, Problem Employees - Employer  
Headaches in 2018 and Beyond  
SmithAmundsen; Lombard, IL, September 26, 2018

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Trying to Put a Finger on Data Privacy Issues: Biometrics -- A Headache for Illinois Companies

Illinois Chamber of Commerce; Webinar, April 12, 2018

What is Your Legal Exposure When Using Third-Party Cloud Providers  
3rd Annual Financial Services Cybersecurity Conference, Indiana Infragard Members Alliance; Carmel, IN, March 22, 2018

Celebrate PRIDE With SmithAmundsen  
SmithAmundsen Hosted It's Fourth Annual PRIDE Celebration  
Brando's Speakeasy, June 21, 2017

Cybersecurity: Stopping Scammers in Their Tracks!  
Better Business Bureau; Chicago, IL, May 2, 2017

Protecting Data and Your Company: Cybersecurity Update  
Illinois Chamber of Commerce; Webinar, March 2, 2017

The State of Cyber Breach Litigation  
2016 USLAW Network Data Privacy Security Book Camp, Dallas, TX, November 2016

The Inevitable Class Action: Preparing for, Defending and Recovering from Potential, Company Calamity  
Association of Corporate Counsel, Chicago, IL, November 2, 2016

Protecting Your Data - Challenges & Best Practices  
Illinois Chamber of Commerce, Webinar, July 13, 2016

Celebrate PRIDE With SmithAmundsen  
June 23, 2016

SmithAmundsen Hosts Third Annual Black History Month Event  
Park Hyatt, Chicago, IL, February 18, 2016

### Published Works

Top 5 Cyber Security Threats the Manufacturing Industry Should Watch in 2022  
*The Illinois Manufacturer*, February 2, 2022

A Fast-Moving Train Coming Into the Insurance Company Station? The Cybersecurity Model Rule for Carriers  
*USLAW Magazine*, July 25, 2019

Electronic Logging Devices ("ELD"): Yet Another Avenue for a Cyber Attack?  
*The Transportation Lawyer*, April 2019

Trying to Put a Finger on the New Frontier of Privacy Compliance: Biometric Data  
*Indiana Bankers Association*, December 8, 2017

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No Harm, No Foul...No Case  
*USLAW Magazine*, Fall 2016

## Blog Posts

BIPA's Statute of Limitation and Claims Accrual – Two Anticipated Decisions in State and Federal Courts  
*Labor & Employment Law Update*, May 4, 2021

7th Circuit Allows USERRA Class Action to Proceed  
*Labor & Employment Law Update*, March 11, 2021

IL Supreme Court to Consider Impact of Workers' Compensation Exclusive Remedy Rule on BIPA Claims  
*Labor & Employment Law Update*, January 29, 2021

BIPA: The Ongoing Threat of Employee Class Actions and Recent Developments  
*Labor & Employment Law Update*, October 9, 2020

Biometric Data in the Days of Virtual Interaction and E-Learning  
*Labor & Employment Law Update*, April 7, 2020

Facebook Agrees to \$550 Million Settlement in BIPA Class Action  
*Labor & Employment Law Update*, February 4, 2020

Facebook Facing Massive Class Action Trial: Ninth Circuit Rules BIPA Class Action Can Proceed  
*Labor & Employment Law Update*, August 12, 2019

Illinois Supreme Court Rules Actual Damages, Injury or Harm Not Necessary in Biometric Privacy Case  
*Labor & Employment Law Update*, January 25, 2019

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