

Daily Journal

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TOP VERDICTS

THE LARGEST AND MOST SIGNIFICANT VERDICTS AND APPELLATE REVERSALS IN CALIFORNIA IN 2022.

Navarro vs Park Assist LLC, et al.



JACOB HARPER



SPENCER PERSSON



KALEY FENDALL



SANCHO ACCORSI

A putative class action claiming the license plate-reading technology at some major L.A. shopping centers fell flat because the plaintiffs' allegations had little in common with reality, according to two of the many defense attorneys in the case.

The lawsuit asserted that the plate-reading cameras that help shoppers find empty parking

spots and tally how long they've parked also were collecting drivers' personally identifiable information to be used for targeted advertising and even sold on the dark web to be matched with credit reports and other sensitive data, according to Jacob M. Harper of Davis Wright Tremaine LLP.

"That stuff never happened. That was purely the plaintiffs'

lawyers' vivid imagination," he said. "It ultimately wasn't what any of these [defendants] were doing." His client, Park Assist LLC, makes and sells the devices that turn on green or red lights above available or taken spaces in mall parking structures.

Eric Bakewell agreed. His client, Skidata Inc., makes the plate readers at parking structures'

entrances and exits. "[Plaintiffs'] whole basis for harm was factually and legally a non-issue ... and they were unable to show that all the nefarious harms they had claimed ever happened," he said.

The lead plaintiffs' attorney, Blake J. Lindemann, did not reply to a request to comment on the case.

Case Details

CASE NAME

Navarro vs Park Assist LLC, et al.

TYPE OF CASE

Privacy class action

COURT

Central District

JUDGE(S)

Judge Stephen V. Wilson

DEFENSE LAWYERS

Park Assist LLC, Davis Wright Tremaine LLP, Jacob M Harper, Spencer Persson, Sancho Accorsi; Sentry Control Systems: Willkie Farr & Gallagher LLP, Eric J. Bakewell, Hannah L. McMeans, Benita S. Yu; Taubman defendants, Sheppard Mullin Richter & Hampton LLP, Kent R. Raygor, Valerie E. Alter; Caruso defendants, Lewis Brisbois Bisgaard & Smith LLP, Jon P. Kardassakis, Zourik Zarifian; Brookfield, Loeb & Loeb LLP, Daniela M. Spencer, Jason P. Stiehl (now at Crowell & Moring LLP); Westfield, Katten Muchin Rosenman LLP, Gregory C. Korman, Meegan Maczek, Camille A. Brooks

PLAINTIFFS' LAWYERS

Lindemann Law Firm APC, Blake J. Lindemann, Donna R. Dishbak; The Civil Rights Group, LLC, Tom Kayes

The lawsuit alleged that the two companies and the several high-end malls that use their technologies were violating California's relatively new automated license plate recognition statute, which prohibits unauthorized access or use of such information. The law authorizes damages of \$2,500 per violation against "operators" of the devices, suggesting potential damages in the billions, the defense lawyers said.

In his decision in December granting summary judgment, U.S. District Judge Stephen V. Wilson first ruled that Skidata and Park Assist are not operators under the statute because once they sell their equipment to malls, "they have no more control over the system."

Because the ALPR law is new, that conclusion is probably one of the more important ones in the judge's decision, Harper said.

Another important part of the decision dealt with the issue of harm. "The plaintiffs were arguing that the statute does not require harm," Harper said. "They can just show a violation and that would trigger their right to sue."

But Wilson ruled that the ALPR statute says people complaining their data has been misused can only seek damages "against a person who knowingly caused the harm."

In this case, the judge said, the plaintiffs failed. The statements they submitted claiming their data was breached "are unsupported by the actual evidence in the record," he said.

The plaintiffs have filed a notice of appeal with the 9th Circuit.

— DON DEBENEDICTIS