



State Attorneys General

In recent years, state attorneys general have increasingly been among the most aggressive regulators in the US. Across a range of industries, state AGs have used their roles as their states' chief law enforcement and consumer protection officers to bring significant investigations and lawsuits – many of which have implications for companies and industries beyond any particular state's borders. These matters are conducted both individually and, with growing frequency, as coordinated multi-state actions.

This growth in state-level enforcement underscores the value of outside counsel with direct experience dealing with state AGs, as well as in-depth knowledge of the way these agencies operate.

Experience that counts. DLA Piper's State Attorneys General practice has one of the most experienced groups of state AG practitioners in the country. It is headed by attorneys who served in key leadership positions in state AG offices and by attorneys with broad experience representing clients across a spectrum of business sectors in significant matters before state AGs. Our team includes the former elected Attorney General of Delaware, and former senior officials from the California and New York state AG offices. Our team also includes a number of former federal officials, among them assistant US attorneys in nine federal jurisdictions across the country, trial attorneys and senior policy officials from Main Justice, and key personnel in other federal agencies such as the Federal Trade Commission, the Securities and Exchange Commission, the Department of Transportation, the Environmental Protection Agency and the Department of Defense.

Our approach to a unique enforcement challenge. State AG investigations are unique and often public-facing. Across the political spectrum, state AGs are active in various areas of the law and have in their arsenal a wide range of state law authority – which frequently can exceed the scope of federal regulators. Drawing upon their own experience handling these matters as attorney general and senior-level officials, our team is well equipped to handle the public pressure of investigations and litigation brought by state AGs. We understand state AGs and their offices, and we regularly engage with them in key organizations such as the National Association of Attorneys General, the Attorney General Alliance/Conference of Western Attorneys General, the Democratic Attorneys General Association and the Republican Attorneys General Association.

Our goal is always to find the right result for our clients. We are equally capable of navigating complicated issues of law and policy to achieve early dismissals, negotiating an appropriate resolution, or litigating, as the circumstances require. Unlike many firms, we regularly represent clients in all of these scenarios in state AG matters. From the conference room to the courtroom, DLA Piper has handled it.

We have a cross-disciplinary team of practitioners across the country, which means that we're ready to handle any issue in any industry within the reach of state AG enforcement. DLA Piper's breadth and depth of knowledge also extends to handling joint federal-state

KEY CONTACTS

Jeff Tsai

Partner
San Francisco
T: +1 415 615 6055
jeff.tsai@dlapiper.com

Scott R. Wilson

Partner
New York
T: +1 212 335 4915
scott.wilson@dlapiper.com

- Litigation, Arbitration and Investigations

matters and parallel litigation by private plaintiffs. From life sciences to transportation, toxic torts, data privacy and financial services regulation, the DLA Piper platform is designed to be a one-stop shop for your state AG enforcement needs, across all sectors and areas of the law.

EXPERIENCE

Consumer Goods and Services

- A large direct-market internet retailer with over \$2 billion in annual sales in a consumer protection lawsuit brought by the **Washington AG's office** concerning allegations that the retailer operates an illegal "pyramid scheme"
- A multinational vehicle manufacturer in a consumer protection lawsuit filed by the **New Mexico AG's office** under the state's deceptive trade practices and unfair advertising law in connection with Takata airbags

Technology

- A fintech company in a consumer protection investigation by the **California AG's office** related to the company's trading platform and related practices
- A major telecommunications company in an investigation by the **Minnesota AG's office** related to the company's sales practices
- A leading consumer genetic testing company in a data privacy investigation by the **New York AG's office**, which closed with no action taken against the company
- T-Mobile in presentations, negotiations and settlements with many of the State AGs related to its merger with Sprint

Healthcare and Pharmaceutical

- A global pharmaceutical company and its subsidiary in an antitrust investigation and litigation by **48 state AGs' offices** related to the generic pharmaceutical industry, as well as a parallel criminal cartel investigation by the Antitrust Division of the US Department of Justice
- GlaxoSmithKline in an antitrust lawsuit by the **Louisiana AG's office** related to GSK's sale of Flonase. Following significant litigation, the parties settled at mediation on very favorable terms for GSK
- A global pharmaceutical company and its subsidiary in False Claims Act litigation by the **Illinois AG's office** alleging Medicare and Medicaid mischarging related to defective medical devices
- A major pharmaceutical company in responding to a civil investigative demand by the **Texas AG's office** related to the company's sales and marketing practices of diabetes and weight reduction products.

Financial Services

- A financial services company in a **New York AG's office** investigation into alleged unfair and deceptive business practices and debt collection violations
- A merchant cash advance company in a **New York AG's office** investigation into alleged unfair and deceptive business practices and compliance with criminal usury laws
- A major US bank in a **New York AG's office** investigation into reverse mortgage servicing practices.
- A blockchain company in an investigation by the **Ohio Division of Securities** and federal agencies related to an initial coin offering and promotional activities
- A timeshare company in a Martin Act investigation by the **New York AG's office** into alleged fraudulent sales practices and misleading disclosures
- An appraisal management company in an investigation and litigation brought by the **New York AG's office** arising from an alleged conspiracy to inflate appraisals in exchange for business referrals

Environmental

- A household products company in negotiations with the **California AG's office** in a Proposition 65 warning label investigation, which

successfully resulted in no action taken against the company

- A major vape product brand in coordinated enforcement proceedings by the **California AG's** Proposition 65 and Tobacco Litigation and Enforcement sections related to vape marketing practices and aerosol content
- The subsidiary of a major multinational food products corporation in a Proposition 65 and Unfair Competition Law investigation by the **California AG's office** of the subsidiary's toddler nutrition formula

INSIGHTS

Publications

***Dobbs v. Jackson Women's Health* : Implications for business of a post-Roe landscape**

23 June 2022

Dobbs raises a number of important questions for companies and entities.

DC AG claims Meta CEO Zuckerberg personally accountable for Cambridge Analytica privacy scandal

24 May 2022

The suit is the latest effort by state Attorneys General to take a tougher line against tech companies over misleading privacy practices.

California Attorney General subpoena – latest development in legal efforts targeting plastics

11 May 2022

The intensified regulatory focus on plastics is gaining traction across the US.

California Attorney General issues non-compliance notices regarding loyalty program requirements under the CCPA

7 February 2022

The launch of the investigative sweep of businesses offering loyalty programs builds on recent enforcement efforts and signals the AG's latest CCPA enforcement priority.

Attorney General Insights podcast with Iowa Attorney General Tom Miller

27 January 2022

ATTORNEY GENERAL INSIGHTS PODCAST

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Iowa Attorney General Tom Miller.

DLA Piper · Attorney General Insights: Tom Miller

Why I Lawyer: Q&A with Scott Wilson

6 January 2022

WHY I LAWYER

I love being in the trenches with a client who is facing a crisis on multiple fronts—in litigation, with government investigators, and in the media—and charting a path through all the uncertainty.

Attorney General Insights podcast with Pennsylvania Attorney General Josh Shapiro

24 February 2021

ATTORNEY GENERAL INSIGHTS PODCAST

DLA Piper partner and former Delaware Attorney General Matt Denn interviews Pennsylvania Attorney General Josh Shapiro.

DLA Piper · Attorney General Insights: Tim Fox

New York Department of Financial Services calls on financial institutions to consider climate change risk

9 November 2020

Investors increasingly view climate as an area of business risk, and regulators are viewing it as a supervisory risk as well.

NEWS

DLA Piper announces launch of State Attorneys General practice

11 May 2021

DLA Piper announced today the formal launch of its State Attorneys General practice, a practice that successfully represents and advises companies facing state-level enforcement.

Media mentions

- "Jeff Tsai's Tip for Forecasting Regulatory Action: Don't Think of State AGs as Strictly Partisan," *Law.com*, June 10, 2021
- "What Spurred These Firms To Build State AG Practices?" *Law360*, May 20, 2021
- "Big Law Builds Up State AG Expertise Amid Enforcement Boost," *Bloomberg Law*, May 12, 2021
- "DLA Piper Launches State AG Practice Led By Ex-Gov't Attys ," *Law360*, May 11, 2021
- "DLA Piper Launches State Ag Practice," *POLITICO*, May 11, 2021