

Michael J. Stortz

Partner

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OVERVIEW

Michael Stortz represents clients in consumer protection and data privacy class actions and provides related counseling on compliance and litigation risk mitigation efforts, including online disclosures and arbitration provisions in consumer-facing terms of service.

Michael represents companies against claims of unfair competition, false advertising, consumer fraud, and breach of warranty, as well as claims arising under federal and state privacy laws, including the TCPA and federal and state wiretapping statutes. He is adept at devising creative exit strategies, including enforcing arbitration provisions with class action waivers, and resolving cases via dispositive motion. Michael has a robust record of defeating motions for class certification and sustaining those trial court outcomes on appeal. He also has significant experience in defeating mass arbitration campaigns, including prevailing at individual arbitrations and forcing early dismissal of mass arbitration filings. Michael counsels companies in updating their consumer-facing arbitration provisions in light of plaintiffs' evolving strategies to use such provisions to extract significant settlements.

In addition to his extensive work defending class actions, Michael also represents clients in the technology, retail, and consumer product industries across a wide range of commercial disputes, including antitrust and intellectual property matters.

PROFESSIONAL BACKGROUND

Over the course of three decades, Michael has assisted businesses in high-exposure litigation matters such as cases brought in federal and state courts under California's Unfair Competition Law, Consumers Legal Remedies Act, and False Advertising Law.

He also represents companies faced with putative class actions under federal and state privacy statutes, including the federal TCPA and VPPA statutes, and more recently the California Invasion of Privacy Act.

Michael has been recognized for his work regarding consumer arbitration issues and the Federal Arbitration Act.

He has extensive experience with counseling and compliance efforts to address the TCPA statute, and has advocated for important changes to the law before the Federal Communications Commission.

In addition, Michael also represented clients in a range of commercial disputes, including antitrust and intellectual property matters.

ACHIEVEMENTS

- Recognized by *The Legal 500 United States* as a Recommended Lawyer
  - M&A Litigation: Defense, 2026
  - General Commercial Disputes – Mid-Market ($0–250m), 2026
  - General Commercial Disputes, 2024-2025

PROFESSIONAL / CIVIC ACTIVITIES

- Member, American Bar Association, Section of Litigation
- Member, Bar Association of San Francisco
- Member, Antitrust, UCL, and Privacy Section of the California Lawyers Association

SPEAKING ENGAGEMENTS

- Panelist, “The Evolving Privacy and Cyber Policy Landscape,” Association of Corporate Counsel, Santa Clara, CA, 6 June 2019.
- "Trends in Consumer Class Actions,” CLE Series, San Francisco, CA, October 2018.
- Panelist, “Overview of the Telephone Consumer Protection Act (TCPA),” National Association of Federal Credit Unions (NAFCU)'s Regulatory Compliance Seminar, San Diego, CA, October 2017.
- Panelist, “Can I Get A Witness? Technical Witness Bootcamp,” RSA Conference, San Francisco, CA, February 2017.
- Panelist, “Technology for Effective TCPA Defense: What You Need to Know,” LiveVox, Webinar, November 2016.
- Panelist, “Trailing Behind the TCPA: Emerging Biometrics and Privacy-Related Litigation,” 2016 PACE Conference & Expo, Orlando, FL, April 2015.

EDUCATION

- J.D., Harvard Law School, 1988
- B.A., Dartmouth College, 1985

ADMISSIONS

- Bar of California
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

THOUGHT LEADERSHIP *POWERED BY HUB*

- November 2026, Global Data Protection Insights
- 16 November 2026, Litigation Minute: License to Sue? Automated License Plate Readers Yield New Privacy Claims
- 8 October 2026, California Narrows CIPA Litigation: SB 690 Ends Pen Register and Trap-and-Trace Claims
- August 2026, Global Data Protection Insights
- April 2026, Global Data Protection Insights
- 23 February 2026, Unpacking the US Supreme Court's IEEPA Tariff Decision: The Outlook for Future Disputes
- 20 November 2025, Litigation Minute: Hype Responsibly: Legally Promoting Your AI
- 28 May 2025, United States: Wiretaps in the Web Code? The Asset Management Pixel Litigation Explained
- 29 April 2025, Don't Let Strike-Through Pricing Strike Out Your DTC Website: Comparison Pricing Is Effective, but Carries Risk
- 14 April 2025, CPPA Announces Enforcement Action Against Automaker
- 3 March 2025, No Harm, No Foul–CIPA Claims Dismissed for Lack of Standing
- 14 January 2025, Litigation Minute: A Look Back and Ahead
- 4 November 2024, Mass. SJC Limits Website Tracking Technology Claims Under Wiretap Act
- 17 June 2024, Litigation Minute: State Generative AI Statutes and the Private Right of Action
- 4 March 2024, Pen Register and Trap and Trace Claims: The Latest Wave of CIPA Litigation
- 26 January 2024, Litigation Minute: 2023 Year in Review and 2024 Look Ahead

- 07 December 2023, California Privacy Protection Agency Proposes Draft Rules for Automated Decision Making, Including Artificial Intelligence
- 3 October 2023, Litigation Minute: Pixel Tools in the Healthcare Arena
- 20 September 2023, Ad Tracking Tech in Health Care: The Current Regulatory and Litigation Landscape for HIPAA-Regulated Entities
- 14 September 2023, Litigation Minute: Pixel Tools and Personal Financial Information
- 5 September 2023, Recent Trends in Generative Artificial Intelligence Litigation in the United States
- 29 August 2023, Litigation Minute: Pixel Tools and the Video Privacy Protection Act
- 15 August 2023, Litigation Minute: The Next Wave of Website Privacy Lawsuits
- July 2023, Learning from Litigation: Website and Privacy Compliance Amidst an Active Plaintiffs' Bar - Webinar Series
- 2 May 2023, Litigation Minute: California Session Replay Litigation Update

OTHER PUBLICATIONS

- "USA: The VPPA - Navigating a legacy privacy regime in the digital age," *DataGuidance*, 17 September 2025
- "Developers Are Testing Defenses In Generative AI Litigation," *Law360*, 15 September 2023
- "2nd Circ. Ruling Widens TCPA Autodialer Circuit Split," *Law360*, 23 April 2023
- "ADA Braille Gift Card Claims Shouldn't Gain Traction In NY," *Law360*, 15 November 2019
- "What Will Calif. Privacy Law's 'Do Not Sell' Button Look Like?," *Law360*, 5 November 2019
- "INSIGHT: One Text Message Not Enough for TCPA Lawsuit," *Bloomberg Law*, 3 October 2019
- "Calif. AG Must Clarify Consumer Privacy Act Right Of Access," *Law360*, 5 September 2019
- "Calif. Businesses Avoid Privacy Class Action Explosion, Law360, 21 May 2019

NEWS & EVENTS

- 29 October 2025, How to Mitigate Litigation Risk in AI, Hosted by Washington Technology Industry Association (WTIA)
- 13 February 2023, K&L Gates Expands Litigation Practice With Addition of San Francisco Partner

OTHER MEDIA MENTIONS

- Quoted, "Using Test Cases In Wage Mass Arbitration Can Rein In Costs," *Law360*, 2 March 2023

- Quoted, “Will Supreme Court's New Standing Test Tame the Real World of Class Actions?,” *Cybersecurity Law Report*, 28 July 2021

AREAS OF FOCUS

- Commercial Disputes
- Class Action Defense
- Data Privacy Disputes and Risk Mitigation
- Data Protection, Privacy, and Security
- Trade Secrets Litigation

INDUSTRIES

- Consumer Electronics
- Consumer Goods and Services
- Manufacturing
- Manufacturing Technologies
- Technology

REPRESENTATIVE EXPERIENCE

- Represents manufacturer of ethylene oxide sampling equipment in connection with regulatory and related issues.
- Obtained orders defeating class certification in high-exposure, high profile putative class action under CA consumer protection statutes.
- Obtained appellate reversal of orders denying motions to compel consumer claims to individual arbitration.
- Successfully disposed of putative class action matters via motions to dismiss or early pre-certification summary judgment motions.
- Enforced individual arbitration clauses to preclude class action litigation; and successfully defeated subsequent mass arbitration campaigns.
- Successfully resolved multiple pre-filing demand letters, with minimal or no payment.