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Taking Stock Of Nonmonetary Privacy Settlement Provisions

Law360

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Hartford Partner [Tara Trifon](#), Chicago Partner [Rusty Perdew](#) and Chicago Associate [Hannah Oswald](#) co-authored an article for Law360 discussing nonmonetary settlement provisions or conduct remedies that may be utilized in order to resolve privacy and cybersecurity class actions. The authors specifically discuss the purpose and value of such provisions in light of the recently approved settlement in the Hanna Andersson class action and the Facebook data breach and Illinois Biometric Information Privacy Act class actions.

“Unless an individual’s misappropriated information was actually used for a fraudulent purpose or the plaintiff incurred out of pocket costs for services like credit monitoring, most class members can, at most, claim some undefined risk of future harm. Such a risk is vague, making it difficult to pin an appropriate price tag on compensation and potentially depressing recovery for class members who actually suffer harm,” they write. “Accordingly, conduct remedy provisions may be the most valuable part of the settlement, even though they may be difficult to quantify.”

To read the full article, [click here](#) (*subscription may be required*).