Robert Austin Jenkin, II

Associate

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OVERVIEW

Rob focuses his practice on complex business disputes and privacy litigation in federal and state courts across the U.S., as well as in mediations and arbitrations. With a primary focus on privacy and cybersecurity matters, his national practice includes clients ranging from small, closely held corporations to international technology companies. Rob leverages his corporate background to ensure that the client's objectives and realities, not just litigation outcomes, remain the guiding principle throughout his representation.

As a member of the firm's Privacy + Cyber practice, Rob frequently provides thought leadership on developments in the data privacy and security space. Rob also serves as co-chair of the American Bar Association's Litigation Section Committee on Privacy and Data Security Litigation.

Rob is also committed to contributing to the legal community through a diverse range of pro bono and public service efforts. He is a passionate advocate for injured veterans seeking health benefits, nonprofit organizations seeking governmental assistance for vulnerable populations, and the promotion of democracy through open and fair elections.

REPRESENTATIVE MATTERS

- Defended a cloud software company in multidistrict litigation involving common law and statutory claims arising from a data breach, resulting in the denial of class certification.
- Defended a media company in a putative class action alleging violations of the Video Privacy Protection Act (VPPA).
- Defended various companies against claims arising under the California Invasion of Privacy Act (CIPA), California Comprehensive Computer Data Access and Fraud Act (CDAFA), and the Electronic Communications Privacy Act (ECPA).
- Advised various companies in responding to requests under California's Shine the Light law.
- Defended various companies against claims arising under New Jersey's Daniel's Law.
- Defended a security and data protection company in a putative class action involving claims of negligence, unjust enrichment, and violations of California's Unfair Competition Law (UCL) arising from a data breach.
- Defended a community health center in putative class actions involving common law and statutory claims, including alleged violations of the California Legal Remedies Act (CLRA), California Customer Records Act

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(CRA), and California Confidentiality of Medical Information Act (CMIA) arising from a data breach.

- Defended a laboratory testing service provider in putative class actions involving common law and statutory claims, including alleged violations of the California Consumer Privacy Act (CCPA) and California Confidentiality of Medical Information Act (CMIA) arising from a data breach.
- Served as counsel in a two-week bench trial defending an individual client against a claim for breach of contract and asserting cross-claims for breach of contract and fraud, resulting in a judgment in favor of the client on all claims and an award of all monetary damages sought under the cross-claims.
- Represented past, present, and future candidates for various political offices in New Jersey as amicus curiae in *Andy Kim, et al. v. Christine Giordano Hanlon, et al*. The amicus curiae challenged the constitutionality of the "County Line" balloting structure. In a decision that garnered national media coverage, the federal district court agreed with our clients' position and granted an injunction invalidating the "County Line." The Third Circuit Court of Appeals denied the county organizations' request for a stay pending appeal.

TOP AREAS OF FOCUS

- Business Litigation
- Litigation + Trial
- Privacy + Cyber

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Co-chair, Committee on Privacy and Data Security Litigation Committee, American Bar Association
- Associate editor, American Bar Association Young Lawyer Division
- Member, Commercial and Business Litigation Committee, American Bar Association
- Member, New Jersey State Bar Association
- Member, Mercer County Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- Seton Hall University School of Law, J.D., 2020, senior editor, *Seton Hall Law Review*
- Rutgers University, B.S., 2016, business management

CERTIFICATIONS AND MEMBERSHIPS

- Certified Information Privacy Professional/United States (CIPP/US)
- Co-chair, American Bar Association's Litigation Section Committee on Privacy & Data Security Litigation, 2025-2027

BAR ADMISSIONS

- New Jersey
- New York

COURT ADMISSIONS

- U.S. District Court, District of New Jersey

SPEAKING ENGAGEMENTS

- Speaker, "The AI Chatbot Wiretap Class Action Wave," Federal Bar Association Webinar, June 26, 2026.
- Speaker, "Defending Data Brokers," Defending Data Brokers, May 13, 2026.
- Speaker, "AI in the Federal Appellate Courts," ABA Litigation Section Podcast, March 26, 2026.
- Speaker, "The "Dreaded" Intermediaries," Annual Antitrust CLE Event, December 5, 2024.
- Speaker, "The Ethical Antitrust Advisor," Troutman Pepper Annual Antitrust CLE Event, December 13, 2023.

PUBLICATIONS

- Co-author, "OpenAI Lawsuits Put Minors' Consent, Data Privacy, and AI Guardrails in Focus," *Privacy + Cyber + AI*, October 22, 2026.
- Author, "Ninth Circuit Holds Human User, Not Developer of AI Agent, Responsible for Websites Accessed," *Privacy + Cyber + AI*, August 21, 2026; Republished in *JD Supra*, August 24, 2026 and *American Bar Association* newsletter, October 1, 2026.
- Co-author, "Court Upholds 'Ordinary Course of Business' Exception for AI Call Analytics Under ECPA," *Privacy + Cyber + AI*, January 30, 2026.
- Author, "Knowing When to Refer Work Is an Essential Legal Skill, " *ABA Practice Management*, January 5, 2026.
- Co-author, "Third Circuit Provides Helpful Guidance on the "Party Exception" to Wiretap Liability and What Constitutes "Medical Information" Under the CMIA," *Privacy + Cyber + AI*, November 24, 2025.
- Podcast, "The New Wave of Web Tracking Litigation: Wiretap Statutes, VPPA Risk, and Consent Strategies," *The Consumer Finance Podcast*, November 13, 2025.
- Co-author, "The Northern District of California Calls on the California Legislature to Fix CIPA," *Privacy + Cyber + AI*, October 31, 2025.
- Co-author, "Shining the Light on a Recent Wave of Potential Privacy Claims," *Privacy + Cyber + AI*, September 22, 2025.
- Co-author, "West Virginia's Daniel's Law Held Facially Unconstitutional," *Troutman Pepper Locke* and *Privacy + Cyber + AI*, August 22, 2025.
- Co-author, "The Second Circuit Forecloses VPPA Claims Based on Transmission of Information Through the Meta Pixel," *Troutman Pepper Locke*, August 8, 2025.
- Co-author, "New Jersey Releases Proposed Privacy Regulations," *Troutman Pepper Locke*, June 10, 2025.
- Co-author, "Maryland Enacts the Judge Andrew F. Wilkinson Judicial Security Act: Are More Daniel's Laws on the Horizon?," *Troutman Pepper*, May 23, 2024.
- Co-author, "Proposed Amendments to New Jersey's Daniel's Law," *Troutman Pepper*, May 16, 2024.
- Co-author, "Seventh Circuit Revives McDonald's Employee No-Poach Litigation," *Troutman Pepper*, October 3, 2023.
- Co-author, "Judge Acquits All in Most Recent DOJ No-Poach Setback," *Troutman Pepper*, May 10, 2023.
- Co-author, "DOJ Fails to Convict in No-Poach/Wage Fixing Case," *Business Law Today*, April 12, 2023.
- Co-author, "Antitrust Division Calls on Activision to Do Its Duty to eSports League Players," *Troutman Pepper*, April 7, 2023.
- Co-author, "DOJ Fails to Convict in No-Poach/Wage Fixing Case," *Troutman Pepper*, March 31, 2023.
- Co-author, "FTC Seeks Public Comment on Potential Franchise Rule," *Troutman Pepper*, March 24, 2023.
- Co-author, "DOJ Evolves Its Strategy of Increased Criminalization of Employment Restrictions Under Antitrust Laws," *Troutman Pepper*, December 13, 2022.
- Co-author, "Recent No-Poach Developments: Hold the Pickle, Hold the Dismissal — Eleventh Circuit Overturns

Burger King's District Court Judgment," *Troutman Pepper*, September 23, 2022.

- Co-author, "Recent No-Poach Developments: McDonald's Latest Judicial Win Comes as Federal Enforcement Agencies Ally to Promote Labor," ABA's *Business Law Today*, August 8, 2022.
- Co-author, "Recent No-Poach Developments: Federal Enforcement Agencies Ally to Promote Labor and McDonald's Latest Judicial Win," *Troutman Pepper*, July 29, 2022.
- Co-author, "Federal Court Denies DOJ's Request to File Statement of Interest in Pending McDonald's No-Poach Class Action," *Troutman Pepper*, April 6, 2022.
- Co-author, "U.K. Supreme Court Finds Data Protection Representative (i.*e.*, Class) Action Cannot Be Pursued Against Google," *Troutman Pepper*, November 29, 2021.

MEDIA COMMENTARY

- Quoted, "Data Breach Claims Stretch Meaning of Concrete Injury," *American Bar Association Litigation Section*, April 22, 2026.
- Quoted, "Disney-DeSantis Battle May Breathe Life Into Contract Clause," *Law360*, August 15, 2023.