



Hot Topics in Global Class Actions Technology, AI, and Smart Cars/EVs

Introduction of Panelists

Matthew Goldberg

- Matt is a Partner in DLA's Philadelphia office where he represents OEMs and suppliers in automotive consumer class actions and product liability matters. Matt also specializes in assisting companies with cross-board discovery disputes and personal jurisdiction defenses.

Coran Darling

- Coran is a member of DLA's AI & Data Analytics team where he focuses on assisting companies navigate the challenges of emerging technology regulation and policy across the world. Coran also holds additional advisory roles in many organizations at the forefront of AI policy and standards development including international governmental bodies, NIST, the OECD, and the Responsible AI Institute.

Eric Roberts

- Eric is a Partner in DLA's Chicago office where he focuses on consumer privacy and data breach class actions and has defended some the world's largest technology, retail, food service, and entertainment companies.

Jeff DeGroot

- Jeff is Of Counsel in DLA's Seattle office where he focuses on data privacy litigation, and has defended clients in matters ranging from the Illinois Biometric Information Privacy Act (BIPA), the Telephone Consumer Protection Act (TCPA), state telemarketing laws, the Washington Privacy Act, the Computer Fraud and Abuse Act (CFAA), the Stored Communications Act (SCA), and the Drivers Privacy Protection Act (DPPA).

Jeremy Sher

- Jeremy is the global co-chair of DLA's class action group in DLA's London office where he focuses on international litigation, arbitration, and regulatory compliance issues.

Themes and Developments of AI Regulation

- **Development of liability regulations**

- Developments in regulations relating to AI are emerging quickly and worldwide.
 - EU AI Liability Directive (Sep. 2022): EU issued legal framework which aims to address the risks generated by specific uses of AI through a set of rules focusing on the respect of citizens' fundamental rights and safety.
 - U.S. Executive Order (Oct. 2023): Biden Administration issued an executive order establishing standards for AI safety and security and protecting American's privacy.
 - Model ownership directives – e.g., Google protecting customers with generative artificial intelligence indemnification.

- **Litigation**

- Claims against creators of “classification” AI systems which focus on the accuracy of the classification, privacy, and discrimination.
- Unlawful use of intellectual property claims against “generative” AI systems.
- Product liability claims against social media platforms based on use of AI algorithms.

Trends for Class Actions Related to Smart Cars

- **Privacy**

- Class action lawsuits brought against automotive manufacturers in Washington alleging smart cars were violating Washington's Recording Law (two-party consent) because the car were unlawfully "recording" the communication on the phone (i.e., the car was eavesdropping on the communications).
 - Lawsuits were dismissed but companies that collect data from cell phones should be on notice that these types of lawsuits are emerging and should ensure they have adequate systems to obtain consent.

- **False Advertisement**

- Class action lawsuits against automotive manufacturers alleging smart car's telephone related systems no longer work properly because they are only capable of using 3G cellular networks.
- Class action lawsuits against automotive manufacturers alleging false advertisement of the mile range or time it takes to charge the battery of electric vehicles.
 - Lawsuits raise the question of the extent of automotive manufacturers' duties in anticipating changes stemming from new technology and/or estimates of the vehicle's capabilities.

Trends in Class Actions and Technology in UK and EU

- The risk of AI litigation has become a global risk for companies. Similar trends occurring in the U.S. have made their way to the U.K. and EU. The difference will be how the claims are litigated. For example, like the trends in the U.S.:
 - The House of Commons of the U.K. Parliament is investigating the environmental representations made about electric vehicles. This investigation was prompted by the UK's decision to move entirely to electric vehicles by 2030.
 - Litigation is emerging in the U.K. regarding how AI systems process data.
 - Lawsuits filed against U.K. banks regarding AI anti-terror systems arbitrarily flagging and closing accounts, particularly for people of specific race or ancestry.
 - Lawsuits filed against creator of AI algorithm used during the COVID-19 pandemic in the U.K. to estimate how students would perform on advanced level qualification exams which determine what universities a student could be admitted to.
 - Litigation is emerging in U.K. regarding generative AI systems.
 - Litigation against AI systems that gather images and generate information or material for alleged "image scraping"
 - Lawsuit against Google for U.K. health care systems transferring patient data to Google's artificial intelligence firm to develop a mobile app designed to analyze medical records and detect acute kidney injuries.

Thank you