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GOOGLE TO PAY RECORD-SETTING \$85,000,000 SETTLEMENT TO THE STATE OF ARIZONA IN CONSUMER FRAUD CASE

PHOENIX, Ariz. (October 4, 2022) – Google will pay \$85 million to settle claims brought against the company under the Arizona Consumer Fraud Act in *State of Arizona v. Google*. This is the largest amount per capita the internet giant has paid in a privacy lawsuit of its kind. Gallagher & Kennedy attorneys Kevin D. Neal and Kenneth N. Ralston successfully represented the State of Arizona and the Arizona Attorney General’s Office in the lawsuit against Google for deceptive and unfair practices involving user location data.

“We were proud to represent the State of Arizona in obtaining a groundbreaking result for its citizens,” said Neal, lead counsel on the case.

The State began an investigation of Google after a 2018 Associated Press article suggested that Google was misleading and deceiving consumers about the collection and use of their personal location data by tracking smartphones even when consumers disabled the “Location History” setting.

The State filed suit against Google and in February 2021, the Attorney General’s office chose G&K attorney Kevin Neal to represent the State as lead counsel and prepare the case for trial. In addition to Gallagher & Kennedy’s Arizona-based team, Guy Ruttenberg of Ruttenberg IP Law in California served as co-counsel on the case.

Neal added: “Over the past 20 months, we beat Google’s attempts to prevent the State from presenting critical evidence to a jury. We defeated Google’s motion for summary judgment and motions to exclude experts on internet privacy and deceptive design practices. We thwarted Google’s efforts to try the case to a judge and thus quashed Google’s efforts to prevent an Arizona jury from hearing this case.”

The Arizona Consumer Fraud Act

Under the Arizona Consumer Fraud Act, the State of Arizona can bring consumer protection cases against businesses that deceive users about their business practices, including businesses that deceive users about personal data they collect. In *Arizona v. Google*, the State sought monetary relief, forcing Google to provide gross receipts arising from its deceptive activities in Arizona along with civil penalties of up to \$10,000 per violation.

The Ramifications Are Nationwide, Worldwide

“Arizona was the first State in the country to file a lawsuit against Google for deceptive and unfair collection, use, and exploitation of user location data,” said Ralston. “It is also the first State to settle a lawsuit with Google regarding these allegations, but it likely will not be the last.”

Neal added: “That’s what this lawsuit was all about: taking on big corporations to cause long-term change that benefits consumers. It truly was a David vs. Goliath situation and David won.”

Additional Information

Washington, Texas, Indiana, and the District of Columbia have filed lawsuits against Google for their deceptive location tracking practices that invade users’ privacy.

In recent years, Google has had to pay substantial settlements in privacy cases, but all were significantly less per capita than the \$85 million settlement for the State of Arizona and its estimated population of 7.44 million.

About Gallagher & Kennedy

Established in 1978, Gallagher & Kennedy is a full-service Arizona-based law firm with 63 attorneys in Arizona and New Mexico representing clients in local and national legal matters. Learn more at www.gknet.com or call (602) 530-8000.