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Musick Peeler Partner Daniel Taylor Wins Again, Obtains Full Dismissal of CIPA Litigation For Client Ink America International Group LLC

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Musick, Peeler & Garrett LLP announced today that Partner Daniel Taylor has secured a win defending Ink America International Group LLC (Ink America), a manufacturer and distributor of music equipment and supplies, from a lawsuit brought under the California Invasion of Privacy Act (CIPA).

“This decision sends a clear message that CIPA was never meant to be weaponized against companies using routine website analytics,” said Ink America’s Chief Marketing Officer Kevin Osborne." We hope it helps curb the wave of meritless ‘tester’ lawsuits and provides greater certainty for businesses operating online.”

The recent surge in CIPA litigation has been driven by opportunistic plaintiff “testers” who attempt to apply provisions of California's anti-wiretapping statute to common website analytic tools widely used by many websites. Faced with the cost and uncertainty of litigation, many companies have opted to settle, inadvertently encouraging the filing of additional CIPA claims against others. Taylor’s CIPA victories, including this one, demonstrate that these cases can be successfully defended, an outcome that will be critical to slowing the trend and deterring future “tester” lawsuits.

The lawsuit claimed Ink America unlawfully deployed a “pen register” or “trap and trace” device in violation of Section 638.51 of CIPA, allegedly using tracking software to capture user identification information without consent. Taylor argued in detail how plaintiff’s theories misapplied CIPA’s purpose, mischaracterized the normal function of modern website analytic tools, and usurped the function of the California Consumer Privacy Act (CCPA) and California Privacy Rights Act (CPRA) that the Legislature intended to govern website data privacy.

Los Angeles Superior Court Judge Teresa A. Beaudet sided with Ink America, ruling CIPA Section 638.51 does not expressly apply to website analytic tools, and the legislative history of California's privacy laws shows that the Legislature intended the CCPA and CPRA, not CIPA, to govern website data privacy. For those reasons, she granted Taylor's motion for judgment on the pleadings and entered judgment in his client's favor.

“We appreciate the court’s clear and unequivocal ruling,” Taylor said. “The decision confirms that CIPA’s ‘trap and trace’ and ‘pen register’ provisions—central to many of these cases—were never intended to apply to modern websites.”

About Daniel Taylor
Daniel Taylor is a Partner at Musick Peeler, co-chair of its Business Litigation Practice Group, and member of its Intellectual Property Practice Group. Mr. Taylor has extensive experience representing companies in high-stakes cases involving consumer privacy, data protection, and class action defense. He has become a go-to attorney for corporations facing CIPA lawsuits. His expertise in

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privacy law, coupled with his strategic litigation approach, makes him a key ally for in-house counsel navigating the evolving landscape of digital privacy compliance. For more information, contact Daniel at D.Taylor@musickpeeler.com or (213) 629-7716.

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