



## David Carpenter

Partner

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### Related Services

Litigation ■ Commercial ■ Class Action & Multidistrict Litigation ■ Products Liability ■ Privacy, Cyber & Data Strategy ■ Privacy & Cybersecurity Litigation ■ Insurance Litigation & Regulation ■ High Exposure Claims, Coverage & Bad-Faith Defense ■ Insurance Regulatory Guidance ■ Insurance-Related Antitrust Defense ■ Policy Drafting and Product Development ■ Policyholder Class Action Defense ■ Retail ■ TCPA Counseling & Litigation ■ Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS)

David Carpenter is a partner on Alston & Bird's Litigation & Trial Practice Team. He concentrates his practice in general business and commercial litigation, with special focus on consumer and privacy class action defense, business torts and contract disputes. David has served as lead counsel and assisted in all phases of the litigation process in Georgia's state and federal courts and has been involved in matters in federal courts throughout the country.

David has substantial experience representing companies in major consumer class action litigation, including cases involving privacy issues. He has represented a number of Fortune 500 companies in such litigation, moving to compel arbitration on multiple occasions, gaining dismissals through Rule 12 motions and obtaining favorable settlements for clients in bet-the-company litigation.

David was named to the *Georgia Super Lawyers* "Rising Stars" list for 2017 in the area of business litigation. He received his J.D. from Vanderbilt University in 2007. Before law school, he worked in the public relations departments for the Colorado Rockies and the Atlanta Braves, providing media relations assistance, statistical research and support for the baseball operations departments of two Major League Baseball teams. David also worked as a student assistant in the sports information department at Duke University, where he received his B.A. in history in 2002.

### Representative Experience

- Represented a Fortune 100 company and other clients in nationwide class actions filed by financial institutions and consumers stemming from criminal security data breaches.
- Represented a Fortune 100 company and a major wireless carrier in nationwide class actions alleging invasions of privacy under a number of different state laws stemming from various business practices.
- Counseled and defended dozens of matters involving alleged violations of and compliance with the federal Telephone Consumer Protection Act, including defense of multiple nationwide class actions.
- Represents major automobile manufacturers in both the Volkswagen "Clean Diesel" MDL and the Takata Airbag Products Liability Litigation, two of the largest MDLs presently pending in the United States.
- Represents insurance carriers in class action litigation in state and federal courts throughout the country on issues ranging from coverage to subrogation disputes.
- Represents a major cellular telephone service provider in consumer protection class actions and individual cases throughout the country, serving as counsel in court cases and arbitrations.

- Served as a member of the national class action defense counsel team for a Japanese multinational automotive manufacturer in one of the largest multidistrict litigations in U.S. history following widely publicized vehicle recalls.
- Represented multiple Internet startup companies in nationwide TCPA/consumer protection class actions centering on allegedly unsolicited advertisements sent by the companies.
- Currently advising multiple clients on best practices for compliance with various federal and state privacy and consumer protection statutes.
- Represented a national insurance company in multidistrict litigation in Texas state court resulting from allegations of improper payments in the aftermath of Hurricane Ike. The MDL comprised hundreds of individual cases and a class action focusing on payments for unsealed roofing shingles.
- Served as lead defense counsel of a Fortune 500 software company in a false arrest action in Georgia state court in a dispute resulting from an incident involving a police department's use of the client's software, resulting in a favorable settlement for the client.
- Negotiated a favorable settlement as lead counsel in a matter defending an Atlanta-based real estate developer in a multimillion-dollar business dispute.
- Drafted successful appellate briefs for the U.S. Court of Appeals for the Eleventh Circuit and the Georgia Court of Appeals in cases concerning sufficiency of the trial court's punitive damages award and jury instructions, the trial court's jurisdiction under the due process provisions of the U.S. Constitution and the Georgia long arm statute, and a landlord's duty to provide protection for its commercial tenants.
- Experience representing commercial lenders, landlords, construction firms and other business entities in a variety of commercial disputes.

## **Publications & Presentations**

### **Publications**

- "Promoting Cancel Culture: Best Practices for Compliance with California's Automatic Renewal Law," *The Recorder*, November 28, 2023.
- *A Practitioner's Guide to Class Actions*, 3rd ed., American Bar Association, November 2021.
- "How Retailers May Limit Holiday Legal Risks Amid COVID-19," *Law360*, December 15, 2020.
- "Are Any COVID Class Actions in Store for American Retailers?" *Retail Touch Points*, June 29, 2020.
- "Retailers Should Look Out for Refund Claims after COVID-19," *Law360*, June 16, 2020.
- "Change in TCPA Compliance Is on the Horizon," *Law360*, September 23, 2019.
- "Tyson Shouldn't Affect Automotive Class Actions," *Law360*, April 28, 2016.
- "In the Beginning There Was *Genesis*, but *Campbell* Made It Moot," *Corporate Counsel*, February 24, 2016.
- "Brighter Days Ahead for TCPA Defendants?," *Corporate Counsel*, March 20, 2015.
- "Do Class Members Who Refuse a Full Refund Have Standing?," *Law360*, March 17, 2015.
- "8th Circ. Continues Trend of Rigorous Rule 23 Analysis," *Law360*, January 21, 2015.
- "High Stakes in Play with Rule 68 Decisions," *Law360*, July 28, 2014.

### **Presentations**

- BCBS 2024 Law, Audit, Compliance & Ethics Conference, Blue Cross Blue Shield Association, Nashville, TN, May 20–22, 2024.

## *Education*

- Vanderbilt University (J.D., 2007)
- Duke University (B.A., 2002)

## *Admitted to Practice*

- Georgia