# Sean N. Johnson

Seanjohnson.esq@gmail.com www.linkedin.com/in/seanjohnsonesq (904) 294-3066

# **PROFILE**

CIPP/US certified attorney with 7+ years of practice in litigation and data privacy. Experienced in both large firms and in-house, with a specialized focus on addressing law enforcement and regulatory requests to social media companies from multiple jurisdictions, reflecting a deep understanding of the Electronic Communications Privacy Act and the Stored Communications Act. Expert in navigating complex legal issues, including litigation regulatory probes, and internal investigations.

#### **WORK EXPERIENCE**

# Perkins Coie LLP, Washington, DC

#### Privacy and Data Security Associate, May 2021 – Present

- Outside counsel to multiple social media and technology clients handling responses to both civil and governmental requests for user records with an expertise in the Electronic Communications Privacy Act (ECPA) and the Stored Communications Act (SCA).
- Successfully quashed multiple civil subpoenas on jurisdictional and constitutional grounds.
- Successfully negotiated with law enforcement to narrow warrants requesting location-specific user records for large client across multiple jurisdictions.
- Advised clients on potential Wiretap Act risks related to new technologies, including requests for data used to train AI models.
- Advised clients on NCMEC reporting and requests for user data related to prior NCMEC reporting.
- Advised clients on law enforcement requests for data related to reproductive rights post *Dobbs*, including potential liability under newly passed California laws.
- Advised clients on First Amendment issues involving unmasking of anonymous users.
- Successfully negotiated with federal agency to substantially narrow requests for user data on First Amendment grounds from the records of thousands of users down to records of users that had consented.
- Drafted multiple winning briefs in motions practice in multiple jurisdictions, including California, Florida, New York, etc.
- Successfully vacated order for access to the contents of a victim's social media account. <u>United States v.</u>
   Glenn, 341 F.R.D. 217, 222 (N.D. Ohio. 2022).
- Successfully represented newly settled refugee *pro bono* in dispute with car loan company leading to the company dropping its request for my pro bono client to pay \$11,000 and, instead, agreeing to pay my client \$10,000 to drop her countersuit.

# Meta Platforms, Inc., Washington, DC

#### Civil, Regulatory, and Election Work Response Secondee, February 2023 – October 2023

- Spent eight months embedded in Meta's civil and regulatory response team responding to civil subpoenas, criminal defense subpoenas, and regulatory CIDs from both federal and state agencies.
- Managed outside counsel on brief-writing leading to a 100% success rate in motions practice.
- Created framework and guide for Security team's response to subpoenas for user data related to Adbeacon litigation and the Wiretap Act; presented framework to Global Security team.
- Worked with team to create frameworks for special requests for user data including matters involving deceased users, reproductive rights, allegations of sexual assault, and minor users.
- Managed large workload with up to a dozen open requests for user records at a time and up to 200 requests per month.

 Worked cross-functionally with teams across the company in order to implement initiatives and standardize policies and external responses, including Litigation, Privacy, Engineering, and eDiscovery teams.

#### Cooley LLP, Washington, DC

# Litigation and Privacy + Cybersecurity Associate, September 2019 – April 2021

- Wrote law enforcement guide and law enforcement request requirements currently being used by a
  large Internet communications platform to ensure the platform complied with all applicable laws and
  regulations, including the ECPA, SCA, and FERPA.
- Investigated and advised client on potential security breaches of client's mobile application. The investigation included advising client on Computer Fraud and Abuse Act (CFAA), and Lanham Act claims, personally tracking and identifying potential bad actors online, and drafting cease and desist letters. The investigation successfully stopped multiple bad actors from operating and selling unlawful software.
- Investigated and advised technology platform on information security policies, risks, and legal requirements by assessing conformity with NIST Cybersecurity Framework.
- Advised financial clients and multiple technology platforms on compliance with global, federal, and state privacy and consumer protection laws, including the European Union General Data Protection Regulation (GDPR), Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), Gramm-Leach-Bliley Act (GLBA), California Consumer Privacy Act (CCPA), and New York SHIELD Act.
- Drafted and filed complaint on behalf of a major publisher for breach of contract by a digital publishing platform. The defendant agreed to settle claims within three weeks of the filing.
- Led team of associates in investigation of breach fiduciary duty by client's CEO, CFO, and General Counsel.
- Led and created plan for team of contract attorneys in the review of 2 million documents in response to a Civil Investigative Demand from the Securities and Exchange Commission.
- Interviewed employees, reviewed documents, and prepared reports and presentations on behalf of a leading AR manufacturer in response to a Civil Investigative Demand from a federal agency. The agency ultimately decided not to move forward.
- Successfully negotiated with opposing counsel to voluntarily dismiss and abandon a claim for defamation on behalf of a wiki-based online encyclopedia.

# **Boies Schiller Flexner LLP,** Washington, DC *Complex Litigation Associate*, September 2016 – August 2019

- Co-wrote petition for writ of certiorari to the Supreme Court of the United States regarding the approval of treaties between states and foreign governments.
- Prepared HSR filing and second-chaired portions of preliminary injunction hearing filed by the FTC in an administrative action to block the merger of two large healthcare providers.
- Second-chaired the deposition of the executive director of a state health plan and successfully negotiated the production of documents in an antitrust action filed by federal and state regulators.
- Wrote, served, and negotiated multiple subpoenas, discovery requests, interrogatories, and deficiency letters to both opposing counsel and third-party witnesses.
- Assisted in complicated e-discovery matters, including being requested specifically for my expertise to find documents related to technology and trade secret disclosures.
- Drafted lobbying letters to multiple federal agencies on behalf of a significant public works project.

Teach For America, José de Diego Middle School, Miami, FL

6th, 7th, & 8th Grade Math Teacher, June 2011 – June 2013

- Improved proficiency in sixth grade math from 18% in 2011 to 29% in 2012.
- Achieved learning gains in 90% of students on the math state standardized test in 2011.

# PRO BONO SERVICE

# Legal Aid of the District of Columbia, Washington, DC

- Represented a local, indigent client in a Social Security Disability appeal.
- Successfully appeared before a Social Security Office ALJ and secured client's first source of income in a decade.

#### Appellate Litigation Clinic, University of Virginia, Charlottesville, VA

• Appeared before the Sixth Circuit to argue for writ of *habeas corpus* on behalf of an indigent client related to the client's ineffective assistance of counsel in his state conviction for murder.

#### **INTERNSHIPS**

#### Boies Schiller Flexner LLP, Washington, DC

Summer Associate, Summer 2015

• Co-wrote reply to motion to dismiss a class action against a state contractor involving the eighth amendment prohibition of excessive fees.

#### Carlton Fields Jorden Burt, Miami, FL

Summer Associate, Summer 2014

• Examined community concerns, attended meetings, and drafted notice letters for pro bono work on possible violations of the Endangered Species Act.

#### **EDUCATION**

# University of Virginia, Charlottesville, VA

J.D., May 2016

- Hardy Cross Dillard Scholarship Recipient
- Virginia Sports & Entertainment Law Journal

### University of Florida, Gainesville, FL

B.S.B.A., Management, May 2011

B.A., History, May 2011

- Florida Blue Key Honor Society, 2010
- J. Wayne Reitz Scholar, 2010

#### **BAR ADMISSIONS AND CERTIFICATIONS**

- Florida, 2016
- District of Columbia, 2020
- Certified Information Privacy Professional/US, 2021
- Best Lawyers, Ones to Watch, 2024