

Rising Star: Covington's Kate Cahoy

By **Andrew Karpan**

Law360 (June 10, 2022, 2:02 PM EDT) -- Covington & Burling LLP partner Kate Cahoy has spent half a decade defending Facebook from a series of class actions, earning her a spot among technology attorneys under age 40 honored by Law360 as Rising Stars.

AN INTERESTING CASE SHE'S WORKED ON RECENTLY:

Facebook has become a magnet for class actions, and in the past year, Cahoy has worked on defending the social media giant from three of them. Advertisers who claimed the company charged for clicks from fake accounts, Instagram users who say the company secretly monitors their smartphone data without their consent, content moderators who worked as contractors for the company who said they experienced psychological trauma as a result of the graphic images they see on the job — Cahoy's team of lawyers at Covington beat each of them back.

The case she likes to talk about most is the one brought by the advertisers, which she says she helped tackle, claim by claim.

"It started with 40 alleged representations [seen by advertisers]" Cahoy said. "We were able to narrow that down to three that were at issue."

Trimming down the actual language turned out to be a good way to prevent the proposed class of advertisers from getting certified as a class, since none of those remaining pages "an advertiser would have necessarily viewed at any point in buying and placing ads on Facebook," U.S. District Judge William Alsup said in a ruling.

"We used the law and the pleading stage briefings to make the case more manageable," Cahoy said.

The lone remaining company in the lawsuit — domain registry business DotStrategy — couldn't point to any language in the remaining disclaimers that was legally incorrect, according to the judge. The client was in the clear.

2022



Kate Cahoy
Covington & Burling

Age: 34

Home base: Silicon Valley, California

Position: Partner

Law school: Yale Law School

First job after law school:
Clerking for Colorado Supreme Court Justice Allison H. Eid

"Judges and juries want to reach the right outcome, so if you're focused on the facts and the law, that cuts through a lot of the other stuff that's going on in the world," she said.

OTHER NOTABLE CASES SHE'S WORKED ON:

Cahoy's work defending Facebook from these lawsuits dates back to 2016 — "right after my second child was born," she said.

The case was from a virtual currency company, Social Ranger, whose lawyers alleged Facebook founder Mark Zuckerberg had "single-handedly" decided to foreclose competition in the virtual currency market.

Cahoy said she took to working with Facebook immediately. The case gave the Silicon Valley-based attorney the chance to take a "deep dive" into how one of the world's biggest tech companies operated. Talking to engineers, she said, is "really fun."

Soon enough, Cahoy's team helped bring Social Ranger to the settlement table, safeguarding the tech giant's business practices.

HOW SHE PREDICTS HER PRACTICE WILL GROW:

Work defending companies from the kinds of lawsuits Facebook has faced is only going to keep growing, Cahoy predicted.

"On the privacy side, you're seeing wide swaths of companies in different industries facing these," she said. "There's a lot of activity in this area right now, from just companies that use website analytics to streaming services."

On the compliance side, she said, there's little that large companies can do to prevent these lawsuits from landing. Instead, she recommends "robust preemptive thought" to ready lawyers with the documents they need to "marshal the facts to defend against [them]."

A CASE SHE'S PROUD OF:

Cahoy says she's proud of the pro bono work she does. In 2019, she and fellow Covington lawyers were able to draw on their experience defending corporate clients against class actions to land class action certification on behalf of U.S. military veterans who alleged their benefits claims were falling into a bureaucratic black hole.

"They had been waiting, in many cases, for years for a single form to be filled out so they could appeal their cases," Cahoy said. "It was just an honor to be part of a team that was able to achieve that kind of result for people who are waiting a long time for their claims to be resolved."

— As told to Andrew Karpan

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.