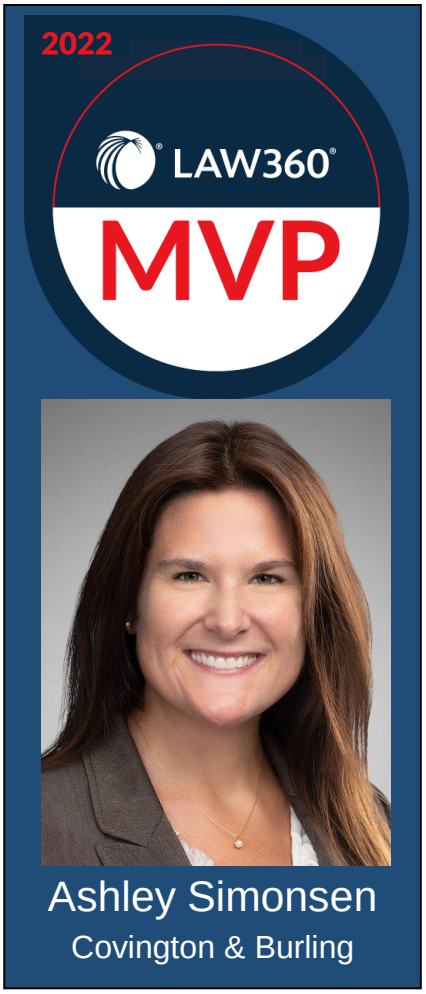
LAW360

Portfolio Media. Inc. | 111 West 19th Street, 5th Floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

MVP: Covington's Ashley Simonsen

By **Andrew Karpan**



Law360 (September 30, 2022, 2:02 PM EDT) -- Ashley Simonsen has spent much of the past few years at Covington & Burling LLP helping Facebook fight off class actions brought by various parties including aggrieved advertisers and content moderators, earning her a spot among Law360's 2022 Technology MVPs.

WHY SHE'S A TECH LAWYER:

Simonsen said many cases in the technology space present issues of first impression about the application of traditional theories of liability to new and cutting-edge products.

While Simonsen does not have a particular substantive focus as a class action lawyer, she said her extensive work in the financial services, consumer products and technology sectors have made her something of a "procedural specialist" who works across a number of industries.

HER BIGGEST CASE:

Like other of her colleagues at Covington, Simonsen favored discussing the firm's work to defeat advertisers' claims that the social media giant charged them for clicks from fake accounts.

While Simonsen says she's "not at liberty" to say how much of a liability the lawsuits were for Facebook's bottom line, she noted the lawyers on the other side were seeking initially to "represent a class of all U.S. advertisers on Facebook who were charged for interactions with fake accounts on the site."

The advertisers' case began to crumble under repeated attacks from Facebook's lawyers at Covington.

"Through a motion to dismiss briefing, we were able to narrow the number of alleged misrepresentations from over 40 to just three," Simonsen said.

But that was just the start. They then convinced U.S. District Judge William Alsup that all three

remaining members of the proposed class were not all exposed to the exact same allegedly misleading statements from the social media giant, sinking their efforts to use class action law to provide some relief for the ads they paid Facebook for.

"Then we won summary judgment on the grounds that the plaintiff had no evidence that they were charged for any invalid clicks," she said.

ANOTHER NOTABLE CASE:

Simonsen was on the team of Covington lawyers defending Facebook from content moderators' lawsuits that alleged psychological trauma from repeatedly viewing images that depicted graphic acts.

"We filed a motion for judgment on the pleadings, in which we attacked not only the claims alleged in the complaint [but] also the ability of a class to ever be certified in the case," Simonsen said of her approach to one of these lawsuits, filed initially in California state court before getting moved to federal court.

She added, "I've certainly become acquainted with the type of content that content moderators viewed."

That suit eventually ended in a $52 million settlement that Simonsen said she felt was favorable to Facebook.

"It was a way for the company to put the litigation behind it and that is something that a company in any range of matter might seek," she said, noting that the deal "provided benefits to the content moderators [to] get care to the extent that they needed it."

Simonsen was later hired to steer Facebook's defense from what the firm called a "copycat" case from different content moderators in Florida federal court. This time, Facebook **escaped** the lawsuit entirely.

HER ADVICE FOR JUNIOR ATTORNEYS:

"Just really dive in to the cases that you are on," said Simonsen, who recommends always trying to become "the master of the things you are assigned to do."

When talking to junior attorneys, she says that she advises them to embrace reviewing documents.

"I think it's a way to contribute and think strategically," she said. "Being that close to the documents is so critically important."

— As told to Andrew Karpan.

Law360's MVPs of the Year are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals, and complex global matters. A team of Law360 editors selected the 2022 MVP winners after reviewing more than 900 submissions.

All Content © 2003-2022, Portfolio Media, Inc.