



# Steven Blickensderfer

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## Overview

Steven Blickensderfer is a technology lawyer with complex commercial litigation experience. He handles a wide variety of civil litigation matters in federal and state court for clients across a number of industries. He is experienced in all phases of litigation, including case analysis and strategy, written and electronic discovery, depositions, expert witness preparation, motion practice, alternative dispute resolution, trials, and appeals.

Steven is particularly passionate about helping clients with data privacy and cybersecurity matters. As a certified information privacy professional (CIPP/US), accredited by the International Association of Privacy Professionals, he has the experience and qualifications to counsel clients in a number of areas relating to data privacy and cybersecurity — from breach preparation and response, to GDPR and CCPA counseling and advice.

Steven also co-chairs the firm's Esports and Electronic Gaming Practice. He counsels game developers, investment companies, content creators, event facilitators, industry organizations, and intellectual property holders on a wide variety of legal matters in this fast-paced and developing area. You can hear his thoughts on the latest issues facing the video game industry on his podcast, LAN Party Lawyers.

Prior to joining the firm, he served as a law clerk to the Honorable Jay P. Cohen of Florida's Fifth District Court of Appeal.

## Experience

### Select Data Privacy/Cybersecurity Matters:

- Consults businesses on the development of global privacy compliance programs that take into account existing and proposed privacy legislation.
- Advises established companies and technology start-ups on domestic and foreign data privacy laws implicated by product and marketing strategies, including expanded business to Europe and Latin America.

- Drafts and reviews internal and external privacy policies and data processing agreements for companies seeking to comply with the GDPR, CCPA, LGPD, and related data protection regulations.
- Counsels companies that have experienced data breaches or cybersecurity incidents, including phishing schemes, ransomware, and business email compromises.
- Helped LATAM-based hospitality company assess options in response to data breach incident involving U.S. residents.
- Advised mortgage lending company on response and mitigation efforts following unauthorized access to an employee email account that resulted in theft of escrow funds.
- Counseled commercial loan servicing company through breach incidents involving phishing attacks that resulted in the theft of sensitive financial records.
- Represented insurance company on intermediate appeal by defending trial order that compelled the discovery of corporate financial records over privacy objections.
- Developed questionnaire that helps companies better determine whether the GDPR applies to their business.
- Developed checklist used for reviewing and analyzing external privacy policies to ensure compliance with latest developments in online privacy policy laws.

#### **Select Litigation Matters:**

- *Southern Alliance for Clean Energy, et al. v. Fla. Power & Light Co.*, 16-CV-23017 (S.D. Fla.). Representing defendant in a Clean Water Act case involving a nuclear power facility.
- *James Tracy v. Florida Atlantic University, et al.*, 18-10173 (appeal pending, 11th Cir.) and 16-cv-8065 (S.D. Fla.). Representing a tenured professor allegedly fired in retaliation for blogging activity and challenging the constitutionality of the school's conflict-of-interest policy as it applies to blogging.
- *TracFone Wireless, Inc. v. Nektova Group, LLC*, No. 19-20135-civ (S.D. Fla. Sept. 10, 2019). Awarded client more than \$10 million in monetary sanctions against the defendant for cell phone trafficking.
- *Salcedo v. Hanna*, No. 17-14077 (11th Cir. Aug. 28, 2019). Represented entity sued under the TCPA in a putative class action for sending a single unwanted text message. The Eleventh Circuit held that the plaintiff failed to allege a concrete injury sufficient to confer Article III standing.
- *MetroPCS Comm'ns v. Porter*, No. 3D17-0375 (Fla. 3d DCA Dec. 26, 2018). Reversed order in putative class action denying the telecommunication provider's motion to compel arbitration contained in the terms and conditions of service. The appellate court held that the consumer was on inquiry notice of the arbitration provision based on text messages he received while using the service.
- *Albert v. School Board of Manatee County, Fla.*, 17-CA-004113 (Fla. 12th Cir. Ct. Nov. 19, 2018). Represented defendant in a W-2 data disclosure class action.
- *Nieburg v. Sulzberger*, 260 So. 3d 363 (Fla. 3d DCA 2018). Affirmed dismissal of legal malpractice complaint brought by alleged third-party beneficiaries.
- *Holmes Reg'l Med. Ctr., Inc. v. Allstate Ins. Co.*, 225 So. 3d 780 (Fla. 2017). Represented medical care providers in medical malpractice litigation with respect to the application of the equitable subrogation doctrine, where an unsatisfied

judgment had been entered against the initial tortfeasor. The Florida Supreme Court reversed the Fifth District and required dismissal of the subrogation claim against the medical care providers.

- o *Brevard Estates Corp. v. Attorneys' Title Ins. Fund*, No. 14-26285-CA-20 (Fla. Cir. Ct. 2016). Defense verdict obtained in \$12 million action against title insurer for negligence and breach of fiduciary duty. Appeal pending.
- o *Block 40, LLC v. CND Grp., LLC*, No. 14-003876 (Fla. Cir. Ct. 2016), *aff'd*, 233 So. 3d 1117 (Fla. 4th DCA 2017). Judgment obtained in a multimillion-dollar commercial transaction concerning the issue of tender and attorneys' fees. Affirmed on appeal.
- o *MetroPCS Commc'ns, Inc. v. Porter*, 225 So. 3d 843 (Fla. 3d DCA 2016). On remand, enforcing the court's mandate to limit the scope of discovery in advance of hearing the telecommunications provider's motion to compel arbitration.
- o *Linde v. Linde*, 199 So. 3d 1102 (Fla. 3d DCA 2016). Challenge to a decision in an emergency guardianship proceeding finding the ward not to be incapacitated.
- o *SP Healthcare Holdings, LLC v. Surgery Ctr. Holdings, LLC*, 208 So. 3d 775 (Fla. 2d DCA 2016). Affirmed multimillion-dollar judgment stemming from the purchase and sale of health care centers, and on cross-appeal reversed the final judgment to include prejudgment interest and to allow appellees to offset their prevailing party attorneys' fees and costs against the earnout payment due under the parties' contract.
- o *McCabe v. Prudential Annuities Life Assurance Corp.*, 191 So. 3d 475 (Fla. 4th DCA 2016). Per curiam affirmance of summary judgment entered in favor of annuity provider on issues related to vicarious liability and statute of limitations.
- o *Dixon v. Ford Motor Co.*, 150 So. 3d 1153 (Fla. 3d DCA 2014). Per curiam affirmance of defense verdict in asbestos case involving an evidentiary issue.

## All Insights

11.07.2019 CF on Cyber: Leveraging the Incident Response Guide to Prepare for the CCPA

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10.21.2019 Getting Creative With Video Games: Sync Rights and Wrongs

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10.15.2019 CF on Cyber: Key Takeaways from the California AG's Proposed CCPA Regulations

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10.03.2019 U.K.'s Loot Box Report Tangles a Web of Global Gaming Regulations  
*The Bureau of National Affairs, Inc.*

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10.02.2019 Getting Creative with Video Games: Whose Game Is It, Anyway?

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09.18.2019 Getting Creative with Video Games: DMCA Takedowns and You

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09.11.2019 Getting Creative with Video Games: Copyright, Public Domain, and Fair Use

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08.29.2019	The Game of the Name: Making Sure Your Trademark Is Available
08.27.2019	Fortnite Suit Highlights Game Cos.' Need For Privacy Vigilance <i>Law360</i>
08.15.2019	The Game of the Name: Choosing a Trademark for Your Video Game
08.06.2019	The CCPA's Impact on Businesses Processing Personal Data of Minors and Children
08.06.2019	Regulating Privacy on the Blockchain Starts With Understanding the Meaning of "Personal Data"
08.01.2019	LAN Party Lawyers: Live from Guardian Con 2019 (Part 2)
07.23.2019	The CCPA's Contractual Requirements Between Covered Businesses and Service Providers
07.19.2019	LAN Party Lawyers: Live from Guardian Con 2019 (Part 1)
07.03.2019	Impact of New State Remote Sales and Use Tax Laws on Gaming
07.01.2019	S1:E11 - Not All Fun and Games: Employment Issues in the Esports and Gaming Industry
06.19.2019	S1:E10 - Covering Your Digital Assets: Intellectual Property Rights and Gaming
06.05.2019	S1:E9 - Investing in Esports: Putting Your Money Where Your Mouse Is
05.22.2019	S1:E8 - Censoring Online Influencers: FTC Endorsement Guidelines and the First Amendment
05.09.2019	U.S. Regulation of Loot Boxes Heats Up with Announcement of New Legislation
05.08.2019	S1:E7 - Unfinished Business: Legal and Practical Issues with Early Access Games
04.29.2019	Brazil's New Data Protection Law: An Overview and Four Key Takeaways for U.S. Companies

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04.26.2019	CF on Cyber: GDPR Regulator Takes Narrow View of "Contract" Basis for Processing Data
04.24.2019	S1:E6 - The Impact of Net Neutrality on the Esports and E-Gaming Industry
04.10.2019	S1:E5 - Bugging Out: The Legal Effects of Bugs and Glitches in Games
04.04.2019	Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses
03.26.2019	S1:E4 - Raiding Your Vault: Cybersecurity in Gaming
03.20.2019	Be Prepared for the Next Wave of Biometric Data Laws: Five Tips for Businesses
03.15.2019	LAN Party Lawyers Live at Ultimate Gamer Miami
03.13.2019	S1:E3 - Even the Games Have Eyes: Data Privacy and Gaming
02.27.2019	S1:E2 - One Step Closer to Skynet: Artificial Intelligence and Gaming
02.12.2019	S1:E1 - All-In on Loot Boxes
12.06.2018	CF on Cyber: The GDPR's New Territorial Scope Guidelines
10.01.2018	In California, a New Era in U.S. Privacy
07.09.2018	California Passes Stringent Privacy Law Akin to GDPR
02.19.2018	Beyond the European Union: How the GDPR Affects US Companies
02.15.2018	The Perils of Using Baseball Arbitration to Resolve RWI Policy Disputes
06.28.2017	SCOTUS Holds American Pipe Tolling Does Not Apply to Securities Class Action Opt-Out Claims Filed Outside Repose Period: CalPERS v. ANZ Securities, Inc.
05.30.2017	Ninth Circuit Expands American Pipe Tolling to Subsequent Securities Class Action by Unnamed Class Members, but Leaves Related Comity and Issue Preclusion Questions for Another Day

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03.12.2017	Scratching the Surface: The FTC's Phishing Tips for Victim Companies Are a Good First Step but Companies Should Not Stop There
01.16.2017	NY DFS Proposed Cybersecurity Regulations Revised and Implementation Delayed
01.08.2017	FTC Brings Action Against D-Link in Ongoing Effort to Secure the Internet of Things
11.21.2016	Banks to Broaden Reporting of Suspicious Cyber Activity; Regulators Propose "Enhanced" Cybersecurity Standards for Large Financial Institutions
10.10.2016	Avoiding Close Calls: Sixth Circuit's Galaria v. Nationwide Decision Offers Valuable Pleading Tips
09.19.2016	What You Must Know about New York's Proposed Cybersecurity Regulation for the Banking, Insurance, and Financial Services Sectors
07.31.2016	Companies That Collect Sensitive Consumer Data Should Note the FTC's LabMD Ruling
06.29.2016	FFIEC Issues New Cybersecurity and Data Privacy Guidelines for Mobile Banking
03.21.2016	Properly Joining in a Co-Party's Brief or Motion to Avoid Waiver Issues
06.30.2015	They Didn't Teach You This in Law School: Preserving Error as to PowerPoint Presentations at Trial
05.21.2015	ABA Appellate Practice Section of Litigation Publishes Carlton Fields Article on Confession of Error
01.15.2015	Cyberspace Developments: Obama's Proposed Information-Sharing Bill
05.08.2014	Florida Appellate Court Embraces Daubert Standard and Provides First In-Depth Analysis Under New Law

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05.31.2013 A Catch-22 of Cert Review: How Florida's 'Clearly Established Law' Requirement Stifles Caselaw Development, and How Sunbursting Can Help the Sunshine State

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12.31.2009 Case Law Update 2009

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### All News

10.31.2019 Carlton Fields Launches Toolkit to Streamline Compliance with New California Privacy Law

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10.03.2019 U.K.'s Loot Box Report Tangles a Web of Global Gaming Regulations

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08.27.2019 Carlton Fields Attorneys Discuss Growing Cybersecurity Exposure Facing Esports Industry

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08.19.2019 Carlton Fields' Steven Blickensderfer Appointed Chair of Statewide Computer & Technology Law Committee

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08.19.2019 Carlton Fields' Esports Attorneys Quoted in LegalTechNews: Cybersecurity Vulnerabilities in Video Gaming Industry

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07.16.2019 Carlton Fields Esports Attorney Steven Blickensderfer Appears on NPR's 1A

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07.05.2019 Carlton Fields Attorney Steven Blickensderfer Offers Cybersecurity Tips in South Florida Business Journal

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07.03.2019 Carlton Fields Attorneys Author Article Series in Bloomberg Law on State Sales and Use Tax Statutes

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06.10.2019 Is Your Company Subject To GDPR? Find Out With Carlton Fields' GDPR Assessment Tool

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06.10.2019 E3 2019: Is the Video Game Industry Ready for Pop-Culture Saturation?

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05.29.2019 Fortnite Gamer's Suit Puts Pressure on Esports Contracts

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05.15.2019 TracFone Slams Bid to Nix Phone-Smuggling Suit

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07.09.2018 Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"

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## Recognition

- Most Effective Lawyers Award, *Daily Business Review* (2019)
- Finalist, "Go Getter" Award, HYPE Miami, Greater Miami Chamber of Commerce (2019)
- Florida Rising Stars, *Super Lawyers Magazine* (2018–2019)

## Professional & Community Involvement

- Esports Bar Association
  - Events Committee (2019–present)
- International Association of Privacy Professionals
  - CIPP/US (2016–present)
  - South Florida KnowledgeNet Chapter
- American Bar Association
  - Section of Litigation
    - Privacy and Data Security Committee (2016–present)
      - Chair, Website Subcommittee (2019–present)
    - Appellate Practice Committee (2013–present)
- The Florida Bar
  - Business Law Section (2017–present)
    - Chair, Computer and Technology Law Committee (2019–2020)
    - Blockchain and Cryptocurrency Task Force
    - Legislation Committee (2018–2019)
  - Appellate Practice Section (2014–present)
- Dade County Bar Association
  - Appellate Court Committee (2013–present)
- InfraGard, South Florida Chapter (2016–present)

## Speaking Engagements

- "Ninja Joins Mixer, FaZe Fights Back, Overwatch Team Worth Zero," The Business of Esports Podcast, Episode 37 (August 8, 2019) ([listen here](#))
- "Game Mode: Loot Boxes and the Law," NPR Podcast 1A (July 16, 2019) ([listen here](#))
- "Guardian Con 2019 Law Panel" on Streamer and Esports Contracts, IP Issues, and FTC Endorsement Guidelines, Orlando, FL (July 5, 2019) ([watch here](#))



- "Build It and They Will Come: The Explosion of the Esports Arena and the Gaming Facility," *Ultimate Gamer*, Miami, FL (March 9, 2019)
- "Community Association Website Requirements: Navigating A Web of Confusion and Privacy Issues," *The Florida Bar* (June 27, 2018)

## Pro Bono

- Helps nonprofit organizations update and review their external and internal privacy policies.
- Recipient of the firm's 2017 pro bono award for work on the Miami and West Palm Beach team representing indigent clients seeking relief for civil rights violations under Section 1983.
- *State v. Perez*, 149 So. 3d 680 (Fla. 2014). Handled all aspects of representation of indigent client before the Florida Supreme Court on a certified question pertaining to a post-conviction legal standard. The court discharged jurisdiction, allowing the client's evidentiary hearing to go forward as desired. Read the brief. Watch the oral argument.

## Credentials

### EDUCATION

- University of Florida Fredric G. Levin College of Law (J.D., cum laude, 2011)
- University of South Florida (B.A., magna cum laude, 2006)

### CLERKSHIPS

- Hon. Jay P. Cohen,

### BAR ADMISSIONS

- Florida

## Areas of Focus

### PRACTICES

- Appellate & Trial Support
- Consumer Finance
- Cybersecurity and Privacy
- Environmental Regulation & Litigation
- Esports and Electronic Gaming
- Litigation and Trials
- Mass Tort and Product Liability
- Media, Entertainment, Music & Sports
- Real Property Litigation
- Securities and Derivative Litigation

### INDUSTRIES

- Banking, Commercial, and Consumer Finance
- Real Estate
- Technology & Telecommunications

- Telephone Consumer Protection Act
- Title Insurance