

## David C. Layden

**Partner**

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He / Him

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**Areas of Focus**

Bankruptcy and  
Restructuring

Specialized Litigation and  
Arbitration

Data Privacy and  
Cybersecurity

Energy

Real Estate and Hospitality



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### Overview

**David Layden joined Jenner & Block in 1997 and became a partner in 2000. He is a member of the firm's Hiring Committee and Associate Development and Evaluation Committee.**

David has represented clients in a variety of complex litigation matters. He has particular experience defending clients in consumer and privacy-related class actions, including claims under the Illinois Biometric Information Privacy Act (BIPA) and under the Telephone Consumer Protection Act (TCPA).

Among cases in his active pro bono practice, he argued before the Seventh Circuit on behalf of a client who was alleging violations of his consular notification rights under Article 36 of the Vienna Convention.

David is a 1990 graduate of Washington University in St. Louis (*magna cum laude*, Phi Beta Kappa) and a 1993 graduate of the University of Michigan Law School (*cum laude*).

### Areas of Focus

- Bankruptcy and Restructuring
- Specialized Litigation and Arbitration
- Data Privacy and Cybersecurity
- Energy
- Real Estate and Hospitality

## Representative Matters

- Represented a global human capital management services company in multiple putative class actions in Illinois and New Jersey arising under the Illinois Biometric Information Privacy Act (BIPA) and common law claims.
- Represented a inventor, licensor, and minority shareholder in a five-week trial in the Northern District of Illinois, involving claims for breach of contract, breach of fiduciary duty, tortious interference with business opportunity, and violations of the Computer Fraud and Abuse Act.
- Represented global provider of well-being improvement solutions and one of its subsidiaries in a Telephone Consumer Protection Act (TCPA) class action in the Central District of California, arising from alleged advertising faxes. Defeated plaintiff's motion for class certification, and thereafter settled the matter on terms favorable for our client.
- Represented global car rental company in a negligence action pending in federal district court in Hawaii arising from employees' Facebook posts regarding a customer. Obtained summary judgment in favor of client on all claims.
- Represented public and privately-held companies in TCPA class actions, including numerous cases in the Northern District of Illinois and the Northern and Central Districts of California.
- Represented global car rental company in consumer class actions pending in federal and state courts in Illinois, Florida, West Virginia, and Kansas.
- Led one of the firm's teams representing Anton Valukas, the court-appointed Examiner, in his investigation and report in the Lehman Brothers bankruptcy cases.
- Represented a Fortune 500 financial institution in a securities fraud class action involving auction rate securities in the Southern District of New York. The court granted the firm's motion to dismiss, and dismissed the action with prejudice.
- Represented Refco, LLC trustee in connection with claims alleging that commodities broker aided and abetted and/or acted negligently with respect to a Ponzi scheme; claims settled on terms favorable for the firm's client.
- Represented Refco, LLC trustee in connection with motion for temporary restraining order to enjoin former employees of commodities broker from misappropriating trade secrets and violating non-solicitation agreements; following hearing, court granted motion and entered TRO.
- Represented a national commercial real estate services and investment company in an arbitration proceeding in California involving alleged fraud and mismanagement in connection with a tenant-in-common (TIC) investment syndication. Arbitration claims and related risks favorably resolved through a creative settlement structure.
- Represented a Fortune 500 company in federal district court in Kentucky in action arising out of outsourcing contract relating to employee benefits programs.
- Represented major global bank defending against RICO and fraud claims in federal district court in Ohio. Claims dismissed in their entirety with prejudice and dismissal affirmed on appeal.
- Represented a Fortune 500 financial institution in numerous matters in Illinois and Florida involving allegations of mismanagement of investment and retirement accounts.

- Represented a Fortune 500 company asserting claims for fraud and breach of contract against a supplier in federal district court in Connecticut.
- Represented a public company pursuing \$30 million of D&O insurance coverage; established liability through summary judgment.
- Represented an entrepreneur in a federal court jury trial in Minnesota for breach of an oral agreement to purchase a business.

## **Credentials**

### **Admissions**

- Illinois, 1993

### **Education**

- University of Michigan Law School, JD, *cum laude*, 1993
- Washington University in St. Louis, BA, *magna cum laude*, Phi Beta Kappa, 1990

### **Court Admissions**

- US Supreme Court, 2001
- US Court of Appeals, Sixth Circuit, 1999
- US Court of Appeals, Seventh Circuit, 2007
- US Court of Appeals, Ninth Circuit, 2016
- US District Court, Northern District of Illinois, 1993
- US District Court, Northern District of Illinois (Trial Bar), 2004
- US District Court, Northern District of Indiana, 1999
- US District Court, Western District of Michigan, 1998

## **Service / Recognition**

### **Awards**

- *Chambers USA*, Privacy & Data Security: Litigation, 2026
- *Lawdragon 500 Leading Litigators in America*, 2026

### **Community**

- *Chambers USA*, Privacy & Data Security: Litigation (Nationwide), 2025
- Chicago Legal Advocacy for Incarcerated Mothers (CLAIM), Board of Directors, 2005-2011
- Domestic Violence Legal Clinic, Board of Directors, 2002-2011
- *Illinois Super Lawyers*, 2006