



## Anjali C. Das

Partner

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Anjali Das has been instrumental in the unprecedented growth of Wilson Elser's cybersecurity & data privacy capabilities in terms of both the number of dedicated cyber attorneys and areas of cyber expertise. She is a recognized authority on the key factors of cyber-defense, including incident response, privacy compliance and risk management, regulatory investigations and enforcement actions, and the defense of nationwide Data Breach Class Actions. Cochair of Wilson Elser's national Cybersecurity & Data Privacy Practice and a respected member of the firm since 1999, Anjali is in high demand to provide oversight of cyber crisis management and incident response by clients victimized by a data breach, and those that struggle with high-stakes risk.

Under Anjali's leadership, the Cybersecurity & Data Privacy Practice was recognized by *Business Insurance* as "Legal Team of the Year" in 2020. In 2021, Anjali was recognized globally as one of the top 25 "Most Inspiring Women in Cyber" by *IT Security Guru* and named one of the "Top 40" data breach attorneys in the country by *Cybersecurity Docket*. She also was recognized by the Professional Liability Underwriting Society (PLUS) for her 22 years of achievement and dedicated service to the insurance industry.

Anjali developed her passion for the interplay of law and business when she earned a master's degree in business administration at one of the nation's top business schools while maintaining a full-time legal practice at the firm. Clients benefit from her ability to view legal issues from a business perspective as well as her understanding of how shareholder obligations impact the corporate decision-making process. Anjali's focused insurance and business background is further enhanced by her experience as in-house claims counsel for a domestic insurance carrier.

### **Bitcoin, Blockchain & Digital Assets**

In 2022, Anjali received a Certificate in Blockchain and Digital Assets presented by the Digital Assets Council of Financial Professionals (DACFP). Anjali is a member of DACFP,

### **Services**

- Cybersecurity & Data Privacy
- Directors & Officers Liability
- Employment & Labor
- Government Investigations
- Insurance & Reinsurance Coverage
- Contractual/Extra-Contractual Liability Litigation
- Professional Liability & Services
- Canada
- Data Use & AI Governance

which is a group of financial professionals dedicated to serving clients and investors who are curious about bitcoin, blockchain and digital assets. While practicing law full time at the Wilson Elser, Anjali received her MBA from Northwestern University's Kellogg Graduate School of Management, concentrating on E-commerce, technology and entrepreneurship. Anjali's background in business, finance, technology, law and insurance provide the foundation for her interest in the world of crypto and digital assets.

### **Incident Response**

Anjali is responsible for oversight of cyber crisis management and incident response. She routinely represents clients that have been the victim of an actual or suspected cybersecurity incident or data breach ranging from a business email compromise to sophisticated ransomware attacks by cybercriminals. She has handled more than 1,000 incidents and manages a team of attorneys around the country who provide 24/7 incident response services for private and public companies, spanning all industry sectors including health care, insurance, professional and financial services, retail and manufacturing. Anjali regularly advises clients on their legal obligations under U.S. and international data privacy and breach notification laws. She also assists clients in devising crisis communication strategies, cooperating with law enforcement and the FBI in criminal investigations, and representing clients in investigations by state and federal regulators.

### **Virtual Privacy Officer Services**

In 2020, Anjali launched Wilson Elser's dedicated Virtual Privacy Officer Services (VPOS) to provide pre-breach cybersecurity and data privacy risk management and compliance services to small and large organizations across all industry sectors. She has assisted organizations in developing their cybersecurity and privacy compliance programs, policies and procedures pursuant to various laws, including HIPAA, GLBA, GDPR, the New York Department of Financial Services (NY DFS) Cybersecurity Regulations, the California Consumer Privacy Act (CCPA), the California Privacy Rights Act, the Virginia Consumer Data Protection Act, and the Colorado Privacy Act. She also has assisted clients in managing their third-party vendor and supply chain cyber risk.

### **Data Breach Class Actions**

Anjali has zealously represented and defended organizations in privacy litigation and data breach class actions filed in state and federal courts around the country from coast to coast, including New York and California. She has created favorable law in data breach cases involving legal issues of first impression. For instance, in a data breach class action filed in Minnesota state court, the court granted defendant's motion to dismiss six of the eight causes of action. With respect to the two remaining claims, the court indicated it was "highly skeptical" and that plaintiffs would have an "arduous task" to prove their claims. On multiple occasions, Anjali has successfully mediated and settled nationwide class actions on favorable terms for her clients.

### **Regulatory Investigations & Enforcement Actions**

Anjali routinely represents clients in regulatory investigations stemming from cybersecurity incidents, including investigations by the U.S. Department of Health & Human Services, the U.S. Department of Education and the New York Department of Financial Services, in addition to various state attorneys general and insurance commissioners. Anjali also has represented clients in negotiating Consent Orders with regulators to avoid enforcement

actions, including monetary terms, fines and penalties, and injunctive relief.

### **Insurance Industry Experience**

Anjali has more than 20 years of insurance industry experience. Prior to joining the firm, Anjali served as in-house claims counsel for a domestic insurance carrier, where she was responsible for claims arising under public and private Directors and Officers liability, Employment Practices liability and Lawyers' professional liability insurance policies. She assisted in drafting policy wording and endorsements, established a network of approved defense panel counsel, analyzed potential liability exposure and coverage defenses to claims, set claims reserves and interacted with the company's reinsurers during claims audits. Through this experience, Anjali gained valuable insight into the insurance company claims reporting structure; the management of outside counsel; the dynamic interplay among adjusters, underwriters and brokers; the importance of setting accurate claims reserves in a timely fashion; the role of reinsurers; and the value of tracking claims trends and costs, which impact an insurance company's long-term business objectives and profitability.

### **D&O and Professional Liability Insurance Claims & Coverage**

Anjali has extensive professional liability coverage and claims-handling experience across various product lines, including Directors and Officers, Employment Practices, Lawyers, Financial Institutions, ERISA, Fiduciary, Cyber, and other professional liability and errors and omissions insurance policies. She has represented insurance companies in coverage litigation in state and federal courts around the country, including high-profile cases involving big banks during the financial crisis and the Madoff Ponzi scheme. Anjali also has drafted policy wording and endorsements for many insurance carriers.

Anjali has successfully mediated, arbitrated and litigated D&O and other insurance coverage disputes in state and federal courts nationwide. She regularly represents D&O insurers as coverage and monitoring counsel in complex shareholder class actions against public companies and their directors and officers for violations of federal securities laws; shareholder derivative suits against directors and officers for breach of fiduciary duty and mismanagement in the context of mergers and acquisitions and other business transactions; and ERISA stock-drop lawsuits. These matters specifically have involved late trading, market timing, stock options backdating, contingent commissions, the Foreign Corrupt Practices Act, China reverse merger companies, the Bernard L. Madoff international Ponzi scheme and the mortgage subprime crisis. In addition, Anjali has counseled clients in connection with lawsuits brought by the government and regulators, including the U.S. Securities and Exchange Commission, the Department of Justice and the Federal Deposit Insurance Corporation. Anjali's representation in such matters has resulted in tens of millions of dollars in savings for insurance companies.

### **Education**

- Northwestern University Kellogg School of Management (M.B.A., 2001)
- Notre Dame Law School (J.D., 1993)
- University of Chicago (B.A., 1990)

## **Bar Admissions**

- Illinois

## **Court Admissions**

- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Sixth Circuit

## **Professional Affiliations**

- American Bar Association: Tort & Insurance Practice Section, Professionals, Directors and Officers Liability Committee
- Chicago Bar Association: former Cochairperson of the Securities Law Committee
- Professional Liability Underwriting Society (PLUS), former member of the Board of Trustees

# **Publications**

January 30, 2026

**California's ADMT Regulations: New Compliance Obligations and Emerging Enforcement Risk**

January 14, 2026

**Artificial Intelligence Legislative Update**

January 6, 2026

**Artificial Intelligence Governance for Insurers**

September 9, 2025

**HIPAA Compliance & Risk Management Brochure for Health Care Providers**

September 4, 2025

**Ninth Circuit Dismisses Session Replay Wiretap Case**

June 16, 2025

**Courts Continue to Grapple with VPPA Class Actions**

June 11, 2025

**Fourth Circuit Reverses Class Certification of Data Breach Claims**

Q2 2025

**Professionally Speaking**

May 1, 2025

**Cybersecurity Compliance Handbook for Insurers & Brokers**

February 24, 2025

**Business Insurance Features Article by Das and Parker Cyber Risks in M&A**

*Business Insurance*

February 5, 2025

**Reuters Publishes Das and Parker on Using Indemnification to Shield Your M&A Investment from Cyber Risks**

*Reuters | Westlaw Today*

January 30, 2025

**Reuters Published Das and Parker on Role of Cyber Representations & Warranties in M&A**

*Reuters | Westlaw Today*

January 24, 2025

**Reuters Publishes Das and Parker on Cybersecurity Due Diligence in M&A**

*Reuters*

January 15, 2025

**Law360 Publishes Das Article on SEC's Cybersecurity Risk Priorities**

*Law360*

December 6, 2024

**Cybersecurity Compliance Handbook for Financial Institutions & Credit Unions**

October 21, 2024

**NY DFS Issues Guidance on AI Cyber Risk**

**Fundamentals of the Cybersecurity & Insurance Data Security Model Law**

May 23, 2024

**The Essential Guide to HIPAA Compliance**

January 23, 2024

**SEC's New Cybersecurity Disclosure Rules**

December 21, 2023

**FTC's New Data Breach Notification Requirement: Implications for Nonbanking Financial Institutions**

July 14, 2023

**Westlaw & Reuters Legal News Run Third Article on BIPA by Anjali Das**

*Westlaw & Reuters Legal News*

June 22, 2023

**Reuters Legal News Features Das Series on Biometric Laws**

*Reuters Legal News*

June 19, 2023

**The Current State of the Crypto Industry**

June 12, 2023

**Class Action Lawsuits under Outdated Statute Pose Potentially Sizeable Statutory Damages Awards**

May 23, 2023

**Indiana's New Consumer Privacy Law**

May 16, 2023

**Law360 Publishes Das on Cybersecurity Priorities for Remote Workplace Management**

*Law360*

March 3, 2023

**The Future of Stablecoins, Crypto Staking and Custody of Digital Assets**

January 27, 2023

**Law360 Launches Series of Das Articles on Cryptocurrency**

*Law360*

January 19, 2023

**Insurers Beware of "Silent Crypto" Exposure: PART IV: Crime and Custody Coverage for Crypto Assets**

January 17, 2023

**Insurers Beware of "Silent Crypto" Exposure: PART III, Silent Crypto Exposure for Lawyers**

January 12, 2023

**Insurers Beware of "Silent Crypto" Exposure: PART II, Silent Crypto Exposure for Accountants**

January 9, 2023

**Insurers Beware of "Silent Crypto" Exposure: PART I, Silent Crypto for D&O and Corporate Liability Insurance**

January 4, 2023

**Insurers Beware of "Silent Crypto" Exposure**

November 29, 2022

**The Demise of FTX Foreshadows the Rise of Regulatory Oversight of Crypto Markets**

November 10, 2022

**Westlaw Today Publishes Das on Potential Need For Regulation of Digital Assets**

*Westlaw Today*

November 2, 2022

**Casting a Wide Net on Privacy: California's Age-Appropriate Design Code Act and Implications for Businesses and Covered Entities**

October 25, 2022

**Class Certification Denied in California Data Breach Case**

October 17, 2022

**Law360 Publishes Das and Rizzo on Clarification of Data Breach Standing**

*Law360 Expert Analysis*

March 16, 2022

**Utah Consumer Privacy Act**

March 11, 2022

**Ukraine Crisis Increases Supply Chain Cyber Risk**

December 2, 2021

**China's New Personal Information Protection Law**

October 25, 2021

**Mitigating Supply Chain Cyber Risk**

September 24, 2021

**Ransom Demands: To Pay or Not to Pay?**

August 24, 2021

**New Law Expands California Consumer Privacy Rights and Protections**

August 18, 2021

**New York City Introduces Biometric Identifier Information Act**

August 9, 2021

**New York Cracks Down on Cybersecurity Compliance**

August 3, 2021

**Trifecta of New Privacy Laws Protect Personal Data**

October 6, 2020

**U.S. Government Warns Companies of Legal Risk for Paying Ransom to Cybercriminals**

January 3, 2020

**California Consumer Privacy Act: Are You Ready?**

December 16, 2019

**Check the boxes to help ensure compliance with HIPAA security and privacy rules!**

December 3, 2019

**California Consumer Privacy Act Update: Amendments and Proposed Regulations**

February 20, 2019

**No Damages Required to Sue Under Illinois Biometric Information Privacy Act**

## Events

January 27, 2026

**What Insurance Leaders Need to Know in 2026 About Consumer Privacy and AI**

*Wilson Elser Forum: Cyber Tuesdays*

January 13, 2026

**Cyber Claims & Trends**

*Wilson Elser Forum: Cyber Tuesdays*

October 8, 2025

**U.S. and International Regulatory Updates**

*NetDiligence Cyber Risk Summit*

July 2, 2025

**Legal Developments & Trends Impacting Cyber Insurers in the United States**

*Lloyd's Market Association*

March 20, 2025

**Women in Cybersecurity & Data Privacy**

*Chicago Chapter of Women in Security & Privacy (WISP), Women in Cybersecurity (WiCys), and Cisco*

January 21, 2025

**U.S. Data Privacy & Cybersecurity Law Update**

*Cyber Tuesdays: Wilson Elser Forum Webinar*

January 21, 2025

**International Privacy & Cybersecurity Legal Update**

*Cyber Tuesdays: Wilson Elser Forum Webinar*

January 14, 2025

**Cyber Claims: A View from the Top**

*Cyber Tuesdays: Wilson Elser Forum Webinar*

March 21, 2024

**Handling Data Breach Class Actions**

*Wilson Elser Forum*

February 14, 2024

**Demystifying the New SEC Cybersecurity Incident Disclosure Regulations**

*NetDiligence Cyber Risk Summit*

October 18, 2023

**Plenary: U.S. Regulatory & Litigation Update**

*NetDiligence@ Cyber Risk Summit*

September 27, 2023

**Artificial Intelligence & Emerging Risk**

*Argo Pro*

August 15, 2023

**Cybersecurity & Data Privacy**

*Ascot Insurance*

July 20, 2023

**The Crazy World of Crypto**

*The International Association of Claim Professionals*

June 1, 2023

**Data Privacy Litigation Update**

*NetDiligence*

March 31, 2023

**2023 Cybersecurity & Data Privacy Trends: Part 2 Cyber Breach Class Actions**

*Litigation Download – A Wilson Elser Podcast*

March 9, 2023 | 1:00 p.m. ET

**Crazy World of Crypto: FTX and Silent Crypto Exposure**

*myLawCLE | Federal Bar Association*

March 8, 2023

**The Crazy World of Crypto**

*PLUS (Professional Liability Underwriting Society)*

February 9, 2023

**The Crazy World of Crypto**

*Wilson Elser Forum Series*

January 12, 2023

**Cybersecurity & Data Privacy: Looking Ahead to 2023**

*Wilson Elser Forum*

October 11, 2022

**U.S. Litigation Update**

*NetDiligence Cyber Risk Summit*

September 22, 2022

**Cybersecurity Class Action Team to Present at RIMS Chicagoland Risk Forum**

*RIMS Chicagoland Risk Forum*

May 11, 2022

**Cross-Border Legal Considerations**

*Advisen*

April 12, 2022

**Supply Chain Cyber Risk**

*The Risk Management Society (RIMS)*

November 3, 2021

**Legalign Global Cyber Webinar**

*DAC Beachcroft*

October 22, 2021

**The Intersection of Cybersecurity and Privacy**

*Ankura Consulting Group*

October 18, 2021

**Regulators Crack Down on Cybersecurity & Compliance**

*Wilson Elser Cyber Privacy Week Series*

May 26, 2021

**Supply Chain Risk & Cyber Terrorism**

*Brokers & Reinsurance Markets Association*

May 11, 2021

**Existing and Emerging Cyber Risk in the Medical Industry**

*2021 PLUS Healthcare & MedPL Symposium*

April 14, 2021

**We've Been Hacked! Now What?**

*New York Chapter of RIMS*

February 24, 2021

**Cybersecurity Breach, and Investigations and Class Actions Arising from Cyber-Attacks**

*Wilson Elser Emergency Response Summit*

November 11, 2020

**Cyber: Critical Uncertainties in a Less Than Certain World**

*Legalign Global*

October 20, 2020

## **Virtual Client Cyber Roundtable**

*Members of The Hartford Insurance Company's national Cyber and Tech E&O claims and marketing teams*

October 8, 2020

## **Cyber Threats in the COVID-19 World**

*Virtual Client Forum for Gallagher Bassett Partners*

# **Client Wins**

## **Coffman, Das, Ross, Viergever and Williams Defeat Federal Data Breach Class Action**

Daniel Coffman (Associate-Washington, DC), Anjali Das (Partner-Chicago, IL), David Ross (Partner-Washington, DC), Kim Viergever (Of Counsel-Denver, CO) and Ryan Williams (Partner-Denver, CO) obtained dismissal with prejudice of a federal data breach class action filed against a services vendor for mental health care providers in the District of Colorado. The case comprised eight consolidated class actions brought by 15 named plaintiffs that arose out of a ransomware incident that involved the personal information of almost 4.3 million individuals and included sensitive information such as health information and Social Security numbers. The court agreed that all of the named plaintiffs lack Article III standing, dissecting each of their alleged theories of harm and coming down on the side of the more reasoned courts that have found these types of theories fail to establish standing – public disclosure of private information, increased spam, diminution in value of PHI/PII, emotional distress and future harm. The court concluded that “Plaintiffs have failed to allege injuries in fact that are fairly traceable to the Defendants’ complained-of conduct,” and issued a judgment dismissing the plaintiffs’ claims with prejudice and closing the case.

## **Das, Myers and Spitaletto Obtain Dismissal of Texas Data Breach Class Action**

Anjali Das (Partner-Chicago, IL), Brian Myers (Of Counsel-Washington, DC) and Tommy Spitaletto (Partner-Dallas, TX) obtained dismissal of a data breach class action filed against a mental health care provider in the Western District of Texas. The lawsuit arose out of a cyber-attack that involved personal information that included sensitive information such as health information and Social Security numbers. In support of our client’s motion to dismiss, Wilson Elser argued that the plaintiff lacked Article III standing to sue because she failed to allege any injury-in-fact in the form of identity theft fraud, or misappropriation as a result of the breach. Instead, the plaintiff alleged that her harm consisted of (1) lost time and out-of-pocket expenses spent dealing with the data breach; (2) diminished value of her personal, health and financial information; (3) anxiety; (4) violation of privacy rights; (5) loss of the benefit of the bargain made with our client and overpayment for services intended to include data security; and (6) increased risk of future fraud and identity theft. The District Court agreed with Wilson Elser’s position that the plaintiff lacked standing to bring suit and dismissed the case on the basis that the plaintiff failed to allege any actual injury in the form of identity theft, financial fraud or misuse of personal information that could be traced to the cyber incident.

### **Mirabile, Murphy-Petros and Das Obtain Favorable Ruling in VPPA Class Action**

Constantina Mirabile (Of Counsel-West Palm Beach, FL), Melissa Murphy-Petros (Of Counsel-Chicago, IL) and Anjali Das (Partner-Chicago, IL) represented an educational technology company that provides subscribers with access to online educational courses in a Video Privacy Protection Act (VPPA) class action filed in the U.S. District Court for the Southern District of Florida. The plaintiff, a subscriber, allegedly viewed online course content offered by our client, and filed a putative class action on behalf of herself and all other subscribers for violations of the VPPA. The plaintiff alleged that Meta Pixel (a snippet of JavaScript code that tracks visitor activity on a website) was installed on our client's website, which resulted in the disclosure of her personal information to Facebook, including the content she viewed, without her consent. Wilson Elser filed a Motion to Compel Arbitration, noting that the plaintiff (like all subscribers) was required to accept defendant's Terms of Use, which included a mandatory binding arbitration provision. Moreover, the Terms of Use explicitly stated that all parties waived the right to participate in a class action or representative proceeding with respect to any claim. The court promptly granted Wilson Elser's motion pursuant to the Terms of Service agreement. The ruling underscores the importance of arbitration and class action waiver language in Terms of Use agreements.

NOTE: The Video Privacy Protection Act (VPPA), enacted in 1998, sought to preserve personal privacy with respect to the rental, purchase or delivery of video tapes or similar audio visual materials. Plaintiffs have sought to resuscitate the statute by bringing VPPA claims into the 21st century based on the premise that organizations that offer prerecorded, online audio visual content are "video tape service providers" within the meaning of the statute, the draw being VPPA class actions include statutory damages of up to \$2,500 per violation.

### **Dismissal of Data Breach Class Action on Behalf of Radiology Facility and Archival Imaging System**

Geoffrey A. Belzer (Partner-Chicago), Anjali C. Das (Partner-Chicago), Peter J. Larkin (Partner-White Plains) and Jennifer S. Stegmaier (Of Counsel-Chicago) obtained a data breach class action dismissal in the U.S. District Court for the Southern District of New York on behalf of a radiology facility and archival imaging system that contained protected health information. About a year and a half after receiving notice of a breach, two patients filed a complaint against the firm's client and its IT service provider for failing to implement adequate cybersecurity measures, alleging multiple unauthorized individuals had accessed their information. Geoffrey, Anjali, Peter and Jennifer prevailed on their motion to dismiss when the court held that allegations of increased risk of future harm alone is not a cognizable injury. The court also rejected each of the plaintiffs' additional theories of injury based on time and money spent on theft and fraud monitoring, "benefit of the bargain" injury, intrusion upon seclusion and statutory violations. Plaintiff's counsel initially filed a purported class action designating another individual who was ultimately determined to never have been a patient of the radiology practice. Plaintiff's counsel dismissed that action after the team moved for dismissal, and counsel then instituted the parallel suit involving these two plaintiffs and the motion to dismiss follows.