

## Arizona Attorney General Reaches \$85M Settlement With Google

By Colleen Murphy

Arizona Attorney General Mark Brnovich announced a historic \$85 million settlement with Google in one of the biggest consumer fraud lawsuits in Arizona history.

“When I was elected attorney general, I promised Arizonans I would fight for them and hold everyone, including corporations like Google, accountable,” said Brnovich. “I am proud of this historic settlement that proves no entity, not even big tech companies, is above the law.”

Brnovich alleged that Google deceptively obtained users’ location data to make billions of dollars in profit.

The bulk of the \$85 million settlement will go to the state’s general fund and will require legislative appropriation for distribution. And \$5 million will fund attorney general education programs. According to the attorney general’s office, the settlement represents the largest amount per capita the internet giant has paid in a privacy and consumer-fraud lawsuit of this kind.

Brnovich stated via press release, that his office began an investigation of Google after a 2018 Associated Press article “revealed the company

was misleading and deceiving consumers about the collection and use of their personal location data by tracking smartphones even when consumers disabled the ‘location history’ setting.”

“This case is based on outdated product policies that we changed years ago,” a Google spokesperson said of the settlement.

“We provide straight forward controls and auto delete options for location data, and are always working to minimize the data we collect,” according to the Google spokesperson. “We are pleased to have this matter resolved and will continue to focus our attention on providing useful products for our users.”

Brnovich sued Google in May 2020, alleging “dark patterns” that were built into its software designed to manipulate users’ behavior. And, the attorney general alleged, when users turned off “location history” in settings, Google continued to collect location data through other settings.

Joseph A. Kanefield, Brunn “Beau” Roysden, and Michael S. Catlett handled the case for the Arizona Attorney General’s Office. Outside counsel for



Hon. Jay C. Gandhi (Ret.)

the State of Arizona included Kevin Neal and Ken Ralston of Gallagher & Kennedy and Guy Ruttenberg and Mike Eshaghian of Ruttenberg IP Law.

The settlement was mediated by Judge Jay C. Gandhi of JAMS, formerly a United States Magistrate Judge for the Central District of California and a member of the JAMS Board of Directors.

