MusickPeeler

March 18, 2025

Musick Peeler Partner Daniel Taylor Wins Full Dismissal of CIPA Litigation at Demurrer Phase in Precedent-setting Win

Related Professionals

Daniel Taylor

Related Practice Groups

Business Litigation

Business litigator Daniel Taylor, a partner at the California law firm Musick Peeler LLP, recently secured a precedent-setting win defending a major online marketplace from a lawsuit brought under the California Invasion of Privacy Act (CIPA), securing a swift dismissal for his client at the outset of litigation.

The surge in CIPA-related litigation over the last two years has been fueled by opportunistic plaintiff "testers" exploiting certain provisions of the law (enacted in 1967 to address wiretapping concerns on telephone lines) to allege claims against website owners. Facing the uncertainty of litigation, many companies have been quick to settle, which in turn incentivizes opportunistic plaintiffs to file more CIPA claims. The recent victory for Taylor shows that companies can fight back and win, which will be necessary to curb the trend and discourage other "testers."

The lawsuit claimed Taylor's client unlawfully deployed a "pen register" or "trap and trace" device, allegedly using tracking software to capture user identification information without consent. Taylor demurred to the complaint, arguing in detail how plaintiff's theories misapplied CIPA's purpose and mischaracterized the normal function of a modern website.

Los Angeles Superior Court Judge Tiana J. Murillo sided with Taylor, ruling CIPA Section 638.51 was designed to regulate telephone-tracking technology — not internet-based tracking tools used for website functionality and marketing optimization. Legislative history further supported Taylor's argument that the law was never intended to govern IP address collection by websites, Murillo found.

In sustaining Taylor's demurrer, without giving plaintiff leave to amend, the court reaffirmed that users have no reasonable expectation of privacy in their IP addresses when voluntarily accessing a website.

Taylor has been retained by a number of high-profile companies facing similar litigation, employing a defense strategy built around defeating — not just appeasing — the parties behind these lawsuits.

"We thank the court for not mincing words in its ruling. The result makes clear that the 'trap and trace' and 'pen register' provisions of CIPA, the provisions at the heart of many of these cases, should not be applied to modern websites," Taylor said in a statement Monday. "These 'testers' may be able to frustrate a client, but as this ruling shows, they will not prevail against them."

© 2026 Musick, Peeler & Garrett® LLP | www.musickpeeler.com