

## Retail MVP: Sheppard Mullin's Craig Cardon

By **Matthew Guarnaccia**

*Law360, New York (December 20, 2016, 1:20 PM EST)* -- Representing major retailers like T.J. Maxx and Williams-Sonoma is never easy, especially when the industry's fast pace requires the most cutting-edge legal support, but Sheppard Mullin Richter & Hampton LLP's Craig Cardon embraces these challenges, securing important legal victories for his clients and providing creative approaches to growing their brands, earning him a spot as one of Law360's 2016 Retail MVPs.

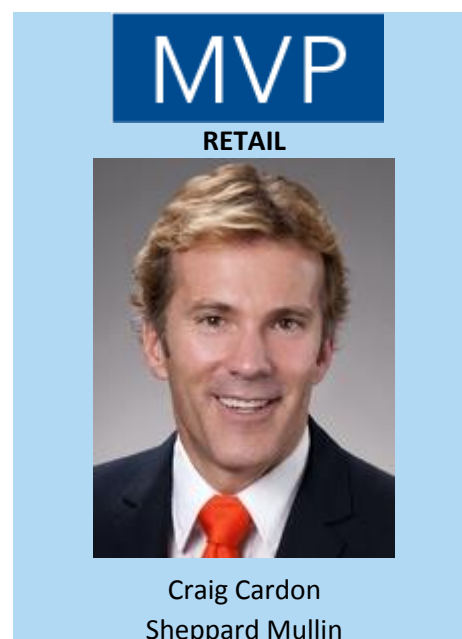
Cardon, a co-chair of Sheppard Mullin's privacy and cybersecurity practice group, serves as counsel for some of the biggest retailers and fashion companies in the industry, tackling a variety of retail and e-commerce disputes. Cardon calls his practice a "soup to nuts" operation, not only providing litigation services but also assisting with regulatory compliance matters and transactional work in the U.S. and abroad.

One of Cardon's most significant victories of 2016 came on behalf of T.J. Maxx in September, helping the retailer escape a proposed class action lawsuit in New York federal court accusing it of fabricating the higher prices it places next to actual retail prices to make it appear as if shoppers are earning a bigger discount than if they shopped elsewhere.

But U.S. District Judge Katherine Polk Failla sided with Cardon, who argued that the shoppers did not claim they overpaid for the items and merely sought compensation for expending time and resources to travel to the company's stores or to purchase an item online. Cardon successfully showed that a ruling in favor of the consumers could have opened the door for shoppers to allege injury even if they did not buy anything.

Cardon's work also paid dividends for Williams-Sonoma and Pottery Barn Inc. when he helped the companies trim a proposed class action lawsuit in California accusing them of deceiving customers by inflating the thread counts of their bedding, with the judge finding that many of the claims related to items the named plaintiff did not buy.

Additionally, Cardon's work for Williams-Sonoma allowed the retailer to dodge a lawsuit in Massachusetts over its alleged collection of customers' ZIP codes for the purpose of sending marketing



materials. After the original plaintiff died, her husband sought to take her place and leave to amend the complaint, but Cardon proved that the claims fell outside the statute of limitations. The case is currently pending before the First Circuit.

Cardon told Law360 that it is a “fantastic time” to be on offense when it comes to lawsuits against retailers, saying that one of his main goals in court is to show how a customer’s relationship with a retailer has changed and how plaintiffs’ counsel can no longer rely on consumer expectations that are no longer relevant.

“The challenge for me is to make sure that I am presenting the information in an absolutely straightforward way so that [a judge] can trust what I’m telling them, and to tell a story so that you’re keeping someone’s attention,” Cardon said.

Cardon has also had his hand in multiple transactions in 2016, including assisting on a deal between Williams-Sonoma furniture brand West Elm and hotel manager DDK to establish five boutique hotels in the U.S. Additionally, he took the lead on a \$127.5 million sale of a Gymboree Corp. unit to a Singaporean company in June.

Additionally Cardon provides his clients assistance in navigating complex global regulatory standards, helping them to seek an omnichannel approach to their businesses. He said that providing a global solution to cope with a wide array of regulations in places like Europe, the U.S. and China is a difficult but rewarding aspect of his job.

“Having the consumer feel like it is a seamless brand across channels, whether it’s in a retail location, ecommerce on your laptop, through a mobile app or through an integration with a wholesale partner, and figuring out how to do that not in just one jurisdiction but around the world is a challenge and is exciting,” Cardon told Law360.

Cardon received his undergraduate degree from The University of California, Los Angeles in 1989 and his law degree from The Loyola Law School, Los Angeles in 1993. He started his career at now defunct law firm Graham & James LLP, which in 2003 combined with Squire Sanders & Dempsey, a predecessor to Squire Patton Boggs LLP. Cardon joined Sheppard Mullin in 2003.

--Editing by Jack Karp.