



Data theft and law suit avalanches

How can companies meet the new challenges and what contributions can technology and AI, in particular the JUNE AI & Automation Case Management System, make?

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Presentation and agenda

Your speakers



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Lawsuits and class actions

Lawsuits and class actions

The legal policy elephant in the room

American situation

Status

- Punitive damages in addition to individual claims
- Example Bayer Monsanto: 172,000 lawsuits, of which 114,000 were settlements or did not meet the criteria, 58,000 lawsuits still open (Bayer data), maximum individual verdict US\$ 2.25 billion (January 2024 - Philadelphia jury in the McKivison case of US\$ 250 million in damages and US\$ 2 billion in punitive damages; verdict overturned)



But

- "Weapons inequality" (infringement, subject matter of the action, evidence (e.g. technical know-how))
- Litigation and legal costs risk, especially for small amounts for the individual



Known case constellations

- Bank GTC
- Diesel scandal
- Passenger rights
- "Data is the new diesel"



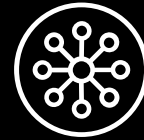
Lawsuits and class actions

Classification and categories



Principle Individual complaints

- Action: specific cause of action, reason for the claim made, specific application (Section 253 (2) no. 2 ZPO)
- Substantive legal force of the judgment only on the claim raised by the action (Section 322 (1) ZPO; including counterclaim and counterclaim if applicable)
- Factual addition (without binding effect): "obiter dictum" (Latin: something said in passing), legal opinion expressed



Special topic Mass Litigation

- Large number of similar issues
- Determination of the subject matter of the action by the plaintiff (if applicable, action in stages due to claims for information)
- ("As a rule"): "One-off" for the infringer, therefore no organization to handle the claims
- Factual problem: mastery of the factual and legal situation

Lawsuits and class actions

The development

1

Claims arising from assigned rights

- Transfer of active legitimation, assumption of the cost risk, improvement of the evidence situation if necessary (original rights holder as witness)
- Prerequisite: Effective assignment



2

Assignment in mass proceedings

- Bundling of claims from different injured parties for joint assertion by a single claimant. Injured parties assign their claims to authorized legal service providers (collection service providers) or to a litigation company (litigation vehicle) established for the respective bundling of claims. These then assert their claims in their own name. The legal service provider must be registered as a debt collection service provider and be financially able to cover at least all possible claims for reimbursement of costs by the other party (see Section 10 (1) sentence 2, (2) RDG).
- Assignment models generally permissible (BGH of 13.06.2022, file no. VIa ZR 418/21), also "class action collection" (BGH of 13.07.2021, file no. II ZR 84/20 (activity of the legal service provider still covered by the collection concept of Section 10 para. 1 sentence 1 no. 1, Section 2 para. 2 sentence 1 RDG)).



3

Supplement: Litigation financing

- Commercial litigation financing not regulated and permissible.
- The litigation funder bears the lawyer's fees, court costs and other legal costs at its own risk, in return for which it receives a share of the amount won in the event of a successful outcome (usually 20 to 35 percent).
- Litigation financing by lawyers largely prohibited, agreements to bear court costs, administrative costs or costs of other parties involved only permitted when providing debt collection services, insofar as a contingency fee is agreed in the matter in accordance with Section 4a (1) sentence 1 no. 2 RVG (Section 49b (2) sentence 2 BRAO)



Lawsuits and class actions

The development - EU Directive on representative actions (EU 2020/1828)



[Directive \(EU\) 2020/1828 on representative actions](#) is intended to enable consumers to protect their collective interests in the EU through representative actions and actions brought by representative bodies (so-called qualified entities). All EU countries should have a system for representative actions. There are also plans to make it easier for consumers **to access justice** and to prevent **the abuse of legal action**.

Representative actions are **actions brought by qualified entities** for consumer groups before national courts or administrative authorities to obtain **injunctions, remedies** (e.g. reimbursement, replacement, repair) or both. Injunctions are a means to stop unlawful practices by a trader - similar to those provided for in Directive 2009/22/EC on injunctions.

The directive is intended to protect the **collective interests of consumers in legal and business areas** such as data protection, financial services, travel and tourism, energy and telecommunications. The Directive applies - in accordance with the EU rules listed in [Annex I](#) - to representative actions against unlawful practices (infringements) by traders. All [amendments](#) to Annex I can be viewed on EUR-Lex. Member States are free to apply representative actions in other or all areas of law in accordance with the relevant Directive.

Lawsuits and class actions

The development - Consumer Rights Enforcement Act - VDuG of October 8, 2023 (Federal Law Gazette 2023 I No. 272, p. 2), as amended by Article 5 of the Act of July 16, 2024 (Federal Law Gazette 2024 I No. 240)



Development

The Directive obliges EU Member States to provide for two types of representative actions. **Associations** must have the right to **bring injunctions** in their own name, which can put an end to breaches of consumer law, and **redress actions**, which can enforce consumer rights.

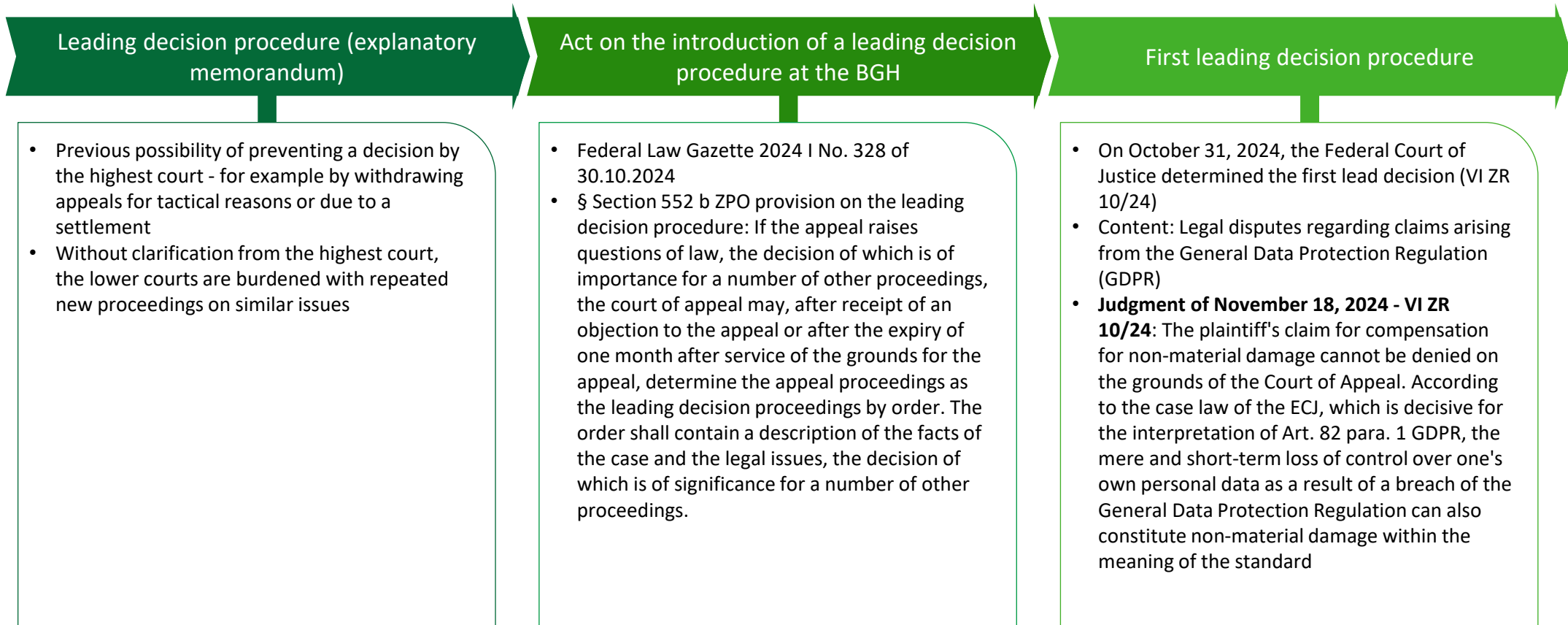
New Consumer Rights Enforcement Act

Redress actions do not yet exist in German law. The regulations for redress actions by associations are to be bundled in a separate parent act, the Consumer Rights Enforcement Act. The existing provisions of the Code of Civil Procedure on model declaratory actions are also to be integrated into this. By amending the Injunctions Act and the Unfair Competition Act as well as a number of other laws, the existing regulations on injunctions by associations are to be adapted to the requirements of the directive, writes the government. In addition, supplementary regulations on injunctions and redress actions are to be created in other laws.

(German Bundestag, online services, explanatory memorandum)

Lawsuits and class actions

The development - key decision procedure BGBl. 2024 I No. 328 of 30.10.2024



Lawsuits and class actions

The development - key decision procedure



BGH (sentence 1 of recital 85 of the GDPR, case law of the ECJ)

Proof of the mere loss of control over personal data is sufficient to justify non-material damage within the meaning of Art. 82 GDPR. If the damage consists solely of the loss of control, the assessment of the amount of damage depends on

- Sensitivity of the data concerned
- Type and duration of loss of control
- Possibility of regaining control

to. The hypothetical effort required to regain control of the data can also be included in the assessment of damages. In the case decided, damages in the order of EUR 100 would not be objectionable. In addition, there are legal fees in particular.



Key issues

- Culpable conduct (TOM / data protection management, emergency plans; prevention of data outflows)
- Concrete amount of damage
- Processing (individual procedures?)

Technology demo using the example of JUNE

The case management system that changes the way you work

WORK SMARTER



AUTOMATION

Automation of work processes increases efficiency - based on AI, workflows, and data.

DATA DRIVEN

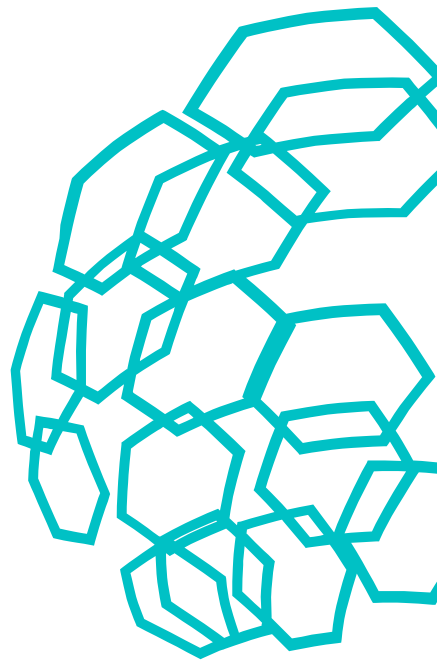
A database is the foundation for knowledge management, document creation, process analysis, and reporting.

READY TO USE

Templates for the most common use cases help you map your own workflows in a wide range of subject areas.

COMPLIANT

The highest security standards ensure that compliance requirements are met, including ISO 27001, bring your own key and pen testing.



Empowering legal professionals through Legal AI & Automation

SOLUTION

advanced
technology

CASE INTELLIGENCE WITH LEGAL AI

Generative AI simplifies legal work through intelligent knowledge management.

smart
legal work

AUTOMATED PROCESSES

End-to-end automation streamlines legal processes through data-driven workflows.

efficient
processes

ONE PLATFORM FOR ALL

Unified data collection & management enables automation, AI and reporting.

The benefits for your business

BEAT THE COMPETITION



PRODUCTIVITY

Reduced resource* requirements for main tasks (managing correspondence and workflows, generating responses and gather information), stakeholder management and switching effort



FUTURE PROOF

JUNE is the single-source-of-truth for all stakeholders and covers the whole process enabling users to leverage data & AI

Use of AI & Automation mandatory requirement to participate in RFP of major companies**



QUALITY

Quality enhancement*** through standardized workflows, easy access to existing knowledge and automated content & report creation

* Drawing from customer feedback, can be shared on demand.

** Based on the analysis of various RFPs generously shared with us by our customers.

*** Grounded in the analysis reports and data extraction results from our own operations, as well as insights generously shared with us by our customers.



Workflow Automation

Live reporting & analysis

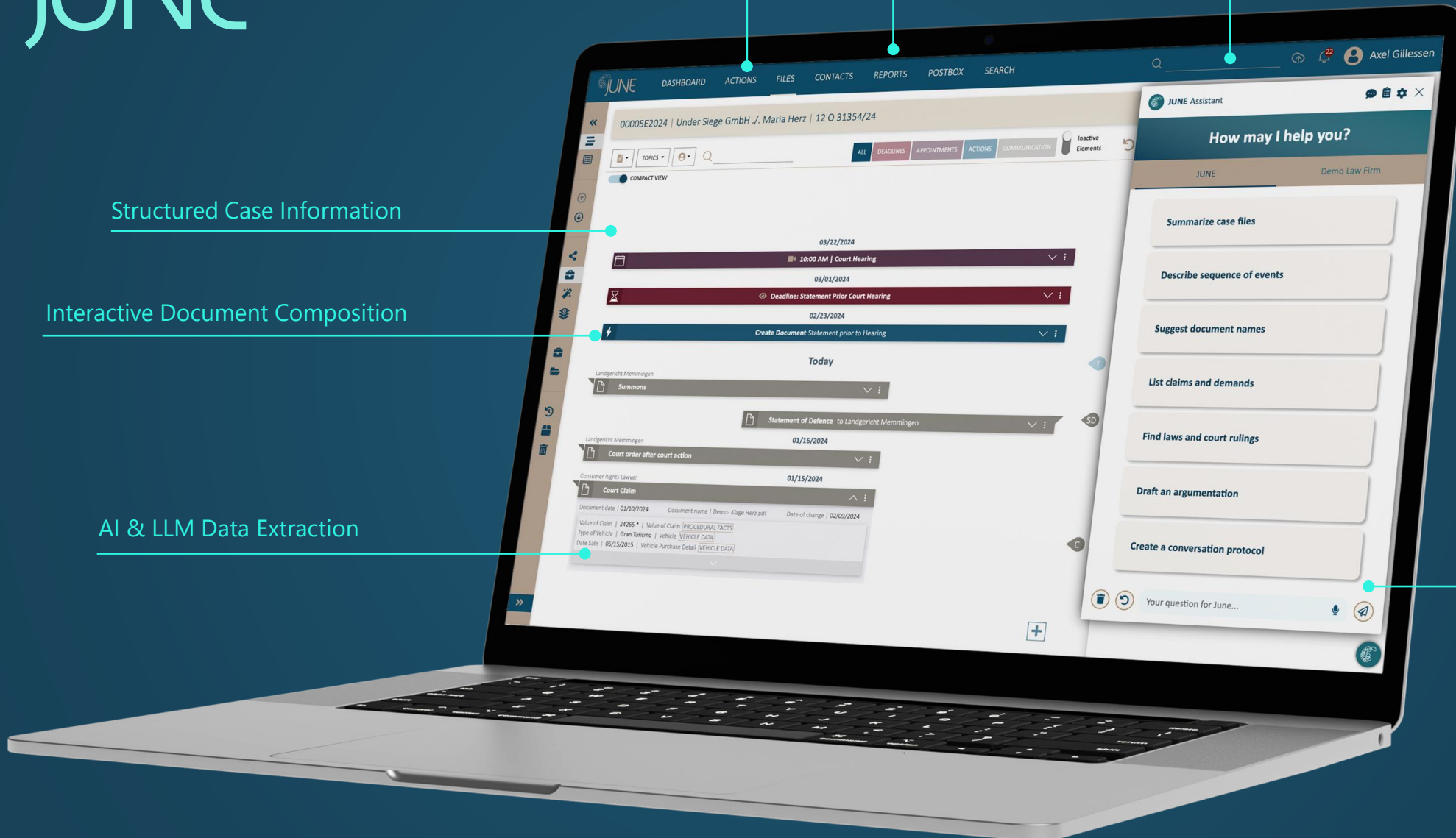
LLM based semantic full text search

Structured Case Information

Interactive Document Composition

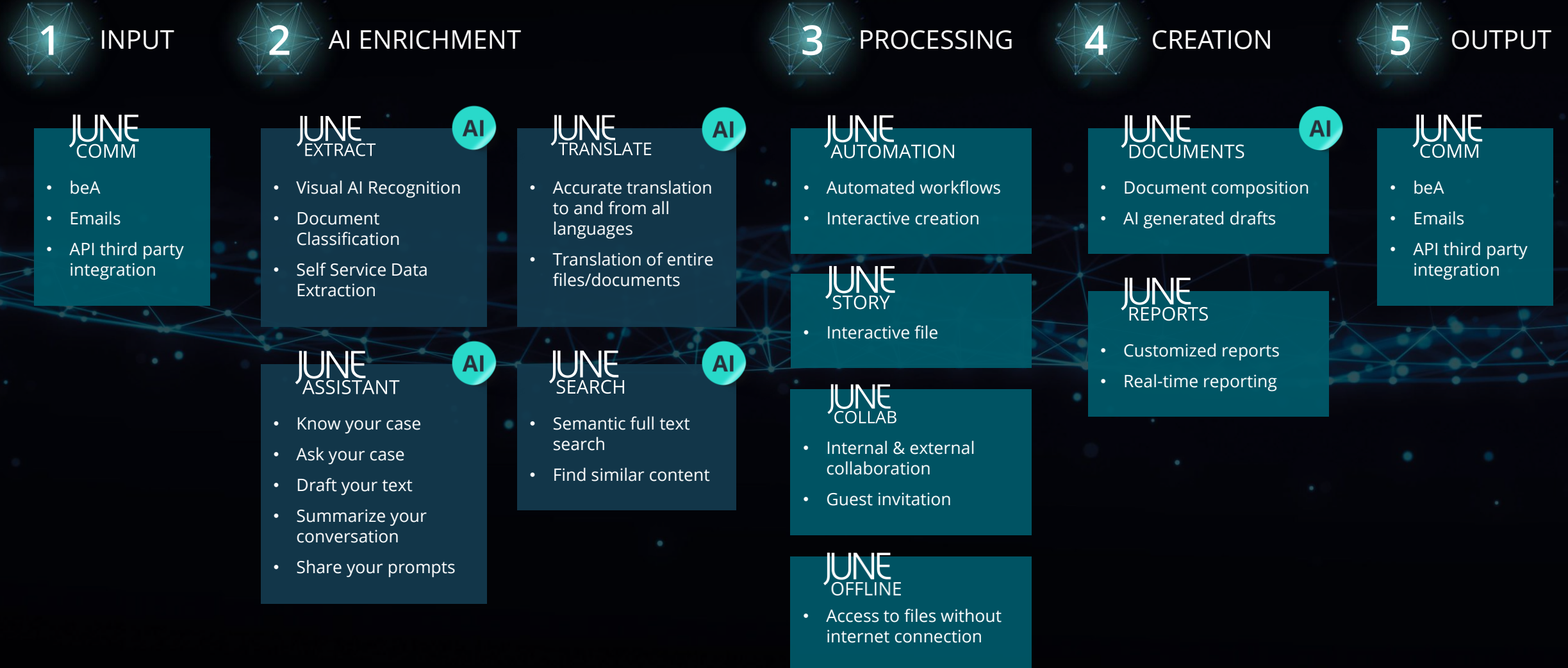
AI & LLM Data Extraction

Legal AI Assistant



The holistic solution across the value chain

PRODUCT





the AI-driven

Case management & Automation

platform



JUNE GmbH
www.june.tech

January 2025

Q&A



**Thank you very
much**
for your attention

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Where legal meets business

Deloitte Legal, these are

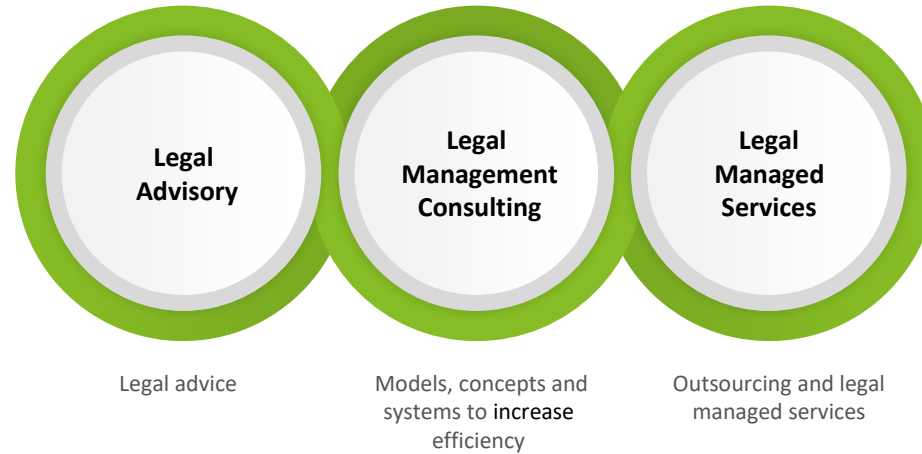
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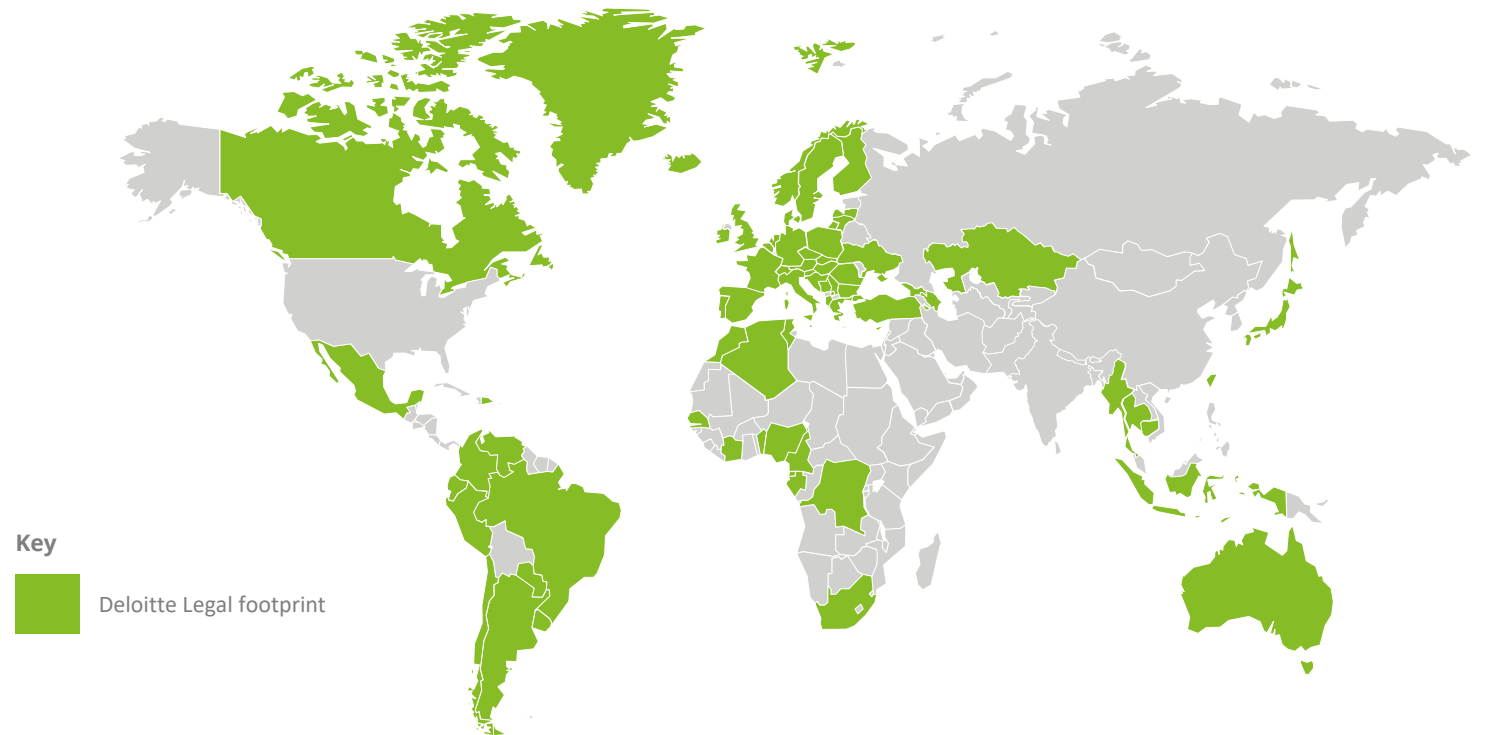


coordinated
to your regulatory requirements

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