

# Alex Kasner

## Associate



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Washington, DC  
Palo Alto

Antitrust Litigation and Enforcement  
Commercial Litigation  
Cyber/Data/Privacy  
Internet and Social Media  
Issues and Appeals  
Trials

Alex is an experienced trial and appellate litigator focused on complex civil matters and appellate litigation. He has represented a wide range of businesses – including internet, digital media and technology companies, as well as world-renowned universities and leading law firms – in high-stakes litigation raising novel questions of law, with a particular focus on online content, speech and platform moderation. Alex's work includes groundbreaking cases involving Section 230 of the Communications Decency Act, the Sherman Act, the First Amendment, the Video Privacy Protection Act, the Computer Fraud and Abuse Act, and the Illinois Biometric Information Privacy Act.

Alex has litigated two federal jury trials as well as an arbitration to favorable verdicts, and he has presented opening argument and multiple direct examinations in court. He has also briefed and argued dispositive motions in federal and state court; defended fact, 30(b)(6), and expert witness depositions; and argued several *Daubert* motions to exclude expert testimony. A seasoned appellate advocate, Alex has argued appeals in federal and state court, and he has authored numerous merits and amicus briefs in front-page First Amendment, antitrust and civil rights litigation before the US Supreme Court and the US Courts of Appeals. Alex also has a substantial track record in defamation law as a litigator and counselor for clients: he has defeated several defamation suits as well as helped emerging companies protect their reputation and navigate media attention. Alex devotes significant time to pro bono work, ranging from LGBTQ+ advocacy to voting-rights protection to postconviction capital litigation.

Alex's practice is dedicated to his clients' most procedurally and substantively complex issues. He has drafted multiple successful anti-SLAPP (strategic lawsuits against public participation) motions to dismiss defamation claims brought against his clients in federal and state courts. Alex also has successfully defended the constitutionality of state law, convinced an arbitral panel to foreclose any grant of general damages as a matter of law, compelled third-party arbitration, and secured an anti-suit injunction against transnational litigation. In addition, he has extensive experience working with expert witnesses, including defending the depositions of damages, industry, and cybersecurity experts; drafting and arguing *Daubert* motions; and examining experts in court.

Alex was born and raised near Sacramento, California. He received his BA – Phi Beta Kappa, with honors and distinction – in political science from Stanford University and was awarded the Firestone Medal for Excellence in Undergraduate Research for best departmental honors thesis. He received his JD from Stanford Law School, where he was awarded the Steven M. Block Civil Liberties Award for best paper in civil liberties, the Scribes Law-Review Award for best student note in the US, and Gerald Gunther Prizes. Alex also participated in Stanford's Religious Liberty Clinic and served as a Bradley Fellow for Constitutional Law. He was an articles editor for the Stanford Law Review and co-editor in chief of the Stanford Law & Policy Review. In addition, he worked as a summer law clerk with the appellate staff of the US Department of

Justice's Civil Division.

After graduation, Alex served as a judicial law clerk to Judge David F. Hamilton of the US Court of Appeals for the Seventh Circuit. He began his professional legal practice at a prominent US law firm in Washington, DC, before joining Cooley.

**Alex's recent representative experience includes:**

- Defending top online travel agencies against Computer Fraud and Abuse Act claims at a jury trial in the US District Court for the District of Delaware (D. Del.)
- Representing major technology companies in federal defamation suits stemming from platform content moderation, including successfully achieving a grant of the client's anti-SLAPP motion to dismiss (S.D. Fla.; N.D. Cal.)
- Drafting amicus briefs in the US Supreme Court, US Courts of Appeals and state courts of last resort on pathbreaking cases involving voting rights, the First Amendment, Section 230 of the Communication Decency Act, LGBTQ+ rights, corporate choice-of-law questions, and asylum standards
- Representing global technology, retail and travel companies in privacy and cybersecurity lawsuits, including in cases involving the Biometric Information Privacy Act and the Video Privacy Protection Act (N.D. Ill.; S.D.N.Y.; D. Mass.; N.D. Ohio)
- Representing a world-renowned research university in federal class action litigation asserting a Sherman Act Section 1 claim based on financial aid practices (N.D. Ill.)
- Serving as lead counsel at a postconviction death penalty evidentiary hearing in Alabama state court, including presenting the opening statement and conducting multiple direct examinations (Ala.)
- Briefing and arguing appeals before the Seventh Circuit and Maryland Court of Special Appeals on behalf of clients seeking review of their criminal convictions and sentences
- Defending a major technology company in a federal jury trial against breach of contract and tort claims, resulting in a successful jury verdict of no liability for the client (N.D. Cal.)
- Obtaining dismissal of an antitrust claim against a major technology company based on the company's app store moderation (N.D. Cal.)

**Publications**

- Co-author, "[Over-Prescription Is Bad Medicine: The Case Against a Knee-Jerk Revision of Antitrust Injury](#)," Competition 33 (1), 2023
- Author, "[Local Government Design, Mayoral Leadership, and Law Enforcement Reform](#)," Stanford Law Review 69 (2), pp. 549 – 602, 2017
- Author, "[The Original Meaning of Constitutional Inventors: Resolving the Unanswered Question of the Madstad Litigation](#)," Stanford Law Review Online 68, pp. 24 – 32, 2015
- Author, "[National Security Leaks and Constitutional Duty](#)," Stanford Law Review 67 (1), pp. 241 – 283, 2015
- Author, "[Leveski and the Weakening Industry-Wide Public Disclosure Bar in Qui Tam Litigation](#)," Stanford Journal of Complex Litigation 2 (2), pp. 185 – 201, 2014
- Author, "[Arena Development and Environmental Review Reform Under SB 743](#)," Stanford Law & Policy Review 25 (1), pp. 203 – 210, 2014

## Education

Stanford Law School

JD Gerald Gunther Prizes, Scribes Law-Review Award, Steven M. Block Civil Liberties Award, Bradley

Fellow, 2015

Stanford University

BA Phi Beta Kappa, with honors and distinction, 2012

## Admissions & Credentials

California

District of Columbia

## Court Admissions

US Supreme Court

US Court of Appeals for the District of Columbia Circuit

US Court of Appeals for the Federal Circuit

US Court of Appeals for the First Circuit

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US Court of Appeals for the Seventh Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US District Court for the Northern District of California

US District Court for the Central District of California

US District Court for the District of Columbia

## Rankings & Accolades

The American Lawyer: Litigator of the Week Winner (2021); Shout Out (2023)

Super Lawyers: Rising Star (2023)

## Memberships & Affiliations

American Bar Association (ABA)

National LGBTQ+ Bar Association