

## Sidney Stewart Haskins II (Stewart)

Partner

*Trial and Global Disputes*

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Atlanta: +1 404 572 4687  
shaskins@kslaw.com



Stewart Haskins specializes in defending class actions and other complex commercial litigation, particularly cases involving consumers and data privacy issues. As a partner in our nationally recognized Class Action practice, Stewart has successfully defended leading companies in hundreds of consumer class action suits across the country. He also regularly provides clients with counseling on privacy and consumer-related issues.

Stewart has extensive experience in all aspects of class action litigation, whether he is litigating complex jurisdictional issues, developing a winning case strategy or defeating class certification.

The removal of a case from state to federal court is the first step toward a successful resolution, and Stewart has litigated a wide variety of jurisdictional issues that arise in class actions. Stewart's primary goal in defending clients faced with class actions is the efficient disposition of the case, often by winning the early dismissal of the named plaintiff's claim. If a putative class action proceeds to the class certification stage, Stewart has substantial experience arguing class certification motions and defeating them in cases ranging from product liability claims to insurance services. And, if the case must be tried, Stewart has served as lead counsel in numerous jury trials of consumer and data privacy cases.

Also a member of our Data Security and Privacy practice, which *Law360* selected as Privacy Practice Group of the Year 2016, Stewart has represented clients in high-profile class action litigation arising out of some of the largest data breach events in the country.

For nearly 20 years, Stewart also has defended a wide variety of class actions under the Telephone Consumer Protection Act, including claims arising from faxes, text messages, collection calls and mobile marketing efforts. He has litigated such claims in state and federal courts, and has won significant victories for his clients in numerous TCPA cases.

In addition to representing clients in class action litigation, Stewart regularly provides compliance and counseling advice to clients to help them try to avoid litigation under the TCPA, CAN-SPAM and other data privacy and consumer protection statutes.

## Matters

Represented **Home Depot** in dozens of putative consumer class actions filed against Home Depot arising out of its widely publicized payment card data breach in late 2014.

Successfully defended **Home Depot** against consumer fraud claims under California law arising out of a charge for an optional damage waiver. *Berger v. Home Depot U.S.A., Inc.*, 741 F.3d 1061 (9th Cir. 2014) (affirming denial of class certification).

Won a motion to compel arbitration in a **putative nationwide class action** filed in California alleging claims under the TCPA. *Missaghi v. The Coca-Cola Company*, Central District of California (Los Angeles Division), Case No. 2:12-cv-07472-SJO.

Won summary judgment for a **defendant health insurer** in a TCPA class action. *Phillip Long Dang, D.C., P.C. v. XLHealth Corp.*, Case No. 1:09-cv-1076, 2011 WL 553826 (N.D. Ga. Feb. 7, 2011) (fax inviting doctors to a seminar was “informational” and not an “advertisement”).

*Goldstein v. Home Depot U.S.A., Inc.*, 609 F.Supp.2d 1340 (N.D. Ga. 2009).

Won summary judgment and mooted plaintiff’s pending motion for class certification in a case challenging **Home Depot’s** collection of permit fees in connection with the installation of water heaters. *See Willard v. Home Depot U.S.A., Inc.*, No. 5:09-cv-110/RS-MD, 2009 WL 4730644 (N.D. Fla. Dec. 7, 2009).

Won a motion to dismiss for **NBC Universal** in a purported class action that contended the defendant’s promotional game, which aired in connection with the popular game show *Deal or No Deal*, constituted illegal gambling under Georgia law. The Georgia Supreme Court rejected the plaintiff’s claim and the case was dismissed. *See Hardin v. NBC Universal*, 283 Ga. 477 (2008).

Obtained a landmark order from the Seventh Circuit in a **putative class action** reversing remand and adopting defendant’s argument that injunctive relief should be considered to determine the amount in controversy under CAFA. *The Home Depot, Inc. v. Rickher*, 2006 WL 1727749, (7th Cir. May 22, 2006). Upon remand, the district court later granted defendant summary judgment and the Seventh Circuit affirmed. *Rickher v. Home Depot, Inc.*, 535 F.3d 661 (7th Cir. 2008).

Won an appeal that clarified **the defendant’s** burden in removing cases under CAFA. *Frederico v. The Home Depot U.S.A., Inc.*, 507 F.3d 188 (3rd Cir. 2007) (affirming grant of motion to dismiss).

In a case of **first impression** in the Eighth Circuit, won an appeal which rejected the plaintiff’s argument for expansion of a CAFA provision permitting interlocutory appeals from remand orders. *Saab v. Home Depot U.S.A., Inc.*, 469 F.3d 758 (8th Cir. 2006).

Defeated class certification in a case against **an insurance company** alleging class action claims involving use of non-OEM parts. *Schwendeman v. USAA Insurance Co.*, 65 P.3d 1 (Wash. 2003) (affirming denial of class certification and clarifying the standard regarding the admissibility of expert opinions in class actions within Washington).

National consumer class action counsel for a **Fortune 50 company**.

## Credentials

### EDUCATION

J.D., Mercer University, magna cum laude

B.B.A., University of Georgia

## ADMISSIONS

Georgia

## ASSOCIATIONS

American Bar Association

State Bar of Georgia

Atlanta Bar Association

## Recognition

2016 Privacy Practice Group of the Year

LAW360

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Class Action Group of the Year

LAW360, 2010 AND 2012

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## Insights

### ARTICLE

March 4, 2019 • Source: Bloomberg Law  
Data Breach Litigation Trends to Watch

### CLIENT ALERT

May 17, 2016

Supreme Court Rules Plaintiff Must Suffer “Concrete Harm” to Sue

January 25, 2016

Is there a silver lining for defendants in the recent class action decision by the Supreme Court?

[VIEW ALL ON KSLAW.COM](#)

## Events

### CONFERENCE

May 9, 2019

Class Action University

May 1, 2019

6th Annual Cybersecurity & Privacy Summit

April 25, 2016

2016 Cybersecurity & Privacy Summit

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## News

### IN THE NEWS

August 17, 2020 • Source: Law360

David Balser, Stewart Haskins, John Toro, Kevin O'Brien and Robert Griest argue on behalf of Capital One regarding discovery in an MDL

*June 11, 2020 • Source: Law360*

David Balser, Stewart Haskins II, John Toro, Kevin O'Brien and Robert Griest advise Capital One on its request to a Virginia federal court to overturn a magistrate judge's ruling

*May 15, 2020 • Source: Law360*

David Balser, Stewart Haskins, John Toro, Kevin O'Brien and Robert Griest represent Capital One in data breach litigation

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