

PHILIP D. CARLSON

NLG NACHAWATI LAW GROUP

Public Entity
Senior Attorney

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Phil Carlson is a Senior Attorney in the firm's Public Entity Litigation Division. As a part of that Division, he represents state and local governments in affirmative civil litigation in the areas of consumer protection, public nuisance, tech litigation, and medical drug and medical devices. Phil has over 15 years of experience, over 10 of that in the Attorney General space. He has extensive trial experience, and through his career has built deep relationships with the various State Attorney General Offices.

Phil is the former Chief of the Consumer Protection Bureau in the Nebraska Attorney General's Office where he was instrumental in establishing and leading the nationwide Attorney General investigation into social media platforms and the harms that they cause to children. He also helped to co-lead and negotiate the largest Attorney General privacy settlement to date regarding allegations that Google misrepresented certain facets of their location tracking services. This settlement netted the states significant injunctive relief and \$391.5 Million. He and his staff also worked in the Consumer Protection, Charities, Antitrust, and Tobacco fields, leading antitrust enforcement efforts against Google and other entities during his time there.

Prior to that, Phil was the only dedicated Consumer Protection Attorney for the South Dakota Attorney General's Office from 2014 to 2020. He helped to lead the Attorney Generals Multistate investigation into Takata and Honda regarding allegations that Takata airbags were designed in such a way as to cause them to explode. That investigation helped lead to Takata's eventual bankruptcy and closing, and also led to significant injunctive relief and payment to the States from Honda for their alleged complicity in the matter. While in the SD Attorney General's Office he also handled Charities, Gaming, Municipality, and Antitrust issues.

Phil started his career in private practice in Mitchell, SD where his practice was largely devoted to criminal defense and family law.

Phil graduated from the University of South Dakota School of Law and was admitted to the South Dakota State Bar in 2008, and the Nebraska Bar in 2021. He is also admitted to practice in the Federal Courts of each of those states, and the Eighth Circuit Court of Appeals

A certified gearhead and history buff, he spends his time outside of the office working on cars, playing guitar and singing, and building plastic models.

PRACTICE AREAS:

Public Client Representation
Consumer Protection
Public Nuisance
Fraud Against Taxpayers / False Claims
Tech Litigation
Environmental Damages
Medical Drug and Medical Devices

EDUCATION:

B.A. Northern State University, 2002
J.D. University of South Dakota, School of Law, 2008

LICENSED IN:

South Dakota
Nebraska

ADMITTED TO PRACTICE BEFORE:

U.S. District Court of South Dakota
U.S. District Court of Nebraska
U.S. Court of Appeals for the Eighth Circuit

ASSOCIATIONS:

South Dakota Bar Association

NOTABLE CASES

State of Nevada Social Media Platform Litigation – Currently represent the State of Nevada in consumer protection litigation against Meta Platforms (parent company of Messenger, Instagram, and Facebook), TikTok, and Snapchat. This litigation focuses on the design elements of these companies' social media and messaging apps and alleges that these design elements cause harm to minor users under the age of 18.

State of Mississippi Social Media Platform Litigation – Currently represent the State of Mississippi in consumer protection litigation against Meta Platforms (parent company of Instagram). This litigation focuses on the design elements of their apps and alleges that these design elements cause harm to minor users under the age of 18.

Multistate Investigation of Social Media Platforms – Instrumental in formulating and leading the Multistate Attorney Generals investigation into Social Media Platforms and the negative addictive effects that the features of these platforms have on children. Ultimately secured the participation of 52 separate states and territories in this investigation. This investigation has led to the Social Media Platform litigation currently being pursued by over 40 state Attorneys General, including the Attorneys General of Nevada and Mississippi.

Multistate Investigation of Google Location Tracking Services – While at the Nebraska Attorney General's Office, co-lead a Multistate investigation and settlement with Google regarding allegations that Google mis-lead consumers regarding location tracking on their services and apps. The investigation led to settlement negotiations culminating in a \$391.5 million settlement with over 30 State Attorney General's Offices and over \$12.1 million in recovery for the State of Nebraska along with robust injunctive relief. To date, this is the largest State AG privacy settlement in history.

Multistate Investigation of Takata/Honda Airbag Explosions – While at the South Dakota Attorney General's Office, helped co-lead investigations into both Takata and Honda in relation to the Takata Ammonium Nitrate Airbag propellant related airbag explosions. This investigation helped lead to the Bankruptcy and dissolution of Takata and an \$85 million settlement with Honda for not warning consumers of the significant threat to their health and safety that the Takata airbags in their cars provided. Significant Injunctive relief was secured, along with the payment to the states in the Multistate. This included over \$2 million to the State of South Dakota.

State of South Dakota v. Podzimek – Led the investigation, trial, and appeal in a criminal consumer protection matter for the State of South Dakota Attorney General's Office. Along with co-counsel, directed the investigation into a mechanic who attempted to scam an elderly victim out of more than \$53,000, and who did receive \$39,800 from the elderly victim in regard to repairs on the victims 1976 Chevy Pickup. Succeeded in securing a 10 count Guilty verdict with prison sentence and full restitution in South Dakota State Circuit Court, and successfully briefed an appeal to affirmation in front of the South Dakota Supreme Court.