

MICHAELA HOHWIELER

NLG NACHAWATI LAW GROUP

Public Entity
Attorney

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As a member of Nachawati Law Group's Public Entity Litigation division, Michaela focuses her practice on representing governments in complex civil enforcement actions in the areas of consumer protection, public nuisance, environmental harm, fraud against taxpayers/false claims, qui tam whistleblower actions, and more.

Having served as an Assistant Attorney General in the Consumer Protection Division of the Nebraska Attorney General's Office from 2019 to 2023, she gained invaluable experience in representing the interests of consumers and the State. Michaela worked on a wide range of complex civil enforcement cases, honing her skills in litigation, legal research, and persuasive legal writing. Her experience in this role has equipped her with the ability to navigate intricate legal matters, from case filing to trial.

During her tenure at the Nebraska Office of the Attorney General, Michaela represented the interests of consumers by investigating and prosecuting cases involving fraudulent acts, deceptive advertising, and unfair trade practices. Additionally, Michaela has drafted proposed consumer protection legislation, providing her with a comprehensive perspective on the legal framework surrounding consumer rights and business practices. Michaela's dedication to safeguarding the rights of consumers and her ability to navigate the intricacies of consumer protection law have been central to her success in this role.

Michaela is currently licensed to practice in Nebraska and Minnesota. She is a member of the International Association of Privacy Professionals. Michaela is an avid baseball fan and enjoys attending as many Minnesota Twins games as she can with her husband and daughter.



PRACTICE AREAS:

Public Client Representation
Consumer Protection
Public Nuisance
Tech Litigation
Medical Drug and Medical Devices
Privacy and Data Breach

EDUCATION:

University of Nebraska-Lincoln, *summa cum laude*, 2016
J.D. University of Nebraska College of Law, 2019

LICENSED IN:

Nebraska
Minnesota

ADMITTED TO PRACTICE BEFORE:

Nebraska Supreme Court
U.S. District Court of Nebraska

ASSOCIATIONS:

Nebraska Bar Association
American Bar Association
International Association of Privacy Professionals

RECOGNITIONS:

- CALI Excellence for the Future Award: Pretrial Litigation
- McGrath North Excellence in Legal Writing Award

NOTABLE PRESENTATIONS AND SPEAKING ENGAGEMENTS:

- Panelist, National Association of Attorneys General (NAAG) Spring Consumer Protection Conference, "Online Consumer Review Issues in Consumer Protection Enforcement," May 2023, Tampa, FL
- Panelist, American Bar Association (ABA) Panel: "Consumer Protection 101 – Key Laws Beyond UDAP", July 2024, Virtual.

NOTABLE CASES

- *State Attorneys General Social Media Platform Litigation* - Currently represent the States of Nevada and Mississippi, as well as the Commonwealth of Kentucky, in state court consumer protection litigation against Meta Platforms (parent company of Messenger, Instagram, and Facebook), TikTok, Snapchat, and Alphabet (parent company of Google and YouTube). 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.
- *Social Media Platforms Multistate Investigation* – Instrumental in formulating and leading the Multistate Attorney Generals investigation into Social Media Platforms and the negative addictive effects that 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.
- *State Attorneys General Temu Litigation* - Currently represent the States of Arkansas and Nebraska, as well as the Commonwealth of Kentucky, in state court consumer protection litigation against Chinese e-commerce giant Temu. This litigation focuses on Temu's illegal data collection and protection practices as well as various illegal tactics Temu uses to entice buyers to order low-cost items.
- *In re Kia Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litig., No. 8:22-mj-5052 (C.D. Cal.)* – Currently represent the Cities of Albuquerque, NM and Jackson, MS in litigation against the makers of various Hyundai and Kia vehicles that lack basic industry-standard antitheft technology, making them incredibly easy to steal. These failures precipitated an epidemic of auto theft across the country, overloading local law enforcement resources.
- *Google Location Tracking Practices Multistate Investigation and Settlement* – During her tenure at the Nebraska Office of the Attorney General, Michaela helped co-lead a multistate investigation into Google's location tracking practices. This endeavor resulted in a landmark settlement with Google, addressing concerns about its purportedly deceptive practices regarding location tracking settings within Google Accounts. This intricate investigation involved intensive negotiations, ultimately resulting in a historic \$391.5 million settlement involving 40 states. Notably, the State of Nebraska secured over \$12.1 million in restitution, alongside substantial injunctive relief measures. This achievement marks the most significant privacy settlement ever reached by state attorneys general.

- *Hotel Resort Fees Multistate Investigation and Settlements* - During her tenure at the Nebraska Office of the Attorney General, Michaela spearheaded a comprehensive multistate investigation and settlement with numerous major hotel chains—including Hilton, Marriott, Omni, and Choice—resolving issues surrounding hidden fees and unfair pricing practices. The settlements led to commitments from hotel chains to prominently display the total cost of a hotel stay, inclusive of room rates and mandatory fees, on their booking websites, ensuring that consumers have clear and upfront information when making lodging arrangements.
- *Blackbaud Multistate Data Breach Investigation and Settlement* - Michaela worked alongside 49 other states to reach a landmark multistate settlement with software giant Blackbaud, addressing grave concerns over its inadequate data security measures and response to a ransomware attack in 2020 that compromised the personal information of millions of individuals nationwide. The settlement addressed allegations that Blackbaud violated state consumer protection laws, breach notification requirements, and HIPAA regulations by neglecting to implement adequate security measures and failing to promptly notify customers. This transformative settlement mandated Blackbaud revamp its data security protocols and breach notification procedures, along with a substantial \$49.5 million payment to the states.