

Sarah E. Erickson

Of Counsel

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Denver

Sarah E. Erickson is of counsel in the Denver Office of Gibson, Dunn & Crutcher. She is a core member of the firm's Privacy, Cybersecurity, and Data Innovation and FDA and Health Care practice groups. Sarah has received every year since 2021 the *Best Lawyers: Ones To Watch* recognition for her high caliber work in Commercial Litigation.

Sarah's Data Privacy and Cybersecurity practice focuses on counseling clients in various industries, ranging from start-ups to publicly traded Fortune 100 companies, on strategic compliance with data privacy and consumer protection laws and on representing clients in the technology sector in high-stakes investigations and inquiries by the FTC, CFPB, Congressional committees, and other federal and state consumer protection agencies and in litigation in federal and state court. She also has experience investigating and responding to potential or suspected data breaches. Representative matters include:

- serving as a primary contact to a publicly traded social media company for ongoing, strategic advice on implementation of a data privacy compliance program required under a Consent Order following an FTC investigation relating to the company's use of consumers' personal information;
- representing a leading online retailer and video streaming service in responding to an order to file a Special Report under Section 6(b) of the FTC Act;
- representing a publicly traded fintech company in responding to an order to file information with the Consumer Financial Protection Bureau (CFPB) regarding consumer payments products;
- representing a social media company in responding to U.S. House Select Committee investigation into the January 6, 2021 Capitol Riots;
- member of team representing leading social media company in federal and state-level investigations related to the company's use of consumer data and related litigation;
- advising Fortune 500 health care company on strategic HIPAA compliance, including conducting risk assessments and preparing risk management plans;
- providing real-time and crisis management advice to companies during investigations of suspected and actual data breaches;
- conducting HIPAA diligence assessments for mergers & acquisitions involving health care entities and business associates;
- advising companies from a variety of sectors on compliance with the European Union's General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), state breach notification laws, and federal and state consumer protection laws;
- advising companies from the financial, technology, and retail sectors on Telephone Consumer Protection Act (TCPA) regulatory and compliance matters;



Capabilities

Privacy, Cybersecurity, and Data Innovation
Administrative Law and Regulatory Practice
Appellate and Constitutional Law
FDA and Health Care Litigation
Tech and Innovation
White Collar Defense and Investigations

Credentials

Education

Georgetown University - 2013 Juris Doctor
Heinrich Heine University Düsseldorf - 2006 Master of Arts
University of Minnesota - 2002 Bachelor of Arts

Admissions

Colorado Bar

Clerkships

US Court of Appeals, 4th Circuit, Hon. Diana Gribbon Motz, 2013 - 2014

- providing *pro bono* counseling to non-profit organizations on compliance with GDPR, state data breach notification statutes, and best practices for cybersecurity and data privacy.

Sarah's FDA and Health Care practice focuses on advising companies in the pharmaceutical, medical device, food, and cosmetics industries on strategic FDA regulatory compliance and in preparing for and responding to regulatory inspections and enforcement actions. She also counsels companies on FTC matters relating to the advertising and marketing of consumer goods. Representative matters include:

- counseling Fortune 100 health care services company on FDA regulatory compliance matters, including preparing and responding to FDA inspections, Quality Systems regulations, and device recalls;
- advising Fortune 500 pharmaceutical company on drug labeling and Orphan Drug exclusivity;
- advising publicly traded biopharmaceutical company on the premarket pathway for its prodrug product;
- provided FDA legal assessment for pharmaceutical company's acquisition of a drug manufacturing facility with global operations;
- advising global consumer goods retailer on FDA matters relating to the acquisition of cosmetics and wellness product brands;
- conducted FDA diligence for Hershey Co.'s acquisition of One Brands, LLC;
- conducted FDA diligence for PepsiCo's acquisition of SodaStream, International;
- advising and defending FDA-regulated companies in matters involving class action litigation and enforcement concerning advertising and promotional activities

In her Administrative and Regulatory practice, Sarah has represented clients in the health care, technology, telecommunications, and transportation industries in notice-and-comment rulemaking proceedings, regulatory appeals, and in the federal trial and appellate courts. Representative matters include:

- representing a Fortune 100 telecommunications company and national trade association in high-stakes rulemaking proceedings before the FCC;
- successfully challenging an agency ruling under the Administrative Procedures Act in the D.C. Circuit on behalf of the railroad industry, securing vacatur of the rule;
- representing beverage and advertising trade associations in obtaining a preliminary injunction from the Ninth Circuit enjoining a compelled disclosure on First Amendment grounds;
- representing state health care provider in challenging a Medicaid disallowance;
- representing a managed health care company in responding to a proposed rule to change Medicare Advantage reimbursement methodology;
- represented a health care company in responding to HHS-Office of Civil Rights' request for information on revisions to HIPAA Privacy Rule

Sarah also maintains an active *pro bono* practice, in which she successfully represented a girl who fled Afghanistan to escape an honor killing in securing asylum in the United States. <https://www.cairocoalition.org/2015/06/25/pro-bono-spotlight-gibson-dunn-attorneys-reflect-on-their-clients-path-to-asylum>.

Before joining the firm, Sarah served as law clerk to the Honorable Diana Motz of the United States Court of Appeals for the Fourth Circuit.

She graduated *magna cum laude* and in the top 1% of her class at Georgetown University Law Center. While at Georgetown, Sarah received the Charles A. Keigwin Award for achieving the highest GPA at the conclusion of first year courses and served as Articles

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Editor of *The Georgetown Law Journal*. She also published student notes on the subjects of civil rights and national security and served as a weekly contributor for SCOTUSblog.

Sarah also holds a Master of Arts in Political Science and Sociology from the University of Düsseldorf, Germany and a Bachelor of Arts *summa cum laude* from the University of Minnesota, Twin Cities. Prior to private practice, she worked in the field of international development. She speaks German, French, and Dutch.

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