



Stephen R. Freeland

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RELATED SERVICES

- Commercial Litigation
- Artificial Intelligence
- Intellectual Property Litigation
- Advertising & E-Commerce
- Consumer Financial Services

OFFICES

- Alexandria
- Washington

OVERVIEW

Steve Freeland is a Partner in the Washington D.C. office of GRSM. He helps businesses achieve success in areas including advertising, consumer protection, telemarketing, artificial intelligence, and intellectual property.

Steve also represents clients in Federal Trade Commission (FTC) investigations and FTC enforcement actions involving advertising, marketing and telemarketing issues, consumer class actions, and state attorneys general investigations. He has represented major consumer product companies, retailers, online merchants and service providers, lead generators, nutritional supplement companies, affiliate marketers, non-conventional education providers, telecommunications companies, fundraisers, automotive industry companies, pharmaceutical companies, trade associations, and a variety of other large and small businesses.

Steve has litigated cases in federal and state courts across the country, which include defending clients

in consumer class actions brought under the Telephone Consumer Protection Act (TCPA) and state consumer protection laws, representing clients in Lanham Act false advertising and intellectual property cases between competitors, and defending clients in FTC enforcement actions filed under the FTC Act, the Telemarketing Sales Rule (TSR) and the Restore Online Shoppers' Confidence Act (ROSCA). Steve has also represented clients in competitor challenges before the National Advertising Division of the Better Business Bureau, as well as in regulatory actions and litigation before the Federal Communications Commission (FCC) and the International Trade Commission (ITC). He has significant experience with electronic discovery and has successfully argued for the substantial narrowing of civil discovery and investigative demands from regulators.

Steve provides ongoing counsel to numerous clients on a variety of issues, including:

- Advertising and marketing compliance, and claim substantiation
- Compliance with ROSCA and state auto-renewal laws
- Compliance and related issues under the TCPA, TSR, and state telemarketing laws
- Compliance with the Consumer Review Fairness Act
- Native advertising
- "Made in the USA" claims
- Testimonials and endorsements
- Online sales funnels, terms and conditions and privacy policies
- Affiliate marketing
- Telephone call monitoring and recording practices
- Brand protection

REPRESENTATIVE EXPERIENCE

- Defended non-conventional education companies in enforcement actions brought by the FTC and the Utah Division of Consumer Protection under the FTC Act, the TSR, and Utah state consumer protection and telemarketing statutes (D. Utah).
- Defended a nutritional supplement company in a competitor suit filed under the Lanham Act asserting claims of false advertising and trade dress infringement, as well as claims of tortious interference and common law unfair competition under New Jersey state law; prosecuted Lanham Act counterclaim for false advertising (D.N.J.).
- Defended a home security provider against a TCPA class action of first impression arising out of telemarketing calls placed by a lead generator that utilized soundboard technology (W.D. Okla.), and represented the company with respect to a related petition for expedited declaratory ruling before the FCC

- Defended a former presidential candidate's campaign entity against a TCPA class action alleging that it sent autodialed text messages to consumers without their consent; case was voluntarily dismissed with prejudice (C.D. Cal.).
- Defended a former presidential candidate's exploratory committee against a putative TCPA class action, alleging that it sent autodialed text messages to consumers without their consent and sent text messages to telephone numbers registered on the National Do Not Call Registry, which settled on favorable terms after the court granted the committee's motion for partial dismissal (W.D. Wash.).
- Represented affiliate marketing companies and their principals involved in marketing non-conventional online entrepreneur education and business coaching in an FTC investigation and subsequent resolution (M.D. Fla.).
- Defended a nutritional supplement company in a putative consumer class action brought under New York's consumer protection statutes asserting claims of deceptive and misleading acts and practices in connection with the advertising for one of the company's products (E.D.N.Y.).
- Defended affiliate marketing network, its owner, and a nutritional supplement company in a competitor suit filed under the Lanham Act asserting claims for trademark infringement, false designation of origin, and trademark dilution, as well as claims under the federal Anti-Cybersquatting Consumer Protection Act, the federal Racketeer Influenced and Corrupt Organizations Act, and claims under Texas state law for tortious interference, trademark dilution, and unfair competition; obtained dismissal of the affiliate marketing network and its owner (W.D. Tex.).
- Defended a nutritional supplement company in a suit filed by an ingredient manufacturer asserting claims of patent infringement, unfair competition and false advertising (W.D. Ky.).
- Represented seller of indoor television antennas in an FTC investigation and subsequent resolution (S.D.N.Y.).
- Defended an online exercise equipment seller in a case filed by a consumer asserting claims of false and misleading advertising and product liability (D.S.C.); represented seller in parallel insurance coverage litigation (S.D.N.Y.).
- Defended an online provider of virtual exercise training and dietary planning in putative TCPA class action (M.D. Fla.). Defended an online seller of various consumer products in an enforcement action filed by the FTC under the FTC Act, ROSCA and the Electronic Fund Transfer Act (EFTA) challenging free trial and subscription offers (S.D. Cal.; 9th Cir.).

- Defended national poultry company against claims under the Food Safety Modernization Act involving allegations relating to a label claim for one of the company's consumer brands (US Dept. of Labor).
- Obtained precedent-setting summary judgment in favor of a defendant-telemarketer for charities in a putative class action alleging violations of the TCPA's Do-Not-Call provisions and testing the boundaries of the TCPA's "nonprofit exemption" to liability. *Spiegel v. Associated Community Services, Inc.*, No. 1:15-cv-08504 (N.D. Ill.).
- Defended an online service provider in an enforcement action brought by the FTC under the FTC Act and ROSCA (S.D. Fla.).
- Defended several energy supply companies in separate consumer class actions pending in New York, Connecticut, and Pennsylvania federal courts, alleging violations of state consumer protection and false advertising laws arising out of the suppliers' respective variable-rate advertising and marketing practices.
- Represented plaintiff education network in trademark infringement suit against competitor (N.D. Ga.); obtained permanent injunction against defendants.
- Represented a rural telecommunications company in administrative actions before the FCC and in an Administrative Procedure Act challenge in the DC Circuit concerning Universal Service Funds and NECA payments.
- Represented an individual defendant in TCPA class action; jury verdict and judgment in favor of the defendant affirmed on appeal (E.D. Mo.; 8 Cir.).
- Represented plaintiff licensing association in copyright infringement action (E.D. Va.).
- Defended government contractor in a suit filed by a minority member asserting claims of breach of contract in connection with the redemption of his membership interest (Cir. Ct. Md. Anne Arundel Cnty.).
- Represented plaintiff engine brake manufacturer in trade secret misappropriation case concerning engine brake
- Represented plaintiff engine brake manufacturer in trade secret misappropriation case concerning engine brake technology provided to a Chinese competitor. Case settled favorably for plaintiff; defendant assigned his US patents concerning the technology in dispute to plaintiff as part of settlement (M.D.N.C.).

- Represented defendant Competitive Local Exchange Carrier (CLEC) in successful defense against a patent infringement suit, including defeating motion for preliminary injunction and obtaining a judgment of invalidity of the patent. An award of summary judgment was affirmed on appeal to the US Court of Appeals for the Federal Circuit (N.D. Ill.; Fed. Cir.).
- Represented an industry trade association in defense against putative nationwide federal antitrust class actions consolidated through the MDL panel; case settled on terms favorable to trade association (N.D. Ill.)
- Represented a manufacturer of generic antiviral in defense against patent infringement suit filed by competitor (E.D. Va.).
- Represented a reseller of ID scanning equipment and related software solutions in defense against patent infringement action (W.D. Wash.).
- Represented a major consumer product retailer in defense against a trademark and patent infringement suit concerning propane grills (N.D. Ill.).

PRESENTATIONS

- *Understanding the Intersection of Consumer Protection and Artificial Intelligence*, Mondaq Webinar, September 6, 2023

CREDENTIALS

Admissions

- District of Columbia
- Maryland
- Virginia
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Fourth and District of Columbia Circuits

EDUCATION

- J.D., *magna cum laude*, George Mason University School of Law, 2006
- B.A., *summa cum laude*, Marymount University, 2000

HONORS

- *Best Lawyers in America*® distinction in Advertising Law (2023-2025)
- *Super Lawyers*® Rising Stars distinction (2014-2018)

- *Who's Who in America* (2023)