

# Daily Journal

SEPTEMBER 6, 2023

## Daily Journal's Top 100 Lawyers



*William  
A. Delgado*

**DTO Law**  
Los Angeles  
Litigation

The firm website makes clear how William A. Delgado and partners came to name the commercial litigation boutique they co-founded in 2019, DTO Law. He and his partners' initials were part of it, but the acronym also suggested an assertive motto.

"We succeed where others fail because we are Driven To Outperform," the website says.

Delgado, Marcos M. Tarango and Megan O'Neill head a 19-attorney shop that specializes in class action defense, intellectual property litigation and other business-related cases. Delgado is managing partner.

"Things are going really well," he said. "We launched with five attorneys, our 20th hire starts in September, and we have a few in the pipeline. All are aligned with our vision as we add new clients."

He already represents numerous high-profile businesses, including American Honda Motor Co., Microsoft Corp., Costco Wholesale Corp., Target Corp., The Bountiful Co., Penske Media Corp. Live Nation Entertainment, Inc., and Walgreens.

Delgado defended MediaLab.Ai in a proposed class action alleging that it violated the Video Privacy Protection Act by sending the personal information it gathers on its video-sharing site Imgur.com through internet cookies to Facebook for use in targeting advertising. *Suufi et al. v. MediaLab.ai Inc.*, 2U22-cv-00979 (C.D. Cal., filed Feb. 11, 2022).

"People watched videos on our client's free website, so they weren't consumers under the terms of the statute," Delgado said. He adopted an aggressive strategy to depose plaintiffs quickly, devel-

oping the defense's arguments. The plaintiffs settled on an individual basis shortly before the deadline to file for class certification. "Other courts have adopted our arguments since then."

For The Bountiful Co., formerly known as Nature's Bounty, the product in dispute in a proposed class action was a fish oil supplement. Plaintiffs claimed the client's labels were false and misleading under New York and California law because the manufacturing processes changed the product's molecular structure so that is no longer fish oil. *Baines v. Nature's Bounty, Inc. et al.*, 1U21-cv-05330 (E.D. N.Y., filed Sept. 24, 2021).

"We showed that a reasonable consumer would not be confused and that federal law authorizes use of the product's common name, Delgado said. In March 2023 the court granted his motion to dismiss the case with prejudice.

In late August, Delgado had just begun a trial in San Francisco for client American Honda, accused of a safety design defect issue in certain vehicles. Prior to trial, Delgado secured dismissal of the claims by the largest subclass with a motion for summary judgment. Two small classes remain, leading to a much smaller scope of exposure for the automaker. *Quackenbush v. American Honda Motor Co.*, 3U20-cv-05599 (N.D. Cal., filed Aug. 12, 2020).

"I just did the opening argument," Delgado said. "We'll see how it goes. We're before Judge [William] Alsup, so we're starting very early every morning."

—John Roemer