



MICHAEL D. ABRAHAM

PARTNER

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Michael D. Abraham is a Partner of Bartko Pavia LLP and is the Co-Chair of the firm's Privacy Practice. He has successfully tried cases and counseled large healthcare systems, high tech companies, major financial organizations, leading corporations, national chains, franchisors, and international law firms.

Michael's expansive trial experience includes favorable verdicts for his clients in matters involving privacy claims, data breaches, unfair business practices, antitrust claims, breach of contract, real estate transactions, tort liability, security violations, officer and director liability, franchise law violations, employment claims, environmental claims, and breaches of fiduciary duty. His experience also includes the defense of healthcare entities on privacy and peer review related matters, defense of hundreds of clients in California Proposition 65 cases, as well as the defense of the nation's largest franchisor in high stakes real estate and tort actions.

CREDENTIALS

EDUCATION

- University of California College of the Law, San Francisco (formerly UC Hastings), J.D.
- University of California, Berkeley, M.C.P.
- University of California, Berkeley, B.S.

BAR ADMISSIONS

- State Bar of California

COURT ADMISSIONS

- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California
- United States District Court for the Central District of California

EXPERIENCE

- Among Michael's jury wins is a defense verdict at the conclusion of an eight-week antitrust trial in the United States District Court of the Northern District of California. The resulting judgment was upheld by the Ninth Circuit Court of Appeals.
- Michael obtained a judgment in favor of the client via a special motion to strike and motion for summary judgment in a civil rights case claiming improper use of peer review proceedings in the United States District Court for the Northern District of California.
- Michael obtained a judgment in favor of the client in a whistleblower and civil rights case claiming the improper uses of peer review proceeding in the Sacramento Superior Court.
- Michael obtained an order striking the class allegations in a data breach case at the pleading stage. The trial court in Alameda County Superior Court's complex litigation department agreed that individualized issues concerning causation and mitigation, as well as the client's right to present unique defenses to each individual's claims, made the action inappropriate for class action treatment.
- Michael obtained an extraordinary writ from the California Court of Appeal dismissing the plaintiff's complaint without leave to amend in a data breach case in the healthcare industry in which there was a \$4 billion exposure for his client. *Sutter Health v. Superior Court* (2014) 227 Cal.App.4th 1546, review denied Oct. 16, 2014.
- The California Court of Appeal adopted Michael's analysis set forth in his Amicus Curiae brief resulting in a dismissal of plaintiff's data breach case against the Regents of California. Regents

of University of California v. Superior Court (2013) 220 Cal.App.4th 549.

INSIGHTS

PRESS RELEASE | 09, JULY 2024

BARTKOZANKEL APPEARED IN THE FIRST HEARING RELATED TO 11 COORDINATED CLASS ACTIONS

BartkoZankel appeared in the first hearing related to 11 coordinated class actions brought against the firm's health care provider client for alleged penalties following the theft of a password protected computer in October 2011. The cases raise novel issues regarding what is a release...

PUBLICATIONS | 12, MAY 2024

RESTORING CMIA'S INTENDED BALANCE

California's Confidentiality of Medical Information Act (CMIA), Civil Code section 56 et seq., carefully balances obligations to handle and dispose of medical information in a manner preserving confidentiality with patients' CMIA rights of action for nominal or actual damages....

PRESS RELEASE | 10, AUGUST 2020

MICHAEL ABRAHAM CONTINUES ROLE AS UPDATE EDITOR FOR CEB'S "ALTERNATIVE DISPUTE RESOLUTION" CHAPTER

Michael Abraham continues in his role as the update editor for the chapter titled "Alternative Dispute Resolution" in CEB's California Real Estate Brokers: Law and Litigation. Updates were provided in April and will be included in CEB's published supplement.

PRESS RELEASE | 15, JULY 2020

MICHAEL ABRAHAM IS APPOINTED UPDATE EDITOR FOR CEB'S "CLASS ACTIONS, DATA BREACH LITIGATION, AND PRIVACY CONCERNS BEFORE AND DURING TRIAL" CHAPTER

Michael Abraham is a recognized expert in class action privacy litigation. He has been appointed as the update editor for the chapter titled "Class Actions, Data Breach Litigation, and Privacy Concerns Before and During Trial" in CEB's Privacy Compliance and Litigation in California. The...

PUBLICATIONS | 06, NOVEMBER 2015

MICHAEL D. ABRAHAM PUBLISHES ARTICLE IN CALIFORNIA HEALTH LAW NEWS ON RESTORING CALIFORNIA'S CMIA BALANCE

The Winter 2015 edition of California Health Law News (a Publication of the California Society for Healthcare Attorneys), Volume XXXIII, Issue 1, features an article by Michael D. Abraham on "Restoring CMIA's Intended Balance." [View a PDF of the article.](#)

PUBLICATIONS | 01, MARCH 2015

MICHAEL ABRAHAM AUTHORS CMIA ARTICLE PUBLISHED IN WINTER 2015 ISSUE OF CALIFORNIA HEALTH LAW NEWS

March 1, 2015 Michael D. Abraham authored an article concerning California's Confidentiality of Medical Information Act's ("CMIA") intended balance having been restored through three key Court of Appeals decisions. Each of the Court of Appeal's decisions cites to briefs filed by this...

PRESS RELEASE | 15, OCTOBER 2014

CALIFORNIA SUPREME COURT UPHOLDS DISMISSAL OF MASSIVE DATA BREACH CASE

October 15, 2014 - The California Supreme Court issued an Order denying plaintiffs' Petition for Review, thus allowing the California Third District Court of Appeal's landmark decision in Sutter Health v. Superior Court, No. C072591 (July 21, 2014) to stand with finality, ending 3 years of...

PRESS RELEASE | 07, OCTOBER 2014

FIRM LAUNCHES LAWSUIT FOR LIFETIME CHAIR OF KORET FOUNDATION AGAINST OTHER DIRECTORS

The firm has filed a significant new lawsuit for Susan Koret against other Koret directors Tad Taube, Richard Greene, Michael Boskin Anita Friedman and Richard Atkinson, seeking relief to benefit the prominent Koret Foundation charity. San Francisco Superior Court No. CGC 14-54206...

PRESS RELEASE | 21, JULY 2014

APPEALS COURT ABSOLVES SUTTER HEALTH IN DATA BREACH CASE

July 21, 2014 - The California Third District Court of Appeal in a published decision today ordered dismissal without leave to amend of thirteen coordinated class action lawsuits filed in late 2011. Sutter Health v. Superior Court, No. C072591 (July 21, 2014). [View full story in pdf format...](#)

CLASS ACTION DATA BREACH WRIT ARGUMENT HELD IN THIRD DISTRICT

June 23, 2014 – Rob Bunzel argued for client Sutter Health, in a large data breach case now in the Third District Court of Appeal in Sacramento. The appeal stems from 14 coordinated class actions brought against Sutter following the 2011 theft of a Sutter computer with a database related to...

PUBLICATIONS

- Speaker, "Recent Developments in Privacy Litigation Based on the Use of AI, Lessons for Healthcare Systems, and Strategies for Mitigation of Risk," 2025 Client Presentation
- [Litigation Against Healthcare Entities Based on Their Use of Website Cookies and Pixels](#), California Health Law News, Summer 2024
- California Society for Healthcare Attorneys, 2023 Annual Meeting, Presentation on Defending Healthcare Entities Against Class Actions Premised on the Use of Website Cookies and Pixels
- Northern District of California Historical Society, Member of the Board of Directors, and an Organizer of Presentations, including on the Past and Present Native Americans in California
- Northern District of California Historical Society, Member of the Board of Directors, and an Organizer of Presentations, including on the Past and Present Native Americans in California
- Update Author, Chapter 12, "Class Actions, Data Breach Litigation, and Privacy Concerns Before and During Trial" (CEB California Privacy 2020-2023)
- Update Author, Chapter 6, "Alternative Dispute Resolution," California Real Estate Brokers: Law and Litigation (CEB 2015-2018, 2020-2023)

AREAS OF FOCUS

PRACTICES

Litigation