



THE FOODMAN FIRM
MEET YOUR EXPECTATIONS

OCTOBER 2021



WHO WE ARE

WITH NEARLY **TWENTY YEARS** OF EXPERIENCE HANDLING **COMPLEX, HIGH-STAKES** MATTERS FOR A VARIETY OF CLIENTS – BOTH **INDIVIDUALS** AND **CORPORATIONS**, **DOMESTIC** AND **INTERNATIONAL** – **THE FOODMAN FIRM CONSISTENTLY PRODUCES** VALUE-DRIVEN **RESULTS** FOR OUR CLIENTS, WITH AN EMPHASIS ON **QUALITY OVER QUANTITY**.

OUR PRIMARY FOCUS AT **THE FOODMAN FIRM** IS TO PROVIDE OUR CLIENTS WITH THE MOST EFFECTIVE COUNSEL, AND TO **FOSTER LONG-TERM RELATIONSHIPS** THAT OUR CLIENTS CAN DEPEND ON.

THE FOODMAN FIRM TAILORS ITS INNOVATIVE FEE STRATEGIES TO MEET THE INDIVIDUAL NEEDS OF EACH CLIENT.

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LAWSUIT CHALLENGING FLORIDA SPORTS BETTING COMPACT

With legalized sports betting due to arrive in the Sunshine State in a matter of weeks (Oct.15, 2021), the lawsuits against the new gaming compact between the State of Florida and the Seminole Tribe of Florida have continued to roll in. 25, 2021, Gov. Ron DeSantis signed a new gambling compact with the Seminole Tribe of Florida.

After the Compact was signed, the 45-day review period began for the U.S. Department of Interior and its Bureau of Indian Affairs to decide whether to approve, disapprove, or allow the compact to be "deemed approved" by not commenting within the review period. The Department of Interior chose not to comment resulting in the compact to be deemed approved on August 6, 2021, and it published in the Federal Register. Former officials have stated that this is often done to make legal challenges more difficult, compared to when a compact is approved with specific reasoning. Even with the choice made by the Department of the Interior, there have been multiple lawsuits filed seeking to prevent the compact from going forward. The main challenges revolve around the potential of mobile sports betting through apps or internet services because there is little legal standing to prevent in-person sports betting in casinos owned by the Seminole Tribe of Florida. Under the new compact, the Seminole Tribe of Florida would have a near-monopoly over in person sports betting at their casinos, and mobile betting via apps. Other large betting companies and many state officials disagree with this aspect of the compact and would rather have an open market for sports betting corporations. The most recent of the three lawsuits that have been filed seeks to block the compact from going into effect by accusing the Department of the Interior of failing to recognize a 2018 Florida constitutional amendment that requires voter approval to expand gambling operations, and by alleging that mobile bets should not be accepted as being placed on Seminole land even if they are processed by computers in the Seminole casinos.





Additionally, the lawsuit, filed by two south Florida casino owners, also contends that the approval of the compact allowing mobile betting will adversely impact properties and neighborhoods by increasing traffic and criminal activity. While this aspect of the suit may not succeed, it is worth noting that a single successful injunction from any of these

suits could push back the planned launch date of mobile betting on November 15, 2021. Many other states have successfully approved sports gambling in the same manner, but until these legal challenges are dealt with, the future of sports betting, and specifically, mobile sports betting in the State of Florida, remains unclear.

EUROPEAN UNION DIGITAL SERVICES ACT

With the recent focus on privacy, data security, and free speech on the internet, members of the European Parliament's Committee on Legal Affairs adopted the committee's version of the Digital Services Act on October 30, 2021.

The Digital Services Act adds significant rules and regulations for many digital platforms and services. The committee's recommendation will now be moved on to the Internal Market Committee with the future goal of finishing the act by the end of the year. The key issue that was a part of the committee's regulations referred to data privacy. The two main recommendations included the right to pay for digital services without identification and a ban on personalized advertising based on tracking users' internet history and tendencies. These recommendations come at a time when individual's internet data is purchased

at a premium in order for companies to directly market goods to people that they believe will likely be future customers.

Data privacy and personalized advertising have been a talk of discussion in the United States as well, but there have not been any regulations implemented that would be nearly as drastic as the Digital Services Act recommended by the European Parliament's Committee on Legal Affairs. In the United States there are individual laws for specific types of data, but not for individual's personal data as a whole. Some of the current laws include HIPAA, FCRA, FERPA, GLBA, ECPA, COPPA,

and VPPA. Furthermore, if a company is required to notify the user when its data can potentially be sold, the third-party buyers of that data do not have to report any additional sale. The European Parliament is pushing forward for more internet regulation even after an extensive privacy law, the General Data Protection Regulation (GDPR) already exists. This law requires those who would be tracking internet users' data to notify the users before they can use the

data. The GDPR also allows individuals who have allowed internet services to acquire their data, a means to view or delete that data. It will be interesting to see how the United States' views and decisions on data security compare to those of the European Union in the long run, but as of today, the EU is leaps and bounds ahead with the presumed finalization of the Digital Services Act this year and the already existing GDPR.



THE FOODMAN FIRM

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