



Romaine Marshall

Partner

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Romaine is a business litigation and trial attorney. He has represented a variety of companies in state and federal courts nationwide and has been lead counsel in numerous jury trials.

PRACTICES

Advertising, Marketing, and Sponsorships
 Commercial Litigation
 Privacy and Information Security
 Compliance Services
 Cybersecurity and Data Breach Defense
 Class Actions
 Banking and Financial Services
 Advertising, Labeling, and Consumer Class Actions
 Cybersecurity and Privacy

EDUCATION

Brigham Young University, J. Reuben Clark Law School, J.D.

Waikato University School of Law, New Zealand, Visiting Law Student

Brigham Young University, B.S.

BAR ADMISSIONS

Utah

In 2017, he obtained successful outcomes in three complex business cases involving juries that included breach of contract, trade secret misappropriation, negligence, and fraud claims.

Romaine also specializes in cybersecurity and privacy law. He has been lead counsel on more than fifty cases involving data breaches, ransomware, dedicated denial of service attacks (DDoS), phishing scams, wire fraud, social engineering, and other exploits. Romaine has also represented and advised companies in disputes involving emerging technologies.

He frequently presents on cybersecurity issues addressing industry and regulatory compliance, risk, vendor management, and corporate governance. Romaine leads H&H's Hi-Tech Hub which analyzes the implications of emerging technologies (such as blockchain, AI, IoT, drones, robotics, unmanned vehicles) and their intersection with business laws, including cybersecurity and privacy.

Prior to joining Holland & Hart, Romaine was a judicial law clerk for the Honorable J. Thomas Greene for the U.S. Federal District Court in Utah.

CLIENT RESULTS

Privacy and Cybersecurity

Obtained dismissal of class action lawsuit against national grocery store in data breach case stemming from a cyberattack.

Has successfully defended data centers in data loss, theft, and breach litigation in state and federal courts.

Worked with the FBI to block fraudulent wire transfers of funds from a US heavy machinery company to European banks.

Advised US insurance companies with compliance issues relating to New York Department of Financial Services cybersecurity regulations.

Advised and defended global SaaS provider throughout regulatory investigation involving personal information.

Software and Technology Litigation

Obtained injunctive relief and favorable settlement for telecommunications provider in data breach and misappropriation of trade secrets case.

Successfully opposed attempts to cease operations of software company in California and defended company's former CEO in Utah against claims for fraud, data theft, and trade secret

Successfully defended software distribution and CRM company in California and negotiated voluntary dismissal of all claims by software manufacturer.

Financial and Technical Services Litigation

In bench trial, successfully defended multistate bank in breach of contract claims by Utah developer.

Obtained consent judgment on behalf of multinational manufacturer of industrial hygiene products against unauthorized distributor under deceptive trade practices statutes.

Secured summary judgment and dismissal for real estate finance company accused of violating the Utah Unfair Practices Act.

Energy and Natural Resources Litigation

Successfully protected geothermal energy exploration and development rights of renewable energy companies against challenge by special interest group in Oregon.

Litigated, mediated, and negotiated favorable outcomes for global oil and gas company in Utah, Idaho, Louisiana, Georgia, Florida, and Mississippi in cases involving enforcement of wholesaler marketing and incentive agreements.

Administered and defended data governance policies and procedures on behalf of global oil and gas company in multi-million dollar oil spill case.

Regulatory Litigation and Investigations

Successfully petitioned administrative board to renew low-level radioactive waste disposal permits and defeated renewal challenge by former CEO.

On behalf of the Utah Department of Insurance, obtained contempt of court order leading to incarceration of corporate officer and recovery of illegal investments.

Administered data governance and containment strategy in collaboration with the FBI, SEC, and IRS against a \$200 million real estate company investigated for Securities Act violations. Obtained contempt of court order and judgment against principal of company for violations of data and asset recovery order.

PUBLICATIONS

"Department of Health & Human Services Upgrades Security Risk Assessment Tool," *Holland & Hart News Update*, Co-Author, 10/31/2018

"Need a Cybersecurity Risk Assessment Tool? The Department of Health & Human Services Just Upgraded its Tool," *Holland & Hart News Update*, Co-Author, 10/31/2018

"Self-Driving Cars: Are You In or Out?," *Holland & Hart News Update*, Co-Author, 07/12/2018

"GDPR "Lite" Comes to the United States: The California Consumer Privacy Act of 2018," *Holland & Hart News Update*, Co-Author, 06/29/2018

"Data Privacy for Employees: A Two-Edged Sword," *Holland & Hart News Update*, Co-Author, 06/11/2018

"GDPR Starts with a Bang: NOYB Sues Google and Facebook," *Holland & Hart News Update*, Co-Author, 05/30/2018

"The CLOUD Act: Where It Sheds Light and Where Shadows Remain," *Holland & Hart News Update*, Co-Author, 05/14/2018

"SEC Provides Long-Awaited Guidance on Cybersecurity Disclosures," *Holland & Hart News Update*, Co-Author, 03/05/2018

"DOJ Settlement Sets Forth Best Practices for Protecting Sensitive Data for Government Contractors and Information Technology Companies," *Holland & Hart News Update*, Co-Author, January 2018

"Supreme Court Hears Argument on Whether Cellphone Records Are Protected by Fourth Amendment," *Holland & Hart News Update*, Co-Author, 11/29/2017

"Supreme Court to Consider Whether Companies That Store Data Outside the U.S. Can Be Required to Produce It in the U.S.," *Holland & Hart News Update*, Co-Author, 11/13/2017

"Safe Harbor for Data Security: New York's Proposed Changes Could Be Followed by Other States," *Holland & Hart News Update*, Co-Author, 11/07/2017

"Equifax Removes Arbitration Clause; Confirms No Credit Card Required for Free Credit Monitoring Service," *Holland & Hart News Update*, Co-Author, 09/15/2017

"ID Theft Protection and Credit Monitoring for Equifax Cyberattack: Get It But Proceed With Caution," *Holland & Hart News Update*, Co-Author, 09/11/2017

"SEC Urges "Robust" Cybersecurity Best Practices," *Holland & Hart News Update*, Co-Author, 08/22/2017

"Federal and State Cybersecurity Regulation of Financial Services," *The*

Corporate Counselor, Co-Author, June 2017

"The Layered Federal and State Cybersecurity Regulation of Financial Services Firms," *Cybersecurity Law & Strategy and Legaltech News*, Co-Author, June 2017

"Trump Executive Order Embraces New Standards for Federal Cybersecurity," *Holland & Hart News Update*, Co-Author, 5/16/2017

"Cybersecurity: What Are Corporate Directors' Duties?," *Co-Author, Westlaw Journal Computer & Internet, Vol. 34, Issue 21*, Co-Author, March 24, 2017

"New NY Cybersecurity Regs Will Have National Reach," *Law360*, Co-Author, March 22, 2017

"New York's New Cybersecurity Regulation for Financial Institutions Will Have National Reach," *Holland & Hart News Update*, Co-Author, 3/01/2017

"New Federal Guidance on Data Breaches, also Instructive for the Private Sector," *Holland & Hart News Update*, Co-Author, 1/13/2017

"New FDA Guidance Addresses Medical Device Cybersecurity for the Internet of Things," *Holland & Hart News Update*, Co-Author, 1/05/2017

"Conduct a Thorough HIPAA Risk Analysis or Pay Big Fines," *Holland & Hart News Update*, Co-Author, 10/26/2016

"Waiting May Cost You: Sanctions for Inadequate Cybersecurity Practices May Be Imposed Before a Cyber Attack," *Holland & Hart News Update*, Co-Author, 8/1/2016

"Federal Appeals Court Holds Data Breach Class Action Triggers Insurer's Duty to Defend under General Liability Policy," *Holland & Hart News Update*, Co-Author, 4/15/2016

"Third Circuit Finds that the FTC Has Authority to Sue Companies for Inadequate Cybersecurity Practices as an 'Unfair' Practice," *Holland & Hart News Update*, Co-Author, 8/28/2015

"Seventh Circuit Finds Customers' Hassles Caused by Data Breach Enough to Save a Class Action From Dismissal," *Holland & Hart News Update*, Co-Author, 8/3/2015

"BIS Publishes Proposed Rule For New Export Controls on Cybersecurity Items," *Holland & Hart News Update*, Co-Author, 6/5/2015

"Hacked Again?! What to Know About Utah's Data Breach Statute... For Now," *Co-Author, Utah Business*, May 2015

"What Colorado Companies Need to Know About Cybersecurity," *ColoradoBiz Magazine*, Co-Author, May 2015

SPEAKING ENGAGEMENTS

"Hi-Tech Hub Breakfast Series: The Internet of Things and Self-Driving Cars," 12/11/2018

"Cybersecurity Updates," *Utah Association of Energy*, November 15, 2018

"GDPR Understood," *Red Sky Security Conference*, November 7, 2018

"Hi-Tech Hub Breakfast Series: Cybersecurity and Privacy Law: State of the States," 10/24/2018

"Data-Centric Security," *CISO Executive Network Roundtable*, Denver, CO, October 16, 2018

"Cloud Security and Third Party Risk Management," *CISO Executive Network Roundtable*, Las Vegas, NV, September 19, 2018

"Cloud Security and Third Party Risk Management," *CISO Executive Network Roundtable*, Denver, CO, September 11, 2018

"Post Breach Response - Incident Handling and Data Breach Communications," *CISO Executive Network Roundtable*, April 25, 2018

"Cybersecurity Breakfast Series: Demystifying Distributed Ledger Technology (the Blockchain)," 04/11/2018

"Incident Response," *CISO Executive Network Roundtable*, April 10, 2018

"Cybersecurity Breakfast Series: Rise of the Machines - New Developments in Cybersecurity, the Internet of Things, and Artificial Intelligence," 03/14/2018

"Cybersecurity and Digital Privacy Roundtable," *Utah Business*, January 11, 2018

"Cybersecurity Grabs Headlines, But Privacy Policies and Practices Are as Important," *Holland & Hart Cybersecurity Breakfast Series*, 11/16/2017

"Cybersecurity and Privacy - As Distinct but Equal Business Imperatives," November 16, 2017

"Protecting Data in the Wake of Recent Attacks and the Legal, Regulatory, and Industry Frameworks that Govern," *Holland & Hart Cybersecurity Breakfast Series*, October 24, 2017

"Personal and Business Cybersecurity Hygiene," *Western Industrial Nevada Breakfast Meeting*, Reno, NV, July 28, 2017

"Contracts and Closings in the Cloud - The Effect of Technology on Real Estate Transactions," *Spring Symposia, ABA Real Property, Trust and Estate Law Section*, April 20, 2017

"Cybersecurity Risks and the Apportionment of Liability: What Your Firm

Should Be Aware Of in 2017," *The Knowledge Group*, March 28, 2017

"EU GDPR and Privacy Shield," *Holland & Hart Cybersecurity Breakfast Series*, March 22, 2017

"Call Center and Compliance Issues," *Panelist, SIFMA Compliance and Legal Society*, Salt Lake City, UT, March 3, 2017

"Emerging Cybersecurity and Data Privacy Issues in 2017 and Beyond," *Holland & Hart Cybersecurity Winter Breakfast Series, Salt Lake City, UT*, February 22, 2017

"Information Privacy, Information Privacy vs. Information Security: Conflicts & Synergies," *Holland & Hart Cybersecurity Fall Breakfast Series, Salt Lake City, UT*, November 16, 2016

"Risk Management, Cybersecurity Risk Management & Risk Assessments, Risk Transfer Through Cyber Insurance," *Cybersecurity Fall Breakfast Series Holland & Hart, Salt Lake City, UT*, November 2, 2016

"Building or Strengthening Your Information Security Program, Board Member Responsibilities," *Holland & Hart Cybersecurity Fall Breakfast Series, Salt Lake City, UT*, October 5, 2016

"Data Breaches: How Data Breaches are Happening: Ransomware, Cyber Extortion and Hactivism - Web Application Attacks," *Holland & Hart Cybersecurity Fall Breakfast Series, Salt Lake City, UT*, September 21, 2016

"Data Breaches: Hacking Incidents that Hurt, Incident Response Life Cycle, Data Breach Handling and Communications, Data Breach Response Toolkit," *Holland & Hart Cybersecurity Fall Breakfast Series, Salt Lake City, UT*, September 7, 2016

"Protecting Your Business," *Panelist, Business First Breakfast Series*, November 2015

RECOGNITION

- Mountain States Super Lawyers®, Rising Stars, Business Litigation, 2008, 2011
- Utah Federal Bar Association, Pro Bono Award Recipient, 2009
- *Utah Business Magazine*, Utah Legal Elite, 2005-2009, Civil Litigation, 2015-2018

PROFESSIONAL AND CIVIC AFFILIATIONS

- Utah Bar Association Office of Professional Conduct, Ethics and Disciplinary Committee Member
- Utah State Bar, Litigation Section, Member
- American Bar Association, Member
- American Trial Lawyers Association, Member