

David M. Stauss
Partner

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Denver



Background & Experience

David M. Stauss focuses on complex business and commercial litigation in state and federal courts, involving product liability, data security and privacy, and business disputes. David is head of the privacy and cybersecurity practices in the Denver and Boulder offices.

David has tried numerous cases in state and federal courts across the country securing favorable jury verdicts for his clients.

Areas of Focus

Litigation, Commercial Litigation, Consumer Financial Services, Product Liability and Mass Tort, Privacy and Data Security, California Consumer Privacy Act

In his product liability practice, he has provided counseling services and defended cases for manufacturers of various products, including tires, food items, and cleaning products. He has successfully tried cases involving both individual claims and class actions.

In his privacy and data security practice, David regularly assists clients in preparing for and responding to data breaches and data security incidents. He has aided clients in preparing for data breaches by drafting incident response plans and conducting table top exercises. He has counseled numerous clients in responding to data breaches, including managing multi-state breach notifications, appearing before regulators, and providing employee training. In 2018, he assisted in drafting Colorado's cybersecurity legislation, serving as the outside subject matter expert for the Colorado Attorney General's office.

David's combination of trial experience and

cybersecurity knowledge uniquely qualifies him to represent clients in litigation involving data security and privacy issues. He has handled disputes involving complex information security issues, and assisted in recovering funds lost in illegal wire fraud phishing schemes by filing lawsuits to freeze the fraudulent bank accounts.

David also regularly assists clients in complying with privacy-related statutes and regulations. He is accredited by the International Association of Privacy Professionals as a Certified Information Privacy Professional/United States (CIPP/US) and as a Certified Information Privacy Technologist (CIPT).

David is an avid author and presenter on privacy and cybersecurity and has been quoted in numerous publications, including the *Wall Street Journal*, *Cybersecurity Law Report*, *Law360*, *Law Week Colorado*, the *Denver Business Journal*, and *Law Technology News*. He is also a frequent contributor to *CyberAdviser*, a blog focused on the latest news and developments in privacy and cybersecurity law.

David co-authored the *Colorado Privacy & Cybersecurity Handbook* in 2017, a book dedicated to summarizing and explaining Colorado's evolving privacy and cybersecurity statutes, regulations, and case law and providing attorneys, privacy officers, lawmakers, and decision-makers with a single reference to the many different sources that make up Colorado privacy and cybersecurity law.

He was named a "Top 25 Most Influential Young Professional" by *ColoradoBIZ* magazine in 2018.

Representative Litigation Matters

- Secured defense verdict in product liability certified class action
- Represents multiple tire manufacturers in product

liability matters

- Defended major oil refinery in all Colorado matters involving product liability, landowner liability and personal injury claims
- Represented product manufacturer in litigation involving allegedly defective hose
- Represented Colorado company in shareholder dispute and litigation

Trial Experience

- Successfully defended a product manufacturer in two-week federal jury trial involving certified state class of homeowners
- Secured favorable jury verdict for a landowner in one-week federal jury trial involving premises liability claim
- Conducted two-week trial in Delaware federal court concerning landowner liability
- Represented a mutual fund in a four-week jury trial held in Los Angeles County Superior Court concerning dissolution of joint venture partnership; responsibilities included direct examination of witness, preparation of witnesses for direct- and cross-examination, participation in jury selection, and serving as lead attorney in jury instruction arguments
- Represented an oil refinery as lead counsel in a product liability trial in Denver County Court
- Represented an oil refinery in a wrongful death action in Pennsylvania federal court
- Completed a nine-week program with Denver City Attorney's office, which included trying 13 bench and jury trials

Representative Cybersecurity Matters

- Conducted internal due diligence review of multiple companies, analyzing all aspects of privacy and cybersecurity programs and compliance
- Advised client in emergency response to

cybersecurity incident involving unlawful access of third-party database by former employee, including advising client on performing privileged investigation, notifying law enforcement, retaining forensic investigator, and filing data breach lawsuit against former employee

- Assisted client in responding to allegation that client had been the victim of an email phishing scam resulting in vendor purportedly wiring funds to incorrect account
- Advised client in an incident involving allegation that internal technology staff had improperly accessed employee emails
- Regularly perform breach notification analyses for clients

Judicial Clerkships

Hon. James R. Zazzali, New Jersey Supreme Court

Professional Highlights

Books

Colorado Privacy & Cybersecurity Handbook,
September 2017

Publications

Co-author, "GLBA and the California Consumer Privacy Act: Analyzing SB 1121's Change to the Financial Institution Carve-Out Provision," Ballard Spahr alert, September 25, 2018

Co-author, "What Companies Need to Know About Changes to Colorado's Cybersecurity Law," *ColoradoBiz Magazine*, September 16, 2018

Author, "California Poised to Enact Internet of Things Information Security Law," Ballard Spahr alert, September 6, 2018

Co-author, "California Passes Legislation Significantly Changing Privacy Requirements for

Significance of Changing Privacy Requirements for Entities Doing Business in the State," Ballard Spahr alert, June 29, 2018

Co-author, "California Voters Likely to Consider Enacting GDPR-Like Privacy Law in November," Ballard Spahr alert, June 5, 2018

Co-author, "Colorado Enacts Groundbreaking Privacy and Cybersecurity Legislation," Ballard Spahr alert, May 30, 2018

Co-author, "Update on Colorado's Proposed Privacy and Cybersecurity Legislation," *Pratt's Privacy & Cybersecurity Law Report*, May 2018

Co-author, "Oregon, New York, Alabama, and Rhode Island Join List of States Considering Data Breach Legislation Post-Equifax," *Pratt's Privacy & Cybersecurity Law Report*, May 2018

Co-author, "Arizona Strengthens and Expands Data Breach Notification Law," Ballard Spahr alert, April 17, 2018

Co-author, "CPSC Explores Safety Hazards in 'Internet of Things' Products," Ballard Spahr alert, April 11, 2018

Co-author, "What Arizona Companies Need to Know About Arizona Cybersecurity Law," Ballard Spahr alert, March 21, 2018

Co-author, "What New Mexico Companies Need to Know to Respond to a Data Breach," Ballard Spahr alert, February 21, 2018

Co-author, "What New Mexico Companies Need to Know About the State's Cybersecurity Law," February 13, 2018

Co-author, "Colorado Legislature Considers Sweeping Privacy and Cybersecurity Legislation," Ballard Spahr alert, January 22, 2018

Co-author, "What Utah Companies Need to Know

Co-author, "What Utah Companies Need to Know About Utah Cybersecurity Law," *Utah Business*, January 17, 2018

Co-author, "How To Comply with the Colorado Division of Securities Cybersecurity Rules," January 17, 2018

Co-author, "Arizona Legislature Considers Strengthening Data Breach Notification Law," Ballard Spahr alert, January 16, 2018

Co-author, "What Colorado Companies Need to Know to Respond to a Data Breach," January 12, 2018

Co-author, "Washington A.G. Sues Uber in First Enforcement Action Under Revised Data Breach Law," Ballard Spahr alert, November 29, 2017

Co-author, "Worldwide Group of Data Privacy Regulators Issues Guidance on Connected-Car Technologies," Ballard Spahr alert, October 2, 2017

Co-author, "Eighth Circuit Issues Two Class Action Data Breach Rulings," Ballard Spahr alert, September 1, 2017

Co-author, "Uber Settles FTC Dispute Over Consumer Data Privacy and Security Allegations," Ballard Spahr alert, August 18, 2017

Co-author, "Delaware Amends Data Breach Statute," Ballard Spahr alert, August 17, 2017

Co-author, "Maryland Amends Data Breach Notification Law," Ballard Spahr alert, August 3, 2017

Co-author, "D.C. Circuit Reverses Data Breach Class Action Dismissal on Standing Grounds," Ballard Spahr alert, August 2, 2017

Co-author, "Nevada Becomes the Third State to Enact Website Privacy Notification Law," Ballard Spahr alert, August 1, 2017

Spahr alert, August 1, 2017

Co-author, "Colorado District Court Dismisses Data Breach Class Action Against Noodles & Company," Ballard Spahr alert, July 26, 2017

Co-author, "NYDFS Updates FAQs to Clarify Cybersecurity Regulations," Ballard Spahr alert, July 14, 2017

"Flooring It into the Future with Self-Driving Cars," *ColoradoBiz Magazine*, July 13, 2017

Co-author, "Ponemon Institute Study on Costs of Data Breaches Highlights Improvement and New Risks for U.S. and Global Companies," Ballard Spahr alert, June 28, 2017

Co-author, "FTC Submits Comment To Aid NTIA In Developing Internet of Things Guidance," Ballard Spahr alert, June 21, 2017

Co-author, "Autonomous Cars One Step Closer to Reality in Colorado," Ballard Spahr alert, June 19, 2017

Co-author, "Colorado Division of Securities Publishes Final Cybersecurity Rules," Ballard Spahr alert, May 23, 2017

Co-author, "SEC Emphasizes Cybersecurity Preparedness in Wake of Global Ransomware Attack," Ballard Spahr alert, May 18, 2017

Co-author, "Colorado Proposes Cybersecurity Rules for Investment Advisers, Broker-Dealers," Ballard Spahr alert, April 26, 2017

Co-author, "New Mexico Becomes 48th State to Enact Data Breach Notification Law," Ballard Spahr alert, April 19, 2017

Co-author, "Overview of the Association of Corporate Counsel Model Information Protection and Security Controls for Outside Counsel

Possessing Company Confidential Information,"
Ballard Spahr memo, April 2017

Co-author, "Ninth Circuit to Decide Key TCPA
Insurance Issue," Ballard Spahr alert, February 22,
2017

Co-author, "Eighth Circuit Remands Proposed
Settlement in Target Data Breach Class Action,"
Ballard Spahr alert, February 2, 2017

Co-author, "IRS and Others Renew Warnings
About Fraudulent Emails Targeting Employee Tax
Information," Ballard Spahr alert, January 30, 2017

Co-author, "Colorado Supreme Court Limits
Jurisdiction Over Manufacturers," Ballard Spahr
alert, September 20, 2016

Co-author, "Fending Off and Fighting
Cybercriminals," *Law Week Colorado*, September
12, 2016

"Colorado Law Protects Student Information,
Boosts Cybersecurity Resource," Ballard Spahr
alert, June 13, 2016

"New Jersey Courts Begin to Address Challenges to
the Prescription Drug Accutane—Some Early
Decisions," *Product Liability and Toxic Tort Law
Section Newsletter*, Volume 8, No. 1, March 2007

Co-author, "A Review of Some Recent Product
Liability Cases from 2005 & 2006," *Product
Liability and Toxic Tort Law Section Newsletter*,
Volume 8, No. 1, March 2007

"The New Jersey Appellate Division Extends
Medical-Monitoring Cause of Action to
Pharmaceutical Product Liability Suits," Ballard
Spahr Product Liability and Mass Tort alert,
January 31, 2007

Co-author, "Fifty State Construction Lien and Bond
Law—Pennsylvania Cumulative Supplement (2008

Law—Pennsylvania Cumulative Supplement (2008 & 2009)," published by Wolters Kluwer Law & Business

Co-author, "A Tribute to Chief Justice James R. Zazzali: More Than a 'Caretaker,'" *59 Rutgers Law Review* 667, 2007

"The New Jersey Supreme Court Dismisses Out-of-State Plaintiff's Product Liability Action Based on Choice of Law Principles," *Product Liability and Toxic Tort Law Section Newsletter*, Volume 9, No. 1, January 2008

Speaking Engagements

Speaker, "How IoT Regulation and Litigation are Transforming the Manufacturing Industry," Ballard Spahr webinar, January 16, 2019

Speaker, "Colorado's New Data Privacy Law: What Attorneys and Firms Need to Know," El Paso County Bar Association, Colorado Springs, November 13, 2018

Panelist, Cyber Security / Data Privacy, Utah Life Sciences Summit, Salt Lake City, November 1, 2018

Panelist, Colorado's New Data Privacy Law: What It is and its Impact on You and Your Clients, Colorado Bar Association, Denver, October 17, 2018

"Perspectives from the Enforcers: The New Colorado Cybersecurity Law," Colorado Cybersecurity Summit, Denver, September 2018

"Outside Our Borders: How New Laws Will Affect Businesses," Colorado Cybersecurity Summit, Denver, September 2018

Speaker, "Inside the Laboratory: State Legislation Impacting Privacy and Data Security," Consumer Data Industry Association Teleseminar, August 8,

2018

Speaker, "California's Proposition 65: What You Need to Know About the Impending Regulation Changes," Ballard Spahr webinar, July 26, 2018

Speaker, "Understanding The California Consumer Privacy Protection Act of 2018," Ballard Spahr webinar, July 20, 2018

Speaker, "Colorado's Breach Law," IMA Financial Group Webinar, July 19, 2018

"Cybersecurity & Privacy: What are the Risks of IoT Devices and How Privacy Rights Can be Protected," Internet of Things 2018 Conference, Practising Law Institute, San Francisco, Calif., June 27, 2018

Speaker, "Colorado Enacts Groundbreaking Privacy and Cybersecurity Legislation," Ballard Spahr webinar, June 4, 2018

"Business Ramifications of Proposed State and Federal Cybersecurity Legislation," Rocky Mountain Information Security Conference, Denver, May 10, 2018

Speaker, "Scope of Arizona's Defined Data Breach Notification Law Expands With New Legislation," Ballard Spahr webinar, April 25, 2018

"Social Media in the Workplace," Seventh Annual Salt Lake City Fall Employment Law Seminar, November 1, 2017

"Colorado Privacy & Cybersecurity Law: Recent Changes and What to Expect in the Future," Colorado Cybersecurity Summit, Denver, October 2017

"Managing Cybersecurity Risk Through Insurance Coverage," Denver, July 27, 2017

"Data Breach Litigation: Case Law Update."

Webinar, March 1, 2017

"Social Media in Litigation and the Workplace,"
Denver, May 12, 2016

"Cybersecurity Seminar – Best Practices for
Preparing for and Responding to Data Breaches,"
Denver, April 7, 2016

"Lessons Learned: Best Practices for General
Counsel and In-House Attorneys from the ACC
Foundation Cybersecurity Report," Denver, March
9-10, 2016

Podcasts

"Autonomous Vehicles," *Law Week Colorado's*
HearSay Podcast, September 11, 2017

Recognitions & Accomplishments

The Legal 500, Dispute Resolution - Product
liability, mass tort and class action:
automotive/transport, 2016-2018

Certified Information Privacy Professional/United
States

Certified Information Privacy Technologist

Education

Rutgers, The State University of New Jersey School
of Law-Camden (J.D. 2005, with highest honors)
Editor-in-Chief, *Rutgers Law Journal*

American University (B.A. 2001, *cum laude*)
Member, Golden Key National Honor Society;
President, Alpha Lambda Delta National Honor
Society

Admissions

Colorado

New Jersey

Pennsylvania

U.S. District Court for the District of Colorado

U.S. District Court for the District of New Jersey

U.S. District Court for the Eastern District of
Pennsylvania