



## Stacey Myers Garrett

Stacey joined KYL in 1991 and is a shareholder in its Long Beach office. Stacey currently serves on the firm's Diversity and Inclusion Committee. Stacey's practice focuses on representing and advising securities broker-dealers and banks. She has successfully represented financial institutions in jury trials, bench trials, class actions, regulatory proceedings and hundreds of arbitrations.

Stacey has tried or arbitrated to conclusion more than 50 cases (including jury trials and bench trials). She regularly appears in state and federal courts and in securities arbitrations before the Financial Industry Regulatory Authority (FINRA). Stacey has tried cases involving allegations of fraud, breach of fiduciary duty, churning, unsuitability, negligence, negligent supervision, and violations of state and federal law. She also has advised and defended firms and registered representatives in regulatory inquiries initiated by FINRA, the New York Stock Exchange and the California Department of Corporations. Her work includes defending individual claims and class actions, and she was part of a team that tried a 250-member class action to a jury verdict.

Stacey's practice also includes privacy law and advising clients on data security. Stacey is certified by the International Association of Privacy Professionals in United States private sector privacy law (CIPP/US) and European Union privacy and data protection law (CIPP/E). She also is a Certified Information Privacy Manager (CIPM) and Certified Information Privacy Technologist (CIPT). Her work includes defending clients accused of violating various privacy laws, assessing clients' legal and regulatory compliance with applicable privacy laws, including the Gramm-Leach-Bliley Act, Regulation S-P, the California Financial Information Privacy Act, the California Consumer Privacy Act (CCPA), the Telephone Consumer Protection Act (TCPA), the Computer Fraud and Abuse Act (CFAA), the Stored Communications Act (SCA), and the European Union's General Data Protection Regulation (GDPR).

Stacey also represents creditors in bankruptcy proceedings. She advises clients on how to structure and maintain commercial relationships with debtors who may be on the verge of, or who have filed a petition for, bankruptcy. Her practice includes helping her clients keep money the debtor paid them in the months leading up to the bankruptcy petition and making sure her clients are paid to the maximum extent possible before the debtor is discharged. She defends creditors who have been accused of violating the automatic stay, and defends creditors who have been accused of receiving preferential payments from debtor in the months before the bankruptcy petition.

## Speaking Engagements

- “Ins and Outs of Third-Party Privacy Contracts” (January 28, 2020) (speaking engagement at PrivacyOC)
- “Countdown to 2020: A Survivor’s Guide to the California Consumer Privacy Act,” (September 4, 2019) (speaking engagement, Mitratesh Interact conference, Austin, Texas)
- “Data Privacy Law: Challenges and Practical Solutions for California Businesses in 2018” (July 25, 2018) (speaking engagement, Continuing Legal Education seminar)
- Navigating Data Privacy for Legal Teams Webinar (June 19, 2019) (presented jointly with Mitratesh)
- “Adding Value in 2018: Privacy and Data Security in the Financial Services Industry” (May 31, 2018) (speaking engagement, Western Independent Bankers Women in Banking Forum)

## Certifications

- CIPP/US (Certified Information Privacy Professional, U.S. – private sector)
- CIPP/E (Certified Information Privacy Professional, Europe)
- CIPM (Certified Information Privacy Manager)
- CIPT (Certified Information Privacy Technologist)

## Position

Shareholder

## Recognitions

- Recognized on “Lawdragon’s Inaugural 500 Leading Litigators in America” (October 4, 2022)
- AV® Preeminent™ peer review rating from Martindale-Hubbell (highest level of professional excellence) (2010–2022)
- Lawdragon, “Lawyer Limelight: Stacey Myers Garrett,” (August 26, 2019) (available here)
- Selected to Southern California Women’s Edition Super Lawyers List (Thomson Reuters) (2019–2021) (a designation limited to 5% of attorneys in a geographic region)
- “Best Attorney” (California), Best Attorneys of America (2018) – (Lifetime Charter Member)
- America’s Most Honored Professionals (Top 1%) (2015–2019)
- America’s Most Honored Professionals (Top 5%) (2014)
- Selected to Southern California Super Lawyers List (Thomson Reuters) (2005–2021) (a designation limited to 5% of attorneys in a geographic region)
- Selected to Southern California Rising Star List (Thomson Reuters) (2004) (a designation limited to 2.5% of attorneys in a geographic region)

## Publications

- “CCPA Proposed Regulations Modified – Again” (March 12, 2020) (available here)
- “California Attorney General Issues Modified California Consumer Privacy Act Regulations,” (February 7, 2020) (available here)
- “10 Privacy Predictions for 2020,” (February 6, 2020) (available here)
- “Suffering from CCPA Nightmares? 10 Steps to Taming the Beast that Keeps General Counsel Up at Night,” Corporate Compliance Insights (January 29, 2020) (available here)
- “California Attorney General Issues Advisory Outlining New Data Privacy Rights for California Consumers” (January 8, 2020) (available here)
- “Did You Ring In the New Year With Confetti ... and a New CCPA Privacy Policy?” (January 6, 2020) (available here)

- “For the CCPA, New AG Regulations Are a ‘How-To’ Manual” (December 4, 2019) (available here)
- “The CCPA: Why the Employee and B2B Amendments Do Not Eliminate Compliance Obligations” (November 25, 2019) (available here)
- “How Two New CCPA Amendments Impact Business Compliance Obligations” (November 6, 2019) (available here)
- “Countdown to California’s New Privacy Act,” Corporate Compliance Insights (September 26, 2019) (available here)
- Lawdragon, “Lawyer Limelight: Stacey Myers Garrett,” (August 26, 2019) (available here).
- “Data Privacy: Why Is It So Big Now? And Why Should Legal Teams Pay Attention?” (e-book published with Mitrastech and Keesal, Young & Logan, August 2019) (available here)
- SEC: Victims of Cyber Scams May Also Face Enforcement Actions (available here) (October 30, 2018)
- Data Privacy Law: Challenges and Practical Solutions for Businesses in 2018 (October 18, 2018), Lawdragon
- “E.U. – U.S. Privacy Shield May Be Eliminated as of September 1, 2018,” with James Kritenbrink (July 18, 2018) (available here)
- Strengthening Trust and Market Share with Strong Privacy and Data Security Practices (July 2018), Western Independent Bankers magazine
- California Lawmakers Approve Groundbreaking Privacy Law (available here) (June 28, 2018) (client alert, KYL website)
- Comment letter to Securities and Exchange Commission re: “Regulation Best Interest” (June 12, 2018)
- Comment letter to FINRA re: Regulatory Notice 18-13 and proposed amendment to FINRA Rule 2111 and Regulation Best Interest (June 11, 2018)
- GDPR is Here: Why U.S. Companies Should Care and Five Tips Toward GDPR Compliance (May 25, 2018) (available here) (client alert, KYL website)
- Are U.S. Records Retention Requirements on a Collision Course with the GDPR’s “Right to Erasure?” (May 2018), Cybersecurity Law & Strategy; Law.Com (available here)
- Privacy and Data Protection Claims in Arbitration (March 26, 2018) (available here) (client alert, KYL website)
- Comment letter to FINRA regarding Regulatory Notice 17-42 (proposed changes to expungement procedures) (February 1, 2018)

## Results

Examples of cases in which Stacey was lead counsel or played a significant role include:

- Obtained defense arbitration award on behalf of securities broker dealer on claim alleging violations of the Right to Privacy Act (12 U.S.C. § 3403, et seq.) and other federal statutes, and successfully confirmed award to judgment in federal court. *Cristo v. Charles Schwab Corporation, et al.*, 202 U.S. Dist. LEXIS 244294 (S.D. Cal. Dec. 20, 2021).
- Obtained defense arbitration award on behalf of securities broker dealer against claim that retail account had been wrongfully frozen in response to court enforcement of judgment procedures.. *Eleven Stones, LP v. Charles Schwab & Co., Inc.*, FINRA No. 19-01545 (June 29, 2021).
- Successfully defeated class action against online broker-dealer on a motion to dismiss in the U.S. District Court for the Northern District of California (*Whitesides v. E\*TRADE Securities, LLC*, 2021 U.S. Dist. LEXIS 46082 (6/11/2021) and *Whitesides v. E\*TRADE Securities, LLC*, 2021

U.S. Dist. LEXIS 118418 (6/24/2021)).

- Defeated \$493 million claim against national securities broker-dealer in a 37-day securities arbitration; in addition, Citigroup recovered \$2 million from claimants. The result was reported by the Daily Journal's "Verdicts & Settlement" column and labeled a "Top Verdict," and also was reported by the Securities Arbitration Commentator and Arb Reporter. Copies of those articles can be accessed here and here. Kosti & Marian Shirvanian, individually and as Trustees of the Kosti Shirvanian and Marian Shirvanian Living Trust v. Citigroup Global Markets Inc. (f/k/a Salomon Smith Barney), AAA Case No. 72-168-Y-00004-04 NOLG (10/27/2017).
- Successfully obtained defense judgment on behalf of a community bank on \$22 million claim after 29-day bench trial. Also obtained judgment in favor of the bank on its \$650,000 counterclaim. Corona Fruits & Veggies, Inc. v. Heritage Oaks Bank, Superior Court of California, County of Santa Barbara Case No. 1290870 (11/26/2014 and 1/20/2015).
- Successfully obtained order dismissing \$12 million claim against national securities broker-dealer because claim was ineligible for arbitration under FINRA Rule 12206(a) (six-year rule). The arbitrators also recommended that the complaint be expunged from the registered representatives' record.
- Obtained order dismissing \$1 million claim against national bank where borrowers claimed that the bank failed to properly approve and fund construction costs relating to their construction loan.
- In a jury trial, successfully represented national bank on its counterclaim in a wrongful foreclosure and fraud case, and obtained order awarding bank its attorneys' fees and costs.
- Successfully defended a national securities broker-dealer in a \$1.5 million FINRA arbitration initiated by an elderly investor alleging that the financial consultant failed to properly manage his fee-based, discretionary equities account. The arbitrators also recommended that the complaint be expunged from the registered representatives' record.
- Obtained order dismissing \$3.8 million claim against national securities broker-dealer and ordering claimant to pay \$1 million in sanctions to the respondents. The arbitrators also recommended that the complaint be expunged from the registered representative's record.
- Was a member of the defense team that defended a national securities broker-dealer in a 250-member class action culminating in a six-week jury trial.

#### Reported Decisions:

- Dunne v. JPMorgan Chase Bank, N.A., 2014 U.S. Dist. LEXIS 146969 (C.D. Cal., 2014)
- Tuminello v. Richards, 504 F. App'x 557 (9th Cir. 2013)
- NAACP v. Ameriquest Mortg. Co., 635 F. Supp. 2d 1096 (C.D. Cal., 2009)
- Omni Home Fin., Inc. v. Hartford Life & Annuity Ins. Co., 2008 U.S. Dist. LEXIS 35259 (S.D. Cal., 2008)
- Citigroup, Inc. v. Pac. Inv. Mgmt. Co. (In re Enron Corp.), 296 B.R. 505 (Bankr., C.D. Cal. 2003)
- Fehrman v. Loomis Armored, Inc., 44 F. App'x 270 (9th Cir. 2002)
- Burns v. Prudential Sec., 218 F. Supp. 2d 911 (N.D. Ohio, 2002)
- Burns v. Prudential Sec., 145 Ohio App. 3d 424 (2001)
- Burns v. Prudential Sec., 116 F. Supp. 2d 917 (N.D. Ohio, 2000)
- Adams v. Anderson (In re Superior Stamp & Coin Co.), 223 F.3d 1004 (9th Cir. 2000) (holding that earmarking doctrine provided defense to debtor's preference action and did not allow debtor to avoid portion of payments funded by bank loans specifically made for purpose of paying specific creditor)
- In re: Sintek v. Prudential Ins. Co. of America, 1998 U.S. App. LEXIS 29039 (9th Cir. 1998)
- In re Weisberg v. Shearson Lehman Bros., Inc., 136 F.3d 665 (9th Cir. 1998) (holding that

securities broker's post-petition sale of securities to meet margin calls did not violate the automatic stay and margin payments could not be recovered by trustee)

- Clark v. Prudential Secs., 44 Cal. App. 4th 1498 (1995)

## Admissions

- California (1991)
- Nevada (1993)
- All United States District Courts in California
- All United States District Courts in Nevada
- United States Court of Appeals for the Ninth Circuit
- Supreme Court of the United States

## Education

- J.D., University of California, Hastings College of the Law (1991 – magna cum laude). While in law school, Stacey was a member of the Hastings Law Journal and was elected to the Order of the Coif.
- B.S. (journalism), California Polytechnic State University, San Luis Obispo (1987 – summa cum laude).

## Practice Areas

- [Appellate](#)
- [Bankruptcy & Insolvency](#)
- [Business Litigation](#)
- [Privacy & Data Security](#)
- [Securities](#)

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## Office Location

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