

**DAVID A. ZETOONY**

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Mr. Zetoony's expertise relates to government regulation of advertising.

In addition to counseling companies in developing and implementing policies on data collection, use, and security, consistent with the requirements of the FTC Act, the Children's Online Privacy Protection Act (COPPA), the Gramm-Leach-Bliley Act (GLBA), and various federal and state regulations such as the Red Flags identity theft rule, Mr. Zetoony routinely represents clients before the Federal Trade Commission (FTC) and the states attorneys' general in response to consumer protection and antitrust government investigations, and before federal and state courts in consumer protection litigation.

**Representative Experience**

- Mr. Zetoony represented the Consumer Privacy Ombudsman in the Tower Records, Ritz Camera, and Steve & Barry's bankruptcy proceedings to assist in the submission of reports and recommendations to the court regarding the disposition of customer lists and other personally identifiable information.
- Mr. Zetoony has been retained to advise and counsel companies that are victim to massive data security breaches, or are the subject of government investigations in connection with data security breaches.
- Mr. Zetoony was retained to spearhead a campaign to address the practice of fraud against immigrants who seek legal services (commonly referred to as "notario fraud"). His work on the project, including his success in leading civil suits in Virginia and Maryland courts, was recognized by the ABA Commission on Immigration, and various legal publications including *The National Law Journal*, *LawDragon*, and the *Daily Business review*.
- Mr. Zetoony submitted the first appeal of the Class Action Fairness Act (CAFA) to the D.C. Circuit in a case involving the application of CAFA to state consumer protection acts. Mr. Zetoony has also been retained to brief antitrust and consumer protection issues in appeals before the 4th and 5th Circuits.
- Mr. Zetoony has successfully defended companies in civil suits alleging a range of antitrust violations, and has represented companies in antitrust investigations brought by the DOJ and the FTC.

**Publications**

- "Confusing the Mission: A 'Golden Example of How an Agency With Two Missions Can Work at Odds with Itself'", Co-authored with Jodie Z. Bernstein, (accepted for publication in consumer protection journal - 2009)
- "Ten Ways to Prevent a Data Breach from Breaching a Budget", 4(4) *Privacy & Data Security Law Journal* (May 2009)
- "Antitrust Connections", *American Bar Associations Section of Antitrust Law Communications Industry Committee Newsletter*, Editor-in-Chief, Spring 2009
- "The Party Line", *American Bar Associations Section of Antitrust Law Communications Industry Committee Newsletter*, Editor-in-Chief, Fall 2008
- "When Sales are Un-Made: What Many Businesses Don't Know", *Chain Store Age* (web edition), June 25, 2007
- "What to Do When Security is Breached: Now That a Majority of States Have Weighed in, Has a Best Practice Emerged?", *ABA Consumer Protection Update*, Vol. 13, No. 2, Summer 2006
- "3 New State Laws Expand Data Breach Obligation", *DM News*, May 10, 2006
- "Data-Security and Telemarketing: The New Wave Of State Notification Laws Is More Ambitious Than The Last", *American Teleservices Association Connections*, May 2, 2006
- "Latest State Data Breach Notification Laws Cut Wide Swath", *Society for Human Resource Management News* (June 2006)
- "A Retrospective of Consumer Protection Initiatives", 72 *Antitrust L.J.* 969, co-authored with Jodie Z. Bernstein, 2005

**RELATED PRACTICES**

- \* Antitrust, Franchise & Consumer Law
- \* Commercial Litigation
- \* White Collar Defense and Investigations

**EDUCATION**

- \* University of Virginia, J.D., 2003
- \* Rice University, B.A., *cum laude*, 2000

**ADMISSIONS**

- \* District of Columbia, 2004
- \* Virginia, 2003
- \* United States Supreme Court
- \* United States Court of Appeals for the Fourth Circuit and District of Columbia
- \* United States District Courts for the District of Columbia, Eastern District of Virginia and District of Maryland

**RELATED BULLETINS**

- \* States Expand Data Breach Statutes To Apply To Medical Information
  - \* When Sales are Un-Made: What Many Businesses Don't Know
- more...

**RELATED NEWS**

- \* Data Security Law Targets New Information Breaches
  - \* Bryan Cave Stops Fraud on Immigrants Through Landmark Virginia 'Pro Bono' Litigation
- more...

**RELATED PUBLICATIONS**

- Portable Document Format (PDF)
- \* The Party Line, Fall 2008 - Communications Industry Committee Newsletter
  - \* "Ten Ways to Prevent a Data Breach from Breaching a Budget," *Privacy & Data Security Law Journal*
  - \* "Confusing the Mission: A Golden Example of How an Agency With Two Missions Can Work at Odds With Itself," - *Journal of Consumer Law*

#### **Speaking Engagements**

- ▣ Moderator, "Privacy and Data Security Trends Concerning Medical Records," Loyola University of Chicago Law School, planned for January 2010, Chicago, Illinois.
- ▣ Las Vegas Underground: Notarios, UPLers & Other Unsavory Characters, American Immigration Lawyers Association ("AILA") Annual Meeting (Summer 2009)
- ▣ Recent Cases, Decisions, and Opinions Concerning the Ethical Obligations and Restrictions of Virginia Attorneys, CLE Presentation (Winter 2009)
- ▣ Corporate Counsel: Navigating your Company Through Data Security, Privacy and Identity Theft Issues, Kansas Bar Association Annual Meeting (Summer 2008)
- ▣ Consumer Protection: Theories for Bringing Civil Actions Against Legal Consultants, CLE Presentations sponsored by ABA and Catholic Charities of Washington (Summer & Fall 2008)
- ▣ Best Practices in Electronic Discovery and Case Management, CLE Presentation (Fall 2007)
- ▣ ABA seminar: Hot Topics in Privacy and Information Security (Summer Update July & August 2007).
- ▣ ABA Consumer Protection Committee Monthly Update, presentation on recent activity of state attorneys general and state data-security initiatives, (May 1, 2006)

#### **Professional Affiliations**

- ▣ American Bar Association Section of Antitrust Law's Committee on the Healthcare and Pharmaceutical Industry, Vice-Chair and former Communications Industry committee member

#### **Civic Involvement and Distinctions**

- ▣ American Bar Association Commission on Immigration (Working group on notario fraud), Member