



## Elaina M. Maragakis

Shareholder

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## Practice Areas

Antitrust and Trade Regulation Law and  
Litigation  
Appellate Practice  
Cybersecurity and Privacy  
Healthcare Law  
Litigation  
Winter Sports Practice Group  
Women Lawyers Group  
COVID-19 Response Team

Ms. Maragakis is a shareholder and director and practices in Ray Quinney & Nebeker's litigation section. Her practice focuses on complex commercial litigation. She has tried a significant number of cases, and has experience managing complex disputes through trial. Ms. Maragakis has represented numerous companies in connection with contract and business disputes, including class actions. Ms. Maragakis has also represented a number of health care entities, including nursing homes and hospitals, in both litigation, HIPAA analysis, and medical staffing issues. Ms. Maragakis serves as a member of the firm's Executive Committee.

Ms. Maragakis is also Chair of the Firm's Cybersecurity and Privacy practice group. Ms. Maragakis has obtained her designation as a Certified Information Privacy Professional/US (CIPP/US), a certification offered by the International Association of Privacy Professionals. She assists clients in all aspects of legal compliance with data security laws, including helping companies minimize their risks by preparing Information Security Policies, including Data Breach Response Plans and Employee Data Security Policies. In the event of a breach, she assists with managing a company's compliance with breach notification laws. She has given presentations to various groups on the issue of data security across the State of Utah, and has written extensively on the subject.

Ms. Maragakis has been selected as one of The Best Lawyers in America® 2021 in Commercial Litigation and has also been selected by her peers throughout the state as one of Utah's "Legal Elite," as published in Utah Business Magazine (2005-2007, 2009-2015, 2017-2020). She was selected for inclusion in Mountain States Super Lawyers (2007, 2012-2020) in the category of Business Litigation. She was also selected by Best Lawyers Business Edition Women in the Law in 2016 for Commercial Litigation. Ms. Maragakis was also selected as one of the Top 50 Women in Mountain States Super Lawyers (2020).



Ms. Maragakis maintains an AV Preeminent (4.6) rating with Martindale-Hubbell, which is the highest rating awarded to attorneys for professional competence and ethics.

#### REPRESENTATIVE REPORTED CASES

- Madsen v. Washington Mut. Bank fsb, 199 P.3d 898, 613 Utah Adv. Rep. 29, 2008 UT 69, September 23, 2008 (NO. 20060597).
- Madsen v. Washington Mut. Bank fsb, 2005 WL 1177229, 2005 UT App 224, Utah App., May 19, 2005 (NO. 20050042-CA).
- Five F. L.L.C. v. Heritage Savings Bank, 81 P.3d 105, 486 Utah Adv. Rep. 17, 2003 UT App 373, Utah App., November 06, 2003 (NO.20020088-CA).
- Amoco Oil Co. v. Premium Oil Co., 2004 WL 989016, D.Utah, April 06, 2004 (NO. 2:02CV00765 DS).
- Owner-Operator Independent Drivers Assoc., Inc. v. C.R. England, Inc., 508 F.Supp.2d 972, D. Utah, June 20, 2007 (NO. 2:02-CV-950 TS).
- Island Peak Ranch, L.L.C. v. FIIK Inv. and Holdings, Inc., Slip Copy, 2008 WL 2673925, D.Utah, July 07, 2008 (NO. CIVIL 2:02-CV-562).
- Owner-Operated Independent Drivers Ass'n, Inc. v. C.R. England, Inc., Slip Copy, 2008 WL 4735639, D.Utah, October 24, 2008 (NO. 2:02-CV-950 TS).

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#### EDUCATION

University of Utah, J.D., 1997

- Utah Law Review, Staff Member, 1996-1997
- William Leary Scholar

University of Utah, B.S., Honors Degree of Bachelor of Science, Political Science, 1994

- magna cum laude
- Phi Beta Kappa
- Phi Kappa Phi

University of Utah, Undergraduate Certificate in Public Administration, 1994

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#### PRIOR PROFESSIONAL EXPERIENCE

- Clerkship, Ray Quinney & Nebeker, Summer, 1996
- Clerkship, University of Utah, Office of General Counsel, Summer, 1995



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## ADMITTED TO PRACTICE

- Utah District Courts
- United States District Court for the District of Utah
- United States Court of Appeals, Tenth Circuit
- United States Supreme Court

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## AFFILIATIONS / MEMBERSHIPS

- Certified Information Privacy Professional/U.S. (2016-present)
- Member (2018-present) Utah Magistrate Judge Merit Selection Panel
- Member (2009-2014) Utah Appellate Nominating Commission
- Chair (2005-2006), Member (current), Executive Committee, Utah State Bar Litigation Section
- Co-Chair (2006), Utah State Bar Annual Convention
- President (2006-2007), President-Elect (2005-06), Member (2003-2018) SJ Quinney College of Law Alumni Board of Trustees, University of Utah
- Master, Aldon J. Anderson American Inn of Court
- Member (2002-2004), Utah State Bar Character and Fitness Committee
- Team Leader, Tuesday Night Bar (1997-1998)
- Advisory Committee Member, Utah's Health: An Annual Review (2000-2001, 2007)
- Member, National Charity League (1997-2000)

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## PROFESSIONAL AND CIVIC ACTIVITY

- Young Alumna of the Year Award, SJ Quinney College of Law at the University of Utah, 2003
- Adjunct Professor, University of Utah, Department of Political Science, Winter Semester 2002, Spring Semester 2004
- Member, National Honors Advisory Committee, 2001-2004
- Member, Saint Sophia Hellenic Orthodox School Board, 2003-2009



- Steering Committee Member, Utah State Bar "Dialogue on Freedom" Program which placed lawyers and members of government in junior high and high schools across the state to lead discussions about the rule of law and democracy, 2002
- Steering Committee Member, Utah State Bar "Marbury v. Madison Bicentennial Celebration" celebrating 200th anniversary of decision that established judicial review, 2003
- Steering Committee Member, Utah State Bar "Brown v. Board of Education 50th Anniversary," 2004

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## **PUBLICATIONS / PRESENTATIONS**

- "COVID-19 Requires New Emphasis on Cybersecurity in Healthcare", Utah Physician Magazine, Sept/Oct 2020
- "Industry Outlook-Cybersecurity and Digital Privacy Roundtable", Utah Business Magazine, March 2019 edition
- "Back to Basics: How Employee Training Can be the Most Cost-Effective Way to Eliminate Security Threats", Utah Physician Magazine, February/March 2019
- "Creating a Culture of Privacy and Security: Law Firms and Clients in the Age of Cybersecurity", Panelist, 24th Annual Rocky Mountain Bankruptcy Conference, Sponsored by American Bankruptcy Institute, Marriott City Center, Salt Lake City, Utah, January 24-25, 2019
- "Perspectives on Breach Considerations", Panelist, Utah iSymposium 2018, Sponsored by Cybersecurity and Privacy Section of the Utah State Bar, Adobe Systems Campus, Lehi, Utah, April 26, 2018
- "Industry Outlook-Cybersecurity and Digital Privacy Roundtable", Utah Business Magazine, March 2018 edition
- "How Should Your Business React to a Cyber Attack?", Panelist, Cybersecurity Conference, Hilton Hotel, Salt Lake Chamber of Commerce, March 15, 2018
- "Cybersecurity and the New Age of Digital Piracy: Is Your Organization Safe?", Panelist, Utah Intellectual Property Summit, Hilton Hotel, Salt Lake City, February 23, 2018
- "Business Case for Cybersecurity/Managing the Risk of Insecurity", Panelist, Cybersecurity Conference sponsored by Salt Lake Chamber of Commerce and United States Chamber of Commerce, Salt Lake City, Utah, March 23, 2017
- "Managing Cyber Risk, Utah County Indemnity Pool", Heber, Utah, August 30, 2017
- "Global Challenges in Cybersecurity: Protection, Privacy, and Freedom of the Press", Panelist,



Sponsored by Utah Valley University and National Cyber Security Alliance, Orem, Utah, January 24, 2017 (YouTube, Good4Utah, Deseret News)

- "Six Questions That Can Help You Build an Information Security Policy One Bite at a Time", Utah Physician Magazine, January/February 2017
- "Information Security Policies: Moving from the IT Department to the Enterprise", Utah Association of Counties Annual Convention, St. George, Utah, November 17, 2016
- "Bracing for Ransomware: Navigating the Legal Landscape", CPCU (Chartered Property & Casualty Underwriter) I-Day, Workers Compensation Fund Offices, Sandy, Utah, November 15, 2016
- "The Ransomware Menace-Are You Prepared?", Ray Quinney & Nebeker Tax Seminar, Little America Hotel, Salt Lake City, Utah, November 3, 2016
- The County Seat: Fraud and Scams, County Seat TV, Broadcast, October 28, 2016
- Podcast, Salt Lake Chamber: Cybersecurity: Why it Matters for Businesses Large & Small, October 12, 2016
- "Building a Compliance Program: Information Security Policies and Incident Response Plans", February 26, 2016, Cybersecurity Workshop for In-House Counsel, Salt Lake City, Utah
- "Beyond HIPAA: Creating a Comprehensive Information Security Policy and Incident Response Plan", February 25, 2016, RQ&N Healthcare Seminar, Salt Lake City, Utah
- "Local Governments are Attractive Cyber Targets: Are You Prepared?", January 21, 2016, North Salt Lake, Utah (with John A. Adams)
- "Cybersecurity and Privacy Aren't Things to Take Care of 'When They Happen'", The Enterprise-Utah's Business Journal, Sept. 28-October 4, 2015 (with John A. Adams)
- "Development, Serious Youth Offender", 1995 Utah Law Review 1175
- Note, EMTALA Rears Its Ugly Head: The Case of Baby K, 1996 Utah Law Review 1099