



I CALL SHOT GUN!  
RAPID FIRE LEGAL UPDATE

  
WARD AND SMITH, P.A.  
ATTORNEYS AT LAW

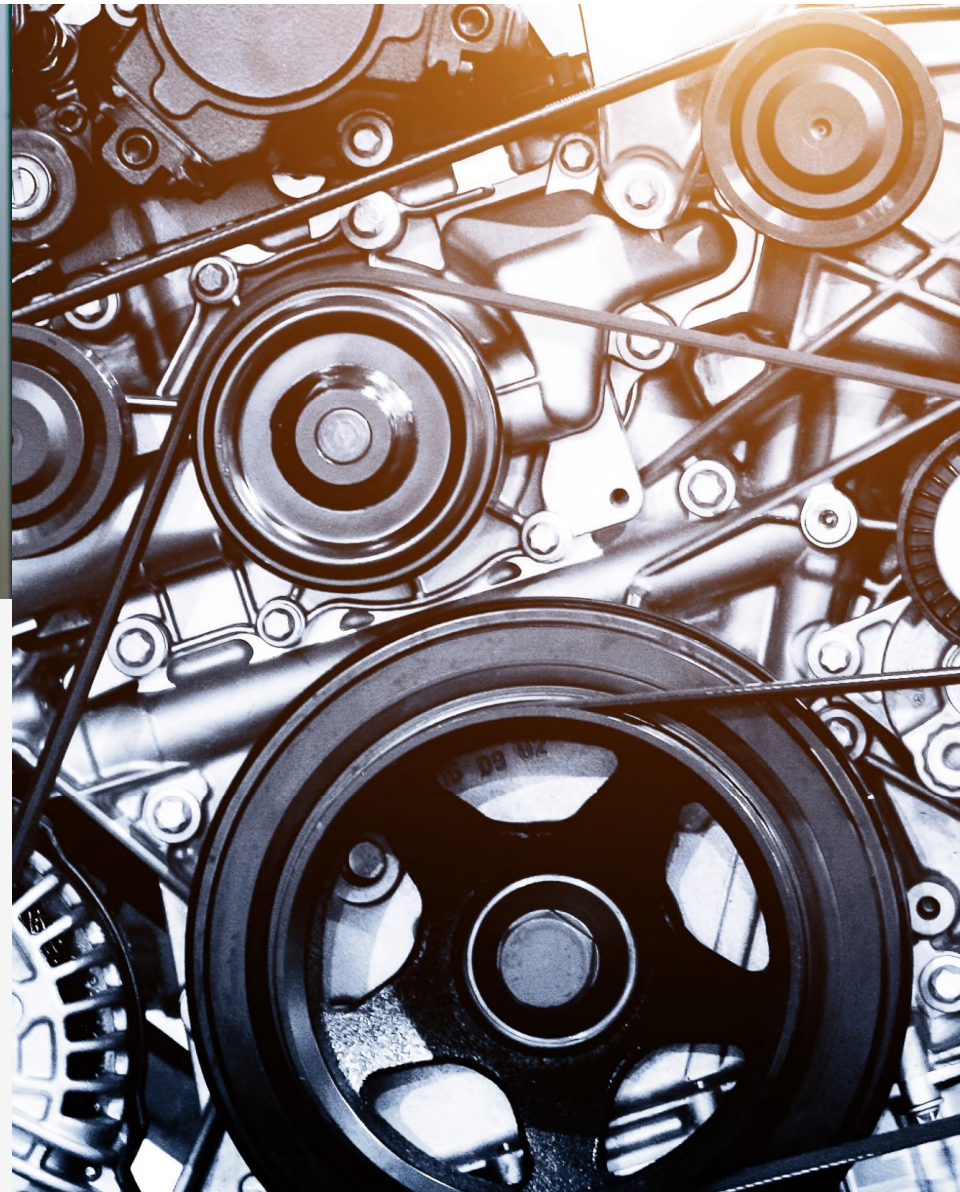


Steve Long  
Employee Benefits





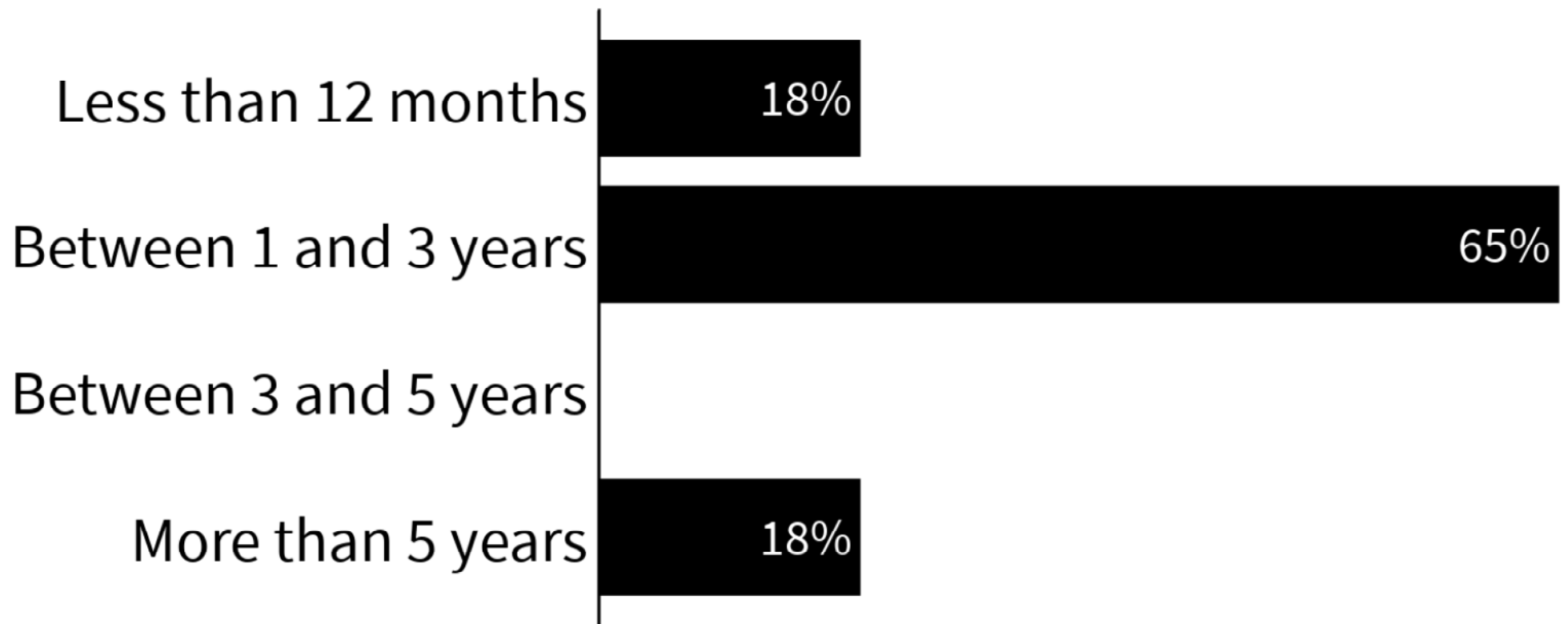
Merrill Jones  
Business Succession



**Are you a party to a Buy-Sell Agreement (an Agreement of Shareholders for a corporation or an Operating Agreement for an LLC)?**



**If you are a party to a Buy-Sell Agreement, how long has it been since you reviewed it with your professional advisors?**





Lauren Arnette  
Family Law  
Considerations



# Has your business been impacted by divorce?





## Top 5 Things to Know

1. Business ownership is Marital Property and can be distributed by a Judge to the other spouse.
2. Even if the business ownership is deemed to be separate property, active appreciation during the marriage is subject to equitable distribution.
3. The Court has the authority to join the business as a party to the lawsuit and can enjoin or require the business to act.
4. The business may be subject to discovery causing interference to business operations.
5. Beware of Gifting.



## How Does This Affect Me? Consider S&AH Industries

- Sole proprietorship established by Wife's father in 1995.
- In 2008, Wife's father gifts 25% of his ownership interest to Wife resulting in Wife having a 50% ownership interest.
- Wife's father makes Wife a 25% owner in S&AH Industries in 2002.
- Wife marries Husband in 2005.
- The expansion of S&AH Industries beginning in 2007 was in large part due to Wife's work in the business.
- Wife's father gifts Wife additional 25% ownership interest in 2008.





## How can the separation of Husband and Wife affect S&AH Industries?

### Facts for Review

- Business founded in 1995
- Wife is made 25% owner in 2002
- Wife marries in 2005
- S&AH Industries experiences substantial growth 2007 forward
- 2008 Wife is gifted additional 25% ownership interest



## Potential Pitfalls – all resulting in business interruption!

1. Equitable distribution
2. Appreciation from time of marriage
3. TRO/Preliminary Injunction
4. Discovery
5. Gifting

## How Do I Protect My Business?

- Premarital Agreement
- Requirement of execution of Premarital Agreement in Operating Agreement
- Post-Marital Agreement
- All pitfalls could have been avoided with the execution of a Premarital or Post-Marital Agreement





Angela Doughty  
Privacy and Data  
Security



# What Can We Expect?

“More regulation ”

“”

“More penalties ”

“More lawyers ”

“More threats ”

“Hacking is inevitable ”

“Stiffer penalties ”

“More problems ”

“”

“Ccpa and gdpr will impact bottom lines ”

“Everything discoverable ”



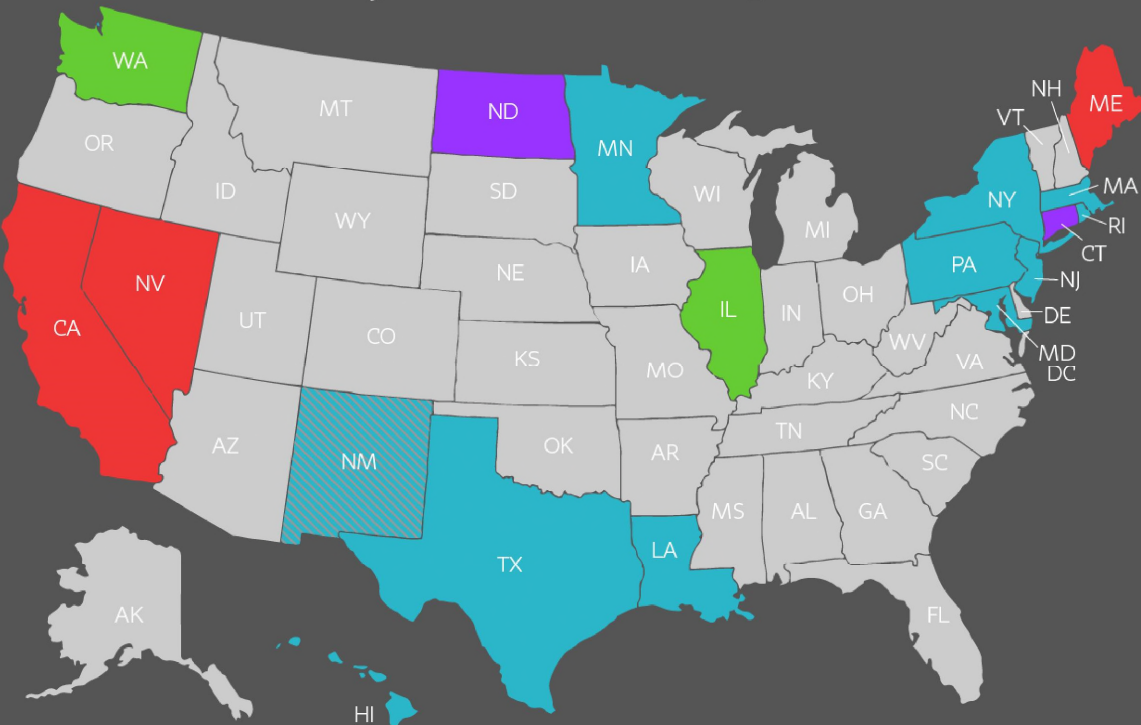
# Definitely Expect Operational Impacts from CCPA

BUT . . .  
CAN WE  
EXPECT A  
FEDERAL  
PRIVACY LAW?





# State Comprehensive-Privacy Law Comparison



OR . . .  
 SHOULD WE  
 EXPECT 50  
 DIFFERENT STATE  
 PRIVACY LAWS?



REGARDLESS,  
WE SHOULD  
EXPECT A LOT  
OF  
CONFUSION!



### State Comprehensive-Privacy Law Comparison

State	Legislative Process	Statute/Bill	Common Name	Consumer Rights						Business Obligations								
				To Access to Collected	To Access to Shared	To Rectification	To Deletion	To Restriction	To Portability	To Opt-Out	Against Solely Automated Decision Making	Private Right of Action	Strict Age-based Opt-In	Notice/Transparency Requirement	Data Breach Notification	Risk Assessment	Prohibition on Discrimination	Purpose Limitation
California		Ca. Civ. Code §§ 1798.100 - .199	California Consumer Privacy Act	x	x	x	x	x	x	s	16	x	x					
Connecticut		HB 5358		x	x	x	x	x	x	s	16	x	x					
Hawaii		SB 418		x	x	x	x	x	x		16	x	x	x				
Illinois		HB 3358	Data Transparency and Privacy Act	x								x						
Louisiana		HB 465 <sup>I</sup>	Internet and Social Media Privacy and Protection Act						in	x	x		x					
Maine		LD 946 <sup>II</sup>	An Act To Protect the Privacy of Online Consumer Information						x	in		x		x				
Maryland		SB 613	Online Consumer Protection Act	x	x	x	x	x				x	x					
Massachusetts		SD 341/S120		x	x	x	x	x	x	x	18	x		x				
Minnesota		HF 2917/SF 2912		x	x	x	x	x	x	x		x	x		x			
Nevada		SB220/Chapter 603A										x		x	x			
New Jersey		S2834		x								x		x				
New Mexico		SB 176	Consumer Information Privacy Act	x	x	x	x	x	x	s	18	x		x				
New York		SB S5642 <sup>III</sup>	New York Privacy Act	x	x	x	x	x	x	x	x	x	x	x				x
North Dakota		HB 1485 <sup>IV</sup>										x						
Pennsylvania		HB 1049	Consumer Data Privacy Act	x	x	x					s	16	x		x			
Rhode Island		S0234	Consumer Privacy Protection Act	x	x	x	x	x		x	16	x		x				
Texas		HB 4518	Texas Consumer Privacy Act	x	x	x	x	x			16	x		x				
Texas		HB 4390 <sup>V</sup>	Texas Privacy Protection Act	x									x	x	x	x		
Washington		SB 5376	Washington Privacy Act	x	x	x	x	x	x	x		x	x	x				
<b>In Session:</b> CA, MA, NJ, PA	Introduced In Committee Crossed Chamber Cross Committee Passed Signed	<b>Bold - passed law</b> <i>italics - proposed bill, not passed</i> s - private right of action for security violations only in - opt-in consent requirement	<del>bill postponed indefinitely</del> <del>task force substituted for comprehensive bill</del>															

<sup>I</sup> Louisiana HB 465 applies only to internet service providers, internet service operators, and social media companies.

<sup>II</sup> Maine LD 946 applies only to internet service providers.

<sup>III</sup> New York SB S5642 includes a broad consumer right to opt-out of any processing, not just the sale of personal information.

<sup>IV</sup> North Dakota HB 1485 is a broad prohibition on disclosure of personal information except upon explicit consent.

<sup>V</sup> Texas HB 4390 is a GDPR-style restriction-based bill that prohibits a business from collecting or processing information except under certain circumstances.

Legislative Process: Introduced > In Committee > Crossed Chamber > Cross Committee > Passed > Signed



Last updated: 7/31/2019



# What to Expect, When You Are Expecting