



## → Shannon Z. Petersen

### Partner

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Dr. Shannon Petersen is a business litigator and the Managing Partner of the San Diego (Del Mar) office. He co-leads the firm's TCPA and Consumer Class Action Defense Teams.

### Areas of Practice

Shannon is a trial attorney specializing in consumer class action defense. He has successfully represented clients in claims involving:

- Telephone Consumer Protection Act (TCPA)
- Fair Debt Collection Practices Act (FDCPA) and California Rosenthal Act
- Fair Credit Reporting Act (FCRA)
- Truth in Lending Act (TILA)
- California's Unfair Competition Law (UCL)
- California's Consumers Legal Remedies Act (CLRA)
- California's Automatic Renewal Law (ARL)
- Privacy and call recording statutes
- Automobile Sales Finance Act (ASFA or Rees-Levering)
- Other business claims, including breach of contract, misappropriation of trade secrets, defamation, unfair business practices, false advertising, fraud, breach of fiduciary duty, negligence, wrongful foreclosure or repossession, unfair debt collection, etc.

Shannon represents clients in a variety of industries, including financial services, retail and healthcare, among others.

### Honors

2019, Recommended by *The Legal 500 US* for Cyber Law

2013, Certificate Of Recognition for Pro Bono Services from the U.S. District Court for the Southern District of California

2008, Recognized as a "Top Young Attorney" in San Diego by *The Daily Transcript*

2007, 2003, and 2002, California Bar Association Wiley Manuel Award for Pro Bono Legal Services

2003, Nominee, California Bar Association President's Pro Bono Service Award, Recently Admitted Category

2002-2003, San Diego Volunteer Lawyer Program Distinguished Service Award

1992, Honorable Discharge, U.S. Navy, Russian linguist

## Experience

### Representative Clients

- Rite Aid
- Walmart
- San Diego County Credit Union
- Toyota Financial
- Wells Fargo
- Liberty Mutual
- IEC Corporation
- HMS Holdings/Eliza Corporation

### Recent Litigation Successes

- Victory following two jury trials, one bench trial and four arbitrations.
- Won several motions for summary judgement.
- Dismissals of many TCPA privacy class actions following motions.
- Obtained nearly \$8 million in settlement for a plaintiff business in a misappropriation of trade secrets case.
- Obtained terminating sanctions and default judgment against a defendant in a defamation case for destroying evidence.
- Defeated class certification and obtained outright dismissal in late fee class action.
- Compelled arbitration and enforced a class action waiver in many cases.

## Articles

- "Seventh Circuit Adopts Narrow Definition of Autodialer Under The TCPA," *Sheppard Mullin Class Action Defense Strategy Blog*, March 2, 2020
- "One "Chirp, Buzz, Or Blink" is Not enough to Sue Under the TCPA" *San Diego Defense Lawyers*, Fall 2019
- "The Sixth Circuit Limits the Meaning of ATDS Under the TCPA" *San Diego Defense Lawyers*, Fall 2019
- "Will More Clarity on Definition of ATDS Under TCPA Finally Be Here Soon?" *Sheppard Mullin Eye on Privacy Blog*, September 26, 2019
- "Supreme Court Punts on Whether FCC's Interpretation of the TCPA Binds Federal Courts," *Sheppard Mullin Class Action Defense Strategy Blog*, September 3, 2019
- "Rikki, Don't Autodial That Number! – Ninth Circuit Doesn't Want You To Call Nobody Else (in violation of the TCPA)," *Sheppard Mullin Class Action Defense Strategy Blog*, October 26, 2018

- "The Ninth Circuit Holds That Enforcing A Security Interest Is Not Necessarily Debt Collection," *Sheppard Mullin Financial Institutions Law Blog*, October 27, 2016
- "How Can a Defendant Kill a Class Action after Campbell?" *American Bar Association*, May 2016
- "Mooting Class Actions by Offer of Judgment – Episode 2: The Ninth Circuit Strikes Back," *Sheppard Mullin Class Action Defense Strategy Blog*, April 22, 2016
- "The TCPA And Mortgage Servicing Rules: Caught Between A Rock And A Hard Place," *Sheppard Mullin Class Action Defense Strategy Blog*, March 29, 2016
- "Mooting Plaintiff's Class Action Even After Plaintiff Refuses An Offer Of Judgment," *Sheppard Mullin Class Action Defense Strategy Blog*, March 29, 2016
- "Not Taking "Yes" For An Answer: U.S. Supreme Court Rules That Unaccepted Offer Of Complete Individual Relief Does Not Moot Plaintiff's Individual Or Class Action Claim," *Sheppard Mullin Class Action Defense Strategy Blog*, January 20, 2016
- "The California Supreme Court Holds Consumer Class Action Waivers In Arbitration Provisions Are Enforceable Under Federal Law," *Sheppard Mullin Class Action Defense Strategy Blog*, August 6, 2015
- "Court Severs Term But Otherwise Enforces Arbitration Provision With A Class Action Waiver," *Sheppard Mullin Class Action Defense Strategy Blog*, April 1, 2015
- "No Class Certification In Call Recording Cases," *Association of Business Trial Lawyers Report*, Summer 2014
- "The Eleventh Circuit Interprets Prior Express Consent Under The TCPA," *Sheppard Mullin Eye on Privacy Blog*, May 21, 2014
- "Seventh Circuit Affirms Lodestar Method to Determine Attorneys' Fees in TCPA Class Action Settlement," *Sheppard Mullin Class Action Defense Strategy Blog*, April 9, 2014, reprinted in the News Blog for the National Association of Legal Fee Analysis, April 10, 2014
- "Ninth Circuit Rejects Percentage Method To Determine Attorneys' Fees In Class Action Settlement," *Sheppard Mullin Class Action Defense Strategy Blog*, January 21, 2014, reprinted in the News Blog for the National Association of Legal Fee Analysis, February 1, 2014
- "CFPB Report Targets Arbitration Clauses," *Sheppard Mullin Class Action Defense Strategy Blog*, January 9, 2014
- "TCPA Class Actions Coming To New York," *Sheppard Mullin Class Action Defense Strategy Blog*, December 12, 2013
- "U.S. Supreme Court Continues To Expand FAA Preemption," *Association of Business Trial Lawyers Report*, San Diego, Fall 2013
- "Third and Seventh Circuit Courts of Appeals Issue TCPA Decisions," *Sheppard Mullin Class Action Defense Strategy Blog*, September 5, 2013
- "New FCC Interpretation Of "Express Consent" To Increase TCPA Class Action Liability," *Sheppard Mullin Class Action Defense Strategy Blog*, June 11, 2013
- "California Court Holds That Borrowers May Enjoin A Foreclosure If A Lender Fails To Meet Servicing Guidelines," *Sheppard Mullin Financial Institutions Law Blog*, February 4, 2013
- "Class Action Waivers Are Enforceable Despite Any State Statutory Right To A Class Action," *Sheppard Mullin Class Action Defense Strategy Blog*, January 18, 2013
- "California Homeowner Bill of Rights: A New Mortgage Law For The New Year," *Sheppard Mullin Financial Institutions Law Blog*, December 12, 2012

- "The Ninth Circuit Holds That The TCPA Prohibits Automated Calls Even When They Do Not Refer To Any Specific Good Or Service," *Sheppard Mullin Class Action Defense Strategy Blog*, October 31, 2012, reprinted in 19 *Association of Business Trial Lawyers Report*, San Diego, Winter 2012
- "TILA Does Not Require A Loan Servicer To Identify Who Owns A Loan, Unless The Servicer Owns The Loan By Assignment," *Sheppard Mullin Financial Institutions Law Blog*, October 16, 2012
- "Enforcing Class Action Waivers: A 'Major Change In California Law'," *Sheppard Mullin Class Action Defense Strategy Blog*, October 12, 2012
- "Another California Court of Appeal Rules That *Concepcion* Discredits *Gentry's* Rule Invalidating Most Class Action Waivers In Arbitration Provisions," *Sheppard Mullin Class Action Defense Strategy Blog*, August 17, 2012
- "The Federal Arbitration Act Preempts Any Right To A Class Action Under State Law," *Sheppard Mullin Class Action Defense Strategy Blog*, August 7, 2012
- "Another California Court Approves The Use Of MERS," *Sheppard Mullin Financial Institutions Law Blog*, June 25, 2012
- "Borrower's "Show Me The Note" Argument Fails To Halt Foreclosure," *Sheppard Mullin Financial Institutions Law Blog*, May 18, 2012
- "The Ninth Circuit Again Follows *Concepcion* And Enforces Consumer Arbitrations," *Sheppard Mullin Class Action Defense Strategy Blog*, March 28, 2012
- "Federal Law Preempts State Law Barring Arbitration Of Claims For Public Injunction," *Sheppard Mullin Class Action Defense Law Blog*, March 23, 2012
- "A 'Loan Workout Plan' Is Not An Agreement To Modify A Loan," *Sheppard Mullin Financial Institutions Law Blog*, March 13, 2012
- "The U.S. Supreme Court Reaffirms The Enforceability of Arbitration Agreements," *Sheppard Mullin Class Action Defense Strategy Blog*, January 31, 2012
- "The U.S. Supreme Court Reaffirms The Enforceability of Arbitration Agreements," *The Update*, San Diego Defense Lawyers, Winter 2012
- "Default Judgment Is Not Available In Actions To Quiet Title," *Sheppard Mullin Financial Institutions Law Blog*, January 9, 2012
- "Class Action Waivers After The U.S. Supreme Court Decision in *AT&T v. Concepcion*," *The Update*, San Diego Defense Lawyers, Autumn 2011
- "The California Court Of Appeal Disagrees With The U.S. Supreme Court On The Enforceability Of Arbitration Agreements," *Sheppard Mullin Class Action Defense Strategy Blog*, November 2, 2011
- "No Need To Record An Assignment Of A Deed Of Trust Prior To Foreclosure," *Sheppard Mullin Financial Institutions Blog*, October 21, 2011
- "Dispelling the Myth of MERS as a 'Sham' Beneficiary," *Sheppard Mullin Financial Institutions Blog*, October 18, 2011
- "In *Brown v. Ralphs Grocery Co.*, California Court of Appeal Strikes Back on the Enforceability of Class Action Waivers in Arbitration Agreements," 18 *Association of Business Trial Lawyers Report*, San Diego, Fall 2011
- "Too Little, Too Late For Plaintiff's Fraud-Based Mortgage Lawsuit," *Sheppard Mullin Financial Institutions Blog*, September 20, 2011

- "The California Court Of Appeal Again Rejects A Claim For Wrongful Foreclosure At The Pleading Stage," *Sheppard Mullin Financial Institutions Blog*, September 1, 2011
- "The California Court Of Appeals Weighs In On Option ARM Class Actions," *Sheppard Mullin Financial Institutions Blog*, August 31, 2011
- "Class Action Waivers After The U.S. Supreme Court Decision In *AT&T v. Concepcion*," 18 *Association of Business Trial Lawyers Report*, San Diego, Summer 2011
- "More Teeth For The Tender Rule," *Sheppard Mullin Financial Institutions Blog*, June 16, 2011
- "The California Court of Appeal Again Chips Away at *In re Tobacco II*," *Sheppard Mullin Class Action Defense Strategy Blog*, May 24, 2011
- "*Discover Bank Is Dead*: The U.S. Supreme Court Rules That Federal Law Preempts State Laws That Obstruct The Enforcement Of Class Action Waivers In Arbitration Agreements," *Sheppard Mullin Class Action Defense Strategy Blog*, April 27, 2011
- "To Avoid Assuming Fiduciary Duties, Mortgage Lenders Should Take Care to Avoid Acting as Mortgage Brokers" *Sheppard Mullin Financial Institutions Blog*, April 14, 2011
- "A Borrower May Not Bring An Action To Determine Whether The Owner Of A Mortgage Note Has Authorized A Nonjudicial Foreclosure," *Sheppard Mullin Financial Institutions Blog*, April 12, 2011
- "The California Court Of Appeal Holds Claims Under The Perata Mortgage Relief Act Generally Unsuitable For Class Treatment," *Sheppard Mullin Class Action Defense Strategy Blog*, June 23, 2010
- "The California Court Of Appeal Narrowly Interprets The Perata Mortgage Relief Act," *Sheppard Mullin Financial Institutions Blog*, June 8, 2010
- "Ninth Circuit Rules That The National Bank Act Preempts California's Unfair Competition Law," *Sheppard Mullin Class Action Defense Strategy Blog*, April 6, 2010
- "In A Putative Class Action, The Third Circuit Holds That A Plaintiff Must Show Detrimental Reliance On Improper Loan Disclosure Statements To Obtain Actual Damages Under The Truth In Lending Act," *Sheppard Mullin Class Action Defense Blog*, February 2, 2010
- Co-author, "The Receiving End," *The Daily Journal*, Focus Column, Oct. 23, 2008
- Co-author, "Receivers: How They Can Help Your Client In Business Litigation," 16 *Association of Business Trial Lawyers Report*, San Diego, Summer 2008
- "Writs of Attachment: What They Are, How To Get One, And How To Protect Your Client Against One," 14 *Association of Business Trial Lawyers Report*, San Diego, Winter 2007
- "The Honorable Dana Sabraw: A View From Both Benches," 12 *Association of Business Trial Lawyers Report*, San Diego, Summer 2005
- "California Proposition 64 Requires That Pending Actions Based On The Unfair Competition Or False Advertising Laws Be Dismissed," 10 *Stanford Journal of Law, Business & Finance*, June 2005
- "Proposition 64 Requires That Pending Actions Based On The Unfair Competition Laws Be Dismissed," 12 *Association of Business Trial Lawyers Report*, San Diego, Winter 2005
- Note, "Endangered Species in the Urban Jungle: How the ESA Will Reshape American Cities," 19 *Stanford Environmental Law Journal* 423, May 2000
- "Yellow Justice: Media Portrayal of Criminal Trials in the Progressive Era," 1 *Stanford Journal of Legal Studies*, Fall 1999

- "Bison to Blue Whales: Protecting Endangered Species Before the Endangered Species Act," 22 *Environs: Environmental Law and Policy Journal* 71, Spring 1999
- Comment, "Congress and Charismatic Megafauna: A Legislative History of the Endangered Species Act," 29 *Environmental Law* 463, Summer 1999

## Books

- Author, *Acting for Endangered Species: The Statutory Ark*, Development of Western Resources Series, Kansas University Press, 2002 (hardcover), and 2007 (paperback). Favorably reviewed by *The Journal of American History* (June 2003); *History: Reviews of New Books* (Summer 2003); *Perspectives on Political Science* (Summer 2003); *Environmental History* (April 2003); *Stanford Environmental Law Journal* (January 2003); *Animal Keeper's Forum* (2003); and *Choice* (December 2002)
- Contributor, *Dictionary of American History*, Third Edition, Charles Scribner's Sons, 2002. Contributed essays on the Clean Air Act of 1990, the Clean Water Act of 1987, the Occupational Safety and Health Act, the Environmental Protection Agency, the Sierra Club and the Highway Beautification Act
- Co-author, *The Endangered Species Act*, Stanford University Press, 2001

## Speaking Engagements

Presenter, "What You Need To Know About Attorney Client Privilege," Dallas, TX, October 2019

Presenter, "The Telephone Consumer Protection Act," Long Beach, CA, September, 2016

Presenter, "What Does The Telephone Consumer Protection Act (TCPA) Mean For Financial Institutions?" Long Beach, CA, January, 2016

Presenter, "Effective Arbitration," The Association of Business Trial Lawyers, San Diego, CA, September 2014

Organizer and Presenter, Association of Business Trial Lawyers Trial Skills Seminar, San Diego, CA, October 2012, 2010, and 2008

Speaker, Continuing Legal Education Presentation on Receiverships, San Diego, CA, August 2008

Shannon has taught courses at the University of Wisconsin, Madison, and the University of Montana, Missoula

## Memberships

American Financial Services Association

Pro Se Panel of the U.S. District Court for the Southern District of California

Association of Business Trial Lawyers, San Diego (former member of Board of Governors)

Editorial Board of the Association of Business Trial Lawyers Report, San Diego (former)

Barrister, Louis M. Welsh Chapter of the American Inns of Court (former)

State Bar of California and San Diego County Bar Association

## Practices

Litigation

Class Action Defense

Privacy and Cybersecurity

Telephone Consumer Protection Act (TCPA)

Financial Services Litigation

Insurance Litigation

## Industries

Financial Services

Healthcare

## Education

Ph.D., University of Wisconsin, 2000

J.D., Stanford Law School, 2000, *with distinction*

M.A., University of Montana, 1995

Fulbright Fellow, Université de Saint-Louis, Sénégal, 1994

B.A., University of Montana, 1993, *with high honors*

Defense Language Institute, 1991, Top Graduate (Russian)

## Admissions

California

U.S. District Courts for the Southern, Central, Northern and Eastern Districts of California

## Languages

French

Russian