

Brian J. Pezzillo

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“I am an attorney who advises clients on complex business matters, including issues related to data privacy and construction.”

Brian advises clients on compliance matters regarding data privacy regulations, including the European Union's General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), and data breach requirements created by various states, as well as the drafting of privacy notices.

He advises and represents clients involved in the construction industry regarding contract formation, payment issues, bid protests, mechanic's lien claims, and bond claims. Brian has represented owners/developers, general and subcontractors, and suppliers in all facets of construction.

Brian currently serves as a neutral with the American Arbitration Association's Construction and Commercial Panels.

Business & Corporate

- Data Privacy & Cybersecurity
- Construction & Development
- Alternative Dispute Resolution
- Business Litigation

In addition, he serves as a non-public arbitrator with the Financial Industry Regulatory Authority (FINRA). He is also an arbitrator/mediator with the Nevada Department of Business and Industry's Local Government Employee-Management Relations Board and the Better Business Bureau of Southern Nevada. In addition, he is a hearing officer for the city of Henderson, Nevada. Brian has also been appointed an arbitrator/mediator with the State Bar of Nevada's Fee Dispute Committee and previously served as an arbitrator with the court-annexed arbitration program in the Eighth Judicial District Court, Clark County, Nevada. He presently serves as a member of the Southern Nevada Disciplinary Panel. Brian

has also served as a Justice Pro Tem for the Clark County Nevada Justice Court and a hearing officer for Clark County.

Representative Matters

- Represented a specialty equipment supplier on a public works project involving a case of first impression on the issues of application of statutory releases under Nevada law and the use of equitable fault analysis being used to reduce liability under a security interest or mechanic's lien claim. The Nevada Supreme Court ruled in favor of the supplier and held that the district court erred in finding that the waiver, even though termed unconditional, was unenforceable, pursuant to the language of the pertinent Nevada statute, against the lien claimant. Likewise, the Supreme Court found that "equity" may not be used to reduce the value of a security interest or mechanic's lien held by a claimant.
- Represented mechanic's lien claimants on multibillion-dollar hotel-casino bankruptcy lien litigation and resulting certified question to Nevada Supreme Court regarding issues of first impression addressing equitable subrogation and subordination between mechanic's lien claimants and construction lenders who hold deeds of trust. A successful ruling was received in favor of the mechanic's lien claimants, which established that Nevada would adopt a minority position where mechanic's lien claimants would be favored over construction lenders in situations in which a lender paid a prior existing encumbrance.

Education

- Drexel University, Thomas R. Kline School of Law, 2018
 - Graduate Certificate, Privacy & Cybersecurity
- University of New Mexico Law School, 1996
 - J.D.
- University of New Mexico, 1992
 - B.B.A., Finance concentration

Memberships

- International Association of Privacy Professionals, 2018-present
 - Las Vegas Chapter, Co-chair
 - Certified Information Privacy Professional-Europe (CIPP/E)
 - Certified Information Privacy Manager (CIPM)
- Financial Industry Regulatory Authority
 - Non-public Arbitrator, 2014-present
- State Bar of Nevada
 - Fee Dispute Committee, 2013-present
- American Arbitration Association
 - Neutral, 2013-present
- City of Henderson
 - Hearing Officer, 2013-present

- Better Business Bureau
 - Arbitrator, 2012-present
- Clark County
 - Hearing Officer, 2011-present
- National Association of Certified Mediators
 - Nationally Certified Mediator, 2014-2015
- Clark County Nevada Justice Court
 - Justice Pro Tem, 2011-2012
- Nevada State Bar Association
 - Construction Law Section
- Clark County Bar Association
 - CLE Committee, 2002-2004
- American Bar Association
 - Construction Industry Forum and Alternative Dispute Resolution Sections

Admissions

- Nevada, 1999
- Certified Information Privacy Professional-Europe (CIPP/E), 2018
- Certified Information Privacy Manager (CIPM), 2018
- Colorado, 2016
- Arizona, 2015
- North Dakota, 2013
- New Mexico, 1996
- U.S. Court of Appeals, Eleventh Circuit, 2011
- U.S. Court of Appeals, Ninth Circuit, 2002
- U.S. District Court, District of Nevada, 2000
- U.S. District Court, District of New Mexico, 1997

Professional Achievements

- *The Best Lawyers in America*®, 2018-2022
- Mountain States *Super Lawyers*, 2013; 2015-2021
- Construction Law Society of America, Founding Fellow, 2017-present
- Southern New Hampshire University
 - Adjunct Professor, Business Law, current
- Association of General Contractors, Skill, Integrity and Responsibility (SIR), "Affiliate of the Year," 2005
- Martindale-Hubbell® AV Preeminent® Peer Review Rating