

Nathan L. Garroway

Partner



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Atlanta

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Overview

Nathan Garroway is a trial lawyer and member of Dentons' Litigation and Dispute Resolution practice. He is ranked by *Chambers USA* as one of the leading Georgia lawyers in commercial litigation and listed among *Georgia Trend's* Legal Elite. He has been described as a “phenomenal lawyer” and “skilled commercial litigator.”

Nathan leads the commercial litigation team in the Firm's Atlanta office. He litigates complex business disputes for both plaintiffs and defendants and has more than 20 years of high-profile litigation experience for Fortune 500 clients. He has defended consumer and statutory class actions throughout the United States—Georgia, Alabama, Florida, California, New Jersey, Massachusetts, New York, Rhode Island, Hawai'i, Illinois, Iowa, Kansas, Missouri, Colorado, Pennsylvania, Washington, Minnesota, Indiana, Ohio, Texas and Wisconsin. Nathan also has experience with federal multidistrict litigation.

He also has experience in consumer disputes with financial institutions, contract disputes, business torts, privacy disputes, trade secrets, telecommunications, false advertising, non-compete and non-solicitation agreements, shareholder/partnership disputes, law firm defense and all types of real estate litigation. Nathan's broad real estate litigation experience has included, among other issues, receiverships, easements, commercial and residential lease disputes, pre-foreclosure disputes, foreclosure disputes, eviction, maintenance issues, occupancy tests, and debt service coverage ratio tests.

Nathan also has extensive experience suing spammers and defending companies for claims pursuant to the Telephone Consumer Protection Act and the Computer Fraud and Abuse Act.

Nathan has defended clients relating to FTC investigative demands and the Georgia Governor's Office of Consumer Affairs. He has defended cases involving all types of consumer and financial services litigation, including, but not limited to, FIRREA, the Electronic Funds Transfer Act, Equal Credit Opportunity Act, Fair Housing Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act and Truth in Lending Act.

Nathan has tried cases for plaintiffs and defendants in both state and federal courts. In addition, he has represented claimants and respondents in arbitrations before JAMS, the American Arbitration Association and FINRA.

Experience

Class Actions

- Obtained judgment on the pleadings in a national putative class action regarding lease terminations.
- Obtained judgment on the pleadings in a national class action regarding early termination fees.
- In a putative class action involving federal excise taxes, successfully defeated a motion for temporary restraining order. Plaintiffs later dismissed their case with prejudice.
- Defended national putative class action regarding alleged improper cancellation procedures. Obtained favorable nationwide class action settlement.
- Defended major telecommunications company in multidistrict consumer fraud class actions in federal and state court.
- Compelled individual arbitration of a putative California class action in a challenge to a national advertising campaign of a major telecommunications company. The case subsequently settled on an individual basis.
- Compelled individual arbitration of a putative national class in a challenge to advertising claims of a major telecommunications company. The case subsequently settled on an individual basis.
- Represented national bank in putative class action arising out of Fair Housing Act. An early dismissal was obtained.
- Represented real estate technology company in putative class action pursuant to the Electronic Funds Transfer Act. A successful individual settlement was reached at an early stage of the case.
- Defended large probation company in three complex class actions challenging Georgia's private probation code.
- Defended TCPA class actions for a clothing retailer, large international airline, and a national jewelry company.
- Obtained two dismissals for a large national real estate vendor in two putative class actions alleging improper pre-foreclosure charges.

Complex Commercial Litigation

- Obtained summary judgment for home mortgage company arising out a repurchase agreement.
- Litigated disputes over therapy services agreements in Missouri, Georgia, Kansas, California, Illinois, Arkansas, Iowa and Indiana.
- Successfully obtained injunctive relief and payments from telemarketers, spammers, and spoofers.
- Successfully litigated Lanham Act case that required defendant to take down the challenged advertising.
- Obtained temporary restraining order against new employer and 13 employees relating to a "lift out" at a major national bank
- Successfully litigated books and records action in a shareholder dispute and obtained an attorneys' fees award.
- Successfully litigated complex real estate dispute in state and federal court involving 27 parcels of land.
- Obtained summary judgment for a plaintiff financial institution and special limited partner in a complex low-income housing tax-credit partnership dispute.
- Obtained dismissal in federal court for a servicer and sub-servicer arising out of a loan relationship.
- Obtained dismissal in federal court based on personal jurisdiction for two European clients in a trade secret

dispute.

- Represented loan servicer in dispute over loan participation agreement. Client was dismissed from case.
- Represented nursery in complex commercial lease dispute with its landlord.
- Represented national bank against real estate developer regarding failure to maintain proper debt-service-coverage ratios on a tax credit property. Defeated an injunction and obtained a favorable settlement.
- Represented national home builder in a pre-litigation commercial lease dispute over nuisance and relocation issues.

Arbitrations

- Successfully handled arbitrations for major national bank against former brokers.
- Successfully handled arbitrations for real estate company arising out of sale of the business.
- Successfully handled arbitration for major healthcare provider regarding dispute over management agreement.
- Represented major telecommunications company in arbitration relating to national advertising campaign.

Recognition

Honors and Awards

- *Chambers USA*: Ranked in Litigation: General Commercial for Georgia, 2019, 2020, 2021
- *Georgia Trend* magazine's Legal Elite, 2018, 2019

Insights

- Co-author, "Back to basics: US Supreme Court to show absent class members how to stand together with their class representative in federal court," Dentons client alert, April 5, 2021
- Co-author, "US Supreme Court Unanimously Closes Circuit Split By Adopting Narrow Definition of "Automatic Telephone Dialing System," Dentons client alert, April 2, 2021
- Co-author, "Cardinal considerations for incorporating TCPA safeguards into cannabis marketing," Dentons client alert, September 14, 2020
- Co-author, "Sixth Circuit weighs in at the 11th hour, rebalancing a circuit split on the definition of 'automatic telephone dialing system,'" Dentons client alert, August 3, 2020
- Co-author, "Supreme Court to settle circuit split on TCPA definition of 'automatic telephone dialing system' " Dentons client alert, July 21, 2020
- Co-author, "Supreme Court protects TCPA, surgically severing government-debt-collection exception rather than nullifying entire Act," Dentons client alert, July 8, 2020
- Co-author, "Throwing out the baby with the bathwater," Dentons client alert, May 12, 2020

- Co-author, "It takes two to terminate," Dentons client alert, May 5, 2020
- Co-author, "Two versus three: The Second Circuit gives its two cents on the definition of an automatic telephone dialing system under the TCPA," Dentons client alert, April 10, 2020
- Co-author "TCPA: Seventh Circuit sides with the majority in severely restricting the definition of an automatic telephone dialing system," Dentons client alert, February 27, 2020
- Co-author, "Commas and human conduct: Eleventh Circuit severely restricts TCPA's application ," Dentons client alert, February 3, 2020
- Co-author, "The tipping point: How many uninjured putative class members will prevent class certification?" Dentons client alert, November 22, 2019
- Co-author, "Ninth Circuit ends prohibition on political robocalls," Dentons client alert, September 19, 2019
- Co-author, "Are government contractors "persons" under the TCPA? The FCC will soon determine," Dentons client alert, December 15, 2015
- Co-author, "Defense-friendly TCPA rulings from Sixth Circuit, Eleventh Circuit, and Northern District of California," Dentons client alert, September 2, 2015
- Co-author, "New FCC Ruling on the Telephone Consumer Protection Act Is Sure to Cause Worry for Industry: TCPA Rules Become More Stringent and Confusing," Dentons client alert, June 23, 2015
- Author, "Hold the Phone! "Clear and Conspicuous" Consent Now Required under TCPA," Dentons client alert, October 30, 2013
- Co-author, "Look Before You . . . Text: FCC's October 16 Deadline Changes Consent Rules of Mobile Marketers," Dentons client alert, August 7, 2013

Activities and Affiliations

Community Involvement and Pro Bono

- LAF's 2017 OP Appeals Project Volunteer of the Year – honored for his team's amicus brief in a case before the Illinois Supreme Court that helped preserve as constitutional a key provision of the Illinois Domestic Violence Act

Presentations

- Panelist, "Tips for Law Firm Associates in Complying with Their Professional Duties," PLI, September 14, 2018
- Participant, "Don't Call Me, I'll Call You: Navigating TCPA Compliance and Class Actions ," Dentons Webinar, August 4, 2016

Areas of focus

Practices

- Privacy and Cybersecurity
- Litigation and Dispute Resolution
- Intellectual Property and Technology

- Commercial Litigation
- White Collar and Government Investigations
- Trade Secrets Litigation
- Appellate Advocacy
- Real Estate Litigation and Dispute Resolution
- Class Action Defense
- Securities and Shareholder Litigation
- E-Discovery
- Financial Services Litigation

Industry sectors

- Financial Institutions
- Health Care
- Technology
- Law Firms

Issues and opportunities

- US Telephone Consumer Protection Act (TCPA)

Education

- Vanderbilt University Law School, 1998, JD
- Washington University in St Louis, 1995, BA, *summa cum laude*

Admissions and qualifications

- Georgia
- Missouri
- US Court of Appeals for the Eleventh Circuit
- US Court of Appeals for the Fifth Circuit
- US Court of Appeals for the Ninth Circuit
- US District Court for the Central District of Illinois
- US District Court for the District of Colorado
- US District Court for the Eastern District of Michigan
- US District Court for the Eastern District of Missouri
- US District Court for the Middle District of Georgia

- US District Court for the Northern District of Georgia
- US District Court for the Northern District of Illinois
- US District Court for the Northern District of Texas
- US District Court for the Southern District of Illinois
- US District Court for the Western District of Missouri
- US District Court for the Western District of Wisconsin