

# Fisher Broyles

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**Practice Areas:** Commercial Litigation; Employment; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management; Mediation; Technology

**Bar Admissions:** New York

**Education:** New York University School of Law, J.D., 2004; Yale University, B.A., 2001

**Experience:** Troutman Sanders LLP

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Christina is an experienced business litigation attorney who has extensively practiced in state and federal courts and regulatory bodies, and also advises clients on strategic matters. She leverages technology to provide excellent legal services for her clients at highly competitive rates. She aggressively deploys litigation as a highly effective strategic tool in her clients' arsenal in order to achieve their business objectives in the most efficient manner, and she is especially skilled at driving settlements and getting cases dismissed at their onset.

Her experience includes all types of commercial disputes, restrictive covenants and trade secrets litigation, securities litigation, real estate matters (REITs, private equity funds, commercial landlord-tenant, foreclosures, Yellowstone injunctions, zoning disputes, and Article 78 proceedings), derivative litigation, accountants' liability, and all aspects of employment law defense.

In addition to her work as an experienced business and employment defense litigator, Christina draws upon her litigation experience to serve as a trusted advisor to her clients, advising her clients in all aspects of their business, including, but not limited to, employment law, risk mitigation, and safeguarding intellectual property.

Christina has experience working with clients of all sizes, from individuals, to start-ups, mid-size companies, and Fortune 100 corporations.

## Representative Transactions Include

- Obtained favorable settlement on behalf of client, a well-known luxury candy retailer, in a breach of contract dispute with a manufacturing vendor. *Sugarfina, Inc. v. GLJ, Inc., et al.*, 19-cv-50364 (U.S. Bankr. D. Del.) and *GLJ, Inc., et al. v. Sugarfina, Inc.*, 2:19-cv-04970 (E.D.N.Y.).

- Represented a social radio start-up in a litigation alleging claims of breach of contract and negligence. *Whitaker v. Stationhead, Inc.*, 1:18-cv-785-LY (W.D. Texas).
- Represented client in case alleging breach of restrictive covenant, violation of the covenant of good faith and fair dealing, intentional interference with prospective economic advantage, and misappropriation of trade secrets. *DeZaio Productions, Inc. v. Guerra and Boston Barricade, Inc.* (Sup. Ct. of New Jersey, Bergen Cnty.).
- Obtained dismissal of all claims against client in a collective action alleging violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law. *Yarde v. Apex Systems, LLC., et al.*, 1:19-cv-03437 (E.D.N.Y.).
- Obtained dismissal of all claims pled against clients in case alleging aiding and abetting of breach of fiduciary duty and fraud. *Arena Riparian (Cayman) LLC. et al.;/ v. Lance Toland Associates, LLC, et al.*, Index No. 654429/2018 (N.Y. Sup. Ct., N.Y. Cnty. Aug 8, 2019).
- Obtained favorable settlement in litigation against client, a Michigan-based national mortgage lender, alleging intentional infliction of emotional distress, breach of contract, and violations of the Real Estate Settlement Procedures Act and Unfair or Deceptive Acts or Practices Act (“RESPA”). *Reynolds, et al, v. Flagstar Mortgage Corp., et al.*, No. 16-2-00289-4 (Superior Ct. Wash. State, Douglas Cnty.).
- Obtained favorable settlement on behalf of client, an e-commerce company, in case alleging violations of the Americans with Disabilities Act arising from the alleged inaccessibility of the client’s website. *Traynor v. The Goulet Pen Company, LLC*, 1:19-cv-02698 (S.D.N.Y.).
- Obtained dismissal of all claims against client in a case alleging breach of restrictive covenant and violation of the covenant of good faith and fair dealing. *DeZaio Productions, Inc. v. Sambade, Aquino, Cueto, and Boston Barricade Company, Inc.*, (Sup. Ct. New Jersey, Bergen Cnty.).
- Represented of numerous not-for-profit community and social services organizations in Article 78 administrative appeals of zoning and New York City Landmarks Laws determinations. *Hillbertz v. Institute of Community Living*, Index No. 520815/2017 (N.Y. Sup. Ct. Kings Cnty.) and *Carnegie Hill Neighbors v. City of New York*, Index No. 161375/2017 (N.Y. Sup. Ct., N.Y. Cnty.).
- Obtained order (a) granting summary judgment dismissing prior lender’s claims against client, a Michigan-based national mortgage lender, to foreclose upon a residential property and to vacate an allegedly-forged satisfaction of mortgage, and (b) vacating the Notice of Pendency recorded by the prior lender. *JPMorgan Chase Bank, N.A. v. Marie Aspilaire, et al*, Index No. 15189/2013 (N.Y. Sup. Court, Kings Cnty. Apr. 15, 2018).
- Obtained a favorable pre-litigation settlement on behalf of a client, a Virginia-based national mortgage lender, in a breach of contract dispute with an information technology vendor.
- Obtained summary judgment on breach of contract claim concerning a commercial lease, and an award of more than \$2.7 million consisting of unpaid rent, late fees, and interest, which award was upheld in its entirety on appeal. (*Axginc Corp. v Plaza Automall, Ltd.*, No. 14-CV-4648 (ARR), 2017 U.S. Dist. LEXIS 178718 (E.D.N.Y., Oct. 24, 2017), 2017 U.S. Dist. LEXIS 186168 (E.D.N.Y. Nov. 9, 2017), 759 Fed. Appx. 26 (Dec. 26, 2018).
- Achieved summary judgment on claims of breach of contract and account stated in case concerning a personal guaranty of a commercial lease, and denial of motion to vacate the judgment because Defendant failed to set forth a meritorious defense to the action. *Broadstone*

*GC Kentucky, LLC v. Frank R. Seddio.*, Index No. 14116/16 (NY Sup. Court, Monroe Cnty., July 31, 2017 and Dec. 14, 2017).

- Obtained dismissal of unjust enrichment claim brought in connection with a commercial license agreement, and ultimately reached favorable settlement for client, a boutique investment bank. *Fusion Telecommunications International, LLC v. Sprague, et al.*, Index No. 652693/2016 (N.Y. Sup. Ct., N.Y. Cnty. Jul. 18, 2019).
- Obtained favorable settlement for condominium owners who brought a claim against their condominium for negligence in connection with water damage. *Gupta v. Royal York Owners Assn.*, Index. No. 154966/2016 (N.Y. Sup. Ct., N.Y. Cnty.).
- Obtained dismissal of claims of conversion of personal property in connection with the sale of a condominium based upon lack of personal jurisdiction. *Miller v. Silver*, Index No. 102526/2012 (N.Y. Sup. Ct. N.Y. Cnty. Mar. 30, 2017).
- Obtained favorable settlements on behalf of numerous small and mid-size businesses in connection with employment discrimination and/or harassment claims.
- Represented numerous small and mid-size businesses in connection with New York State and City employment advice, as well as matters related to diversity and inclusion initiatives.
- Represented numerous C-Suite executives in connection with the negotiation of employment and separation agreements.
- Represented mid-sized e-commerce business in connection with possible dispute against competitor and advice regarding intellectual property issues.
- Obtained transfer of case to home forum on behalf of directors in a derivative litigation, and subsequent dismissal of all claims. *Weinfeld v. Minor*, 12 Civ. 6395, 2014 U.S. Dist. LEXIS 141297 (E.D.N.Y. Sept. 30, 2014) and 12 Civ. 6395, 2015 U.S. Dist. LEXIS 114318 (D. Nev. Aug. 26, 2015), and 12 Civ. 6395, 2016 U.S. Dist. LEXIS 30117 (D. Nev. Mar. 8, 2016).
- Defeated motion to dismiss and settled case brought by a distributor against a supplier. *Ross Organic Specialty Sales, Inc. v. Evonik Goldschmidt Corp.*, Index No. 651685/2011 (N.Y. Sup. Ct. New York Cnty.).

### Speaking Engagements

- “Preparing for and Taking a 30(b)(6) Deposition of a Technology Expert,” presented at the 12<sup>th</sup> Annual American Bar Association Section of Labor and Employment Law Conference, San Francisco, California, November 2018.
- “Using An Expert in Non-Compete and Trade Secret Cases,” presented by Non-Competition, Trade Secrets, Proprietary Information, and Duty of Loyalty Subcommittee and the Technology Subcommittee for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, Clearwater, Florida, March 20-24, 2018.
- “Employee Use of Counterclaims and Anti-SLAPP Actions to Challenge Restrictive Covenant Claims,” presented at the Mid-Winter Meeting of the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, New Orleans, Louisiana, March 2016.
- “Cyber Security Litigation: What You Need to Know,” The Knowledge Group webcast, February 2, 2016.

- “In-House Counsel Depositions: Navigating Complex Legal and Ethical Issues,” Strafford webcast, January 14, 2016.
- “The Latest on Noncompete Agreements [pdf],” 33rd Annual National CLE Conference in Vail, Colorado, January 2016.
- “Non-competes on the Cutting Edge,” 32nd Annual National CLE Conference in Vail, Colorado, January 2015.
- “Bring Your Own Device Policies: What You Need To Know,” presented at the Troutman Sanders LLP Cybersecurity and Information Management Seminars, held in Atlanta, Washington, DC, and New York, May 2014, and at the 2015 Troutman Sanders Annual Labor & Employment seminar.
- “Internal Investigations in a Digital Workplace,” presented at the National Symposium on Technology and Labor and Employment Law, New York, New York, April 2014.
- “Emerging Issues in Restrictive Covenants and Trade Secrets,” presented at the 31<sup>st</sup> Annual National CLE Conference in Vail, Colorado, January 2014.
- “It’s as Easy as a Day at the Beach: Basics of Restrictive Covenants and Duties,” presented at the Mid-Winter Meeting of the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, Miami Beach, Florida, March 2013.
- Mock Trial Participant at the Mid-Winter Meeting of the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, Las Vegas, Nevada, March 2012.
- “Developments and Issues Concerning the Protection and Disclosure of an Employer’s Confidential or Proprietary Information,” panel discussion before the Labor and Employment law club at Benjamin N. Cardozo School of Law, March 8, 2012.
- “Strategies & Techniques when Litigating Restrictive Covenants in New York,” CLE sponsored by the Labor and Employment Law Committee of the New York City Bar, September 21, 2011.
- “Blacklisting 2011,” presented at the Mid-Winter Meeting of the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, San Juan, Puerto Rico, March 2011.
- “Legal Trends: Tackling Issues Facing Your Nonprofit,” breakout session at the New York Junior League conference on Nonprofit Excellence: Thriving in a Changing Landscape, May 12, 2010.
- “Legal Responsibility: Understanding Key Issues,” a lesson on the rights and responsibilities of nonprofit boards of directors in New York that I have taught two to three times a year since approximately 2008 as part of the Leadership Through Governance: Training Volunteers Through Nonprofit Board Membership course held at the New York Junior League.

### Publications

- Contributing Editor, Trial Techniques for the Labor and Employment Law Practitioner, Bloomberg Law, July 2019.
- “Defense Perspectives on Rule 30(b)(6) Depositions of Technology Experts,” presented at the 12th Annual American Bar Association Section of Labor and Employment Law Conference, San Francisco, California, November 2018.

- Co-Author, “Using An Expert in Non-Compete and Trade Secret Cases,” Non-Competition, Trade Secrets, Proprietary Information, and Duty of Loyalty Subcommittee and the Technology Subcommittee, March 2018.
- Author, “Making Sense of Conflicting Court Decisions About Standing in Data Breach Cases,” The Cybersecurity Law Report, March 30, 2016.
- Co-Author, “Privacy Law and Cybersecurity: What You Need to Know About Modern Threats to Electronically-stored Data,” TerraLex Connections, January 2016.
- Co-Author, “A TRO Non-Compete Primer for the 21st Century,” prepared for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, March 2015.
- Co-Author, “Restrictive Covenants and Trade Secrets,” prepared for the 32nd Annual National CLE Conference in Vail, Colorado, January 2015.
- Contributing Editor, Tortious Interference in the Employment Context: A State-by-State Survey, Fourth Edition, Bloomberg BNA, 2014.
- Co-Author, “Privilege Issues for Multijurisdictional In-house Counsel,” Corporate Counsel Magazine, September 23, 2014.
- Author, “What Employers Need to Know about Technology’s Impact on Internal Investigations,” prepared for the National Symposium on Technology and Labor and Employment Law,” New York, April 2014.
- Co-Author, “Class or Collective Waivers and Employment Arbitration—Should Employers Consider Deploying This New Weapon?,” Troutman Sanders LLP Employment & The Law Newsletter, April 7, 2014.
- Co-Author, “Non-Compete Purgatory: You Know You Are Leaving, But You Are Not Gone (Yet),” prepared for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, March 2014.
- Author, “Restrictive Covenants and Trade Secrets from the Employer’s Perspective,” prepared for the 31st Annual National CLE Conference in Vail, Colorado, January 2014.
- Co-Author, “How Employers Can Minimize Risks under the Fair Credit Reporting Act (“FCRA”),” Troutman Sanders LLP Employment & the Law Newsletter, December 23, 2013.
- Co-Author, “Recent Developments in Federal Class Actions—Plaintiffs’ and Defense Counsel Assess the Impact of the Supreme Court’s Decisions in Comcast Corp. v. Behrend and Standard Fire Ins. Co v. Knowles on Employment Class Actions,” ABA Section of Labor and Employment Law Flash, May 2013.
- Co-Author, “Stretching Beyond the Sea Shore: Non-compete Geographic Restrictions in a Virtual World,” prepared for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, March 2013.
- Co-Author, “Caution Advised: Employers Must be Careful Not to Commit an Invasion of Privacy During Investigations,” Troutman Sanders LLP Employment & the Law Newsletter, December 13, 2012.
- Author, “Social Media Password Ownership and the Workplace,” Law 360, December 05, 2012.
- Co-author, “Does Your Company Need a Chief Privacy Officer?” Law 360, October 15, 2012.
- Author, “The SCA Can’t Make Public Tweets Private,” Law 360, August 30, 2012.

- Author, “Is an Online Search a Background Check for FCRA?” Lexis-Nexis Emerging Issues’ Law Community, August 8, 2012.
- Co-author, “Non-competes in the Electronic Workplace: Solicitation in the Age of Social Media,” prepared for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, March 2012.
- Author, “Steps In-House Counsel May Take to Preserve the Attorney-Client Privilege,” American Bar Association’s Employment & Labor Relations Law, Volume 9, Number 1, Spring 2011.
- Co-Author, “Blacklisting 2011,” prepared for the Employment Rights and Responsibilities Committee of the American Bar Association Labor and Employment Law Section, March 2011.
- Co-Author, “Employee Handbooks, Policy Manuals, and Codes of Ethics: Which Communication Tools Are Best for Your Organization?” Troutman Sanders LLP Employment & the Law Newsletter, December 2, 2009.
- Co-Author, “Discovery Issues in Patent Litigation,” Patent Litigation 2008, Practising Law Institute, November 2008.
- Co-Author, Say Ciao to Chow Mein: Conquering Career Burnout, Life Career Publishing, 2006.

### Awards and Recognition

- Top Young Women Attorneys In The New York Metro Area (2020)
- Top Rated Litigator by American Lawyer Media and Corporate Counsel (2020).
- New York Top Rated Attorney, *New York Law Journal* and *New York Magazine* (2019)
- Judicial Preeminent AV Rating by Martindale Hubbell (2019).
- Top Rated Lawyer in Labor & Employment Law by American Lawyer Media and Martindale-Hubbell (2019).
- Awarded the Martindale Hubbell AV Preeminent Rating (2016-2020).
- Super Lawyer, Rising Star in Business Litigation in New York, NY (2011 – 2019).
- Inaugural Leadership Award Winner, New York Chapter of the Coalition of Women’s Initiatives in Law (2018).
- Top Rated Litigator by American Lawyer Media and Martindale Hubbell (2018).
- Women of Influence Award Winner, bestlawyers.com (March 31, 2017).