

Fisher Broyles

Name: Patrick Emery

Email: patrick.emery@fisherbroyles.com

Direct: (404) 793-0652

Office: Atlanta

Practice Areas: Commercial Litigation; Financial Services & Lending; Health and Pharmacy Law; Litigation — Civil Pretrial and Trial Services; Litigation & Risk Mgmt; Trust & Estates

Bar Admissions: Georgia; Pennsylvania; USDC for the Northern District of Georgia; USDC for the Western District of Pennsylvania; US Court of Appeals for the Third Circuit; US Court of Appeals for the Eleventh Circuit

Education: University of Pittsburgh, School of Law, JD, 2009, magna cum laude; Emory University, MA (History), 2005, magna cum laude; Emory University, BA (History), 2005, magna cum laude

Experience: Reed Smith LLP (2010-2019)

Patrick Emery is an experienced trial attorney and litigator who handles matters for individual and corporate clients in state and federal courts across the country. He focuses on the client's business and personal goals, provides excellent client service, and drives matters to resolution. In the past few years, Patrick has helped clients recover over \$130MM, save over \$35MM, and defeat claims seeking tens of millions more.

Patrick represents commercial, financial services, and energy clients in cases involving contract claims (sales of goods, asset purchases, lending, commissions), business torts (fraud / tortious interference / unfair competition), restrictive covenants (non-complete / non-solicitation / non-disclosure agreements), consumer protection laws, fiduciary duties, trust indentures, injunctions, and class actions. Patrick has litigated numerous class actions involving consumer contracts, trust indenture agreements, and Ponzi or pyramid schemes.

In his healthcare litigation practice, Patrick defends individual patients against balance bill claims brought by medical providers and debt collectors, and protects patient rights under consumer protection laws, deceptive trade practices laws, the Fair Debt Collection Practices Act (FDCPA), and the Fair Credit Reporting Act (FCRA).

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Patrick advocates in court on behalf of trustees, beneficiaries, community foundations, and non-profit organizations in matters concerning trusts, estates, and charitable funds. He has handled will contests worth tens of millions of dollars, safeguarded the rights of beneficiaries in trust and estate disputes, and assisted universities in eliminating discriminatory restrictions on scholarship funds.

In addition to litigation, Patrick conducts internal investigations for corporate clients. He has led highly sensitive investigations into alleged Ponzi or pyramid schemes and other financial frauds, questionable billings and contracts, and allegations of officer and employee misconduct. Patrick tailors his approach to the potential exposure, engages the client team throughout the process, and provides practical advice and solutions to contain and remedy material risks. He also advises corporate clients on commercial contracts, privilege issues, e-discovery matters, and responding to subpoenas.

Pro bono and diversity initiatives are important to Patrick. In the past decade, he has contributed nearly 1,000 pro bono hours, and has successfully defending several indigent clients in civil actions and landlord-tenant disputes. Patrick has organized and presented programs on disability awareness and inclusion programs for the legal industry.

Representative Matters

- \$93 million settlement in favor of mining company client through contract, fraud, and alter ego claims filed against electric utility and its subsidiaries.
- Motion to dismiss aiding and abetting fraud claims granted in consolidated class actions against national bank client arising from TelexFree pyramid scheme (District of Massachusetts).
- Multi-million-dollar jury verdict awarded in clients' favor after Virginia Supreme Court reversed the dismissal of their destruction of business claims, in the case that inspired John Grisham's *The Appeal* and Laurence Leamer's *The Price of Justice* (Circuit Court of Buchanan County, Virginia; Virginia Supreme Court).
- Dismissal with prejudice of putative class action claims against car rental company and its insurer (Middle District of Florida)
- Motion to dismiss breach of contract, unjust enrichment, and consumer protection law claims granted in putative class action against car rental company (Southern District of Florida)
- Dismissal of Section 1983 and malicious prosecution claims against national bank and its employees (Western District of Pennsylvania).

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- Dismissal of Breach of fiduciary duty claims filed by putative class of bondholders against indenture trustee (California Superior Court of Madera County).
- Spoliation sanctions granted against plaintiff, dismissing breach of loan agreement suit filed against national bank client, and awarding substantial attorney's fees (Allegheny County, Pennsylvania Court of Common Pleas; affirmed by Pennsylvania Superior Court).
- West Virginia Supreme Court recognized right of widows of miners who died during the Upper Big Branch fire to bring tort claims against mine inspectors, which led to a favorable settlement of claims filed under the Federal Tort Claims Act (FTCA) against the Mine Health & Safety Administration (MSHA).
- Preliminary injunction against Occupy encampment on bank client's land (Allegheny County, Pennsylvania Court of Common Pleas).
- Dismissal of eviction action against pro bono client and affirmance on appeal (Allegheny County, Pennsylvania Court of Common Pleas; affirmed by Pennsylvania Superior Court).
- Judgment in favor of pro bono client facing eviction and damages claims (Allegheny County, Pennsylvania Court of Common Pleas).
- Total defense award for pro bono client in arbitration of personal injury claims (Allegheny County, Pennsylvania Court of Common Pleas).

Presentations & Teaching Experience

- Lectures on trial court and appellate advocacy at the University of Pittsburgh School of Law.
- Patrick regularly judges mock trial and moot court competitions for law students.

Amicus Briefs

- United States v. Wong, S.Ct. No. 13-1074 (2014), and United States v. June, S.Ct. No. 13-1075 (2014), amicus brief for Clinic for Legal Assistance to Servicemembers and Veterans. U.S. Supreme Court agreed, holding that equitable tolling applies to tort claims filed under the Federal Tort Claims Act (FTCA).

Publications

- Pre-service Removal in Diversity Actions Involving Forum Defendants, Bloomberg BNA, The United States Law Week Case Alert & Legal News, Vol. 82, No. 11 (Sept. 24, 2013) (with Colin Wrabley)
- Dilatory Tactics in Credit Card Cases: Why Plaintiff-Creditors File Objectionable Complaints & What Can Be Done To Encourage Procedural Compliance, Loy. Consumer L. Rev., Vol. 22, Iss. 2 (2009)
- The Death of Selective Waiver: How New Federal Rule of Evidence 502 Ends the Nationalization Debate, J.L. & Com., Vol. 27, No. 2 (2009)