

Fisher Broyles

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Practice Areas: Commercial Litigation; International; International Disputes

Bar Admissions: District of Columbia; New Jersey; Pennsylvania; U.S. Court of Appeals - D.C. Circuit; U.S. Court of Appeals - 11th Circuit; U.S. District Court - District of D.C.; U.S. District Court - District of New Jersey; U.S. District Court - Eastern District of Pennsylvania; U.S. Bankruptcy Court - District of New Jersey

Education: Rutgers Law School, Camden, NJ. JD 1997; McGeorge School of Law, Salzburg, Austria, International Legal Studies, 1996; Purdue University, MSCE, 1991; Georgian Technical University, Tbilisi, Republic of Georgia, BS, 1980

Experience: Arnall Golden Gregory LLP

Gene is an international disputes lawyer. He handles some of the most complex, high-stakes international legal issues helping clients achieving their goals in strategic, "bet the company" disputes. He is deeply experienced in the principles of establishing or defeating personal jurisdiction over foreign parties, enforcement of foreign judgments and arbitral awards, securing stays of litigation based on international arbitration agreements, and applying the forum non conveniens. Gene handles disputes involving foreign sovereigns and state-owned companies under the Foreign Sovereign Immunities Act. He assists in matters involving foreign investment, international trade, and U.S. financial sanctions. Given his extensive experience, cross-border clients choose to work with Gene on international legal issues. His valuable advice to corporate clients on international risk management and international business transactions is second-to-none.

Gene represents clients hailing from the energy, biotechnology, real estate, and finance industries. He handles arbitrations under the rules of leading international institutions such as the ICC, LCIA, LMAA, and UNCITRAL. He litigates cases involving international fraud and asset recovery, obtaining evidence in the United States for use in foreign legal proceedings under 28 U.S.C. § 1782, and Chapter 15 bankruptcy.

Gene's recent cases have included:

Enforcement of International Arbitral Awards

- Securing recognition in the United States of an international investment arbitration award against a foreign state. Not only did the court recognize the award but also convert the amount of the award in U.S. dollars at a favorable exchange rate and award prejudgment interest, issuing a judgment for nearly \$60 million.
- Obtaining arbitration award in favor of a Salvadoran company against a Florida-based distributor in commercial arbitration under UNCITRAL Rules. Pursued and succeeded in the action to recognize the award in a United States district court and Court of Appeals for the 11th Circuit.
- Assisting in securing recognition in Russia of a \$28 million international arbitration award for a U.S. company owned by prominent New York real estate developer.

International Litigation in U.S. Courts

- Representing a major Ukrainian TV company in connection with defamation claim brought by an international businessman in a U.S. federal court.
- Representing a Russian real estate investor in a dispute with its local U.S. partners concerning allegations of fraud and conversion.

Section 1782 Discovery

- Representing a Russian party in connection with request to obtain evidence pursuant to Section 1782 for use in Russian marital property division proceedings.
- Representing a major international pharmaceutical corporation in Section 1782 proceedings in connection with a patent validity dispute in Canada.

Cross-Border Advice

- Advising a major Russian oil equipment manufacturer in connection with claims against a U.S. customer in light of potential bankruptcy.
- Advising a U.S. investor in connection with sale of its interest in a major Russian construction conglomerate.
- Advising international investors in all aspects of the acquisition of the ferroalloy and steel assets in the United States including acquisition through receivership and bankruptcy proceedings.

White Collar Investigation

- Advising a U.S. Payment Processor in connection with international money laundering investigation initiated by foreign authorities.
- Serving as an expert retained by the U.S. Internal Revenue Service on foreign legal issues involving assignment of distressed assets.

International Arbitration

- Representing as lead counsel a prominent New York real estate investor in Stockholm arbitration against major Russian oil refinery.

Nationally recognized for his depth in international legal matters, Gene frequently appears as a resource to the media. Most impressively, Gene was retained by the U.S. International Revenue Service as an expert on Russian law and business practices to assist in and testify in court proceedings involving cross-border assignment of receivables. Gene served as an Adjunct Professor at the Rutgers School of Law, teaching international litigation in United States courts. Gene speaks fluent Russian and is conversant in Ukrainian.

Presentations & Teaching Experience

- Rutgers Law School, Adjunct Professor, Course: International Litigation in U.S. Courts.
- Recent Developments in the Investment-State Disputes Settlement - Enforcement of Arbitral Awards Against Foreign States and State-Owned Companies, ABA Section of International Law, 2020 Virtual Meeting.
- Attachment of Sovereign Assets in the United States, RAA/ABA XI CIS Dispute Resolution Conference, Moscow 2019.
- Obtaining Discovery in the United States for Use in Foreign Proceedings, 5th Edition Fraud, Asset Tracing & Recovery Asia, Hong Kong 2019.
- The Future of Life Sciences: The Convergence of Private and Public Law, Copenhagen, Denmark
- Doing Business with the BRICS Nations, Washington, D.C. 2018.
- From Russia with the Scars (and Profits) to Prove it: How Experience in Countries of the Former Soviet Union Can Apply to Cuba (Business Law); ABA Section of International Law, Miami, FL 2017.
- The Impact of Economic Sanctions on International Arbitration, Stockholm, Sweden, 2016.
- Russia-Related Litigations in U.S. Courts, Moscow State Institute of International Relations, 2004.

Publications

- Fourth Circuit Weighs In on Whether International Commercial Arbitration Panels Are Tribunals, JD Supra, 2020
- The Eleventh Circuit Confirms its Pro-Arbitration Stance Once Again, JD Supra 2020
- \$4M Arbitration Award Issued to a CBD Oil Supplier Client, Law360 (mention), 2020
- Moldova Likely to Pay \$58 Million Debt to Platon-associated Energy Company, Case Returns to Paris Appeal Court, Moldova.org (mention), 2019
- Confidential Arbitration Award in Dispute Between Phosphagenics and Mylan, JD Supra, 2018
- Energy Co. Says \$50M Award Row Should Proceed, Law360 (mention), 2018
- We Agreed to What? Lessons From a Recent Federal Court Decision on Arbitrability, JD Supra 2018.

- Top 5 Reasons for Life Sciences Companies to Use International Arbitration for Intellectual Property Disputes, JD Supra, 2018.
- Is There a Burger in the Treasury's CAATSA Report? JD Supra, 2018.
- Light At The End Of Tunnel: Enforcing Arbitral Awards Against Sovereigns, Mealey's International Arbitration Report, 2017.
- Dow Takes its Gene Patents Row with Bayer to the Supreme Court to Avoid the \$455 Million Arbitral Award, JD Supra, 2017
- D.C. Court Sends a Harsh Reminder to Yukos Shareholders: Section 1782 Discovery is Discretionary, JD Supra, 2017
- Obtaining Evidence for use in Foreign Proceedings, JD Supra, 2017
- U.S. Discovery for Use in International Arbitration: A Catch 22, Young Arbitration Review, 2017.
- Industry Pulse for Life Sciences Companies: Resolving Intellectual Property Disputes through International Arbitration, JD Supra, 2017
- 2nd Circuit Tilts the Scale in Favor of Discovery in Aid of Arbitration, JD Supra, 2017
- Russia Responds to Western Sanctions by Banning Imported Foods, JD Supra, 2014.
- Sanctions Against Russia - Part 2: What Your Company Should Consider Now, JD Supra, 2014.
- Labor Conciliation Proceeding is Not a Tribunal for the Purposes of 28 U.S.C. §1782, JD Supra, 2014.