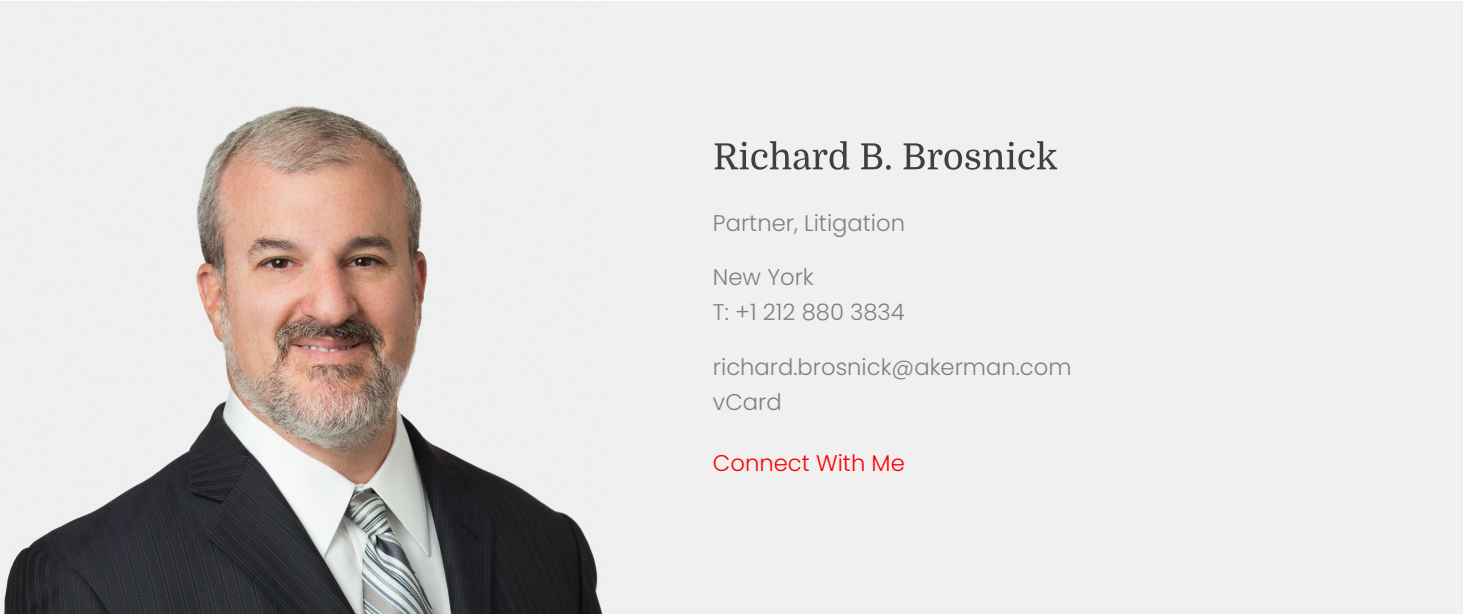


People



Richard B. Brosnick

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A high stakes litigator and expert counselor, Richard Brosnick represents U.S. and international companies in antitrust litigation and counseling, financial services and securities litigation, and commercial contract litigation and arbitration. His clients span numerous sectors, including financial services, consumer electronics, building materials and industrials, telecommunications, and pharmaceuticals.

A go-to resource for antitrust litigation and counseling matters, Richard represents clients in alleged price fixing, bid rigging and other anticompetitive conduct litigations and government investigations, as well as counseling with respect to proposed mergers, joint ventures, and pricing and distribution practices. He also designs and implements antitrust compliance and training programs for clients in a wide array of businesses. Media organizations, including CNN, Time, Reuters, CNET, The Street, The Globe and Mail seek out Richard for comment on antitrust matters and trends, such as the implications of large scale transactions and investigations across a wide variety of industries.

Richard litigates complex disputes throughout federal and state courts in the United States and internationally in arbitration forums. His experience encompasses disputes involving allegations of fraud, government investigations, fiduciary duty, unfair competition, tortious interference, and disputes in the wake of terminated transactions.

Notable Work

- **Antitrust:** Represent and defend US affiliate of multinational luxury goods supplier against allegations of no-poach agreements in the luxury retail employee sector in violation of Section 1 of the Sherman Act.
- **Antitrust:** Represented the U.S. subsidiary of an international cement and concrete company against civil price fixing and related conspiracy and class action claims, as well as in connection with a parallel State Attorney General investigation.

Areas of Experience

Litigation
 Antitrust and Trade Regulation
 Financial Services
 Commercial Disputes
 Financial Institutions Commercial Litigation
 Intellectual Property Litigation
 International Litigation and Arbitration
 Securities Litigation
 Staffing Law
 Japan

Education

J.D., New York University School of Law, 1996, *magna cum laude*, Order of the Coif
 B.A., Columbia University, 1992

Admissions

Bars

New York
 New Jersey
 District of Columbia

Courts

U.S. District Court, Eastern District of New York
 U.S. District Court, Southern District of New York
 U.S. District Court, Northern District of New York
 District of Columbia
 U.S. District Court, District of New Jersey
 New York State Supreme Court, Appellate Division, First Judicial Department
 U.S. Court of Appeals, Second Circuit

Languages

Spanish

- **Antitrust:** Represented a major issuer of credit and debit cards against a class action of merchants claiming a tying violation of Section 1 of the Sherman Act as well as a monopolization of the alleged market for debit cards.
- **Commercial Litigation:** Represent an international consumer electronics company in tortious interference with contract and related claims arising from unauthorized distribution of products and related unfair competition.
- **Commercial Litigation:** Represented a structured products hedge fund in claims against a global European bank and its U.S. broker-dealer affiliate resulting from the bank's refusal to complete and underwrite a contracted \$1 billion ABS CDO2.

Related Content

Hiroshi Sarumida Ranked by *Chambers Global* for Preeminence in Both Japan and the United States
March 05, 2024

First Major Overhaul of HSR Act Will Greatly Increase Time and Resources Required to Complete HSR Filing
January 10, 2024

Akerman Launches Japan Sector Team with Arrival of Veteran Hiroshi Sarumida
October 10, 2023

Antitrust and Government Enforcement

- Represent a medical staffing company as to “no poach” and other antitrust risks related to staffing agreements and practices.
- Represented the U.S. subsidiary of an international cement and concrete company against civil price fixing and related conspiracy and class action claims, as well as in connection with a parallel State Attorney General investigation.
- Represented a major issuer of credit and debit cards against a class action of merchants claiming a tying violation of Section 1 of the Sherman Act as well as a monopolization of the alleged market for debit cards.
- Represent and counsel national and international corporations in a wide variety of industries with respect to antitrust issues implicated by licensing, pricing and distribution practices as well as proposed joint ventures and other transactions and combinations.
- Represented an international consumer electronics company in obtaining the dismissal of claims of alleged collusion and attempted monopolization arising from its distribution practices and policies.
- Represent and counsel international consumer electronics and other consumer goods companies with respect to authorized dealer programs and pricing and distribution practices, including minimum and maximum resale price maintenance, MAP programs, and Robinson-Patman compliance.
- Represented a truck maintenance and tire distribution center in opposing discovery and potential claims related to alleged violations of the Robinson Patman Act and other anticompetitive conduct in connection with distribution and pricing practices.
- Represented an international auto parts supplier in connection with Department of Justice investigation of alleged price fixing and market allocation claims.
- Represented a target of the Department of Justice's and the Securities and Exchange Commission's parallel investigations into alleged price fixing in the conduct of municipal bond auctions.
- Represented a potential target of the State of New Jersey's investigation of potential collusion and monopolization in connection with the conduct of municipal and related online auctions.
- Represented witnesses and targets of federal and state investigations and prosecutions of alleged bid rigging, price fixing and other anticompetitive conduct.
- Represented a witness and potential target of an options backdating investigation by U.S. Attorney's Office.

- Represented individuals and companies subject to SEC subpoenas and investigations.

Commercial Litigation and Arbitration

- Represent an international consumer electronics company in tortious interference with contract and related claims arising from unauthorized distribution of products and related unfair competition.
- Represented a structured products hedge fund in claims against a global European bank and its U.S. broker-dealer affiliate resulting from the bank's refusal to complete and underwrite a contracted \$1 billion ABS CDO2.
- Represented prominent hedge funds in 18 related federal and state litigations and arbitrations arising from allegations of fraud.
- Represented a biotech pharmaceutical company and its largest shareholder in derivative litigation to obtain control over the board of directors and in pursuing related fraud claims against former chief executive officer.
- Represented an Italian art gallery at trial in winning a verdict on claims arising from breach of a partnership agreement and related valuation issues.
- Represented an Israeli telecommunications equipment manufacturer in an ICDR arbitration to recover lost profits and other damages arising from breach of a component supply agreement.
- Represented a large investor with respect to securities, contract and valuation issues arising from complex equity derivative and structured products.
- Represented a technology consulting company in negotiations and contemplated litigation against its former client regarding breach of the parties' non-disclosure agreement, and related copyright infringement and theft of trade secrets claims.
- Represented a major pharmaceutical company prosecuting claims against its contract manufacturer regarding a recall of the product at issue, and related breaches of the client's rights.
- Represent a wide variety of suppliers and purchasers with respect to contract and UCC disputes and related issues.
- Represented an issuer of securities against claims by its underwriter.
- Represented an investment bank in arbitration against its former employees involving theft of trade secrets and related fiduciary duties.
- Represented former employees against claims brought by former employer alleging breaches of fiduciary duty, unfair competition, and tortious interference with business opportunities.
- Represented executives with respect to employment agreements and related issues.
- Represented a national insurance company for breach of contract and wrongful termination claims brought by a former employee.
- Represented a national insurance company against third party and class action claims alleging its participation in securities and common law fraud.

Related Professional Experience

- Colegios-Liceo Anglo/Espanol in Madrid, Spain, Professor of English, 1992-1993

Published Work and Lectures

- National Association of Traveling Healthcare Organizations Webinar, Speaker, “Antitrust Rules of the Road Training,” June 21, 2022
- *Law360*, Co-Author, “Antitrust Pitfalls For Suppliers In A Constrained Market,” May 8, 2020
- ABA Antitrust Section, *Perspectives in Antitrust*, Co-Author, “Can Announcements of Future Pricing Constitute a ‘Plus Factor’ Sufficient to Infer the Existence of a Conspiracy in a Concentrated Market Characterized by Interdependent Competition?” June 2019
- ABA Antitrust Section Seminar, Moderator, “Communicating Without Signaling: Antitrust Compliant Public Communications,” May 2, 2016
- ABA Antitrust Section Spring Meeting, Panelist and Speaker, “Information Exchange Update: Steely Nurses and Iron Pipes,” April 2013
- “Schottdorf: §1782(a) in Discovery in Foreign Actions” Co-Author, *New York Law Journal*, April 8, 2007

Affiliations

- American Bar Association Section of Antitrust Law, Member