

## Paul Richard Brown



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### ATTORNEY PROFILE

Mr. Brown has extensive experience in asset recovery and financial fraud matters, representing high net worth individuals and financial institutions. His recent asset recovery engagements include: the representation of defrauded investors in the Texas-based Ponzi scheme, resulting in federal prosecutions of the perpetrator, corporate counsel and a government lawyer; recovery of trust monies from international brokers of funds that were moved from Switzerland, Guernsey and the Isle of Man; successful identification, freezing, and recovery of assets prior to removal to various offshore jurisdictions; appointment as Special Asset Recovery Counsel to identify, secure and recover estate assets of a US debtor. Mr. Brown has secured assets by working with local counsel and an international team of investigators in 20 U.S. states and 20 foreign jurisdictions, for example Belize, Isle of Man, Switzerland, Portugal, Canada, and France. Mr. Brown also has experience in litigation and commercial transactions in a wide variety of technology areas. He has conducted more than 100 bench trials and numerous jury trials in various jurisdictions across the country. He is admitted to practice before the Ninth Circuit Court of Appeals and the Supreme Court of the United States. Mr. Brown has negotiated complex multimillion-dollar transactions for domestic and international high-technology businesses worldwide, including in foreign jurisdictions such as Hong Kong, Taiwan, Switzerland, the Peoples' Republic of China, Germany, Russia, Mongolia, Sweden, and the Netherlands. Mr. Brown was designated a "Super Lawyer" by *Super Lawyers* in 2015, 2016, and 2017.

### EDUCATION

B.A., English Literature and Political Science, University of Puget Sound  
J.D., Seattle University School of Law

### PROFESSIONAL ACTIVITIES

Federal Bar Association  
Washington State Bar Association  
Washington State Patent Law Association  
King County Bar Association  
National Association of Federal Equity Receivers

### ADMITTED TO PRACTICE

Supreme Court of the United States  
All Washington State and Federal Courts  
Various admissions pro hac vice, state and federal

### SPEAKING ENGAGEMENTS

Mr. Brown has spoken about asset recovery for a number of organizations, including the National Association of Bankruptcy Trustees ("NABT"), the American Bar Association and a number of state and local bar associations.

### PUBLICATIONS

- "Effective Planning for Asset Recovery," *The Receiver* (January 2017)
- "The 'Panama Papers' - What are they, what do they mean and will they make a difference!" *The Receiver* (November 2016)
- "Jurisdictional Land Mines Facing Receivers in Pursuing Claims in Foreign Jurisdictions," *The Receiver* (June 2016)

### ASSET RECOVERY EXPERIENCE

- Represented Trustee in US Bankruptcy Court. Defendant fled the US and was a fugitive after being ordered by the Court to surrender assets. We located and recovered for the Trustee assets totaling over several million, and have an ongoing investigation for remaining assets. We also prevailed in a dispute with the DOJ concerning the Trustees title to assets. Jurisdictions included: France, Canada, Belize, Portugal, Switzerland and Isle of Man.
- Represented federally-appointed trustee in bankruptcy court. Located, secured, and liquidated assets in Cayman Islands.
- Represented creditors unwittingly involved in an international Ponzi scheme headquartered in central Texas which involved fraudulent investments of approximately \$90 million. On behalf of clients we exposed and set up for Federal agents to gather, prosecute and indict: corporate counsel, government lawyer, and perpetrator.
- Recovered approximately \$3.4 million for a widow in funds moved from Switzerland, Guernsey, Jersey and Isle of Man. A trust was set up by now-deceased husband, but the brokers for the offshore insurance and trusts attempted to keep the money. Pressure on the local financial services commission and investigators and a threat - via English counsel - of injunctive relief led to the release of funds. We are currently investigating recovery in Asia of another \$50 million or more.
- We retrieved over \$3 million for an individual from a fraudulent scheme of offshore investments and insurance. Defendants are being sued in several

domestic and international courts. Our client is to date the only party to regain any monies. The case involved multiple offshore jurisdictions and over \$500 million in dishonestly obtained funds.

- Recovered \$3 million for a financial institution. Our efforts prevented the perpetrator from moving assets offshore and we successfully seized funds despite efforts by opposing counsel to establish the fraudulent scheme.
- Represented a local celebrity in 110% recovery of his money in a sham intellectual property investment where proceeds were diverted offshore. We recovered over \$1 million and the persons responsible were ultimately found criminally liable and are serving time in federal prison.
- Assisted international counsel in locating and seizing \$30 million for an aggrieved party in international multi-national investment securities scheme. British Virgin Islands and other offshore jurisdictions.

### COMPLEX LITIGATION EXPERIENCE

*Federal Trade Commission (FTC), et. al. v. Dalbey, et. al.* Case No. 11-CV-01396 (District of Colorado, pending). Lead counsel for Dalbey, et. al. Defended principals against claims by the FTC and Colorado AG for false and deceptive advertising, violations of the Telemarketing Sales Rule, and violations of state consumer protection laws. Claims challenged defendants' infomercials, print advertising, and telemarketing calls. The FTC seeks a permanent injunction and consumer redress for over \$350,000,000 in company sales. Case involved discovery on a national level, and motions for governmental misconduct sanctions, dismissal, summary judgment and exclusion of survey expert reports and testimony.

*Atlas, Inc. v. Weir Slurry Group, Inc. and Weir Minerals Australia.* Case No. 2:07-CV-01358 (W. D. Wash). Lead trial counsel for Atlas, Inc., in trade dress litigation. Atlas filed an action of Declaratory Judgment that it did not infringe on any of Weir claimed trade dress. Weir counterclaimed alleging trade dress infringement; reverse palming off; contract interference; and consumer protection violation.

Supervised and directed multiple lawyers in depositions in Madison, WI; Sydney, Australia; Hong Kong; Cleveland, OH; Salt Lake City, UT; Phoenix, AZ; and Seattle, WA. Opposing counsel: Perkins Coie and Jones Day. Won on motion for summary judgment; all counterclaims dismissed; affirmed—Ninth Circuit Court of Appeals.

*Dallen and Peggy Wendt v. HTD, et al.* Case No. 08-CV-03612 (N.D. Ill). Lead trial counsel for Wendts. Case involved offshore asset recovery with claims of fraudulent misrepresentation, conversion, unjust enrichment, breach of fiduciary duty, unfair and deceptive trade practices, and civil conspiracy. Settled in favor of Wendt.

*Zipfizz adv. Young.* Case No. BC 397830 (Superior Court of the State of California in and for Los

Angeles County). Lead trial counsel for Zipfizz. Case involves a class action lawsuit against defendant for violating wage order and labor laws in the State of California. Favorable settlement for Zipfizz.

*WMS, LLC adv. Henry Cameron Holdings, LLC.* Case No. 08-22373 (Circuit Court of Cook County, Illinois Chancery Divisions), and Case No. 080500552 M (Third Judicial Court in Summit County, Utah). Lead trial counsel for WMS, LLC. Case settled in favor of WMS, LLC prior to trial. Successfully defended WMS, LLC in a membership interest purchase and sale agreement, and tenants in common agreement dispute.

*Lakeside Technologies, LLC v. Lakeside ISC, LLC.* Case No. CV-07-26-RHW (E.D. Wash). Lead trial counsel for Lakeside Technologies, LLC. This case settled in favor of Lakeside Technologies, LLC, prior to trial. Successfully pursued claims against defendants for breach of the settlement agreement and violation of trade secrets of computer software.

*Millcreek Country Club Association v. Trajal USA, Inc., et al.* Case No. 06-2-09052-5 (Snohomish County Superior Court). Lead trial counsel for Millcreek Country Club Association. Successfully forced sale of ownership to members of the Country Club.

*Hansen Beverage v. Zipfizz.* Case No. CV 07-07689 R (FFMx) (C.D. Cal). Lead trial counsel for Zipfizz. This case settled in favor of Zipfizz prior to trial. Successfully defended Zipfizz in false advertising claims.

*Kenexa Technology v. Clearwire Corporation.* Case No. 07-CV-771 (W.D. Wash). Lead trial counsel for Kenexa Technology. This case settled in favor of Kenexa Technology prior to trial. Successfully pursued claims for breach of contract of employment recruiting and outsourcing services.

*Ritchie, et al. v. WMS Debt Management, LLC.* Case No. 04-2-03402-7SEA (King County Superior Court). Lead trial counsel for WMS Debt Management, LLC. This case settled in favor of WMS Debt Management prior to trial. Successfully defended WMS Debt management in securities fraud claims.

*Nutrition and Fitness, Inc. v. Enfission.* Case No. 5:05 CV 175-FL(1)(E.D. NC). Lead trial counsel for Enfission. This case settled in favor of Enfission prior to trial. Defended Enfission in a trade dress litigation.

*Pitney Bowes v. Nexxpost.* Case No. 05-2-29988-6SEA (King County Superior Court). Lead trial counsel for Nexxpost. This case settled in favor of Nexxpost prior to trial. Successfully defended start-up company, Nexxpost, regarding allegations by Pitney Bowes against former employees' alleged breach of employee agreement.

*USA Prescription, Inc. v. Jude Lacour.* Case No. 01-018115-CACE-18 (District Court of the 17th Judicial Circuit, Broward County, Florida). Lead trial counsel for Jude Lacour. This settled in favor of Jude Lacour prior to trial. Represented Jude Lacour in trade secret litigation related to online subscription

services. Successfully defended numerous preliminary injunction motions for false designation, copyright infringement, and unfair business practices.

*HJC Company Limited, et al. v. Soaring Helmet Corporation, et al.* Case No. LACV03-6460 ABC (Mcx). (C. D. Cal.). Lead trial counsel for Soaring Helmet Corporation. This case settled in favor of Soaring Helmet prior to trial. This case involved patent infringement claims.

*Scimage, Inc. v. Robert and Kimberly Jones, et al.* Case No. CV2003-020839 (Superior Court of the State of Arizona, County of Maricopa). Lead trial counsel for Scimage, Inc. Successfully pursued breach of employee agreement, Uniform Trade Secrets Act violations, intentional interference with business relations, conversion, trespass, promissory notes, and breach of contractor agreement.

*Leaver v. Zipfizz.* Case No. 05-2-06985-4 (Snohomish County Superior Court). Lead trial counsel for Zipfizz. This case settled in favor of Zipfizz prior to trial. Successfully defended Zipfizz in breach of agreement and product claims in shareholder derivative suit.

*Display Research Laboratories, Inc. v. Telegen Corporation, et al.* Case No. 00-4261-SI (N.D. Cal.). Lead trial counsel for Telegen Corporation. This case settled in favor of Telegen Corporation prior to trial. Successfully defended claims for patent infringement, trade secret violation, and asset recovery.