



Byron N. Brown IV

Partner

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Location

6070 Poplar Avenue
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Memphis, TN 38119

Honors



Recognized as a Mid-South Super Lawyers Rising Star in the area of business litigation (2014 - 2019)

Education

2004 - J.D., *magna cum laude*, University of Mississippi School of Law; served on the law school student body honor council and received outstanding student awards for highest grade in Property Law, Bankruptcy, Secured Transactions and Mississippi Civil Practice.

2001 - Bachelor of Accountancy., *cum laude*, University of Mississippi

Admissions

Tennessee

Mississippi

Supreme Court of Tennessee

Supreme Court of Mississippi

United States Supreme Court

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Sixth Circuit

United States District Court for the Western District of Tennessee

United States District Court for the Northern District of Mississippi

United States District Court for

Byron Brown is a member of the Firm's Litigation & Dispute Resolution Service Team and Co-Leader of the Firm's Non-Competition, Business Information, and Trade Secret Protection Team. Mr. Brown is licensed to practice law in Tennessee and Mississippi, and he concentrates his practice in general and commercial civil litigation and white collar criminal defense. He has experience in a wide range of litigation matters, including among others: non-compete and non-solicitation agreement litigation; personal injury cases; product liability cases; consumer class actions; claims for breach of contract; claims involving business torts such as lender liability, unfair competition, theft of trade secrets, and fraud; claims under the False Claims Act; claims under the Tennessee Consumer Protection Act; premises liability claims; prescription drug and medical device cases; financial institution litigation; criminal asset forfeiture cases; and criminal investigations. In addition to his litigation practice, Mr. Brown advises clients regarding the drafting and implementation of restrictive covenant agreements, including agreements containing non-compete, non-solicitation, and confidentiality restrictions.

Representative Matters

- *Smith & Nephew, Inc. v. Northwest Ortho Plus, Inc., et al.*, (USDC W.D. Tenn.) Obtained temporary injunction prohibiting medical device sales representatives from working on behalf of a primary competitor in violation of non-compete agreement.
- *Smith & Nephew, Inc. v. Greg Cook*, (Shelby Co. Tenn. Circuit Court) Obtained temporary restraining order prohibiting sales representative from soliciting customers for a competitor of his former employer in violation of non-compete agreement.
- *Encore Medical, L.P. v. Jay Kennedy, et al.*, (USDC E.D. Tenn.) Represented marketer of chiropractic medical devices in suit alleging breach of contract, tortious interference, and unfair competition, and successfully obtained a transfer to more convenient forum in Pennsylvania.
- *Teresa Hurst, et al. v. The Union Group, LLC, et al.*, (Shelby Co. Tenn. Chancery Court) Successfully defended the Children's Museum of Memphis in an injunction action to set aside the sale of the Nineteenth Century Club mansion and to disgorge sales proceeds donated to the Children's Museum.
- *Latravis Alston v. Regions Bank, et al.*, (USDC W.D. Tenn.) Defeated class certification and obtained summary judgment on multi-million dollar claims against financial institution alleging fraud and other tortious conduct in connection with automobile loan transactions.
- *Furnco, LLC d/b/a Four Seasons Furniture v. Lane Furniture Industries, Inc. and Furniture Brands International, Inc.*, (USDC W.D. Tenn.) Obtained summary judgment, trial verdict, and subsequent award of attorney's fees in favor of leading furniture manufacturers on multi-million dollar claims alleging fraud, breach of contract, trade defamation, and conversion in connection with manufacturer/retailer business relationship.
- *Friedman v. Allright Corporation, et al.*, (Shelby Co. Tenn. Circuit Court) Represented parking company in wrongful death premises liability action.
- *International Paper Company v. Gainey Transportation Services*, (USDC W.D. Tenn.) Obtained trial verdict and subsequent award of attorneys' fees on breach of contract claims asserted by leading manufacturer/processor of paper products against transportation company.
- *United States of America v. Robert M. Bohn*, (USDC W.D. Tenn. and 6th Circuit) Successfully represented criminal defendant and non-party financial institution in connection with multi-million dollar asset forfeiture issues under federal racketeering and money laundering statutes.
- *Sterling Crayton v. GlaxoSmithKline, et al.*, (Shelby Co. Tenn. Circuit Court)

Represented prescription drug manufacturer in products liability wrongful death case involving clinical trial of HIV suppression medications.

- *Gore, et al v. Barloworld Freightliner, et al.*, (Benton Co. Miss. Circuit Court) Represented heavy truck dealer in products liability action involving allegedly defective piston assemblies.
- *Washington v. Lane Furniture Industries, Inc.*, (Pontotoc Co. Miss. Chancery Court) Obtained favorable compromise on behalf of leading furniture manufacturer in lawsuit alleging breach of a contract to sell a furniture manufacturing facility.
- *Lane Furniture Industries, Inc., et al. v. Treasures Furniture*, (San Diego Co. Cal. Superior Court) Obtained multi-million dollar judgments on behalf of leading furniture manufacturers against furniture dealer for failure to pay contractual obligations.
- *Whittington v. Wal-Mart Stores East, LP*, (Shelby Co. Tenn. Circuit Court) Represented leading retailer in premises liability and employee negligence action involving complex medical issues.
- *State of Tennessee v. Cornelius Lumber Company, Inc.*, (Hardeman Co. Tenn. Circuit Court) Represented business in highway condemnation action and related litigation involving breaches of saw mill leasing agreement.
- *Pavljuk v. GlaxoSmithKline, et al.*, (Shelby Co. Tenn. Circuit Court) Represented prescription drug manufacturer in products liability action involving anti-depressant medication.
- *Merrweather v. Bradley et al.*, (USDC W.D. Tenn.) Pro bono representation of state prisoner in federal civil rights action that resulted in suitable compromise.
- *The Sherwin Williams Company v. Humphreys*, (Shelby Co. Tenn. Chancery Court) Obtained trial verdict for supplier of paint and paint supplies in suit to collect delinquent accounts.
- *Weaver v. Smith & Nephew, Inc.*, (Hamilton Co. Tenn. Circuit Court) Represented medical device manufacturer in products liability action involving bio-absorbable bone screws.
- *Taylor v. Victoria's Secret Stores, Inc., et al.*, (USDC W.D. Tenn.) Represented manufacturer and seller of women's apparel in copyright infringement and civil conversion suit that resulted in dismissal of copyright claims and favorable compromise of remaining claims.

Professional Activities and Memberships

- Barrister member - Leo Bearman Chapter of the American Inns of Court
- Graduate of the Memphis Bar Association Leadership Forum
- Member of the Civil Pro Bono Panel for the United States District Court for the Western District of Tennessee
- Member of the Memphis and Tennessee Bar Associations
- Member of the Mississippi Bar

Civic Involvement

- University of Mississippi Alumni Association
- Memphis University School - Class of 1997 Fundraising Representative