




Brian M. Gargano

Partner

Business Litigation / China Practice

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Overview

Brian is a seasoned and successful litigator who represents clients in a number of industries across the United States and Asia. Brian's practice focuses on complex commercial trials and appeals, arbitrations, and government investigations. Brian has extensive experience in bankruptcy-related litigation, general liability, shareholder disputes, cross-border transactions and disputes, intellectual property disputes, trade secret disputes, labor and employment, commercial liability disputes, and data privacy and cybersecurity matters.

Brian handles management of complex, commercial, data breach, employment, IP, and general liability litigation in federal and state courts, as well as before regulatory agencies, managing every stage of a case and anticipating his clients' needs along the way.

Brian has also assisted numerous clients in the drafting, reviewing, and negotiating of a wide variety of transaction documents, including arbitration agreements, commercial contracts and leases, confidentiality agreements, data breaches, employment agreements and handbooks, IP and licensing agreements, master service and supplier agreements, shareholder agreements, stock transfers and purchases, and terms of service.

In addition, Brian readily advises clients on commercial and contract transactions and disputes, including matters pertaining to the CISG and New York Convention, risk management, intellectual property, labor and employment and data privacy and cybersecurity issues.

Before his law career, Brian was an E-commerce product manager at Fiserv Securities in Philadelphia, Pennsylvania, in which he contributed to the development of some of the first securities trading websites in the U.S. Brian began his career in New York working at Martin, Ganotis, Brown, Mould & Currie, P.C., in which he

represented a multitude of clients and insurance companies in general liability, regulatory, and malpractice issues.

Prior to joining Archer, Brian was a partner at different law firms in Houston, TX, including Lewis Brisbois Bisgaard & Smith, LLP, focusing on China, intellectual property, labor and employment, and complex litigation practices.

Brian served as a judicial legal intern for the Honorable Linda Feinberg, Assignment Judge, Superior Court, Mercer Vicinage, Trenton, NJ.

Brian's had his Law Review note on DNA Patents published in the Syracuse Science and Technology Law Reporter Spring 2005 Edition.

Representative Experience

- Lead Counsel for TB Food USA LLC in winning a multimillion-dollar federal jury verdict and judgment in a complex cross-border trade secrets misappropriation case in the Middle District of Florida.
- Co-Counsel for Hefei Ziking Steel Pipe Co., Ltd. in winning a multimillion-dollar federal court judgment involving contracts governed by the United Nations Convention on Contracts for International Sales of Goods (CISG) in the Southern District Court of Texas.
- Lead Counsel for a major Chinese manufacturer of air conditioner parts in defending product liability claims brought by Goodman (owned by Daikin Industries, Ltd.) in the Southern District of Texas. Case was settled to client's satisfaction.
- Co-Lead Counsel for Chinese petitioning creditors in multiple involuntary bankruptcy petition proceedings in the Bankruptcy Court for the Northern District of Texas. Cases involving tens of millions of dollars.
- Lead Counsel in the defense of various health care providers and insurance companies in which Brian obtained numerous jury verdicts throughout New York State which were all successful.
- Successfully obtained a judgment in the Superior Court of California, County of Alameda, setting aside a fraudulent real estate transfer. As lead trial counsel, Brian litigated the case in California state court, securing a judgment that nullified the transfer, placed the property in a constructive trust, and ordered its sale for the client's benefit. This outcome demonstrates Archer's litigation strength throughout the country including in California and its ability to handle complex fraudulent transfer disputes.
- Successfully represented a Dallas-based IT company as lead counsel in a high-stakes contract dispute in the Northern District of Texas. Archer's legal team enforced the client's contractual rights against an out-of-state company for breaching a Master Service Agreement and violating non-compete and non-solicitation provisions. Leveraging deep experience in IT contract disputes, the Archer team secured a six-figure



settlement, ensuring the client was compensated and reinforcing the enforceability of key contractual protections.

Professional and Community Involvement

- Fellow of the Texas Bar Foundation

Select Articles

- “Noncompete Enforceability in the World of Remote Work,” *Law360* (September 2022)

Select Speaking Engagements and Seminars

- “Overview of Legal Landscape re: Bitcoin, Bitcoin Miners from China” (September 2021)
- “Employer’s Guide to Reopening the Economy, Mandarin Executive Program-Via Zoom,” Asian Chamber of Commerce (March 2021)
- “Cyber and Data Security: Current Trends and Risk Mitigation Strategies,” Sinopec-Via Zoom (February 2021)
- “Cyber and Data Security: Current Trends and Risk Mitigation Strategies-Via Zoom,” China General Chamber of Commerce – USA (December 2020)
- “Employment Basics and Updates, Mandarin Executive Program,” Asian Chamber of Commerce (October 2019)
- “Wages & Labor Law, Mandarin Executive Program,” Asian Chamber of Commerce (September 2018)

Credentials

Education

- Syracuse University College of Law, JD, *magna cum laude*
- Stockton University, BA

Admissions

- New York
- Texas
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Second Circuit



- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Southern District of Texas

Offices

- Houston, TX
- New York, NY

Areas of Focus

Practice

- Bankruptcy
- Business Litigation
- China Practice
- Data Privacy & Cybersecurity
- Intellectual Property
- International Law

Industries

- Life Sciences & Biotechnology

