

#### Practice Areas

- Commercial Litigation
- Corporate, Securities & Finance
- Broker/Dealers

#### Education

- St. Johns University School of Law, J.D. (1986)
- Tulane University, B.S. in Business Management, cum laude (1983)

#### Honors

- Listed, *Georgia Super Lawyers* - Business Lit (2011-2019)
- Georgia Trend Legal Elite 2009, 2020

#### Bar Admissions

- State Bar of Georgia

#### Court Admissions

- United States Courts of Appeal for the Ninth and Eleventh Circuits
- United States District Courts for the Northern and Middle Districts of Georgia
- United States Courts for the Northern, Eastern and Southern Districts of California

## Scott M. Ratchick

Shareholder

Atlanta

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Scott Ratchick focuses his practice on complex commercial, franchise, and securities litigation and shareholder and business disputes. In connection with this practice, he represents publicly and privately held companies, officers, directors, registered investment representatives, broker-dealers and banks in state and federal courts and various arbitration forums throughout the country.

His broad litigation experience includes claims involving contract disputes, common law fraud, breaches of fiduciary duty, prohibited transactions, securities fraud, derivative claims, class action defense, and general commercial, business and employment-related litigation, arbitration and mediation. He is also experienced in representing clients in enforcement proceedings brought by the SEC and various state and federal securities regulators.

Mr. Ratchick has extensive experience as both an in-house counsel, and thus a client of legal services, and as outside counsel to a broad range of clients. His approach to litigation is focused on identifying and understanding from the outset of the case the critical facts and legal issues in dispute, as well as the clients goals in prosecuting or defending the action. In developing a focus on the critical aspects and objectives of the case, he can more efficiently and effectively guide the client towards either trial or a satisfactory settlement.

#### Representative Experience

- Represented international insurance company in securing nationwide permanent injunction barring defendant companies and principals from competing in the insurance industry and from utilizing confidential information
- Representation of international corporation against claims by founder and minority shareholder of improper related-party transactions and willful diminution of shareholder's interest in company (obtained summary judgment dismissal of claims)
- Represented franchisees in obtaining multimillion dollar judgment against franchisor for violations of franchise agreement

## **Scott M. Ratchick, Continued**

- Represented former officer and his newly formed company to obtain dismissal of all claims asserted by former employer alleging violation of restrictive covenants, unfair competition and misappropriation of trade secrets
- Represented information and technology firm in successful litigation to obtain divestiture of principals management and ownership interests
- Represented client in securing one hundred percent (100%) of disputed ownership interest in international flooring company as well as recoupment of historical profits
- Represented clients in both the defense and prosecution of trade secret, unfair competition, non-compete and Lanham Act claims, including having secured a nationwide permanent injunction barring an adverse party from competing or utilizing confidential information
- Defended corporations and individual officers in class action lawsuits asserting violations of securities laws, consumer protection statutes and fraud
- Representation of bank in litigation challenging conduct under loan participation agreements impacted by FDIC loss-share
- Served as lead counsel in hundreds of securities and investment-related cases in litigation and arbitration proceedings involving claims of fraud, negligence, breach of fiduciary duty, RICO, violations of Blue Sky laws and other federal and state securities laws and industry practices
- Defended several national and regional brokerage firms and other financial institutions, as well as registered representatives, in disciplinary proceedings before the SEC and self-regulatory organizations, including FINRA, NASD, NYSE and various state securities agencies
- Defended national financial services companies in federal and state court actions involving claims asserted under the Fair Business Practices Act, Fair Credit Reporting Act, Fair Credit Billing Act and Fair Debt Collection Practices Act
- counseled and represented clients in various employment matters involving the enforcement of non-competition, non-solicitation and confidentiality agreements
- Defended technology client in lawsuit filed by Federal Trade Commission for claims of unfair and deceptive trade practices

### **Professional Recognitions**

- Georgia Super Lawyer in the area of Business Litigation, Atlanta Magazine, 2011, 2012, 2013, 2014
- Georgia Legal Elite in the area of General Practice/Trial Law, Georgia *Trend* Magazine, 2009