

Aaron M. Bernay

Partner

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Industries

Manufacturing

Consumable Goods

Mobility

Practice Areas

Business & Commercial Litigation

Acquisitions & Divestitures

Family Office Services

German Desk

International Services

Japan Desk

Litigation

Middle East & North Africa Desk

Private Equity & Venture

Product, Tort & Insurance Litigation

Trust & Estate Litigation

Bar Memberships

Ohio

Languages

Arabic

French

Hebrew

Aaron represents clients in a wide range of areas with a primary focus on complex business litigation. He serves as vice chair of the firm's International Services Practice Group, and heads our Middle East & North Africa (MENA) desk. Aaron also chairs the firm's International Dispute Resolution working group that advises clients on international arbitration and cross-border litigation matters. Aaron previously served as the United States representative to the Young Lawyers Committee of the International Bar Association and speaks frequently on topics ranging from corporate compliance to terrorism. He also represents trustees, executors, and beneficiaries in probate litigation throughout Ohio.

Prior to entering law school, Aaron worked for the international trade practice of a Washington, D.C. law firm and analyzed money laundering and financial crimes cases for a large plaintiffs' firm. During law school, Aaron served as a Notes and Comments Editor of the University of Cincinnati Law Review and was a three-year fellow at UC's Corporate Law Center.

Aaron is an adjunct professor at the University of Cincinnati College of Law, teaching International Business Transactions.

Aaron's Relevant Experience

Litigation Successes

Won dismissal of federal False Claims Act and wage and hour law claims brought against German automotive paint shop manufacturer. *Lesnik, et al. v. ISM Vuzem, d.o.o., et al.*, 374 F.Supp.3d 923 (N.D. Cal. 2019).

Won dismissal of breach of contract claim brought by U.S. sales representative against German Tier 1 automotive supplier. *Glob. Prod., Inc. v. Mayser Polymer USA, Inc.,* No. 339451, 2019 WL 637284 (Mich. Ct. App. Feb. 14, 2019), appeal denied, 505 Mich. 994, 939 N.W.2d 252 (2020).

Prevailed in arbitration on behalf of U.S. robotic tooling manufacturer against Chinese distributor.

Obtained defense verdict for car stereo manufacturer in commercial dispute involving the sale of goods from China to Brazil.

Obtained injunctive relief on behalf of international confectioner against entity unlawfully distributing its candy throughout the United States. *Perfetti van Melle USA Inc., et al. vs. Midwest Processing, LLC, et al.*, 135 F.Supp.3d 1015 (D.S.D. 2015).

Won dismissal of lawsuit brought against major Middle Eastern airline by passenger under the Montreal Convention.

Obtained jury verdict in favor of soap manufacturer accused of trade secret misappropriation and tortious interference with a contract by competitor (as second chair).

Obtained defense verdict for auto services client in consumer protection action.

Obtained verdict for plaintiff in lawsuit alleging fraud against former investment advisor.

Obtained summary judgment on behalf of charter school in defamation lawsuit brought by former teacher.

Foreign Jurisdictions

Routinely manages complex litigation involving international discovery matters, including the taking of evidence and testimony abroad in Canada, China, Germany, Hungary, India, Israel, Jordan, Mexico, Poland, Switzerland, and the United Kingdom.

Regularly advises clients on an array of issues connected to doing business in foreign jurisdictions, including:

- Entity formation
- Corporate formalities and compliance
- Trade and customs regulations
- Commercial contracts
- Cross-border alternative dispute resolution and litigation

International Transactions

Obtained permission from U.S. Department of the Treasury for American nonprofit to operate in the Islamic Republic of Iran.

Represented Chinese manufacturer in licensing dispute with major American lifestyle brand.

Negotiated Saudi Arabian distributorship agreement on behalf of American manufacturer.

Oversees international compliance for American corporation with over a dozen subsidiaries in Europe and Latin America.

Other Info About Aaron

Education

University of Cincinnati College of Law, J.D., 2010

Harvard University, A.M., 2005, Middle Eastern Studies

George Washington University, B.A., 2001, International Affairs
Phi Beta Kappa

Courts

Northern District of Ohio

Southern District of Ohio

Sixth Circuit Court of Appeals

Seventh Circuit Court of Appeals

Ninth Circuit Court of Appeals

Recognition

Foreign Language and Area Studies (FLAS) Fellowship in Arabic Language, Harvard University

Harvard University Certificate for Distinction in Teaching

Professional Affiliations

International Bar Association – United States Representative, Young Lawyers Committee

Cincinnati Bar Association – Chair, International Law Practice Group

Ohio State Bar Association

Federal Bar Association

Civic Activities

George Washington University Alumni Network for Cincinnati and the Bluegrass Region, Chair

OMID USA, Inc., Board of Directors

SAFE Cincinnati, Advisory Board

Valley Temple, Board of Trustees

Presentations

Ethical Considerations in Multijurisdictional Practice, November 2021, FBT Client Seminar and Cincinnati Bar Association International Law Practice Group

Obtaining Evidence Abroad, April 2021, Cincinnati Bar Association, Domestic Relations Institute

The Rise of International Arbitration, August 2020, Kentucky Association of Manufacturers

Advantages of International Arbitration (with Prof. Jacob Cogan), May 2020, Frost Brown Todd After-COVID Webinar Series

Company Retention Policies & Advising Clients on Document Preservation, June 2015, Cincinnati Bar Association

How Long Now? On ISIS and Potential Endgames to the Syria Crisis, February 2015, American Jewish Committee and Jewish Community Relations Council; September 2014, Harvard Club of Cincinnati

Corporations as Aiders and Abettors of Terrorism? Overseas Compliance and Customer Due Diligence Considerations, December 2014, FBT Annual CLE

On Simulcasting and the Future of Video Game Streaming, October 2011, International Bar Association Annual Conference

Using the Law to Your Advantage: 5 Things Every Reseller Should Know, August 2011, VARTECH

Major Publications

Finding the Nexus: Measuring Jurisdiction Under the First Clause of the Commercial Activity Exception to the Foreign Sovereign Immunities Act, 77 U. Cin. L. Rev. 1581 (2009).

Featured Articles

Supreme Court Closes the Door on New Alien Tort Claims: *Cisco v. Doe* Overturns Recent Precedent

Border Crossings: Toward Mutual Recognition and Enforcement of U.S. and Chinese Civil Court Judgments

U.S. Supreme Court Prohibits Foreign Arbitral Parties from Directly Obtaining Discovery via Federal Courts

Advantages of International Arbitration | After COVID Webinar Series

Uncertainty about DOT's "Buy America" Requirement for Federally Funded Highway Projects

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