



Zachary H. Greene

Member

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PRACTICE AREAS

Appellate | Business Litigation | Crisis Management | Financial Institutions Litigation | Entertainment, Sports & Media
| Investigations & Special Projects | Litigation | White Collar & Corporate Investigation

Zac Greene represents individual and corporate clients in business disputes and white collar criminal matters.

Zac represents companies and individuals in internal investigations and government investigations and enforcement proceedings. Zac's experience includes guiding clients through interactions with the U.S. Department of Justice (DOJ), U.S. Securities and Exchange Commission (SEC), Federal Bureau of Investigation (FBI), U.S. Environmental Protection Agency (EPA), federal inspectors general (OIG), and state agencies. He has represented clients in prosecutions charging mail fraud, wire fraud, healthcare fraud, immigration violations, and public corruption, and in investigations involving those areas as well as the Foreign Corrupt Practices Act (FCPA), environmental regulation, nuclear power regulation, and antitrust. Zac also has experience representing clients in qui tam proceedings under the False Claims Act.

Zac's civil practice is focused on business litigation in state and federal trial courts and courts of appeal. He frequently represents commercial entities and financial institutions in matters involving breach of contract, negligence, fraud, unfair competition, securities, and government regulation. He also represents public entities in constitutional litigation. Zac's diverse appellate experience includes briefing and arguing cases addressing contract law, antitrust law, public pensions, legislative procedure, legislative privilege, constitutional law, and civil rights.

As chair of the firm's Crisis Management Group, Zac collaborates with attorneys in various practices to leverage Miller & Martin's deep corporate and dispute resolution experience to help clients prepare for and deal with business crises.

EDUCATION

- J.D., *magna cum laude*, University of Mississippi, 2005
 - Associate Notes and Comments Editor, *Mississippi Law Journal*
- B.S., *magna cum laude*, University of Tennessee at Chattanooga, 2001

BAR ADMISSIONS

- Tennessee

COURT ADMISSIONS

- U.S. District Court, Eastern, Middle and Western Districts of Tennessee
- U.S. Court of Appeals, Fifth, Sixth and Eleventh Circuits
- U.S. Supreme Court

ACCOLADES

- United States Magistrate Judge Merit Selection Panel, Chair, 2024
- American Bar Foundation, Fellow, since 2022
- *The Best Lawyers in America*® – Commercial Litigation; White-Collar Criminal Defense, since 2022
- *Mid-South Super Lawyers*®, Rising Star in General Litigation, 2012-2020
- Tennessee Bar Association Leadership Law, Class of 2019

MEMBERSHIPS

- American Bar Association, White Collar Crime Litigation Subcommittee – Co-Chair
- Federal Bar Association, Chattanooga Chapter – Board of Governors, Past Chapter President
- Tennessee Bar Association, Litigation Section – Executive Committee, Former Section Chair
- Chattanooga Bar Association

COMMUNITY

- Federal Defender Services of Eastern Tennessee, Inc. – Board of Directors
- The Stadium Corporation, Board of Directors, Corporate Secretary
- David W. Carrithers Lecture on Law, Politics, and Public Policy, Steering Committee

EXPERIENCE

- Obtained temporary injunctive relief and, later, summary judgment and a permanent injunction on behalf of a professional baseball franchise in litigation arising from Major League Baseball's restructuring of the Minor League Baseball system. Engaged in ongoing representation of the franchise in a related intra-league dispute.
- Represented telehealth company and its owner in federal criminal investigation and prosecution and related False Claims Act cases arising from multimillion-dollar healthcare fraud. Worked with prosecutors to develop and expand client's cooperation efforts to provide substantial assistance in almost one dozen U.S. criminal investigations or prosecutions and one foreign civil investigation in exchange for significant sentencing considerations.
- Represented former vice-president of a national truck stop company in federal criminal investigation and prosecution relating to the failure to pay more than \$50 million in rebates and discounts on diesel fuel purchases over a five-year period.
- Defended five federal law enforcement officers in class action alleging constitutional rights violations arising from a workplace search warrant execution in connection with tax evasion and immigration violations investigation.
- Represented former nuclear power industry executive in corporate internal investigation, criminal investigations by U.S. Attorney's office and DOJ, and administrative action by Nuclear Regulatory Commission relating to plant operations. No charges were filed and client was not cited for regulatory violations.
- Defended regional construction contractor on federal alien harboring and firearms possession charges. Reached favorable plea agreement that included dismissal of one charge and return of nearly \$1 million in seized assets.
- Represented contractor in federal Clean Water Act criminal investigation arising from industrial fuel spill in the Tennessee River. No charges were filed.
- Organized legal response to explosion and chemical release at client facility. Crisis management efforts included conducting internal investigation, consulting with in-house and outside public relations teams concerning media communications, preparing employees for interviews with regulators, and advising management regarding legal issues relating to incident and continuing

operations.

- Defended registered investment adviser in SEC investigations of alleged unauthorized transactions.
- Represented 10 human resources staff members, including managers, during internal and government investigations arising from one of the nation's largest immigration raids. No charges were filed against clients.
- Represented foreign national charged with conspiracy to defraud United States Agency for International Development in connection with the construction of a water treatment plant in Egypt.
- Represented target auto parts manufacturer in antitrust price-fixing investigation. No charges were filed.
- Pro bono representation of defendant in federal court charged in region-wide narcotics distribution conspiracy. Secured plea agreement for minimum possible sentence.
- Obtained summary judgment, affirmed by Sixth Circuit, in favor of municipal government on challenge to \$227 million pension reform program brought by retirees under Contract Clause, Due Process Clause and Takings Clause of the United States Constitution. Frazier v. City of Chattanooga, 841 F.3d 433 (6th Cir. 2016).
- Obtained summary judgment, affirmed by Sixth Circuit, in favor of municipal government on claims by former police chief that pension amendment was passed in violation of city charter legislative provisions and unconstitutionally deprived him of benefits under the Contract Clause, Due Process Clause and Takings Clause of the United States Constitution. Dodd v. City of Chattanooga, 846 F.3d 180 (6th Cir. 2017).
- Obtained dismissal, affirmed by Sixth Circuit, in favor of Fortune 500 company of claims asserted under federal anti-trust and collective marketing statutes. Terry v. Tyson Farms, Inc., 604 F.3d 272 (6th Cir. 2010), cert. denied, 131 S. Ct. 1044, 79 U.S.L.W. 3271 (U.S. Jan. 24, 2011) (No. 10-542).
- Obtained judgment, affirmed by Tennessee Court of Appeals, in favor of city councilman on defamation claims relating to legislative speech. Issa v. Benson, 420 S.W.3d 23 (Tenn. Ct. App. 2013) (perm. to appeal denied Nov. 15, 2013).
- Represented Europe-based fund of hedge funds in its claims of gross negligence, fraud, breach of contract and breach of fiduciary duty against former hedge fund administrator.
- Won jury verdict on claims of negligence in the sale of \$1.5 million tract of real property.
- Successfully tried to defense verdict real property claims against developers arising from multimillion-dollar commercial development.
- Represented multi-national group of clients in litigation against nine domestic and foreign companies regarding fishing rights in Russia.

