



## Gene Summerlin

### PARTNER

OMAHA, NE

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### OVERVIEW

With deep experience in agricultural start-ups and complex civil and class action litigation, Gene has represented clients across the country for more than two decades.

He represents new ventures, existing entities and individuals, bringing creative solutions to the business challenges faced by clients in the animal health/genetics, pharmaceutical, agriculture and organic food industries. Gene has guided companies from creation through capital raising, entry into market, and sale or other exit strategies. In addition, he frequently writes for agribusiness trade publications and speaks to industry groups.

Gene's substantial trial experience, focus on communication, and attention to detail provide a foundation for guiding clients through complex litigation. His experience includes serving as special counsel to the U.S. Bankruptcy Trustee in litigation seeking to recover more than \$100 million in investor losses.

In a jury trial involving a national cattle organization accused of attempting to monopolize the national cattle market, Gene obtained a directed verdict in favor of the organization after two weeks of trial. He has also been class or defense counsel in multiple antitrust price fixing cases involving a variety of agricultural, consumer and commercial goods.

### Industry

Food Systems

### Services

Animal Health & Production

Commercial Litigation

Credit Unions

Litigation & Alternative Dispute Resolution

Startups

## Experience

- Representing defendant in a patent infringement case in the U.S. District Court for the District of Colorado involving a method of using genetic merit to determine relative value of feed animals.
- Special counsel to the Department of Justice's U.S. trustee in a complex cattle investment-fraud case with \$3 billion in assets.
- Class counsel for farmers who alleged commercial harm by cross pollination of genetically modified corn.
- Advertising injury coverage litigation arising from insurer's refusal to provide defense to antitrust, Lanham Act and Racketeer Influenced and Corrupt Organizations Act (RICO) claims brought against cattle breed association.
- Challenged Nebraska tax commissioner's methodology for equalization of centrally assessed property on behalf of pipeline companies and public service entities.
- Defended cattle breed association in litigation asserting that association engaged in monopolization and fraudulent conspiracy to control American purebred cattle market.
- Class action litigation brought on behalf of foster children challenging defects in Nebraska foster care system.
- Took action against the City of Lincoln, Neb., in constitutional litigation against city arising from passage of anti-picketing ordinance that violated plaintiffs' First Amendment speech rights.
- Won a federal ruling that forced a Nebraska prison to accommodate the kosher food request of a Muslim inmate.
- Successfully represented national association of surgical nurses with 42,000 members in antitrust litigation under Sections 1 and 2 of the Sherman Act and obtained dismissal of both claims.

## Recognition

- *The Best Lawyers in America*®, Commercial Litigation, 2024
- Great Plains Super Lawyers, Business Litigation, 2012-2023
- Martindale-Hubbell AV Preeminent
- Nebraska Appleseed Center for Law in the Public Interest, Seeds of Justice Award, 2007

## Education

- J.D., University of Nebraska College of Law
  - with high distinction
  - Order of the Coif
  - American Jurisprudence Award for Trial Advocacy, Advanced Trial Advocacy
  - Arthur E. Perry Scholarship
  - Kutak Rock & Campbell Scholarship
  - National Trial Team
  - Roscoe Pound Memorial Award
  - Thomas Stinson Allen Award for Oral Advocacy
  - *Nebraska Law Review*, executive editor
- B.S., University of Nebraska-Lincoln
  - Agriculture

## Admissions

- Nebraska
- U.S. District Court, Central District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, District of Nebraska
- U.S. District Court, District of North Dakota
- U.S. Court of Appeals, Eighth Circuit
- Omaha Tribal Courts
- U.S. Supreme Court

## Community Leadership

- Family First, advisory counsel, 1999-2001
- Grace Chapel, Haiti ministries coordinator, 2010-2013
- Latino Berean Church, Advisory Board, 2000-2002
- Lincoln East High School hockey coach, 2005-2013
- Lincoln Ice Hockey Association, Board of Directors, 2005-2010; president, 2007-2010; youth hockey coach, 1998-2013
- Lost Lamb Rescue Mission, Board of Directors, 1999-2001
- YMCA youth baseball, football, soccer and softball coach, 1997-2006
- Zion Presbyterian Church, Board of Deacons, 1995-2007; deacon chair, 1997-2007



2024 Best Lawyers