

Robb Harvey

PARTNER



(615) 850-8859
robb.harvey@wallerlaw.com

Assistant: Shelli Dimarco
(615) 850-8168
Shelli.Dimarco@wallerlaw.com

511 Union Street, Suite 2700
Nashville, TN 37219
615.244.6380
615.244.6804

Robb Harvey has more than 30 years of trial experience, appearing in lawsuits in dozens of federal and state courts across the country. His practice focuses on complex intellectual property, entertainment, media, commercial and franchise litigation involving substantial damages claims. A strategist and problem-solver, he has established a reputation among clients and peers as the professional to turn to for expedited results, especially when the stakes are high and involve pressing issues such as a threat to stop business operations or competition, a demand for a prior restraint on publication by a content provider, or the release of a new product or service.

A seasoned litigator, Robb has cultivated a depth of experience in intellectual property, entertainment and media disputes involving:

- Publication torts, including defamation, privacy and right of publicity
- Copyrights involving music, movies, broadcasts and software
- Trademarks, including TTAB proceedings
- Data breaches and ransomware
- Computer fraud and abuse
- Trade secrets
- First Amendment and public records disputes and reporter's shield laws
- Counterfeiting
- Internet disputes
- Patents
- Software disputes and technology licensing

Robb's experience also covers a variety of commercial disputes including:

- Franchise rights
- Contract disputes
- Unfair trade practices and product disparagement/advertising
- Fraud and other commercial torts
- Civil RICO
- Non-competition/solicitation provisions
- Class action disputes including Multi-District Litigation proceedings

Many of his engagements have resulted in ongoing, long-term relationships, in some cases for over three decades. He thrives on helping companies address the daily challenges their businesses encounter. As a result of his tenacious representation, Robb has been responsible for a number of precedent-setting cases, including disputes leading to the identification of persons posting false information concerning public companies, applying the Tennessee Supreme Court's Rule 30 concerning cameras in courtrooms, applying the fair use doctrine, recognizing that Tennessee Newspapers' Shield Law extends to non-confidential materials, and opening access to records for state-wide media coalitions.

Over the past few years, Robb was part of litigation teams that achieved victories in three (3) separate cases in the U.S. Court of Appeals for the Sixth Circuit, covering right of publicity, antitrust, libel, and Section 230 immunity issues, and he was lead counsel in a 2019 Sixth Circuit win against an international best-selling publisher which involved copyright preemption issues. In the past two years, he has been part of teams obtaining the dismissal of multiple alleged trade secrets cases by federal and state courts. In addition, he was lead counsel in a major music copyright case which was dismissed on summary judgment, and received national press. To read the court's ruling, [click here](#).

Robb has just completed his elected position as an At Large member of the Governing Board of the American Bar Association's Forum on Communications Law, and has been tapped to take a two-year executive leadership role. The Forum includes more than 1,000 U.S. attorneys who focus on the representation of the print and electronic media and telecommunications industry. He has served as Chair of the Trial Committee and as a faculty leader for the Media Law Resource Center, and recently completed his term as Chair of the Tennessee Bar Association's Communications Law Section.

EXPERIENCE

- **Restoration and disaster relief company faces employment lawsuit**

Represented a national restoration and disaster relief company in an employment agreement breach and interference lawsuit.

- **Book publisher wins affirmance of trial court win in right of publicity suit**

Acted as lead counsel for the publisher and author of Fifty Shades of Grey in right of publicity/tort cases regarding the book trilogy.

- **Waller defends national franchisor in termination case**

Lead counsel for a national franchisor in damage restoration industry in termination case involving contract/discrimination claims.

- **News channel defends against employment, contractual claims**

Acted as litigation counsel to a news channel in defending employment and contractual claims.

- **Hit pop song accused of copyright infringement**

Acted as lead counsel for major songwriters and music publishers in defense of music copyright case accusing a No. 1 pop song of infringement.

- **Waller serves as newsroom/litigation counsel for Tennessee-based newspapers in national chain**

Serve as newsroom counsel for chain of newspapers across Tennessee.

- **Representation of multiple national franchisors**

Represented for decades in litigation multiple national franchisors in the damage restoration, hospitality and restaurant industries as lead as well as local counsel.

- **E! Entertainment obtains dismissal of libel allegation**

Served as lead counsel to E! Entertainment against libel allegations and obtained dismissal.

- **Summary judgment awarded in copyright case for hit country music songwriters**

Secured summary judgment for hit country music songwriters after being accused of copying a song by someone who had participated in a songwriters' workshop. Following extensive fact and expert discovery, the court found a lack of substantial similarity between the hit song and the accusing song.

- **Appointed by trial court as Special Master to determine computer intrusion accusations in divorce case**

Appointed Special Master in significant divorce case involving accusations of computer intrusion crimes.

- **Appeals court affirms win for major movie studio in publicity/trademark suit**

Acted as lead counsel for a movie studio, soundtrack distributor and others over the film Soul Men in right of publicity/trademark/copyright suit. Appeals court affirmed summary judgment.

EDUCATION

- J.D., Vanderbilt University Law School, 1985
- B.S., *magna cum laude*, Vanderbilt University, Engineering Science, 1982

COURT ADMISSIONS

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court, All Districts of Tennessee
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Western District of Pennsylvania

BAR ADMISSIONS

- Tennessee

RECOGNITIONS

Chambers USA

- Recognized as a leading attorney in Media and Entertainment (Tennessee) (Band One), 2011-2021

The Best Lawyers in America© (BL Rankings)

- Advertising Law (2017-2022)
- Commercial Litigation (2008-2022)
- Communications Law (2006-2022)
- Copyright Law (2015-2022)
- Entertainment Law - Music (2019-2022)
- Entertainment Law - Theater (2017-2022)
- First Amendment Law (2006-2022)
- Franchise Law (2010-2022) (Lawyer of the Year, 2012)
- Litigation - First Amendment (2011-2022)
- Litigation - Intellectual Property (2011-2022) (Lawyer of the Year, 2016 & 2019)
- Litigation - Patent (2016-2022)
- Media Law (2012-2022)
- Privacy and Data Security Law (2019-2022)
- Trade Secrets Law (2017-2022)
- Trademark Law (2015-2022)

The Best Lawyers in America© (BL Rankings), 2021

- Lawyer of the Year - Trade Secrets Law (Nashville)

The Best Lawyers in America© (BL Rankings), 2019

- Lawyer of the Year - Litigation - Intellectual Property (Nashville)

Mid-South Super Lawyers (Thomson Reuters)

- IP Litigation (2006-2020)

Nashville Business Journal

- Best of the Bar, 2019
 - 2004-16, Litigation & Dispute
 - 2018-19, Litigation & Dispute and Media/Entertainment/Hospitality categories

PROFESSIONAL INVOLVEMENT

- At-Large Member, Governing Board, American Bar Association Forum on Communications Law
 - Governing Board Member
 - Chair, Nominating Committee (2017-19)
 - Chair, Membership Committee (2016-)
- Media Law Resource Center
 - Chair, Intellectual Property session 2018 & 2016 bi-annual conferences

- Facilitator/Publication Torts session for 2014 bi-annual conference
- Chair, Newsgathering session, 2012
- Past Chair, Trial Committee
- past Vice Chair, Newsgathering Committee
- Served on ABA Litigation Section Subcommittee that drafted Model Trademark Jury Instructions published by ABA (2008)
- Member, Tennessee Bar Association (Intellectual Property and Litigation Sections)
 - Chair, Communications Law Section, Tennessee Bar Association (2017-18)
- Member, Defense Research Institute (Commercial Litigation, IP, Electronic Discovery committees)
- Past Chair, Media Law Committee and Member of the Federal Courts and Intellectual Property Committees of the Nashville Bar Association
- Member, American Bar Association (Forum on Franchising; Forum on Communications Law; Litigation and IP Sections)
- Member, International Association of Defense Counsel (peer-nominated and selected)
- Fellow, Tennessee Bar Foundation and Nashville Bar Foundation
- Contributor to The Encyclopedia of the First Amendment and The Encyclopedia of the Fourth Amendment, CQ Press
- Contributor to Media Guide to Tennessee's Legal System, Tennessee Supreme Court and First Amendment Center
- Voting Member, Country Music Association
- Member, National Academy of Recording Arts & Sciences
- Member, American Health Lawyers Association
- Master Benchler, Belmont University American Inn of Court (current)
- Past Member, Harry Phillips American Inn of Court

COMMUNITY INVOLVEMENT

- Boy Scouts of America, Middle Tennessee Council Executive Committee; Chair, Membership Standards Committee; Legal Counsel
- Tennessee Advisory Committee on Open Government, appointed by the State's Comptroller (past member, representing Tennessee Association of Broadcasters)
- Vanderbilt University Bill Wilkerson Hearing and Speech Center, Advisory Board Member
- Tennessee Coalition for Open Government, Inc., Organizing Member and Board Member
- President and Board member, Tennesseans for Public Participation, Inc.
 - Nonprofit which supported the state's anti-SLAPP law, passed by Tennessee General Assembly without opposition and signed into law by Governor Bill Lee in 2019
- Center for Youth Ministry Training, Inc.
 - Nonprofit which at various times has partnered with Princeton Theological Seminary, Duke Divinity School, Martin Methodist College, Vanderbilt Divinity School and Memphis Theological

Seminar), organizer and former board member. Has grown into the largest training entity for church youth leaders in the country.

- Elder (Ret.), First Presbyterian Church, Nashville, PCUSA,
 - Former Chair of Personnel Committee and Child Protection Task Force
- Recipient of the Paragon Award for Community Service, 2008, presented by the Junior League of Nashville
- Former Board Member, The Contributor, Inc.
- Volunteer legal counsel, Saint Cecelia Congregation (education)

UP CLOSE

In Robb's free time, he enjoys outdoor sports and spending time with his family. Robb also spends time working with several non-profit organizations and Bar associations.