

## Gary Vist

Principal, Chicago

gvist@masudafunai.com

312.245.7500

### Chicago

203 N. LaSalle Street  
Suite 1700  
Chicago, IL 60601

Gary Vist offers extensive experience in complex, high-stakes business and commercial litigation in federal and state court, arbitration and mediation, as well as bankruptcy law-related matters on the creditors side. Achieving the right result is what consistently drives Gary to succeed on behalf of his clients.

Known for his proven skill as a legal strategist, communication ability and constant accessibility to the clients he serves, Gary is personally dedicated to being better prepared than his opponents at every turn.

Gary is a veteran “bet the company” multi-party litigator who has succeeded in claims with hundreds of millions of dollars at stake. Notably, Gary also has unique and substantial experience in handling litigation and investigations arising out of industrial accidents and catastrophic events, including matters involving the U.S. Chemical Safety and Hazard Investigation Board (USCSB), Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and the U.S. Department of Homeland Security (USDHS), as well as insurance litigation involving both first-party property and third-party liability claims.

Gary represents clients from a variety of industries, including printing, crystal-growing, heavy machinery, electronics, automotive, information technology, media advertisement and food products, among others. Originally from Kiev, Ukraine, Gary is fluent in Russian and Ukrainian. As a result, Gary handles a number of significant commercial and business litigation matters for clients that are based in, or have significant connections to, Eastern Europe, especially Russia, the Ukraine and Belarus.

In addition to his formidable ingenuity as a tenacious advocate and results-driven litigator, Gary drafts and negotiates



### Education

Northwestern University School of Law, J.D., 1999

Loyola University, B.S., 1996

### Admissions

Illinois

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. Court of Appeals: 5th, 7th & 8th Circuits

### Practice Areas

Litigation

Commercial, Competition & Trade

### Languages

English

Russian

Ukrainian

commercial agreements such as sales representative, license, supplier, distributor and non-disclosure agreements. He often represents clients during the arbitration of disputes in the course of such agreements. Moreover, Gary has presented more than 10 annual litigation seminars in Tokyo and Osaka, Japan on various subjects related to U.S.-based litigation. He is a member of Russian-American Chamber of Commerce and Ukrainian American Bar Association. He also maintains relationships with Ukrainian diplomatic channels in the U.S., and was an invited guest to the Washington D.C. gala at the Ukrainian Embassy celebrating 20 years of Ukraine's independence.

## **Experience**

- Represented an international manufacturer of computer parts in a settlement conference in Tokyo, Japan involving multiple parties from the United States, Japan and Taiwan and claims in excess of \$90,000,000 in the aggregate; assisted the client in bringing the matter to a speedy and satisfactory resolution for a tiny fraction of the disputed amount.
- Defended an international printing press supplier against claims of fraud and breach of warranty made by the equipment purchaser in a \$20,000,000 dollar arbitration claim filed with the American Arbitration Association in Texas; participated in the first three weeks of a scheduled eight-week long hearing in Texas, after which the matter was settled for a favorable amount.
- Achieved a settlement recovery in excess of \$10,000,000 for the U.S. subsidiary of a Japanese parent company in the first-party property insurance coverage litigation resulting from a catastrophic industrial accident at a manufacturing facility.
- Successfully defended a commercial claim against a subsidiary of a Japan-based heavy machinery manufacturer, destroying the plaintiff's lawsuit through e-discovery and more than a dozen depositions and settling a \$42,000,000 claim for barely a seven-figure amount.
- Forced a return of a \$4,000,000 share purchase price representing a VC fund in a post-acquisition dispute involving a formation of a competing business.
- Successfully handled numerous preference claims in various bankruptcies, saving client creditors a total in excess of \$3,500,000 in the process.
- Enforced more than a dozen restrictive covenants agreements in various states around US while obtaining

favorable rulings on multiple TRO/injunctions hearings.

- Obtained a bench trial verdict in favor of a Russian-based company in a business dispute litigation in Illinois involving an industrial glue manufacturer.
- Successfully thwarted a hostile shareholder takeover attempt for a U.S.-based international company with the predominantly Ukrainian and Belorussian workforce.
- Obtained a multi-million dollar settlement recovery in a three-year long litigation for the U.S. subsidiary of a Japanese parent company involved in cutting edge products used in high-tech applications; the client asserted contract- and tort-based claims against the domestic seller and British manufacturer of industrial equipment.
- Obtained a complete victory for a printing press supplier defending contract-based claims in a week-long arbitration in Chicago, enabling the client to subsequently obtain a judgment against the arbitration claimant in court and secure a seven-figure recovery.
- Successfully resolved and obtained a de minimus settlement for a client in a claim brought by Illinois Attorney General on behalf of Environmental Protection Agency.
- Defended a Japanese international manufacturer of auto parts against claims in the Delphi bankruptcy in New York; resolved the matter by not only enabling the client to keep 86% of payments received, but also enabling the client to enter into new long-term supply contracts with Delphi.
- Achieved a significant reduction in penalties and charges levied by OSHA against an Illinois manufacturer in connection with an industrial accident.
- Obtained a binding consent to judgment and a favorable repayment commitment from the debtor of a Turkish-based food supplier regarding a claim for breach of contract in federal court in New Jersey.
- Successfully defended a U.S. subsidiary of a Japanese manufacturer of industrial equipment in federal court in Ohio against claims in excess of \$500,000 for breach of sales representative agreement and tortious interference.
- Defended an international distributor of industrial equipment against claims in excess of \$250,000 for consumer fraud and breach of warranty in federal court in Minnesota; obtained favorable summary judgment ruling on the fraud count, which effectively ended the case and enabled the client to make an additional sale to the plaintiff.
- Represented a global manufacturer of industrial equipment against a former customer's claims for fraud, negligent misrepresentation, and breaches of implied warranties. The customer filed the case in the U.S. District Court for the Central District of California under California law, even

though the parties' terms and conditions stated that the case should be brought in Illinois under Illinois law, in an attempt to avoid the enforcement of certain other contractual provisions in the parties' contract. The case was successfully transferred to the client's home forum in the Northern District of Illinois, which gave the client significant substantive and cost advantage and prevented the customer from avoiding certain contractual provisions. After significantly undercutting the opponent's claims during depositions, obtained favorable settlement consisting of a very small fraction of the amount originally demanded by the customer.

- Defended an international printing press supplier against arbitration claims in excess of \$1 million for breach of contract and breach of warranty filed with the American Arbitration Association in New York; participated in a week-long arbitration hearing in Manhattan, New York, resulting in a low 5-figure award.

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### **Memberships**

- American Bar Association
- Chicago Bar Association
- Illinois State Bar Association

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### **Distinctions**

- *Leading Lawyers*, 2015-2025