

## Loginovskaya v. Batratchenko In the News Again

May 01, 2015

The firm's victory in the U.S. Court of Appeals for the Second Circuit, which redefined the reach of the U.S. Commodity Exchange Act ("CEA"), continues to garner attention within the legal profession. The Second Circuit's recent decision in *Loginovskaya v. Batratchenko* was the subject of the American Bar Association's March 9 article in *Litigation News*, titled "Swindled Foreign Investors Not Protected by U.S. Fraud Law." The article focused on the significance of the dismissal of the *Loginovskaya* lawsuit at the pleading stage, prior to any discovery.

[View the \*Litigation News\* article.](#)

On September 4, 2014, in 22-page opinion, the Second Circuit affirmed the judgment of the United States District Court for the Southern District of New York (Oetken, J.) which dismissed plaintiff's claims under the Commodity Exchange Act ("CEA") as extraterritorial under the "transactional" test announced in *Morrison v. National Australia Bank Ltd.*, 561 U.S. 247, 130 S. Ct. 2869 (2010). This case was the first of its kind to apply *Morrison* to the provisions of the CEA.

Carter Ledyard counsel Judith Wallace and associate Alexander G. Malyshev, supervised by partner Gary D. Sesser, represented the defendants. Judith Wallace argued the appeal.

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