

FINANCIAL SERVICES & INSOLVENCY LITIGATION

MVA has considerable experience trying and arbitrating claims for national and regional financial services institutions in the areas of commercial lender liability, bankruptcy and creditor rights, fiduciary obligations, securities, broker-dealer/investment management, breach of contract, white collar criminal defense, Articles 3 and 4 of the UCC, real property and construction finance. In addition, MVA's litigators routinely conduct internal and government investigations for our financial services client, often requiring specific subject matter knowledge and extensive electronic data collection and review.

MVA has also developed expertise with respect to Sarbanes-Oxley and other whistleblower complaints, having successfully defended such claims before OSHA, state regulatory agencies, and administrative law courts.

Finally, utilizing on our broad exposure to various banks and broker-dealers, MVA's litigators regularly advise our clients and provide preventative counseling and line of business training on best practices and litigation avoidance.

More than half of our 50 trial lawyers in Charlotte, RTP, and Charleston have experience in the area of financial services litigation, including a number of former accountants, brokers, and prosecutors. Our litigators regularly appear in bankruptcy court and state and federal trial and appellate courts, as well as in NYSE, NASD, AAA, JAMS and ICC arbitration proceedings. Most of our engagements are outside of the cities in which we practice. Consequently, we are accustomed to engaging, working closely with and supervising local counsel to reach efficient and effective results for our clients.

Representative Financial Services Cases:

Commercial Lender Liability:

Glen and Joan Hammer v. Bank of America, N.A.

- Successfully defended motion for preliminary injunction in federal district court where commercial clients sought to avoid liability under a \$13.5 million guaranty. (*N.D. Ga. Civil Action. No.: 1:07-CV-3097*).

Brockland, et al. v. Bank of Granite, et al.

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- Successfully defended claims by multiple borrowers that bank induced them to assume millions in loans for the benefit of another commercial customer. (*N.C. Super. Ct. (Burke County) 06-CVS-786*).

Bankruptcy/Creditor Rights:

Heilig-Meyers Company, et al. v. Wachovia Bank, N.A.; Bank of America, N.A., et al.

- Obtained judgment of no liability following three-week trial in defense of \$200 million preference action against bank group. (*Bankr. E.D. Va. Adv. Proc. No.: 02-6158*).

Broker-Dealer/Investment Management:

Griffin v. Morgan Stanley, et al.

- Obtained successful decision defending national brokerage firm and top producing brokers against various customer claims including unsuitability, negligence, and failure to supervise in arbitration. *NASD Case No. 05-00387 (2006)*.

Hector v. Bank of America, N.A.

- Successful defense of \$20 million breach of fiduciary duty claims related to investment account in arbitration before the AAA.

Lockhart v. Wachovia Securities, Morgan Stanley, et al.

- Successfully defended national brokerage firm against various customer claims including fund-swapping and unauthorized trading. *NASD Case No. 03-08862 (2005)*.

Unfair Competition:

Charles Schwab & Co., Inc. v. John Bahr and Raymond James & Associates, Inc., et al.

- Successful prosecution of claims relating to the improper solicitation of clients, theft of confidential/proprietary data and related violation of restraining

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order in federal court proceeding (*M.D.N.C. Civil Action No. 1:06-CV-00175*) and NASD arbitration.