

## PRACTICE AREAS

- Class Actions & Multi-District Litigation
- Employment Litigation
- ERISA & Benefits
- Litigation
- White Collar, Regulatory Defense, and Investigations

## EDUCATION

- B.A., Hampden-Sydney College, 1990, cum laude; Patrick Henry Scholar; Algernon Sydney Sullivan Award; Omicron Delta Kappa
- J.D., University of Richmond, 1993; Moot Court Board

## BAR & COURT ADMISSIONS

- Supreme Court of Virginia, 1993
- U.S. District Court, Eastern District of Virginia, 2003
- U.S. District Court, Western District of Virginia, 2003
- U.S. Court of Appeals, Fourth Circuit, 2003
- U.S. District Court, Western District of North Carolina, 2004

## ALTON (LARRY) L. GWALTNEY III



### MEMBER

100 North Tryon Street  
Suite 4700  
Charlotte, NC 28202-4003

### CHARLOTTE

TEL: (704) 331-1008  
FAX: (704) 378-1908

[larrygwaltney@mvalaw.com](mailto:larrygwaltney@mvalaw.com)

Larry Gwaltney is a member of the Moore & Van Allen management committee and co-leader of the Litigation Practice Group. Mr. Gwaltney's practice focuses on complex commercial litigation, including class action and multidistrict litigation. He has represented a variety of ERISA plan fiduciaries, including fiduciaries of ESOPs, 401(k) Plans, Stock Plans, and Welfare Plans against allegations of breach of fiduciary duties. He has also represented corporate directors and officers in shareholder disputes and in a variety of other complex commercial civil litigation and arbitration matters. Mr. Gwaltney has appeared before Federal District Courts across North Carolina as well as in California, Minnesota, North Dakota, Illinois, Alabama, Missouri, New York, South Carolina, Ohio, and Virginia.

Mr. Gwaltney brings to his white-collar criminal defense, regulatory, and internal investigation clients a diverse prosecutorial experience. As a Senior Trial Attorney in the United States Army, he investigated and prosecuted hundreds of felony cases, including complex financial fraud. Additionally, he taught anti-money laundering methods to African countries on behalf of the Department of State. Mr. Gwaltney has conducted numerous internal investigations for public and private companies in response to whistleblower complaints, allegations of financial fraud and accounting irregularities, and to monitor compliance with Federal and State laws and regulations, including international trade restrictions, Sarbanes-Oxley, theft of trade secrets, and government contracting.

His deep legal knowledge and trial experience helps him earn positive results for his ERISA, corporate, and white-collar clients. For example he recently:

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- Virginia, 1993
- North Carolina, 2004

**ALTON (LARRY) L. GWALTNEY III**

- Obtained summary judgment under ERISA and the LMRA in a complex defendant class-action suit brought by an employer seeking confirmation of its right to modify the medical benefits of its retired union employees.
- Obtained dismissal of a variety of claims associated with an ERISA health plans denial of benefits based on calculations of reasonable and customary charges and claims assignment.
- Obtained dismissal of various claims of breaches of fiduciary duty and fraud associated with commercial mortgage backed securities.
- Won a reversal and remand from the 4th Circuit Court of Appeals for a client convicted of fraud.
- Negotiated settlement of a contentious dispute over a long-term operating and services agreement; obtaining substantial recovery for his client and release from an \$800,000 termination fee.

**Mr. Gwaltney's client services include:**

- ERISA litigation
- Commercial litigation
- White-collar criminal defense, including regulatory and criminal investigations

**OF NOTE**

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- Served ten years active duty as an officer in the Judge Advocate General's Corps of the U.S. Army, prosecuting hundreds of criminal cases, including complex fraud and financial felonies.
  - Published articles on wide-ranging topics:
    - the role of the military in post-conflict justice,
    - law and military operations in Kosovo, and
    - the lawful uses of the military within United States borders.
  - Recipient of numerous awards and recognition for distinguished service as a military lawyer, including:

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**ALTON (LARRY) L. GWALTNEY III**

- the Meritorious Service Medal
- the Army Commendation Medal
- the Army Achievement Medal
- the Kosovo Campaign Ribbon
- the Army Parachutist Badge
- Recognized in the 2012 edition of *Benchmark Litigation* as a "Future Star"
- Selected for inclusion to the *North Carolina Super Lawyers* list 2012. His primary areas of practice are Business Litigation and Employee Benefits/ERISA.
- Recipient of the 2008 Sally and Bill Van Allen Public Service Award

**PROFESSIONAL AFFILIATIONS**

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- American Bar Association
- North Carolina Bar Association
- Virginia State Bar Association
- Legal Services of Southern Piedmont: Board of Directors, Member, 2010-present
- National Center for Employee Ownership
- The ESOP Association: National Legislative & Regulatory Advisory Committee, May 2012-2013
- United States Institute of Peace Rule of Law Program
- United States Army, Judge Advocate General's Corps, 1994-2003: 19th TAACOM, V Corps, 1st Infantry Division, The Judge Advocate General's School
- Mecklenburg County Bar: Chairman Volunteer Lawyer's Program Committee, 2007-2009