

## PRACTICE AREAS

- Class Actions & Multi-District Litigation
- Commercial Litigation & Alternative Dispute Resolution
- Employment & Labor
- Employment Litigation
- Environmental Litigation & Toxic Torts
- Intellectual Property Litigation
- Litigation

## EDUCATION

- B.A., University of North Carolina at Chapel Hill, 1983
- J.D., University of North Carolina at Chapel Hill, 1988

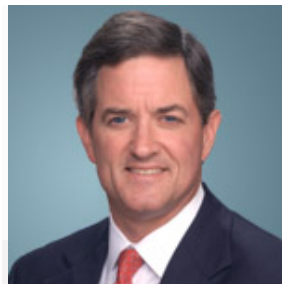
## BAR & COURT ADMISSIONS

- North Carolina, 1988
- All North Carolina state and federal courts
- U.S. Supreme Court
- U.S. Court of Appeals, Fourth Circuit

## OTHER AREAS OF LAW

- Civil, Commercial and Tort Litigation

## ANTHONY (TONY) T. LATHROP



### MEMBER

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

### CHARLOTTE

TEL: (704) 331-3596  
FAX: (704) 339-5896

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

## Adding Value For Clients

Tony Lathrop is a seasoned corporate trial lawyer who partners closely with his clients to handle trials, litigation and disputes in ways that maximize value for their businesses. He uses his experience as a trial attorney and certified mediator to develop strategies for obtaining optimal trial results or other resolutions in high-stakes cases and to advise his clients regarding strategies to reduce future risk.

## Seasoned Corporate Trial Lawyer

Mr. Lathrop has experience representing a diverse portfolio of clients in a broad range of complex civil litigation matters. He has represented his clients successfully in the state and federal courts of North Carolina, before mediators and arbitrators, and before North Carolina administrative courts and agencies. Mr. Lathrop's recent matters include the following federal and state actions at the trial and appellate levels involving class action, breach of contract, intellectual property, insurance, eminent domain, and product liability claims:

- A purported class action involving breach of contract and other claims against a client cemetery.
- A breach of a contract claim (sale of a \$40 million manufacturing facility), representing a plaintiff Fortune 500 corporation.
- A federal theft of trade secret case in which he obtained preliminary and permanent injunctions for a manufacturer.

## CONTINUED

- Zoning and Land Use
- Mediation

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- A trademark infringement and breach of contract action involving competing cable television networks.
- An insurance contract dispute regarding retroactive workers' compensation insurance premiums.
- A claim regarding a lapsed long term care insurance policy
- A coverage dispute over provisions of a contingent automobile liability insurance policy in connection with the vehicle leasing program of a Fortune 500 company.
- Approximately 20 municipal eminent domain actions, representing the condemnor.
- A police liability claim in Federal court in which summary judgment for defendants was affirmed by the Fourth Circuit.
- Vehicle and device products liability claims, defending international manufacturers of vehicles, aircraft, and medical devices.

**Recognized Leader in Legal Community**

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As a recognized leader within the legal community of North Carolina and nationwide, Mr. Lathrop has developed relationships and credibility that add value for the firm's clients. He currently serves as the Immediate Past Chair of The Network of Trial Law Firms, which is an organization of 7,000 attorneys in 25 separate and independent trial law firms practicing in over 140 offices throughout the United States and Canada. In his nearly thirty years of service to the North Carolina legal community, Mr. Lathrop also has served as the President of the Mecklenburg County Bar (2006-2007), the Chair of the Merit Selection Panels for two U.S. Magistrate Judges in North Carolina's Western District (2003-2004), a member of the Advisory Committee on Local Patent Rules for the U.S. District Court for the Western District of North Carolina (2010), an Aide to Governor James B. Hunt, Jr. (1983-1985), and an appointed member of Governor Hunt's Crime Commission (1982-1985). He currently serves on the Charlotte Mecklenburg Planning Commission.

**Representative Cases**

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Representative civil matters in which Mr. Lathrop has served as counsel include:

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*Saft America, Inc. v. Plainview Batteries, Inc.*, 659 S.E.2d 39 (N.C. App. 2008) and 673 S.E.2d 864 (N.C. 2009) (PER CURIAM). Successfully represented plaintiff-appellee in obtaining affirmation of the trial court's order finding that the plaintiff had properly pleaded and alleged a claim for piercing the corporate veil against the defendants, and in obtaining reversal of the N.C. Court of Appeals decision which dismissed the case against an individual defendant who was an officer of the corporate defendant.

*Kling v. City of Monroe*, 86 Fed Appx. 662, 2004 U.S. App. LEXIS 2093 (4th Cir. (NC) 2004). Defended city in connection with §1983 and state law police/municipal liability claims. Summary judgment for city affirmed.

*Nadelin v. City of Monroe*, 166 F.3d 333, 1998 WL 802021 (4th Cir. (N.C.) 1998). Defended city in connection with §1983 and state law police/municipal liability/excessive force claims. Summary judgment for city affirmed.

*McDaniel v. Price*, 93 CVS 154 ( Rutherford County, N.C. Superior Court). Obtained defense verdict for employer/steeplejack welding contractor in trial of Woodson wrongful death claim.

*Kiss Catalog v. Elliott et al.*, 3:04 CV384-MU (Western District of North Carolina). Obtained injunctive relief in trademark/copyright infringement action, and impoundment by U.S. Marshals of bootleg rock concert DVD's.

*Seagle v. Kent-Coffey Manufacturing et al.*, 155 N.C.App. 221, 573 S.E.2d 772, 2002 WL 31894972 (N.C. App. 2002). Successful defense of workers compensation asbestos claim; finding of no liability for defendant/client affirmed.

*NC Insurance Guaranty Association v. International Paper Company, et al.* 152 N.C. App. 224, 569 S.E.2d 285, 2002 WL 1796981 (N.C. App. 2002). Dismissal of claim against client for lack of subject matter jurisdiction affirmed.

**Publications**

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- Authored article discussing requirements for establishing commonality in class action cases titled "Applying the Dukes commonality standard in non-employment-related cases" published on InsideCounsel.com on February 23, 2012.

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- Authored February 9, 2012 article regarding class arbitration waivers in employment contracts titled "Litigation: The NLRB's View on Employee Rights to Class Actions", which was published on InsideCounsel.com.
- Authored article titled "Litigation: Clearing the Commonality Hurdle: Examining wage & hour dispute class actions post-Dukes" published on InsideCounsel.com on January 26, 2012.
- Authored article regarding recent cases addressing copyright infringement via the internet titled "When 'linking' creates liability for direct copyright infringement", which was published on InsideCounsel.com on January 12, 2012.
- Contributed January 4, 2012 feature article to Bloomberg Law Reports: Labor & Employment titled "Alternative Dispute Resolution: Using Arbitration Agreements to Avoid Costly Litigation and Class Actions".
- Authored December 29, 2011 article titled "Does your class arbitration waiver hinder the vindicating of rights?", which was the first in a six-part series of articles focusing on developing litigation topics of interest to in-house counsel to be published on InsideCounsel.com.
- Co-authored article with Penny Hirsch Edwards entitled "Checks and Balances: Tips for avoiding cremation disputes" Published in the August 2011 issue of *American Funeral Director*.
- Co-authored article with Mark Wilson entitled "Internet search can turn up trademark infringement" regarding Internet Searches Creating Trademark Infringement Cases Published in the April 3, 2009 edition of *the Charlotte Business Journal* Business of Law Supplement.
- Authored [opinion](#) regarding the impact of water use on real estate development published in the April 2008 edition of the *Charlotte Business Journal* Business of Law Supplement.

**Presentation Topics**

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- "Rethinking What is Possible Under Fed. R. Civ. P. 23: Class Action Practice in the Aftermath of AT&T Mobility v. Concepcion and other New Developments" February 10, 2012

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- "Class Action Update" November 5, 2011 and August 5, 2011
- "Class Action - New Hurdles", August 6, 2010
- Litigation Management for In-House Counsel, April 24, 2010
- "Insurance Coverage: Getting to Coverage", November 7, 2009
- Regulatory and Prosecutorial Actions Against In-House Counsel, August 7, 2009
- "Keyword Trademark Traps", April 24, 2009
- Cutting Edge Issues In Intellectual Property Litigation, August 1, 2008 and May 2, 2008
- Intellectual Property Issues for In-House Counsel, May 21, 2008 and January 15, 2008
- Trial Advocacy: Ex Parte Hearings, February 1, 2008
- In-House Counsel Risk Management Techniques, November 3, 2006
- "Hot Topics for In-House Litigation Managers", Moderator, August 11, 2006
- "Product Counterfeiting Can Be Dangerous to Your Company's Health", January 27, 2006 and August 5, 2005
- "Litigation Management", Moderator, November 12, 2005
- Electronic Discovery April 9, 2005
- "Ethical Considerations In Fighting Off Counterfeiters", January 28, 2005
- "Ex-Parte Temporary Restraining Orders and Impoundment Orders", Regarding the Protection of Intellectual Property, October 23, 2004

**OF NOTE**

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- Selected for inclusion to the *North Carolina Super Lawyers* list in 2006 - 2012. His primary area of practice is Business Litigation.
- Chairman, Network of Trial Law Firms (2011)
- Included in *Best Lawyers in America* for Commercial Litigation and Workers' Compensation Law (2010-2012)
- Member, Charlotte-Mecklenburg Planning Commission (2011 - )

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**ANTHONY (TONY) T. LATHROP**

- President, Mecklenburg County Bar (2006-2007)
- Featured in a *North Carolina Super Lawyers* article entitled, "Setting the Bar" (February, 2007)
- As President of Mecklenburg County Bar, authored monthly *President's articles* in the Mecklenburg Bar News (July, 2006 – June, 2007)
- Featured in *The Charlotte Observer* in an article entitled, "Mecklenburg County Bar: Next President Likes Low Profile" (June, 2006)
- Chair, Merit Selection Panels for two U.S. Magistrate Judges in North Carolina's Western District (2003-2004)
- First chair, Mecklenburg Bar Leadership Institute (2001-2003)
- Aide, Governor James B. Hunt, Jr., (1983-1985)
- Appointed by Governor Hunt to the Governor's Crime Commission (1982-1985)
- Trustee, North Carolina Clean Water Management Trust Fund (2003-2006)
- Former member of Board of Visitors and Law and General Alumni Associations, UNC-Chapel Hill
- Recipient, Order of the Long Leaf Pine, North Carolina's highest civilian honor
- William C. Friday Fellow (1999-2001)
- Chair (2010-2011) of the Wildacres Leadership Initiative, which sponsors the Friday Fellows program
- President, General Counsel and Director, Second String Santas, Inc., a non-profit providing over 3,000 presents annually to children in Mecklenburg County (1997-2001)

**PROFESSIONAL AFFILIATIONS**

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- Certified Mediator, N.C. Superior Courts, N.C. Industrial Commission
- Certified Specialist, Workers Compensation Law, North Carolina State Bar (Former Member, Worker's Compensation Specialization Committee) (2000-2010)
- Member, Advisory Committee on Local Patent Rules, WDNC (2010)
- Member, North Carolina Council of Bar Presidents (2007-present)

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**ANTHONY (TONY) T. LATHROP**

- Mecklenburg County Bar: President (2006-2007); Chair, Bar Leadership Institute (2001-2003)
- North Carolina Bar Association: Chair, Workers Compensation Section (2005-2006); Editor, Course and Scope Newsletter (1999-2003)
- American Bar Association
- Defense Research Institute
- North Carolina Association of Defense Attorneys