

PRACTICE AREAS

- Appellate & Constitutional
- Commercial Construction & Development Litigation
- Employment & Labor
- Litigation
- Product Liability and Tort Litigation

EDUCATION

- B.A., Wheeling Jesuit University, 1997, summa cum laude
- J.D., University of North Carolina at Chapel Hill, 2000, with honors
- Staff Member, North Carolina Law Review, 1998-99

BAR & COURT ADMISSIONS

- Alabama, 2000
- North Carolina, 2005
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Middle District of Alabama
- U.S. District Court, Northern District of Alabama
- U.S. District Court, Eastern and Western Districts of North Carolina

COLIN R. STOCKTON



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Colin Stockton brings substantial experience to his clients in the areas of construction disputes, commercial litigation, transportation law, and employment matters; this experience includes representing Fortune 500 companies with offices worldwide, local enterprises with few offices and employees, and public employers such as school boards.

- He focuses his practice on construction litigation and employment issues and has litigated complex matters in both Federal and State courts. He has successfully litigated a wide variety of complex commercial litigation matters, specifically including construction disputes, trade secrets litigation and non-compete agreements, products liability claims, and trucking industry litigation.
- He has developed expertise in the area of electronic data management and has published articles on subjects such as electronic monitoring in the workplace (i.e., monitoring of e-mail and internet access) and the discovery of electronic data.
- His Appellate experience includes appeals in the United States Fourth and Eleventh Circuit Courts of Appeals, Supreme Court of North Carolina, Court of Appeals of North Carolina, Supreme Court of Alabama, Supreme Court of Texas, and Court of Appeals in Texas. He has litigated complex matters throughout the country, including large matters in each of North Carolina, Delaware, Texas, Georgia, Ohio, Alabama and Mississippi.

Representative Cases

Scott Bridge Company v. Wright, 883 So.2d 1221 (Ala. 2003)

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In a case involving an allegation of retaliatory discharge, he successfully petitioned the Alabama Supreme Court for interlocutory review and subsequent reversal of the trial court's decision to deny the employer's motion for summary judgment. The Supreme Court rendered judgment in favor of the employer, thereby eliminating the Plaintiff's claim and avoiding the cost of a trial.

Zepa Industries, Inc. v. Kimble, 2008 AMC 2885; 2008 U.S. Dist. LEXIS 94602 (W.D.N.C. November 11, 2008). Construction dispute arising from repairs performed pursuant to maritime contracts. The parties disputed the law which governed the repair contracts – North Carolina law or admiralty law – a decision which would dictate whether the client owner could pursue his multi-million dollar claim for loss-of-use damages. The Court applied maritime conflicts-of-law rules to determine that the owner's loss-of-use claims could proceed.

Bank of America v. Lykes, 2010 WL 2640411 (W.D.N.C.). Financial industry dispute related to borrower's refusal to repay loan. Client lender sought recovery of loan proceeds, and adversary borrower counterclaimed by alleging fraud and misrepresentation in the negotiation of the loan agreement as well as the client's conduct in the market in relation to the economic downturn. Client lender moved to dismiss the counterclaims, seeking application of recent USSC caselaw regarding Motions to Dismiss under Federal Rule of Civil Procedure 12(b) – the Twombly and Iqbal cases – and arguing the counterclaims were based on implausible assumptions. The Western District of North Carolina granted the Motion of client lender.

In Re Stone & Webster, Inc., et al., No. 05-0552 (Texas 2006). Energy industry dispute related to the construction of a combustion turbine powered, electricity-generating facility. The owner and general contractor disputed their respective rights and obligations where the general contractor had replaced a previous general contractor, had agreed to wrap the project, and thereafter discovered alleged deficient work performed by the original general contractor.

The reported decision relates to a discovery dispute. The trial court had ruled that the client owner was entitled to discovery of the adversary contractor's communications with accountants. The adversary contractor resisted production, alleging the existence

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of statutory accountant-client privilege under both Texas and Louisiana statute. The Supreme Court of Texas upheld the trial court's order allowing discovery. Immediately thereafter, the client settled on favorable terms.

OF NOTE

- Served as a member of the North Carolina Law review
- Performed on the trial team, University of North Carolina School of Law
- A former college basketball player despite having very little talent, he attempts to live out his unfulfilled athletic dreams by coaching youth basketball.

PROFESSIONAL AFFILIATIONS

- Alabama Bar Association
- Birmingham Bar Association
- North Carolina Bar Association
- Defense Research Institute