

## PRACTICE AREAS

- Appellate & Constitutional
- Government, Internal Investigations & Criminal Defense
- Litigation

## EDUCATION

- B.A. (Pre-medicine, English literature), University of Notre Dame, 1991
- J.D., University of North Carolina at Chapel Hill, 1996, with honors; Articles Editor, North Carolina Law Review 1995-1996

## BAR & COURT ADMISSIONS

- North Carolina, 1996
- U.S. District Courts for the Western, Middle and Eastern Districts of North Carolina, 1999

## MICHAEL J. BYRNE



### COUNSEL

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### RESEARCH TRIANGLE

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Michael Byrne joined the firm in 2000 after serving as a judicial clerk on the North Carolina Court of Appeals and as an assistant public defender in Charlotte, and after working with a private firm where his practice focused on products and premises liability, professional malpractice, and appellate law.

Mr. Byrne has successfully represented clients in a wide variety of commercial disputes, ranging from the more straightforward to the highly complex. His areas of concentration include claims for breach of contract (including disputes over the sale of goods), fraud, unfair and deceptive trade practices, medical malpractice, copyright and trademark infringement and enforcement, and products liability. From the very outset of a case, and throughout his representation, Mr. Byrne is committed to listening to and understanding his clients and their goals, and to using his substantial experience in the federal and state court systems to maximize his clients' chances of success.

### Representative Matters

- *Carolina Power & Light Co. v. 3M Company*, No. 5:08-CV-460, and *Consolidation Coal Co. v. 3M Company*, No. 5:08-CV-463 (E.D.N.C. March 24, 2010) - Representing the University of North Carolina at Chapel Hill and North Carolina State University, obtained dismissal with prejudice of these clients in a multimillion-dollar CERCLA cost recovery case brought against them and others.

CONTINUED

- Obtained a restraining order barring a shareholders' meeting from taking place, where directors had wrongfully stripped client-shareholders of their stock and voting rights before the meeting; case resulted in restoration of clients' shares and the replacement of the wrongdoing directors with directors for whom clients voted.
- Successfully opposed defendants' motion for summary judgment in a multimillion-dollar lawsuit based on defendants' tortious interference with clients' option contract to purchase mortgage notes; case subsequently settled for a confidential amount.
- Persuaded Georgia and Virginia federal courts to force client's adversaries in Georgia to litigate their fraud and breach of contract claims in Virginia court, where client's headquarters were located; case subsequently settled for a confidential amount.
- In a medical malpractice case in which plaintiffs sought to recover over \$25 million, obtained partial summary judgment barring recovery of any damages incurred after the time the guardians violated the patient's living will; case subsequently settled for a confidential amount.
- Prosecuted lawsuit on behalf of City of Durham to end drug- and gun-related criminal activity on residential property; obtained a consent order abating these uses of the property as a public nuisance.
- In a property contamination case in which client was sued for an alleged discharge of petroleum products from USTs onto adjacent land, obtained partial summary judgment dismissing claims of negligence and violation of North Carolina's Oil Pollution and Hazardous Substances Control Act of 1978; case subsequently settled for confidential amount.

#### **Representative Appellate Cases**

- *Lawyers Title Ins. Corp. v. Zogreo, LLC*, 2010 WL 4608704 (N.C. App.) - Obtained summary judgment for two title insurance companies and their insureds in a lien priority dispute, protecting clients against lien claims totaling over \$1.3 million; obtained affirmance of that ruling by the North Carolina Court of Appeals.

CONTINUED

- *State v. Bradley*, 179 N.C. App. 551, 634 S.E.2d 258 (2006) (successfully persuaded Court of Appeals to overturn an order requiring the client, a hospital system, to produce confidential patient records).
- *Fox-Kirk v. Hannon*, 142 N.C. App. 267, 542 S.E.2d 346 (2001) (successfully persuaded Court of Appeals to overturn a \$1.675 million award to a 2-year-old girl, based on the trial court's erroneous admission of a physician's hearsay statement that the girl had suffered a brain injury).

#### **OF NOTE**

- Judicial clerk, the Honorable John B. Lewis, Jr., of the North Carolina Court of Appeals from 1997-98.
- Pro bono counsel, North Central Legal Assistance Program. Pro bono representations include defending indigent clients in removal actions before the United States Immigration Court, and successfully prosecuting a client's claims for unpaid wages against a public school system.
- Author, *The Professional Malpractice Statute of Repose*, 73 N.C.L. Rev. 2209 (1995)

#### **PROFESSIONAL AFFILIATIONS**

- North Carolina Bar Association: Litigation Section; Environmental Law Section