

## CHRISTOPHER D. TOMLINSON

*Member, Litigation*

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Chris Tomlinson has extensive experience representing clients in complex business and securities litigation, with concentrations in shareholder and corporate governance disputes, merger and acquisitions litigation, financial services litigation, and broker-dealer litigation. Chris employs his judgment, creativity, and dedication to help his clients successfully resolve their disputes, whether in or out of court.

A member of the firm's Litigation group, Chris assists a wide variety of clients, including global financial institutions, broker-dealers, private equity groups, aircraft lessors, and manufacturers. He also represents members, shareholders, and directors in corporate governance disputes and business break-ups, which often involve claims for breach of fiduciary duties.

Chris regularly litigates in federal courts, state courts, FINRA arbitration, and other private arbitrations. He has particular experience litigating cases in the North Carolina Business Court, and he is a practice leader for Moore & Van Allen's North Carolina Business Court group.

Chris also assists clients with international and domestic regulatory enforcement matters, internal investigations, and white-collar criminal matters, particularly when they involve securities or other financial issues. His regulatory enforcement and white-collar criminal experience includes assisting clients in investigations and enforcement matters by FINRA, SEC, DOJ, and other regulators in the United States, Europe, Asia, and South America.

He completed a special assignment as an assistant district attorney at the Mecklenburg County District Attorney's Office, during which he tried dozens of cases to verdict. Chris has a significant record of pro bono legal service, as he has assisted on numerous court-appointed federal criminal cases and housing rights cases. He serves as the vice-chairman of the Board of Directors of A Christian Ministry in the National Parks, advising the board on constitutional issues and other matters.

### Capabilities

- Business Court Litigation
- Civil Litigation
- Commercial Litigation
- Corporate Governance & Shareholder Relations
- Criminal Defense - Trial and Appellate
- Cross-Border Investigations and Defense
- ERISA & ESOP
- Financial Services Litigation
- Litigation, Regulatory & White Collar
- Mergers & Acquisitions
- Securities & Capital Markets Litigation
- Transportation, Infrastructure & Logistics
- White Collar & Government Enforcement Defense

### Education

B.A., Furman University, 2003,

## CHRISTOPHER D. TOMLINSON

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Prior to joining the firm, Chris clerked for the Honorable Sidney A. Fitzwater, Chief Judge of the U.S. District Court for the Northern District of Texas.

### Notable

- *Best Lawyers in America*, Commercial Litigation, 2021
- *Benchmark Litigation's "40 & Under Hot List,"* 2018-2021
- *Business North Carolina* Legal Elite "Young Guns," 2021
- *North Carolina Super Lawyers* Rising Stars, Business Litigation, 2018
- Serves as Vice-Chairman for the Board of Directors of A Christian Ministry in the National Parks, a national non-profit operating in over 30 national parks.
- Completed a special assignment as an Assistant District Attorney in the Mecklenburg County District Attorney's Office.
- Received Vanderbilt's Scholastic Excellence Awards in Professional Responsibility and Ethics in Multiparty Litigation.
- Author of *Changing the Rules of Establishment Clause Litigation: An Alternative to the Public Expression of Religion Act*. 6.1 Vand. L. Rev. 261 (Jan. 2008), which received the Myron Penn Laughlin Award.
- Vice-Chairman, Board of Directors of A Christian Ministry in the National Parks, a national non-profit operating in over 30 national parks

### Representative Experience

#### Financial Services Litigation

- Obtained a \$160 million damages award in favor of a major financial institution and a finding of no liability on \$354 million in counterclaims following a week-long arbitration hearing in a dispute over commercial loans and valuation of real estate collateral
- Represented a major financial institution in a New York litigation related to the repossession of a jet leased to a prominent and high net worth Brazilian businessman and Brazilian precatorios, including securing the dismissal of all claims asserted against the financial institution
- Achieved dismissal of all claims asserted against a major financial institution related to large Ponzi and check-kiting scheme

magna cum laude; Phi Beta Kappa.

J.D., Vanderbilt University, 2008; Notes Editor, Vanderbilt Law Review.

### Admissions

North Carolina, 2008

U.S. Court of Appeals, Fifth Circuit 2019

U.S. District Court, Western District of Texas, 2018

U.S. Supreme Court, 2013

U.S. Court of Appeals, Fourth Circuit, 2012

U.S. District Court, Western District of North Carolina, 2010

U.S. District Court, Eastern District of North Carolina, 2010

U.S. District Court, Middle District of North Carolina, 2010

U.S. District Court, Northern District of Texas, 2009

## Shareholder and Corporate Governance Disputes

- Obtained a multi-million dollar jury verdict and eventual control of a limited liability company for a minority member following month-long jury trial concerning breaches of fiduciary duty
- Represented a minority shareholder of a corporation who had been ousted from position as CEO in regaining position and forcing a court-ordered special shareholders' meeting in the first reported decision in North Carolina to order a special shareholders' meeting pursuant to state statute
- Represented the directors of a public company in successfully defending a shareholder suit relating to sale of company's assets

## Broker-Dealer Litigation

- Represented a major broker-dealer in a two-week private arbitration brought by an ultra-high net worth customer seeking over \$100 million in damages based on allegations of excessive mark-ups, unauthorized trading, unsuitable transactions, and churning
- Obtained dismissal of claims against a broker-dealer in both FINRA arbitration and state court litigation related to alleged fraud, securities fraud, breach of fiduciary duties, and negligent supervision
- Represented brokers and broker-dealers in private FINRA arbitrations

## Commercial

- Represented an international industrial chemical supplier by securing dismissal of all claims asserted against it under the North Carolina False Claims Act
- Obtained dismissal of claims against an international aircraft broker regarding the sale of a private jet
- Represented numerous private equity portfolio companies in resolving disputes and litigation concerning mergers and acquisitions transactions

## White Collar & Regulatory

- Defended the first criminal fraud case and asset seizure brought by the North Carolina state authorities related to cryptocurrency
- Represented a major financial institution in a multi-year regulatory proceeding in Brazil concerning alleged antitrust violations
- Represented a major international financial institution in investigations related to LIBOR and other reference rates