

## JOHN T. FLOYD

*Member, Litigation*

t 704.331.3578

johnfloyd@mvalaw.com



John Floyd brings considerable experience to his cases with an extensive background in commercial real estate and construction matters, shareholder and corporate governance, and complex commercial disputes. John's clients include commercial real estate developers, private equity firms, manufacturers, international financial institutions, and other large corporations located throughout the United States.

Regardless of the subject matter, John takes a practical approach to dispute resolution and seeks to maximize client value, eliminate unnecessary inefficiency, and make strategic use of client resources. Although John is licensed to handle matters in the state and federal courts of North and South Carolina and regularly represents clients before the North Carolina Business Court, he also frequently appears in other courts throughout the United States, including the federal courts of New York and the Delaware Chancery Court.

John's work in the commercial and industrial real estate sector involves construction defects, change order and cost disputes, force majeure claims, breaches of representations and warranties, lease disputes, recovery under guarantees, mechanics liens, and both public and private condemnation. John's cases have included litigation involving medical facilities, power production plants and transmission lines, office buildings, apartment complexes, retail shopping centers, and mixed-use developments. In addition to traditional litigation, John also assists clients in quasi-judicial proceedings related to zoning and entitlement interpretation. He also regularly provides contract negotiation assistance designed to limit client exposure and promote efficient claim resolution.

John's shareholder and corporate governance work focuses on the representation of private equity firms, manufacturers, real estate developers and investment trusts, other medium and large business, and their owners, officers, directors, and shareholders. John's cases have included representing shareholders in derivative suits against corporate

### Capabilities

- Antitrust
- Civil Litigation
- Commercial Litigation
- Commercial Real Estate
- Corporate Governance & Shareholder Relations
- Cross-Border Investigations and Defense
- Financial Services Litigation
- Internal Investigations
- Litigation, Regulatory & White Collar
- Mergers & Acquisitions
- Real Estate & Construction Disputes
- Securities & Capital Markets Litigation
- Transportation, Infrastructure & Logistics

### Education

B.A., University of South Carolina, 2002

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officers and directors relating to individual malfeasance and self-dealing transactions; representing business entities bringing claims against officers and directors arising from breaches of duties of loyalty and care; and defending business entities against similar claims brought by officers, directors, and shareholders. In addition to dispute resolution, John conducts internal investigations designed to identify and remedy malfeasance by corporate officers and directors.

John's commercial litigation work primarily focuses on claims under the Uniform Commercial Code, breaches of services agreements, and creditors' rights issues. John's cases have included representing international financial institutions in actions to recover loan proceeds from defaulted borrowers, representing secured parties in actions to recover debt, and representing manufacturers in suits involving defective goods. John also frequently performs contract review and negotiation services.

### Affiliations

- American Bar Association
- North Carolina Bar Association
- South Carolina Bar Association
- Charleston County Bar Association
- South Carolina Defense Trial Attorneys' Association
- Member of the Board of Directors, Charlotte Internal Arbitration Association, 2019-Present
- Member, Charlotte Zoning Board of Adjustment
- Member, Cedarwood Country Club

### Representative Experience

#### Commercial and Industrial Real Estate

- Obtained increase in excess of \$1 million in compensation for government condemnation of commercial development
- Successfully defended owner's engineer against negligence and breach of contract claims arising from construction of multi-state transmission line
- Successfully defended owner of power plant against claims in excess of \$20 million arising from construction of power plant
- Successfully defended against injunction seeking to halt construction of residential real estate development

J.D., University of South Carolina, 2009; Cum Laude, Order of the Coif, Order of Wig and Robe, Phi Delta Phi

### Admissions

North Carolina

South Carolina

District of Columbia

District of North Dakota

2nd Circuit Court of Appeals

4th Circuit Court of Appeals

U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

U.S. District Court for the District of South Carolina

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- Successfully challenged agency interpretation of zoning regulation in connection with mixed-use development
- Successfully defended against proposed special use permit to prevent commercial development on behalf of neighboring land conservancy

### Shareholder and Corporate Governance

- Obtained jury verdict of \$2.5 million in shareholder derivative suit involving impropriety by officer and director of steel manufacturing company and the company's accounting firm
- Obtained dismissal of claims against real estate investment trust brought by former officer and director related to purported freeze out
- Conducted internal investigation into accounting impropriety by CFO of Fortune 500 company

### Commercial Litigation

- Obtained dismissal of UCC claims against international financial institution brought by victim of ponzi scheme
- Obtained sizeable award in AAA arbitration involving claims for breach of asset purchase, consulting, and non-compete agreements executed in the course of sale of investment advisory practice
- Obtained dismissal of class action suit against multi-state lending institution arising from alleged violations of state usury law
- Obtained dismissal of claims against textile wholesaler/manufacturer in breach of contract action relating to the shipment of goods to South America and the imposition of seven figure government fine for violation of foreign environmental regulations