

## JAMES "JIM" C. MANNING

*Associate, Litigation*

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Jim Manning has broad experience in commercial litigation, employment litigation, and government investigations and enforcement. Jim zealously advocates for clients in and out of the courtroom.

Jim has litigated cases alleging breach of contract and other business torts, securities fraud, wrongful termination, and violation of state and federal whistleblower statutes. He has successfully represented clients in industries such as finance, real estate, fashion, healthcare, and biotechnology. While representing clients ranging from individuals to multiple Fortune 500 institutions, Jim has counseled high-level decision makers, filed various pre-trial briefs seeking dismissal, and negotiated favorable settlements. At every stage of litigation, he seeks to understand his clients' objectives, deliver results-oriented guidance, and produce top-quality work product. Whether in state or federal court or in arbitration, Jim develops facts and crafts persuasive arguments designed to obtain early dismissal where possible and lay the groundwork for trial, if necessary.

Jim also has extensive experience with government investigations and enforcement, particularly where aspects of civil litigation overlap with regulatory scrutiny. He has managed critical aspects of a multi-year government investigation that resulted in a billion-dollar settlement. In other matters, Jim has drafted advocacy presentations addressed to regulators, including the Securities and Exchange Commission (SEC), Department of Justice (DOJ), Commodity Futures Trading Commission (CFTC), and state Attorneys General. Jim has also prepared employees for depositions or interviews with regulators as part of their investigations. In many cases, no public action was taken against Jim's clients.

As part of his practice, Jim also regularly advises financial institutions on matters of interest to bank regulators including, most recently, an industry-wide transition from LIBOR to other reference rate benchmarks used to

### Capabilities

- Civil Litigation
- Class Actions
- Commercial Litigation
- Employment & Labor
- Financial Regulatory Advice & Response
- Financial Services Litigation
- Investigations
- Litigation, Regulatory & White Collar
- Securities & Capital Markets Litigation
- White Collar & Government Enforcement Defense

### Education

- J.D., University of Virginia, 2014, Law Review
- B.S., University of South Carolina Honors College, 2011, Summa cum laude, Phi Beta Kappa

### Admissions

- U.S. Court of Appeals - Fourth Circuit, 2021

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price financial instruments. Among other topics, Jim has particular familiarity with confidential supervisory information ("CSI"). When representing financial institutions, he is sensitive to CSI issues and has navigated complicated disclosures in civil litigation and investigations.

In addition, Jim has an active pro bono practice. He has argued two criminal appeals on behalf of the State of New York and represented a defendant in federal court for sentencing pursuant to the Criminal Justice Act. Jim was also part of an award-winning team that helped survivors of domestic violence obtain orders of protection during the COVID-19 pandemic.

During law school, Jim served on the managing board of the Virginia Law Review and as the law student member-at-large on the ABA Board of Governors. Prior to joining the firm, Jim was a litigation associate in the New York office of Sullivan & Cromwell LLP and clerked for the Chief Justice of the North Carolina Supreme Court.

### Notable

- North Carolina Pro Bono Honor Society, 2020-2021
- Sanctuary for Families' 2020 Above & Beyond Pro Bono Achievement Award

### Affiliations

- North Carolina Bar Association
- Federal Bar Association

### Representative Experience

- Defended financial institution in a multi-year investigation by state and federal regulators, with an emphasis on employment matters
- Obtained complete dismissal of wrongful termination claims brought by former employee
- Represented luxury fashion house in contract dispute with landlord regarding lease of its Fifth Avenue flagship store
- Successfully moved to compel arbitration of whistleblower claims in suit brought by former employee
- Managed document production and prepared an advocacy presentation in response to an SEC subpoena

All U.S. District Courts in North Carolina, 2021

Southern District of New York, 2017

Eastern District of New York, 2017

District of New Jersey, 2017

North Carolina, 2015

New York, 2015

New Jersey, 2015

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- Negotiated settlement of all disputed issues in Adversary Proceeding and parallel Delaware Dissolution Proceeding in relation to escrow funds and related tax claims arising out of bankruptcy sale
- Represented in-house lawyer in a government investigation regarding public company's SEC disclosures
- Represented financial institutions in adversary proceedings arising out of the Madoff Ponzi scheme
- Obtained complete dismissal of putative securities class action following company's restatement of a non-GAAP metric
- Represented non-profit hospital in breach of contract dispute brought by a physician