

## JAMES "JIM" P. MCLOUGHLIN, JR.

*Member, Litigation*

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Jim McLoughlin brings commitment, passion, and more than 35 years of cutting-edge experience to the civil disputes, criminal investigations, and trials that he strives to resolve for clients. Jim's critical thinking, relentless preparation, and experienced perspective delivers effective results for clients.

Jim has dedicated his career to winning civil and criminal cases. He has litigated for clients in state court, federal court, and in arbitration across the country. He has litigated over 40 state and federal appeals. Jim advocates for clients in regulatory and criminal investigations and cases conducted by the Department of Justice, the Securities and Exchange Commission, the IRS, the Commodities Futures Trading Commission, and various state attorneys general.

His international work has included matters in Latin America (most often Brazil and Argentina), in the U.K. and the European Union, South Africa, and in the Asia-Pacific region, including Hong Kong, Japan, and Australia.

Whether preparing for trial or fighting class certification, conducting a global investigation for a Fortune 50 enterprise, or developing the legal arguments to effectively frame a client's position in a criminal or civil case, Jim's clients can expect careful front-end planning, transparent communication, and productive partnerships with advisors and resources.

### **Civil Litigation**

Jim has prosecuted one of the few class actions brought against a defendant class under ERISA, tried a securities fraud class action to a jury, represented clients in antitrust class actions alleging collusion in markets from travelling nurse services in Arizona, and handled cases involving foreign exchange pricing in New York and London. Jim has successfully represented public companies and entrepreneurs in securities, governance, and shareholders rights arbitrations and court cases. He has litigated

### **Capabilities**

- Class Actions
- Financial Services Litigation
- Securities & Capital Markets Litigation
- White Collar & Government Enforcement Defense
- Antitrust
- Civil Litigation
- Commercial Litigation
- Corporate Governance & Shareholder Relations
- Criminal Defense - Trial and Appellate
- Cross-Border Investigations and Defense
- Employee Benefits & Compensation
- ERISA
- Financial Regulatory Advice & Response
- Health Care
- Internal Investigations
- Investigations

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across the spectrum of business disputes and has long been a "go to" lawyer in complex securities, antitrust, and business cases. Jim's priority is to be sure our client's story is told clearly and well.

### Criminal Litigation

Jim has defended clients in criminal and regulatory investigations, cases, and appeals on charges from securities and commodities fraud, "pay-to-play", False Claims Act, antitrust, and money laundering to material support for a foreign terrorist organization, murder of a federal officer, bankruptcy fraud, tax fraud, racketeering, and conspiracy to assassinate a foreign head of state. Jim understands that when faced with criminal charges or a government investigation absolutely everything matters. In a global economy, matters are increasingly cross-border and pursued by multiple authorities, requiring a multi-dimensional perspective and strategy, which Jim is adept at handling.

### Notable

- *Best Lawyers in America*, Charlotte Litigation-Banking and Finance "Lawyer of the Year," 2012; Charlotte Litigation-Regulatory Enforcement (SEC, Telecom, Energy) "Lawyer of the Year," 2020, 2022
- *Best Lawyers in America*, Bet-the-Company Litigation; Commercial Litigation; Criminal Defense: White-Collar; Litigation - Banking & Finance; Litigation - Regulatory Enforcement (SEC, Telecom, Energy); Litigation - Securities, 2009-2022; Litigation - Mergers and Acquisitions, 2022
- *Chambers USA* - North Carolina, Litigation: General Commercial, 2006-2022, Litigation: White-Collar Crime & Government Investigations, 2021-2022, ("He is a 'fantastic litigator, who is very, very good at what he does...'"")
- Awarded the AV Preeminent™ Judicial Rating by Martindale-Hubbell
- *Benchmark Litigation*, "Local Litigation Star", Appellate, Civil, Criminal, Corporate Governance, General Commercial, Healthcare, Internal Investigations & Securities, 2010-2022
- *Super Lawyers*, "Top 100" list North Carolina, 2011, 2022
- North Carolina *Super Lawyers* list, "Top Rated Business Litigation Attorney in Charlotte, NC", 2006-2022
- North Carolina Pro Bono Honor Society, 2018-2020
- Recipient of the Sally and Bill Van Allen Public Service Award

Litigation, Regulatory & White Collar

Mergers & Acquisitions

### Education

J.D., Duke University; Order of the Coif;

Articles Editor, Duke Law Journal

B.A., College of the Holy Cross, cum laude;

Phi Beta Kappa

### Admissions

New York

North Carolina

U.S. Supreme Court

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Fourth Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Eleventh Circuit

District Court of the District of Columbia

All North Carolina Federal District Courts

All New York Federal District Courts

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## Affiliations

- Law Clerk to Hon. Eugene Gordon, Senior Judge, United States District Court, Middle District of North Carolina
- Member, Board of Trustees, Lawyers' Committee for Civil Rights Under Law
- Fellow of the American Bar Foundation
- American Bar Association
- North Carolina Bar Association
- New York State Bar Association
- National Association of Criminal Defense Lawyers

## Representative Experience

### Civil

- Successfully represented independent directors of Reynolds American in the North Carolina Business Court and in the North Carolina Court of Appeals arising from the acquisition of Lorillard by Reynolds American obtaining a dismissal of the case against them. *Corwin v. British American Tobacco, PLC, et al.*, 796 S.E.2d 324 (N.C. App. 2016)
- Representing Royal Bank of Canada in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, (U.S.D. Ct. S.D.N.Y. 1:13-CV-07789-LGS, and *Allianz v. Bank of America, et al.*, (U.S.D.Ct. S.D.N.Y. 1:18-cv-10364) and related foreign exchange cases
- Led the successful prosecution of one of the few defendants' class actions over the vesting of certain medical benefits under ERISA in U.S. district courts in Minnesota, Ohio and California. See, *Rexam Inc. v. United Steel Workers of America*, 2006 WL 2530304 (U.S. Dist. Ct., D. Minn.)
- Won a jury trial in the North Carolina Business Court on behalf of a minority shareholder claiming breach of fiduciary duty, breach of contract, and theft of corporate assets. *Blythe v. Bell* (N.C. Sup. Ct. 11-cvs-933; 2012 NCBC 42 (July 26, 2012)
- Won jury trial on directed verdict defending against claims of breach of contract, bad faith, and theft of intellectual property and defended the verdict on appeal. *Robert A. Johns v. Rexam Medical Packaging*, 2005 WL 1308319 (M.D. Ga. June 1, 2005), *aff'd* 2006 WL 1071854 (11th Cir. 2006)
- Represented a national healthcare company in the defense of an antitrust class action in Arizona arising from alleged price-fixing by hospitals in the employment of hospital staff. *Johnson v. Arizona Hospital and Healthcare Association* (U.S.D.Ct., D.Az. 07-cv-01292)
- Won a FINRA arbitration defending a client against multi-million dollar Sarbanes-Oxley and state law claims brought by a terminated trading employee who alleged he was terminated for whistleblowing (*Martin v. Banc of America Securities*)
- Defended a national broker dealer and settled the class action alleging fraud arising from custodial accounts harmed by a Ponzi schemer *Mancuso v. Charles R. Schwab & Co.*, (U.S. Dist. Ct., D.S.C., 2:07-

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cv-03852)

- Successful appeal over challenged design patent. *Vanguard Identification Systems, Inc. v. Kappos*, 407 Fed. Appx. 479 (Fed. Cir. 2011)

## White Collar & Regulatory

- Defended the first criminal fraud case and asset seizure brought by North Carolina state authorities related to cryptocurrencies. (*State v. Calabro*, (Sup. Ct. Guilford Co., N.C.18-CR-090131)
- Defended at trial the first VOIP provider indicted for alleged participation in a cross-border fraud conspiracy. *United States v. Dodt*, (U.S. D. Ct. W.D.N.C. 3:15-cr-00213)
- Principal counsel for a major U.S. international bank in response to the government investigations in the United States, Europe, and Asia-Pacific related to LIBOR and other reference rates
- Represented major U.S. financial institution in the investigation by and settlement with the DOJ and CFTC of market manipulation in the precious metals market
- Successfully defended and settled a fraud action by the North Carolina Commissioner of Banks on behalf of a national mortgage broker. *State of North Carolina Commissioner of Banks v. W.R. Starkey Mortgage*, (Sup. Ct. Wake County, N.C. 09-cvs-023513)
- Conducted a multi-jurisdictional international investigation on behalf of a client to respond to international regulatory inquiries regarding the Panama Papers
- Principal counsel for a major U.S. international bank in the government investigations in the United States, Europe, and Asia-Pacific related to foreign exchange trading
- Assisted an international bank client with the management of its litigation portfolio, including tax, civil, regulatory, and labor matters in South America, particularly in Brazil and Argentina
- Successfully represented a client in a state attorney general investigation of sales practices by placement agents in dealings with state pension officials
- Represented the Bank of America Corporation in the investigation by and settlement with the attorney general of North Carolina arising from its merger with Merrill Lynch
- Conducted a successful, accelerated internal investigation of financial misreporting in a client's division to preserve the sale of the division
- Represented one of two defendants in the first anti-terrorism jury trial after the September 11 tragedy. *U.S. v. Chawki Hammoud*, (U.S. Dist. Ct., W.D.N.C. 3:00-cr-147)
- Defended and settled money laundering, IEEPA, and tax fraud charges against Abdulrahman al-Amoudi arising from conspiracy to assassinate the Crown Prince of Saudi Arabia by the Libyan government. *E.g., United States v. Alamoudi*, (U.S. Dist. Ct. E.D.Va. 03-M-1009)
- Successful appeal of sentence to the U.S. Supreme Court after *en banc* decision by the U.S. Court of Appeals for the Fourth Circuit (381 F. 3d 316), *see, United States v. Mohamad Hammoud*, 543 U.S. 1097 (2005)