

**JOHN A. FAGG, JR.**

*Co-head of Litigation and White Collar, Regulatory Defense & Investigations*

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John Fagg is the co-head of the Litigation group and the co-head of the White Collar, Regulatory Defense, & Investigations practice. John represents companies and individuals under investigation by or facing charges from criminal and other government enforcement authorities throughout the United States and around the world.

John regularly represents corporations and individuals in high profile criminal and government enforcement matters of all types.

John has represented clients in a wide variety of criminal and enforcement matters, including alleged securities fraud, commodities fraud, bank and lending fraud, antitrust violations, public corruption, health care fraud, accounting fraud, federal and state False Claims Act violations, and other violations of federal and state criminal and regulatory laws.

John regularly represents clients in investigations and enforcement cases brought by the U.S. Department of Justice (Criminal Division, Antitrust Division, and Public Integrity Unit, as well as U.S. Attorney's Offices throughout the country), the Securities and Exchange Commission, the Commodities Futures Trading Commission, and state attorneys general.

John has extensive experience representing clients in cross-border investigations and proceedings, including matters in Canada, the U.K., Europe, South America, and Asia.

Over the last decade, John has represented clients in many of the most significant government investigations and proceedings involving the financial services industry.

A substantial part of his practice involves conducting corporate internal investigations, including sensitive matters involving allegations of securities violations and alleged violations of federal and state laws and regulations.

**Capabilities**

- Antitrust
- Bank Regulatory & Fintech
- Civil Litigation
- Class Actions
- Consumer Disputes
- Corporate Governance & Shareholder Relations
- Criminal Defense - Trial and Appellate
- Cross-Border Investigations and Defense
- Financial Regulatory Advice & Response
- Financial Services Litigation
- Health Care
- Internal Investigations
- Investigations
- Litigation, Regulatory & White Collar
- Securities & Capital Markets Litigation
- Swaps, Derivatives &

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In addition to his white collar criminal defense and government enforcement practice, John is an experienced trial lawyer who represents clients in complex litigation, including securities litigation, shareholder derivative suits, other class actions, and false claims actions. He has defended clients in serial litigation in federal and state courts throughout the United States and in multi-district litigation.

In addition, John provides clients with counseling regarding regulatory compliance and corporate governance issues.

### Notable

- Named to *Lawdragon's* 500 Leading Litigators in America list, 2022
- *Chambers USA* - North Carolina, Litigation: White-Collar Crime & Government Investigations, 2022
- *Best Lawyers in America*, Litigation - Regulatory Enforcement (SEC, Telecom, Energy), 2023
- *Business North Carolina* Legal Elite, Criminal, 2022-2023
- *North Carolina Super Lawyers*, Business Litigation, 2018-2023
- North Carolina Pro Bono Honor Society, 2017-2018, 2020
- Individual Outstanding Pro Bono Service Award, Legal Aid of North Carolina-Charlotte, 2015
- Community Building Initiative, Leader Under 40
- Board of Directors, United Way of Greater Charlotte, 2023-present
- Coordinator, MVA/Legal Aid of North Carolina housing rights partnership, 2011-2018
- Board of Directors, Council for Children's Rights, 2014-2020
- President, Board of Directors, 2017-2018
- Member, Moore & Van Allen's Public Service Committee
- Access to Justice Pro Bono Partners 2013 Pro Bono Honor Roll, Legal Services of Southern Piedmont, Legal Aid of North Carolina-Charlotte, and Council for Children's Rights
- Steering Committee Member, Arts & Science Council, Young Donor Society, 2010-2012
- Member, School of Law Honor Council, Wake Forest University

Structured Products

White Collar & Government Enforcement Defense

### Education

J.D., Wake Forest University, 2002

B.A., University of North Carolina at Chapel Hill, 1999

### Admissions

District of Columbia, 2003

North Carolina, 2002

All Federal District Courts in North Carolina

U.S. District Court for the District of Columbia

U.S. Court of Appeals, Fourth Circuit

U.S. District Court for the District of Colorado

U.S. Court of Appeals, 10th Circuit

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## Affiliations

- Federal Bar Association
- National Association of Criminal Defense Lawyers
- American Bar Association: Criminal Justice Section (White Collar Crime Committee); Litigation Section
- North Carolina Bar Association
- Justice William Bobbitt Inn of Court

## Representative Experience

### White Collar Criminal Defense and Government Enforcement

- Represented a global financial institution in a DOJ investigation and a parallel state investigation into price-fixing in fixed income markets
- Represent the former CEO of a large food service company in defense of criminal antitrust charges
- Led the firm's representation of a global financial institution in a DOJ and CFTC investigation into allegations of market manipulation in precious metals markets
- Led the firm's representation of the owner of a company in a DOJ investigation into improper kickbacks in the healthcare industry
- Led the firm's representation of a client in a DOJ investigation into public corruption regarding government contracts
- Led the firm's representation of a company in a CFTC investigation into possible market manipulation in a wholesale commodities market
- Led the firm's representation of a distribution company in a State Attorney General's Office False Claims Act investigation
- Represented a global financial institution in global criminal and government enforcement investigations into FX, LIBOR, and other reference rates
- Led the firm's representation of a company in a DOJ investigation into securities fraud and accounting fraud
- Led the firm's representation of a client in a DOJ investigation into Medicaid fraud
- Represented a client in a DOJ investigation into pay-to-play allegations regarding state pension funds
- Represented multiple financial institutions in investigations into fraud in government-backed lending programs

### Securities and Complex Commercial Litigation

- Represented Bank of America in a shareholder derivative lawsuit relating to the acquisition of Merrill Lynch

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- Represent a former senior executive of a public company in a proposed class action alleging securities fraud
- Successfully represented a manufacturing company in a federal jury trial regarding a commercial contract dispute, which resulted in a jury award of no liability
- Represent a public company in defense of securities fraud claims under Section 10(b) of the Exchange Act
- Represent a former senior executive of a public company in a shareholder derivative action
- Representation in adversary proceeding of indenture trustee for loan participants that extended over \$150 million in leveraged lease equipment financing in connection with lease to semiconductor manufacturer
- Represented a public university and its officials in defense of litigation brought by a former student in federal court