

MARK A. NEBRIG

Co-head of Litigation

t 704.331.3602

marknebrig@mvalaw.com



Co-head of the firm's Litigation group, Mark Nebrig is a trial lawyer with extensive experience in managing class actions, complex business and securities litigation, and enforcement actions. Though he maintains a general business litigation practice serving financial services, ESOP-related, healthcare, manufacturing, and private equity clients, Mark has concentrations in financial services class actions, ERISA/ESOP class actions, securities litigation, SEC/FINRA investigations, and non-public shareholder disputes.

Mark has substantive bench and jury trial experience in mergers and acquisitions litigation and shareholder disputes, where he has represented both public and private corporations and their directors, and ESOP-related disputes, where he has represented fiduciaries, ESOP-owned companies, selling shareholders, and valuation firms.

A former licensed broker, Mark also represents various broker-dealers before FINRA and advises securities industry entities involved in regulatory investigations, inquiries, and litigation. He advises public companies and their directors in their communications and responses to the SEC and DOJ.

Services Mark regularly provides to his clients:

- Financial services class action defense
- Securities litigation and advisory work
- ERISA/ESOP class action defense
- Corporate investigations (both internal and regulatory)
- Complex business litigation representation

Notable

- *North Carolina Super Lawyers, Business Litigation, 2021-2022*

Capabilities

- Business Court Litigation
- Civil Litigation
- Class Actions
- Commercial Litigation
- Corporate Governance & Shareholder Relations
- Employee Benefits & Compensation
- ERISA
- Financial Regulatory Advice & Response
- Financial Services Litigation
- Litigation, Regulatory & White Collar
- Mergers & Acquisitions
- Securities & Capital Markets Litigation

Education

J.D., Temple University, 2002, magna cum laude; Law Review

MARK A. NEBRIG

- *Business North Carolina* Legal Elite, 2019
- North Carolina Pro Bono Honor Society, 2021
- Legal Aid of North Carolina, Pro Bono Attorney of the Year, 2010
- Co-Head of the firm's Litigation practice
- Hiring Member, Moore & Van Allen
- Former Coordinator, MVA/ Legal Aid of North Carolina landlord/tenant pro bono partnership
- Member, Attorney Development Committee, MVA
- Board Member, Autism Charlotte
- Board Member, Epiphany School of Charlotte

Representative Experience

- Currently representing and advising a large international bank in various consumer antitrust class actions related to foreign exchange market conduct
- Currently representing a big four accounting firm in 1934 Act Section 10 (b) claim in public shareholder class action
- Successfully represented independent directors of a public company in the North Carolina Business Court and in the North Carolina Court of Appeals arising from a \$48 billion acquisition; obtaining full dismissal
- Successfully represented a major financial services firm in litigation involving treasury and municipal bond mark-ups and sales charges
- Appellate win defending consumer class action related to enforceability of arbitration and class waiver provisions in North Carolina in the state's first post-Concepcion decision
- Trial win defending a major bank/financial services client against multi-million dollar Sarbanes-Oxley and state law claims brought by a trader alleging termination for whistle-blowing
- Successfully prosecuted one of the few defendants' class actions related to legacy union benefits and their vesting under ERISA in U.S. district courts in Minnesota, Ohio, and California
- Defense of trustees and substantial manufacturing and retail clients related to alleged breaches of fiduciary duties under ERISA for both ESOP and 401(k) Plans
- Representation of public and private company Special Litigation Committees involving shareholder demands related to mergers and acquisitions activity

B.A., University of North Carolina at Chapel Hill, 1991

Admissions

North Carolina, 2002

All U.S. District Courts in North Carolina

U.S. Court of Appeals - Second Circuit

U.S. Court of Appeals - Fourth Circuit

U.S. Court of Appeals - Eighth Circuit

U.S. Court of Appeals - Ninth Circuit

U.S. District Court of Colorado

MARK A. NEBRIG

- Representation of private equity clients and their portfolio companies related to stock and asset purchase transactions as well as enterprise valuation disputes

REPRESENTATIVE CASES

- Defending Royal Bank of Canada in In re Foreign Exchange Benchmark Rates Antitrust Litigation, U.S.D.C. S.D.N.Y Case No. 1:13-CV-07789-LGS
- Defending [Deloitte]
- Defending [GreatBanc]
- Steel Tube v. Rives & Associates, NCBC Case No. 16-CVS-2877 (2019). Achieved a multi-million dollar jury verdict in North Carolina Business Court representing shareholder of privately held manufacturing corporation
- Corwin v. Reynolds American, Inc. et al., NC Business Court case no. 14-CVS-8130. Won a dismissal of shareholder class claims attacking \$27.4 billion acquisition of Lorillard, Inc.
- In Re: Garlock Sealing Tech. LLC, et al., WDNC (Bankr.) case no. 10-BK-31607. Achieved a "landmark" asbestos estimation ruling
- Whittington, et al. v. Morgan Stanley Smith Barney, NC case no. 12-CVS-01206. Won summary judgment defending multi-plaintiff action related to broker-dealer's lack of duty to victims of Ponzi scheme
- Knox, et al. v. First Southern Cash Advance, North Carolina case no. 05-CVS-445; NC Ct. App case no. 12-604. Won at trial and on appeal involving consumer class arbitration
- Drymax, LLC v. Hickory Brands, Inc., NC Business Court case no. 11-CVS-933. Achieved multi-million-dollar jury verdict in shareholder action
- Bottom v. Morgan Stanley Smith Barney, North Carolina case no. 11-CVS-824. Achieved dismissal, upheld on appeal
- Mortgage Cadence, LLC v. Urban Lending Solutions, LLC, Arbitration case no. 2012-1300A. Achieved summary judgment
- Tong, et al. v. Engineous Software, Inc. et al., NC Business Court case no. 11-CVS-001522. Achieved dismissal
- Martin v. Banc of America Securities, FINRA case no. 08-00319. Achieved trial win
- Strong v. Gateway Homes, case no. 06-CVS-7672. Achieved jury verdict
- Griffin v. Morgan Stanley, et al., NASD case no. 05-00387. Achieved trial win
- Rexam Inc. v. United Steel Workers of America, 2006 WL 2530304 (D. Minn.). Achieved partial summary judgment
- Lockhart v. Wachovia Securities, Morgan Stanley, et al., NASD case no. 03-08862. Achieved trial win