



## Mark P. Henriques

### *Profile*

Mark has successfully litigated cases involving fraud, unfair trade practices, class actions, non-compete and non-disclosure agreements, and breach of contract. He has experience in state and federal court in both North and South Carolina. Mark has prevailed in numerous trials, arbitrations and mediations. Mark has served as first chair in more than eight jury trials, five of which lasted a week or more. He has successfully argued cases before the Fourth Circuit Court of Appeals and the North Carolina Supreme Court.

A member of the Sedona Conference, the Association of Certified E-Discovery Specialists (ACEDS) and the firm's e-discovery team, Henriques understands the complex legal and cost issues surrounding litigation holds and ESI collection, processing, review and production. He understands how the correct technology (whether in-house or hosted externally with a vendor) can save money and find the "hot" documents that are outcome determinative.

Mark's strength lies in his ability to quickly focus on key issues and then develop a comprehensive strategy to win the case through discovery, mediation/negotiation, motions practice and trial. His organized, engaging presentation skills allow him to explain even the most complex or technical factual patterns to a mediator, arbitrator, judge or jury. Mark's clients include leaders in education, banking, consumer finance, retail, pharmaceuticals, health care, information technology, construction and real estate.

As an education lawyer, Mark advises and represents public and private educational institutions, including the Cabarrus County Board of Education.

### *Representative Experience*

- Defend Class Action against major financial institution and successfully move to compel arbitration.
- Successfully defend publicly held technology company in multiple jury trials against claims that early "investors" were entitled to an ownership interest in the company.
- Pursue multi-million dollar claim for breach of software development contract.
- Represent owner in dispute with contractors and architects over \$150 Million project.
- Prosecute action on behalf of fast-growing private company to rescind fraudulently induced multi-million dollar acquisition.
- Win reinstatement of automotive dealer franchise.

### *Areas of Practice*

*Business Litigation/  
Education Law/  
Arbitration/  
Mediation/  
Construction Litigation/*

### *Contact Information*

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- Obtain TRO, Preliminary Injunction and jury verdict against employees who joined competitor in violation of non-compete agreements.
- Represent publicly held soft drink company in an eight-figure dispute with a canning cooperative concerning shareholder rights.
- Advise board of education in development and implementation of policies.
- Represent IT firm in multi-million dollar arbitration.
- Win arbitration award against grading contractor.
- Represent log home construction company in contract disputes.
- Obtain injunction prohibiting the "cloning" of cellular phones.
- Pursue defamation claims on behalf of low-income dental clinic.
- Try sexual harassment case to defense verdict for a nationwide office supply company.
- Train over 2,000 school employees on education law, student discipline, due process and sexual harassment.

### ***Professional Activities***

North Carolina Bar Association, Litigation Section, Education Law Section, Construction Section.

Certified Member, Association of Certified E-Discovery Specialists.

Member, North Carolina Council of School Attorneys.

Legal Services of Southern Piedmont, Board Member (2007 – present) (Treasurer (2010-present); Legal Services for the Elderly, President and Chairman of the Board (2003 - 2007); United Way, Older Adult Wellness and Disabilities Council, Chair (2004 - 2007); Charlotte Museum of History, Trustee (2004 - present) (President 2009-2010); Mecklenburg County Precinct 212, Chief Judge (2001 – present); Countryside Montessori School, Board Member (2006 – Present); North Carolina Bar Association, Education Law Council (July 2005 – June 2008).

Admitted to bar, 1992, North Carolina. Admitted to practice before all United States District Courts in North Carolina and the Fourth Circuit Court of Appeals.

### ***Education***

B.A., Economics, 1987, University of Virginia, with highest distinction; J.D., 1990, University of Virginia School of Law; *Virginia Law Review*, Editorial Board; Moot Court Board, Rules Committee; Order of the Coif.

### ***Prior Legal Experience***

Judicial Clerkship, The Honorable Richard L. Williams, United States District Court for the Eastern District of Virginia, Richmond, VA, 1990-91; Womble Carlyle Sandridge & Rice, 1991 – present.

### ***Publications***

“Teachers and Social Network Sites: The Importance of Implementing an Effective Social Networking Policy.” 2011.

Co-author, "When Projects Fail: A Milestone Model for Allocating Development Costs." North Carolina Bar Association E-Newsletter, *The Litigator: The Official Publication of the Litigation Section*, Volume 27, Number 1, October 2006.

Fourth Circuit Review Advisory Board, Commercial Law.

"Desuetude and Declaratory Judgment: A New Attack on Obsolete Laws," *Virginia Law Review*, August, 1990.

### ***Selected Cases***

*Burgess v. Burgess*, 698 S.E.2d 666 (2010).

*Carolina First Bank v. Stark*, 190 N.C. App. 561, 660 S.E.2d 641 (2008).

*Antonellis v. Cumberland County Board of Education*, 293 Fed. Appx. 237 (4<sup>th</sup> Cir. 2008) (unpublished).

*Forest2Market v. American Forest Management, Inc.*, 2008 WL 1820917 (W.D.N.C. 2008) (unpublished).

*Stephens v. Wachovia Corp.*, 2008 WL 686214 (W.D.N.C. 2008) (unpublished).

*Ligon v. Norris*, 371 S.C. 625, 640 S.E.2d 467 (S.C. App. 2006).

*TWAM LLC v. Cabarrus County Board of Education*, 634 S.E.2d 641 (2006) (Unpublished).

*A.H. Beck Foundation Co., Inc. v. Jones Bros. Inc.*, 603 S.E.2d 819 (2004).

*Redlee/SCS, Inc. v. Pieper*, 153 N.C. App. 421, 571 S.E.2d 8 (2002).

*Hartsell v. Duplex Products*, 123 F.2d 766 (4th Cir. 1997).

*Dabbs v. Amos*, 70 F.3d 1261 (4th Cir. 1995) (Unpublished).

*Glen III v. Charlotte-Mecklenburg Board of Education*, 903 F.Supp. 918 (W.D.N.C. 1995).