



G. Michael Barnhill

“Mike”

Profile

Mike Barnhill has a broad based business litigation practice, with an emphasis on corporate and partnership control disputes and dissolutions, securities fraud claims, business contract disputes, accounting malpractice and licensing issues, misappropriation of trade secrets, ERISA, technology issues, and patents, representing corporations, accountants and municipalities.

Mike has also handled numerous financial institution litigation matters, including: mortgage insurance involving securitized loans, indemnity agreements between master servicers, sponsors and Trustees, Truth in Lending Act, Real Estate Settlement Procedures Act, Home Ownership and Equity Protection Act, Fair Credit Reporting Act, “predatory” lending and fair lending, federal preemption and alternative financial products.

Mike has been named to *NC Super Lawyers* (2006-2011), and *Best Lawyers in America*, Commercial Litigation (2007-2011).

Recent and Significant Cases of Note

United Guaranty Residential Insurance Company of North Carolina v. Countrywide Financial Corp and Countrywide Home Loans, Inc., MDNC (2009-2010) Represented Countrywide entities in federal lawsuit by mortgage insurer who asserted claims of breach of contract, fraud, and unfair trade practice arising from its issuance of mortgage insurance on billions of dollars of second home mortgages, securitized by Countrywide. Following successful motions to dismiss the tort based claims, the matter resolved favorably.

Dunn Southeast Inc d/b/a RJ Griffin & Company v. Charlotte F.C., LLC, NC State Court, 2010, Represented mezzanine lender in failed, large scale construction project to favorable resolution.

Mecklenburg County v. Nortel Government Solutions, Inc., WDNC (2007 – 2010) Successfully represented Mecklenburg County for defendant’s alleged failure to develop and deliver new software system.

Mecklenburg County v. Time Warner Entertainment-Advance Newhouse Partnership, No. 3:05cv333 (WDNC) (Lead counsel representing County in claims for breach of cable T.V. franchise agreement that was resolved favorably)

In Re: Dynamic Random Access Memory (“DRAM”) AntiTrust Litigation, MDL No. 1486 (N.D.CA.) (N.C. counsel in indirect purchaser class actions; motions to dismiss for lack of personal jurisdiction granted as to certain defendants: 2005 WL 2988715 (N.D. Cal.))

Areas of Practice

*Commercial
Litigation/ Consumer
Finance Litigation /
ERISA /
Accounting Litigation /
Class Actions*

Contact Information

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Friedland v. Snider, et al., (Case No. 97-CVS-7174) (Mecklenburg Superior Court 2001) and *Friedland v. City of Charlotte, et al.* (Case No. 3:98cv122-MU) (WDNC 2002) (Summary judgment granted to City and its police officers in claims of malicious prosecution and violation of constitutional rights by physician accused of killing wife – featured on ABC’s 20/20)

CEM Corporation v. Personal Chemistry, 192 F. Supp. 2d 438 (WDNC 2002), *aff’d* 55 Fed. Appx. 621 (4th Cir. 2003) (Motion to dismiss for lack of jurisdiction granted for foreign defendant in breach of settlement of alleged patent case)

Corporate Internal/Grand Jury Investigation: Represented former Corporate Controller of Fortune 100 company regarding alleged improper accounting practices involving over \$120 million during internal investigation; then represented the Corporate Controller and two senior management/accountants before the State Board of Public Accountancy on grievances involving similar allegations, which resulted in a complete dismissal of the charges. As co-counsel, represented the former Corporate Controller, the head of Regulatory Affairs and the Corporate Controller in the United States Grand Jury investigation into the alleged improper accounting practices. (U.S. Attorney decline to prosecute.)

ERISA: Successful representation of broker/TPA in alleged wrongful termination of stop loss coverage, resulting in alleged damages exceeding \$10 million. Claims included ERISA, breach of fiduciary duty, state law fraud, conspiracy and unfair and deceptive trade practices.

Professional Activities

Bar Associations: American Bar Association (Litigation Section); North Carolina State Bar; North Carolina Bar Association (Litigation Section); Mecklenburg County Bar Association; Defense Research Institute; Member, British American Business Council of North Carolina, Inc.

Admitted to bar, 1981, North Carolina. Admitted to practice before the United States District Court for the Eastern, Middle, and Western Districts of North Carolina; the United States Court of Appeals for the Fourth Circuit; and the United States Supreme Court.

Education

B.A., 1978, Davidson College, *cum laude*; J.D., 1981, Wake Forest University School of Law.

Prior Legal Experience

Judicial Clerk, Chief Judge Woodrow W. Jones, the United States District Court for the Western District of North Carolina, 1981-1983.

Firm Management Responsibilities

Firm Management Committee; Charlotte Office Managing Member.

Recent Publications and Presentations

Lecturer for Wake Forest University School of Law Annual Review, 1990-2004 on Constitutional law, Legal Malpractice, Damages, Products Liability and Torts.