



Johnny M. Loper

Profile

Johnny is a trial attorney who has litigated complex business cases with at-risk amounts in excess of 200 million dollars, including standard and not-so-standard claims for breach of contract, construction disputes, fraud and negligent misrepresentation, high-dollar disability insurance disputes, unfair and deceptive trade practices, professional malpractice, predatory lending, promissory estoppel, defamation, property damage cases resulting from fires and chemical discharges, will caveats, trust disputes, personal injury/death cases involving allegedly defective motor vehicles, and claims for various other allegedly defective products (including agricultural products, plastics, PVC pipe, and various kinds of equipment). He appears regularly in the United States District Courts for the Eastern and Middle Districts of North Carolina (and less frequently in the Western District), and in many state trial courts in central and eastern North Carolina. He also represents one state professional licensing board as special counsel and has represented licensed professionals before approximately a dozen North Carolina professional licensing boards. He is a recognized authority on professional licensing board administrative law, and has lectured at legal education programs and programs for licensing board attorneys and administrators. Johnny is listed in *The Best Lawyers in America*, *Super Lawyers (Law & Politics)* and *Business North Carolina Magazine's* Legal Elite.

Areas of Practice

*Business Litigation /
Administrative Law*

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Here are cases representative of those Johnny has litigated in his 25-plus years of practice:

- As co-lead counsel with Minneapolis firm, defended a national bank and a fleet gas card payment processor in a federal trial against claims for breach of contract, promissory estoppel, and defamation. Several other counts were dismissed on summary judgment, others on motions in limine, and “lost profit” damages limited only to the defamation count before the case went to the jury. Case is currently on appeal. Judgement on one count for 2% of damages alleged in expert’s report and half of plaintiffs’ demand after case went to the jury.
- Is litigating a trust case involving disputed payments to certain persons under a 40+ year old “side agreement” between two deceased siblings, one who was a beneficiary of the trust and the other who was not.
- Is litigating a case, with out-of-state counsel, for the lending bank regarding the default and foreclosure of a luxury condominium project on the Outer Banks.

- Successfully defended a family trust and charitable foundation against a more than \$50 million “elective share” claim by the spouse of a deceased family trust member.
- Successfully defended a brokerage/trading house in an arbitration involving claims of conversion and fraud, and is handling the appeal of the arbitration award.
- Represented an American Automobile Manufacturer in a series of arbitration cases brought by former local dealers seeing the right to re-open their dealerships after the manufacturer was allowed to shed those dealerships in bankruptcy.
- Represented nationwide title insurance issuing agent in a putative class action brought by title insurance purchasers alleging improper fees and charges.
- Obtained judgment worth approximately \$1,000,000 for investors who had loaned money to real estate developer who defaulted on those loans.
- Represented a national insurance company in investigating a former top salesman who was in violation of his agent’s agreement with the company and obtaining an extension of that agent’s non-solicitation agreement.
- Represented the City of Roanoke Rapids in its dispute with country music singer Randy Parton over control of the Roanoke Rapids Theater and related contractual issues.
- Defended a manufacturer in an action for over \$15 million in sales commissions allegedly due in a claim brought under another state’s unfair trade practices act.
- Defended a national life insurance company against claims that it wrongfully refused to pay a \$2.5 million death benefit to the spouse of an insured whom the company contends made material misrepresentations on a reinstatement application.
- Defended a bank in a class action in which plaintiffs alleged claims under a North Carolina “predatory lending” statute, as well as for usury and unfair trade practices
- Defended a national manufacturer of PVC pipe against claims for defective design and manufacturing practices after 13 miles of the pipe had been installed in a county potable water distribution system.

- Defended an agricultural chemicals manufacturer and distributor against claims for strict liability and negligence after its chemicals were released into the environment as a result of firefighters' efforts to extinguish a warehouse fire.
- Assisted national counsel for a Japanese motor vehicle manufacturer and distributor in obtaining a "no negligence" verdict against claims by the estate of a 16 year old driver that his death occurred as a result of defective seat belts and other vehicle design defects.
- Litigated a breach of contract matter for a hazardous waste remediation company against EPA's general contractor for remediation services rendered at a National Priority List/CERCLA hazardous waste site.
- Defended a national insurance company in multiple high-dollar professional disability insurance claims for alleged improper non-payment of benefits.
- Represented the North Carolina Optometry Board in multiple scope-of-practice disputes with the North Carolina Medical Board.
- Is representing the North Carolina Board of Nursing in a scope-of-practice dispute with the North Carolina Medical Board.
- Represented licensed professionals before approximately a dozen North Carolina professional licensing boards.

Professional Activities (past and present)

Bar Associations: North Carolina Bar Association, Litigation Section; Public Information Committee, Administration of Justice Task Force; Public Speakers Bureau; North Carolina State Bar Young Lawyers Division; Law Day Moot Court Committee; 10th Judicial District Bar Association; Mississippi Bar Association (inactive).

Admitted to practice before the United States Supreme Court, the Court of Appeals for the Fourth Circuit, and before the United States District Courts for the Eastern (Civil Justice Reform Act/EDNC Local Rules Committee), Middle, and Western Districts of North Carolina and for the Northern and Southern Districts of Mississippi.

Education

B.S., 1974, Mississippi State University; highest distinction; M.B.A., 1975, Mississippi State University; J.D., 1983, University of Mississippi School of Law *magna cum laude*; Managing Editor, *Mississippi Law Journal*, 1983.

Prior Legal Experience

Associate, Brunini, Grantham, Grower & Hewes, Jackson, MS, 1983-1987;
Summer Associate, Brunini Grantham, Grower & Hewes, 1981-1982.

Firm Management Responsibilities (past and present)

Current: Firm Management Committee; Raleigh Office Managing Member; Recruiting Committee; Technology Committee; Personnel Resource Committee.
Former: office *Pro Bono* coordinator; Budget Committee.