



## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



Mike Adams represents plaintiffs and defendants in business litigation. He has significant experience in all aspects of business transactions, including contracts, property, intellectual property, and corporate governance. He tries cases and handles appeals in state and federal courts in many jurisdictions. He also conducts numerous arbitrations.

His commercial litigation practice includes such areas as breach of contract, product liability, class actions, and shareholder derivative actions. He also has advised clients in regards to banking transactions, business acquisition disputes, real estate development, and dealer and distributor termination.

In addition, Mike represents both debtors and creditors in a wide variety of bankruptcy issues, including asset protection planning, foreclosures, guaranties, and financing claims.

He is admitted to practice before the United States District Courts for the Western, Middle, and Eastern Districts of North Carolina, and the United States Courts of Appeals for the Federal, Fourth, Sixth, and Seventh Circuits.

### REPRESENTATIVE EXPERIENCE

- *Speedway Motorsports, International, Ltd. v. Bronwen Energy Trading, Ltd, et al.*, 707 S.E.2d 385 (N.C. Ct. App. 2011), 706 S.E.2d 262 (N.C. Ct. App. 2011), Mecklenburg County, North Carolina Superior Court, Business Court, case no. 08-CVS-9450. Obtained confidential settlements and \$36 million judgment in 2015 against parties to petroleum financing support agreement. Our clients sued British and Dominican contracting parties, Arizona principal and French and Swiss banks in North Carolina to recover funds debited from SMIL's bank account in Switzerland related to first demand guarantees issued to support purchase price of oil in petroleum transactions.
- *Renfrow v. Premier Salons, Inc.*, Mecklenburg County, North Carolina, Case No. 14-CVS-2792 (2014). Represented property owner and brokers in purported consumer class action asserting claims that the defendants had defrauded consumers by allowing the sale of gift cards by a company that was in breach of its lease and was being ejected by landlord. The case was dismissed before class certification.



### CHARLOTTE OFFICE



### PRACTICE AREAS

- Intellectual Property Litigation
- Real Estate Litigation
- Alternative Dispute Resolution (ADR)
- Financial Restructuring & Insolvency
- Class Action Defense Litigation



### EDUCATION

- University of Texas JD, with honors, 1989
- University of Virginia BA, 1984



### ADMISSIONS

- North Carolina, 1989



## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



- *Southside Neighborhood, LLC v. Elizabeth Smith*, Mecklenburg County Superior Court Case No. 13-SP-1638. Represented a property owner and developer in the first Torrens title action in Mecklenburg to cause clear title to be issued for a property with broken chain of title when heirs of last known property owner could not be located.
- *The Tire Hanger Corp. v. My Guy Concierge Service, et al.*, United States District Court for the Central District of California, case no. 5:14-cv-00549 (2014). Represented a national chain of car dealers defending against claims of alleged infringement of two patents for tire hanging devices used with automotive lifts. Negotiated a confidential settlement.
- *BSN Medical, Inc. v. Parker Medical Associates and A. Bruce Parker*, (W.D.N.C. 2012). Plaintiff sought \$13 million in damages from our client, but after a two-week trial in December 2011, the jury ruled in our client's favor on all plaintiff's claims. The case was an action for misappropriation of trade secrets, fraud, breach of employment, breach of license agreement, copyright infringement, tortious interference, unfair competition, and unfair and deceptive trade practices. In 1986, Bruce Parker invented and patented the roll-form synthetic splint known as Ortho-Glass. In 1996, he sold his company for \$44 million to Smith & Nephew, a major medical products company whose splinting assets were acquired by BSN Medical in 2001. In 2007, after the patents for Ortho-Glass had expired Parker decided to reenter the synthetic roll form splint business. BSN accused Parker of misappropriating trade secrets for manufacturing the roll form splint that had been sold in the acquisition. Before the trial, Parker Medical obtained summary judgment on copyright infringement and fraud claims.
- *New Hampshire Speedway, Inc. v. Motor Racing Network, Inc.*, Merrimack, New Hampshire Superior Court Case No. 08-EQ-099. In January 2012, we obtained a JNOV for our client New Hampshire Speedway, Inc. resulting in a complete defense verdict. The case was tried on a promissory estoppel theory after we obtained summary judgment that the alleged contract at issue was illusory and therefore unenforceable.
- *CK Southern Associates v. Charlotte N.C. Hotel Corp.*, 725 S.E.2d 922, 2012 WL 1995195 (N.C. App. 2012). We obtained a \$1,326,392.30 jury verdict after a week-long trial in August 2010 which was every penny



## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



requested. Our client sued to enforce the reimbursement provisions of a cross easement agreement in an office tower/hotel complex to recover its share of expenses for the major repairs of an outdoor plaza. The judgment was affirmed by the North Carolina Court of Appeals in 2012.

- *In re Estate of Severt*, 669 S.E.2d 886, N.C. App., December 16, 2008 (NO. COA08-203). We secured the agreed upon compensation for a co-administrator of a \$100 million estate after one of the heirs attempted to renege on the agreement. Simultaneous actions were pending in both Virginia and North Carolina because of complicated jurisdictional issues arising from the uncertain domicile of the decedent.
- *Cinnabar Growth Capital v. Carolina Golf Coast Realty* (Private Arbitration – Wilmington). Obtained \$1.5 million award for breach of fiduciary duty and unfair and deceptive trade practices in action by residential developer against real estate broker. Broker failed to disclose agency agreement with seller. (May 2008)
- *Prima Tek II, LLC. v. Klerk's Plastic Products Manufacturing, Inc.* (S.D. Ill. 2005) 525 F.3d 533 (7TH Cir. 2008). We obtained no liability judgment in favor of our client after a weeklong bench trial, which was affirmed on appeal by the Seventh Circuit in 2008 in an action for contempt of court and alleged breach of patent and intellectual property license agreements. The plaintiff had sought more than \$3 million.
- *Cowell v. D.C. Boyle, Inc.* American Arbitration Association – Gastonia (2005). We obtained a complete defense verdict in an action for breach of home construction contract, even though there were admitted code violations, because of homeowner's unreasonable refusal to accept warranty work.
- *Carrier v. Bristol Motor Speedway, Inc.* 151 S.W.3d 920, (Tenn. Ct. App., May 27, 2004) (Bristol Tn. 2004) The Tennessee Court of Appeals entered a complete defense judgment in favor of our client in an action for breach of an asset purchase agreement. Plaintiff contended that our client built a portion of the Speedway grandstands on the leased premises and sought portion of proceeds from races.
- *Smith v. North Carolina Motor Speedway, Inc.*, Mecklenburg County North Carolina Superior Court. We obtained a \$4.4 million judgment in a minority shareholder appraisal suit.



## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



- *Seneca-Cayuga Tribe of Oklahoma v. Humble Riggs & Associates, LLC.* (W.D.N.C. and N.D. Ok. 2002) During a preliminary injunction hearing, we favorably settled an action by Indian Tribe to enforce termination of joint venture agreement whereby our client managed Indian owned cigarette company in exchange for 50 percent of profits. The tribe contended that the agreement was void because it was not approved by the Bureau of Indian affairs. We relied on an old statute specific to Oklahoma Indian Tribes to rebut the claims.

Some notable cases in which we obtained summary judgment or dismissals before trial include:

- *Bediz v. Capital Facilities Foundation, Inc.*, 767 S.E.2d 149 (N.C. Ct. App. 2014) (unpublished). We represented landowner in dispute brought to enforce an option agreement to purchase the property. The Court of Appeals upheld the trial court's dismissal of the complaint on the ground that the option holder had failed to timely exercise the option to purchase by the date specified in the agreement.
- *Baez v. H.C. Grimmer Development Co. and NVR, et al* Union County North Carolina case no. 11-CVS-0160 (2011). We obtained dismissal of action to void amendments to Covenants Conditions and Restrictions changing minimum square footage and exterior materials requirements. Plaintiff contended the changes were unreasonable in violation of *Armstrong v. Ledges HOA*, 360 N.C. 547, 633 S.E.2d 78 (2006)
- *Official Committee of Unsecured Creditors v. Highland Capital Management, L.P.*, (In re Moll Industries, Inc.), 454 B.R. 574, 2011 WL 3348223 (Bkrcty. D. Del. 2011). In July 2011, we obtained the complete dismissal with prejudice of committee's claim that our client Highland Capital Management was the alter ego of the debtors and therefore liable for all of the debtors obligations to the unsecured creditors.
- *Petty v. NVR, Inc.* Lincoln County North Carolina case no. 10-CVS-1857. In January 2012, we obtained a complete summary judgment in favor of our client (a national homebuilder) dismissing the plaintiffs' claims for violation of North Carolina Sedimentation and Pollution Control Act, Landfill Act, negligence, breach of contract, and breach of implied warranties arising out of erosion of slope next to plaintiff's house.



## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



- *Lee v. Winget Road, LLC*, Mecklenburg County Superior Court Case No. 08-CVS-5559. Obtained summary judgment dismissing claims by group of homeowners that homebuilders misrepresented setbacks and neighborhood amenities.
- *Santoni v. Sundown Cove, LLC*, 2009 WL 131310, (N.C. App., January 20, 2009). The North Carolina Court of Appeals upheld trial court's order enforcing settlement agreement in action for alleged surface water diversion into a cove on Lake Norman.
- *Green v. Julio & Sons Company* (American Arbitration Association – Miami) Obtained summary judgment that former employee's options had expired for failure to exercise them within 90 days of termination. (Sept. 2008).
- *McLeod Addictive Disease Center, Inc. v. WilData Systems Group, Inc.*, 2008 WL 2397614, (W.D.N.C., June 10, 2008) (NO. 3:08-CV-27). Obtained enforcement of forum selection clause selecting Ohio as forum.
- *Farrar & Farrar Dairy, Inc. v. Miller-St. Nazianz, Inc.*, 2007 WL 4118519, 69 Fed. R. Serv.3d 767, (E.D.N.C., November 16, 2007). Obtained dismissal for lack of personal jurisdiction of Belgian manufacturer of silage storage bags which allegedly failed as a result of manufacturing defects and were ultimately sold and used in North Carolina.
- *Cracker Barrel Old Country Store, Inc. v. Atlanta Motor Speedway, Inc., NASCAR and Fox* (M.D. Tn. 2003). We obtained summary judgment in favor of the Speedway in an action for alleged breach of race title sponsorship agreement.
- *Jim Myers & Son, Inc. v. Motion Industries, Inc.*, 140 F.Supp.2d 595, (W.D.N.C., April 04, 2001). Obtained dismissal for lack of personal jurisdiction of Michigan engineering firm who supervised construction of sewage treatment plant.
- *Owens v. Bristol Motor Speedway, Inc.*, 77 S.W.3d 771, 2002-1 Trade Cases P 73,555, (Tenn. Ct. App., December 19, 2001). Obtained summary judgment in purported class action alleging a price fixing conspiracy related to souvenir sales.





## Michael G. Adams

Partner

mikeadams@parkerpoe.com

t 704.335.9062



### SPEAKING ENGAGEMENTS

- "360° Trade Secret Protection Plan For Employer-Employee Relationships," Association of Corporate Counsel, July 2019
- "Practitioner's Panel: Trade Secrets," 6th Annual North Carolina Business Court CLE, October 2018
- "Practitioner's Panel: Practice in the Business Court," 5th Annual North Carolina Business Court CLE, May 2017
- "Trade Secret Protection," Association of Corporate Counsel, Charlotte CLE, September 2015
- "The New IP Battlefield: Protecting Your Business When Claims of Trade Secret Misappropriation Are Involved," Association of Corporate Counsel - Research Triangle Chapter CLE, July 2013
- "Asset Protection Planning," Presenter, 27th Annual Estate Planning & Fiduciary Law Section Meeting, North Carolina Bar Association, July 2006
- "Asset Preservation," N.C. Physician and N.C. Pediatric Society Annual Meeting, August 2004

### HONORS

- *The Best Lawyers in America* in Commercial Litigation, 2010-2020; Intellectual Property Litigation, 2011-2020
- *Benchmark Litigation*, Local Litigation Star in North Carolina, 2014-2020
- *North Carolina Super Lawyers*, 2007-2019; Top 100 Lawyers, 2016-2017
- Martindale-Hubbell AV Preeminent Rating in Litigation; Commercial Litigation; Intellectual Property Litigation; Real Property Dispute Resolution; Bankruptcy; Alternative Dispute Resolution; Class Action Defense; Reorganization & Creditor's Rights
- *Business North Carolina* "Legal Elite" in Business, 2015
- Order of the Coif



## Michael G. Adams

*Partner*

mikeadams@parkerpoe.com

t 704.335.9062



### MEMBERSHIPS

- Arts & Science Council, Executive Committee, 2006-2013

