

# Jeffrey E. Oleynik

Partner



#### CONTACT INFO

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#### OFFICE

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Jeff Oleynik is a seasoned business litigator handling a wide range of corporate disputes, many of which end up in bankruptcy court. Jeff represents his clients on disputes involving ownership, management and control of companies, and is frequently involved in antitrust matters.

## MY PRACTICE

### COMPLEX BUSINESS LITIGATION: WHEN GOOD DEALS GO BAD

When the parties to a deal are not happy with each other, and there is a disagreement about what the terms of the deal really were, businesses frequently call on Jeff for counsel. Oftentimes it is a dispute about who has to cover the losses or who gets more of the profits. Jeff's goal is to help his client understand what legal claims they may have if the dispute is not resolved, the value of those claims, the cost of litigating those claims, and the risk of litigation. After that, he tries to help his client find the best business solution, taking into account the time and dollars that will be involved if the matter is litigated. Jeff tries to be sure that the client has explored the business solutions and understands the time and cost of litigation before making the decision to pursue or defend a claim in court.

Jeff works with a broad range of industries, including community banks, national banks, healthcare companies, physician

#### PRACTICE AREAS

Bankruptcy & Creditor's Rights  
Business and Corporate  
› Antitrust  
Litigation  
› Antitrust Litigation  
› Complex Business Litigation  
› Professional Liability Litigation

#### INDUSTRIES

Accounting & Professional Services  
Banking, Investment & Financial  
Services  
Real Estate

#### EDUCATION

University of Virginia School of Law  
J.D., 1983, Order of the Coif; Editorial  
Board, *University of Virginia  
Law Review*, 1982-83

William & Mary  
B.A., 1980, Phi Beta Kappa

#### BAR & COURT ADMISSIONS

North Carolina  
US Supreme Court  
US Court of Appeals  
4th Circuit  
5th Circuit  
Federal Circuit

practices, and auto dealers, and clients of all types, including closely-held corporations, franchisees, and minority shareholders. Much of the litigation he is involved with involves issues of valuation for closely held partnerships, such as physician practices.

## BANKRUPTCY LITIGATION

Many “deals gone bad” have parties that end up involved in Bankruptcy. Jeff has represented companies, committees, and trustees in litigation involving officers, directors and shareholders of bankrupt companies and claims and issues concerning solvency, fiduciary duties of management, and pre-bankruptcy and the following consequences of pre-bankruptcy transactions. He helps his clients with issues such as fraudulent conveyance claims, preference claims, deepening insolvency, fiduciary duties and management.

## ANTITRUST AND UNFAIR BUSINESS LITIGATION

Jeff’s practice in antitrust litigation centers on disputes between companies in the same industry who are concerned that a competitor (or sometimes a supplier, distributor, or franchisor) have engaged in an anti-competitive or just plain “unfair” business practice. These disputes often involve disagreements between franchisors and franchisees over the amount of control a franchisor can have over day-to-day operations.

The other issues that often arise involve questions around exclusive territories, non-competes, and the ability of a franchisee to sell, assign, or expand its franchise and scope of the territory. Jeff assists his clients with all of these concerns.

## ANTITRUST

Jeff often litigates antitrust issues, but also consults with clients on how to avoid “crossing the line” and creating antitrust and noncompetition issues on the front end, prior to any dispute with a competitor or vendor.

Separate and apart from handling litigation over unfair competition issues, Jeff also consults clients about business practices and compliance with both federal and state antitrust laws and regulations such as Hart Scott Rudino, including analysis of Hart Scott Rudino as applied to sale of a company or joint venture of companies in the same industry.

## HONORS

Selected by his peers for inclusion in *The Best Lawyers in America*® in Antitrust Law and Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law (2005-2019); Greensboro "Lawyer of the Year" in Bankruptcy and Creditor-Debtor Rights/Insolvency and Reorganization Law (2016, 2018)

Recognized by his peers for inclusion in *Business North Carolina's "Legal Elite"* in Bankruptcy Law (2004-2006, 2008-2019) and Antitrust Law (2005-2010, 2012-2016, 2018)

Recognized by *Chambers USA: America's Leading Lawyers for Business* for Antitrust (2005-2019), Bankruptcy/Restructuring (2016-2019), and Litigation: General Commercial (2005-2017)

Recognized in *North Carolina Super Lawyers* (Thomson Reuters) in Bankruptcy Law (2006-2016), Bankruptcy: Business (2017-2019), Antitrust Litigation (2007-2012), and as one of North Carolina's "Top 100" Lawyers (2009)

Recognized in *Super Lawyers Business Edition* for Bankruptcy: Business (2015)

## COMMUNITY INVOLVEMENT

Chair (2001-02) and Member (1996-99), [Bankruptcy Section Council](#), North Carolina Bar Association

Chair (2004-05) and Member (1997 – present), Antitrust and Trade Regulation Council, [North Carolina Bar Association](#)

Member, [American Bar Association](#)

Member, [North Carolina Bar Association](#)

Member, [American Bankruptcy Institute](#)

Board Member, Greensboro United Arts Council

Board Member, [Greensboro Children's Museum](#)

Board Member, [Bel Canto Choral Society](#)

Board Member, [Piedmont Environmental Center](#)

Board Member, [Carolina Theatre](#)

Brooks Pierce Attorneys, Practice Areas Earn Top Rankings from Chambers USA, May 26, 2017

How the New Trade Secrets Law May Affect You, May 17, 2016

Sar and Phillips win Fourth Circuit Victory: OBX is Not a Valid Trademark, March 6, 2009

ADA Amendments Act, October 1, 2008