

John W. Ormand III

Partner



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OFFICE

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An accomplished litigator and problem solver, John Ormand handles an array of litigation matters affecting businesses, professionals, and other individuals in state and federal courts and before arbitration panels, administrative tribunals and state agencies.

MY PRACTICE

BUSINESS LITIGATION

John has litigated business disputes involving all sorts of contract, tort, equitable, and statutory claims or defenses throughout his more than 25 years with Brooks Pierce. He also routinely advises clients about how to avoid or limit problems and disputes.

Recent examples of John's work include obtaining the dismissal of various claims against a professional client, which was affirmed by the Fourth Circuit in its first published opinion recognizing the Barton Doctrine. Subsequently, the same clients obtained a sanctions award of over \$300,000 against the individuals and lawyer who filed the underlying lawsuit against them. In another case, John obtained a seven-figure arbitration award for negligent misrepresentation against a

PRACTICE AREAS

Administrative and Regulatory
Construction
Employment
› Employment Litigation
Litigation
› Appellate
› Complex Business Litigation
› Construction Litigation
› Federal Litigation
› Mediation & Arbitration
› North Carolina Business Court
› Professional Liability Litigation

INDUSTRIES

Banking, Investment & Financial
Services
Construction & Development
Insurance
Manufacturing
Technology
Transportation

EDUCATION

University of North Carolina School of
Law
J.D., 1987, with honors; Member,
Holderness Moot Court Board, 1986-
87
Wake Forest University
B.A., 1984, *magna cum laude*

BAR & COURT ADMISSIONS

North Carolina
US Court of Appeals
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

professional advisor and other fund managers. John's clients have also prevailed in a series of proceedings involving improper actions by a majority member of an LLC.

John also regularly handles matters affecting businesses before various regulatory and administrative agencies.

PERSONAL INJURY LITIGATION

John has successfully tried numerous personal injury or wrongful claims to a verdict, on behalf of both plaintiffs and defendants. He has handled jury trials involving such claims in each of the six largest cities in North Carolina, among other locations.

John has also successfully arbitrated personal injury matters, and successfully litigated workers compensation claims for both injured employees and self-insured employers. John's experience with OSHA regulations, and his regular handling of employment and construction litigation, complements and informs his personal injury practice.

The personal injury or wrongful death claims John has tried or otherwise litigated have involved many different common-law and statutory causes of action – including, for example, the Federal Employers Act (FEA) and the Safety Appliance Act (SAA) – and have involved accidents or incidents occurring in many different contexts, including construction defects, defective products, automobile and train collisions, and various industrial or other workplace accidents.

EMPLOYMENT LITIGATION

John has successfully tried cases on behalf of employers involving contentions of wrongful termination, discrimination, retaliation (including alleged REDA violations), as well as various other employment torts such as tortious interference with contract. He has also successfully litigated federal claims involving purported violations under the Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), Title VII and section 1981, among others.

John also routinely handles litigation involving, and advises clients about, non-competition and non-solicitation agreements, and trade secrets. He has both obtained injunctions enforcing such agreements, and has successfully opposed claims for such relief.

John also frequently represents clients in proceedings before the North Carolina Occupational Safety and Health Review Commission, as well as federal authorities, involving alleged OSHA violations, both under the General Industry and the Construction Standards. Most recently, John has negotiated significant reductions in proposed fines leveled under the Process Safety Management (PSM) standard.

INSURANCE COVERAGE

John frequently advises clients about their rights and obligations under various types of insurance policies. John also litigates, where advisable, coverage disputes. He has handled such disputes or issues arising under numerous kinds of policies including general liability, homeowners, automobile, professional liability, employment practices liability (EPL), as well as certain specialty policies.

John's involvement in insurance coverage litigation began as an outgrowth of his personal injury and business litigation practices. By virtue of the knowledge and experience gained from these related practice areas, he is able to litigate the underlying lawsuit as well as, when appropriate, any resulting or subsequent action involving insurance coverage for that underlying case.

John also has successfully handled a number of disputes between businesses and their workers compensation insurers, particularly involving “retroactive premiums” and issues concerning whether the insurer properly handled the underlying compensation claim.

CONSTRUCTION LITIGATION

Over the course of his career, John has handled a wide variety of disputes and lawsuits arising out of construction projects. He has represented entities at almost every level including owners and developers, lenders, engineers and other learned professionals, general contractors, subcontractors and suppliers.

In one of his most recent construction cases, John and his co-counsel negotiated — shortly before a ten-day arbitration proceeding was to begin — a resolution of a well-documented eight-figure claim against a subcontractor for less than seven figures. In another recent case, John secured summary judgment, based solely on the opposing party’s dispositive motion, in favor of a lending agent on claims for equitable subrogation and unjust enrichment.

HONORS

Recognized as a "Litigation Star" by *Benchmark Litigation* for General Commercial (2019); Personal Injury (2015-2017); and Labor and Employment (2015-2020)

Recognized in *North Carolina Super Lawyers* (Thomson Reuters) in Business Litigation (2013-2020)

Recognized in *Super Lawyers Business Edition* for Business Litigation (2015)

[Rated AV Preeminent by Martindale-Hubbell](#)

COMMUNITY INVOLVEMENT

Member, [American Bar Association](#) (1987-present)

Member, [North Carolina Bar Association](#) (1987-present)

Member, [Wake County Bar Association](#) (1999-present)

Member, [National Association of Railroad Trial Counsel](#)

Member, Litigation, Employment and Construction Sections, American & North Carolina Bar Associations

Youth Soccer Coach (CASL) (2003-2012)

PUBLICATIONS & MEDIA

"Fourth Circuit Court of Appeals Deals Significant Blow to Traditional Contractor-Subcontractor Relationship," NCBA Change Order Blog, Construction Law Section of the NC Bar Association, 2017 (co-written with Arty Bolick)

Potential Insurance Coverage for COVID-19 Losses, March 26, 2020

Fourth Circuit Decision Opens the Door to Joint Employer Liability for Contractors - Could Your Company Be At Risk?,
February 14, 2017