

# Gary S. Parsons

Partner



## CONTACT INFO

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## OFFICE

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Gary Parsons is a litigator's litigator: he tries cases. He has participated in more than 75 trials, over 125 appeals, and has represented clients in courtrooms in at least 70 of North Carolina's 100 counties.

## MY PRACTICE

### SUMMARY OF EXPERIENCE

Gary Parsons handles trials and appeals in state and federal courts throughout North Carolina and adjoining states. He has argued before the United States Court of Appeals for the Fourth Circuit, the North Carolina Supreme Court, and the North Carolina Court of Appeals. He also appears regularly before all three U.S. District Courts in North Carolina and the North Carolina Business Court.

When Gary was voted the 2005 Top Litigation Attorney in North Carolina in a poll of North Carolina lawyers conducted by *Business North Carolina*, the then-President of the North Carolina Bar Association told the publication "If I were in trouble, he is the lawyer I would call for help."

Gary represents businesses ranging in size from Fortune 100 to regional and local companies, as well as local governments. He has represented clients in the energy, pharmaceutical, automotive, internet information, healthcare,

## PRACTICE AREAS

Litigation

- › Appellate
- › Class Action
- › Complex Business Litigation
- › Federal Litigation
- › IP Litigation
- › North Carolina Business Court
- › Professional Liability Litigation

## INDUSTRIES

Health Care  
Insurance  
Media, Publishing, & Communications  
Technology  
Transportation  
Utilities

## EDUCATION

University of North Carolina School of Law  
J.D., 1977  
North Carolina State University  
B.S., 1974

## CLERKSHIP

Law Clerk to Associate Justice J.  
William Copeland, North Carolina  
Supreme Court, 1977-1978

## BAR & COURT ADMISSIONS

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

communications and insurance industries. He has litigated business disputes, intellectual property, antitrust, catastrophic personal injury, wrongful death, mass tort, lawyer malpractice, civil rights, and insurance coverage and bad faith claims. He also has significant experience in litigating regulatory disputes and professional disciplinary hearings before state administrative agencies.

## COMPLEX BUSINESS LITIGATION

Gary has decades of experience representing companies of all sizes in a wide range of disputes. His representative experience includes:

Represented two confidential informants for the Bureau of Alcohol, Tobacco, Firearms and Explosives in a lawsuit brought by a national tobacco cooperative alleging widespread fraudulent practices. Defendants' motion to substitute the government for our clients was granted on appeal. Summary judgment in favor of our clients on all remaining claims against them was granted on remand. *U.S. Tobacco Cooperative v. Big South Tobacco*, 899 F.3<sup>rd</sup> 236, 365 F.Supp. 3<sup>rd</sup> 604

Represented a manufacturer of industrial battery components against patent infringement claim and in asserting antitrust claims before U.S. District Court for the Western District of North Carolina.

Represented an international internet information provider against trademark infringement claim in U.S. District Court for the Middle District of North Carolina.

Defended an automobile manufacturer in proceeding challenging issuance of dealer's license directly to manufacturer. Agency dismissed proceeding during discovery, leaving license in place and declining to prosecute further. *N.C. Division of Motor Vehicles v. Tesla Motors*

Represented a pharmaceutical company in dispute with co-founder regarding co-founder's sabotage of initial public offering.

Defended a financial institution in claims alleging massive fraud by former agent in embezzling millions of dollars from his clients. Over 120 claims settled on terms favorable to client.

Defended an insurer in claims of bad faith and unfair and deceptive trade practices arising out of handling of aviation liability claims. Case settled for less than defense costs after unfair and deceptive trade practices claim dismissed on motion.

## LAWYER MALPRACTICE LITIGATION

*"What makes a client want to retain any attorney in hundreds of cases over 30 years? In my situation, I retain Gary Parsons because I have confidence that he has the expertise to handle complex litigation in a timely, effective, and professional manner. I know of no one better at reducing factually intensive cases down to its basic elements and then succinctly addressing each complex issue in clear and easily understandable terms. He knows how to strengthen his argument using a better choice of words, than with more words. He is known and respected by the bench and bar, and appreciated by his clients."*

-John Hester, Senior Claims Counsel, Corp Secretary, Lawyers Mutual Liability Insurance Company of North Carolina

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Gary has:

Defended an attorney against legal malpractice claims arising out of membership transfers in multiple limited liability companies. While motion for summary judgment was pending, plaintiff took a voluntary dismissal with prejudice in exchange for our client's agreement not to pursue court costs.

Defended an attorney in legal malpractice case arising out of a plea agreement reached on federal felony charges. Case was dismissed. Plaintiff did not appeal.

Represented an estate planning attorney in a legal malpractice case filed by the client's heirs while the client was still living. Motion to dismiss granted and affirmed on appeal. Plaintiffs' motions for relief from judgment were denied on remand.

Defended a lawyer and the lawyer's firm against federal RICO, Fair Debt Collection Practices, fraud, constructive trust, unjust enrichment, and conversion claims. Motion to dismiss all claims granted. Motion for sanctions against plaintiffs' counsel granted and affirmed on appeal.

Defended a lawyer against claims of breach of fiduciary duty and constructive fraud while serving as guardian of an aged ward. Summary judgment granted for lawyer and affirmed on appeal.

Defended a law firm against claims by liquidator of insolvent insurer of negligence, fraud, constructive fraud and breach of fiduciary duty. Motion to dismiss granted, and affirmed on appeal.

## MASS TORTS LITIGATION

Gary has successfully defended a number of mass tort claims, including:

Defended an electric utility company against contractor who suffered massive burns after contacting energized conductors with equipment. Plaintiff's attorney dismissed case after discovery revealed damaging admissions by plaintiff while being treated by emergency medical workers. *Bennett v. Progress Energy*

Defended an electrical products distributor against claims arising out of pharmaceutical plant explosion that resulted in claims for six deaths and thirty-eight injuries. Case settled on terms favorable to client.

Defended an energy company against wrongful death claim by estate of contractor who contacted energized conductors with equipment during nighttime repair work; plaintiff dismissed energy company from case shortly after deposition of sole eyewitness. *Hayes v. Progress Energy Carolinas*

Defended an energy company against wrongful death claim in South Carolina Circuit Court – matter settled on favorable terms after depositions of family and eyewitnesses.

## MUNICIPAL AND STATE LITIGATION

*"Gary Parsons is a southern gentleman in all aspects, but he is a warrior with class in the courtroom."*

-William Little, Assistant City Attorney, City of Greenville, NC

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Gary's representative municipal and state litigation experience includes:

Defended a city police department and officer in wrongful death claim – summary judgment denied at trial level, reversed on appeal and summary judgment for department and officer ordered on remand. *Greene v. City of Greenville*, N.C. App. 736 S.E.2d 833, *disc rev. denied*, 747 S.E.2d 249 (2013)

Defended emergency medical services workers against claims arising out of individual being transported to and placed in morgue after injury; later discovered to be alive – summary judgment for emergency medical workers granted and affirmed on appeal. *Green v. Kearney*, 217 N.C. 65, 719 S.E.2d 137 (2011)

Defended a city police department against excessive force claims arising out of standoff with armed subject that ultimately led to shooting of subject – summary judgment granted in trial court, affirmed on appeal. *Turner v. City of Greenville*, 677 S.E.2d 480; 2009 N.C. App. LEXIS 732 (2009)

Obtained summary judgment for city police department and officers in shooting following kidnapping and high speed chase – summary judgment affirmed on appeal. *Estate of Rodgers v. Smith*, 2006 U.S. App. LEXIS 16039 (4<sup>th</sup> Cir. 2006)

Defended a city and police officer against wrongful death claims arising out of shooting during drug buy/bust operation – obtained summary judgment for city and officer.

Defended county commissioners against claim by hospital administrator based on contract entered into by hospital trustees. Summary judgement granted for commissioners based on revocation of contract by commissioners. Affirmed by N.C. Court of Appeals and N.C. Supreme Court, *Rowe v. Franklin County*, 318 N.C. 344, 349 S.E.2d 65 (1986)

Served as special counsel for city Board of Adjustment on appeal by large mining and quarrying interest involving challenge to zoning amendment.

## APPELLATE EXPERIENCE

Gary began his career as a law clerk for Associate Justice J. William Copeland, of the North Carolina Supreme Court. Since that time, he has participated in over 125 appeals. He has argued before the U.S. Court of Appeals for the Fourth Circuit, the North Carolina Supreme Court, and the North Carolina Court of Appeals. He has also represented clients before the United States Supreme Court.

Gary's appellate practice has included cases involving financial regulation, lawyer professional liability, professional licensing, insurance regulation, municipal liability and civil rights actions. He has frequently been retained to assist other lawyers and firms in appellate matters and to advise on appellate procedure. Gary served on the Appellate Rules Committee of the North Carolina Bar Association for fourteen years.

## PRODUCT LIABILITY LITIGATION

Gary has copious experience defending product liability lawsuits. His representative experience includes:

Served as part of a team as national counsel for pharmaceutical company in product liability claims involving antibiotic side effects – appeared in matters in North Carolina and several other states.

Defended a manufacturer of antibiotic from wrongful death claim based on fulminant liver failure that led to rejection of two transplants. Confidential settlement.

Represented a manufacturer of pool products in drowning in New Jersey allegedly resulting from defective drain cover that permitted suction entrapment of bather in spa. Case settled on terms favorable to client.

Defended a manufacturer as regional counsel for North Carolina in series of actions in multi-district litigation arising out of recall of antibiotic. All cases settled under confidential settlements.

Defended a pharmaceutical company in claims arising out of anti-convulsant – plaintiff voluntarily dismissed matter without payment.

## HONORS

Listed in [\*Chambers USA: America's Leading Lawyers for Business\*](#) for Litigation: General Commercial (North Carolina) (2011-2019)

Recognized in the "[Legal Elite](#)" Hall of Fame by *Business North Carolina* magazine for Litigation

Listed in [\*North Carolina Super Lawyers\*](#) for Business Litigation; Top 100 lawyers in North Carolina (2006-2019 editions), Top 25 Lawyers in Raleigh (2014-2015, 2018-2019).

Recognized in [\*Super Lawyers Business Edition\*](#) for Business Litigation (2015)

Selected by his peers for inclusion in *The Best Lawyers in America* in Bet-the-Company Litigation, Commercial Litigation, Legal Malpractice Law - Defendants, and Personal Injury Litigation - Defendants (2003-2020)

Recognized as a "Local Litigation Star" by *Benchmark Litigation* in Insurance, Product Liability, Securities, and Environmental (2015-2020); Business Litigation (2015-2017)

[American Board of Trial Advocates](#): Advocate (2009 - present)

[Litigation Counsel of America](#): Fellow (2010-present)

Fellow, [American Bar Foundation](#)

## COMMUNITY INVOLVEMENT

North Carolina Association of Defense Attorneys, President, (2003-2004), Board of Directors (1998-2001), Judicial Committee (2011-2013)

North Carolina Bar Association, Professionalism Committee (2004-2006), Appellate Rules Committee (1982-1995)

Wake County Bar Association, Board of Directors (1989-1990)

Defense Research Institute (1985-present)

American Bar Association (1977-present)

## PUBLICATIONS & MEDIA

Presenter, "Ethics Update for In-House Counsel: Privilege, Confidentiality and Compliance," UNC School of Law Festival of Legal Learning, February 2019

Panelist, "Civility Matters," American Board of Trial Advocates Event, Duke Law School, March 19, 2018

*Qualifying Your Expert; North Carolina is Now a Daubert State—The Litigator*, North Carolina Bar Association, Vol. 34, No. 1, p. 1 November 2013

*Privilege, Work Product and Related Ethical Issues for Inside Counsel in Litigation and Investigation*, Research Triangle Chapter, Association of Corporate Counsel, August 14, 2013

*Litigation Management Planning*, Research Triangle Chapter, Association of Corporate Counsel, August 15, 2012

*Section 1983 Actions Against Government Attorneys*, North Carolina Bar Association, The Workplace and the Constitution—Constitutional Rights and Responsibilities Section Annual Meeting, February 5, 2010

*Ethical Considerations for the Insurer, Insured, and Defense Counsel*, North Carolina Bar Association, 2009 Insurance law Update, November 6, 2009

*Preparing the Electrical Contact Accident for the Jury's Eyes From the First Minute of the Investigation*, Southeastern Claims Association Eighty-Fourth Annual Seminar, June 18, 2009

*Getting the Right People - Jury Selection—Nuts and Bolts*, North Carolina Association of Defense Attorneys, Young Lawyers Seminar, February 27, 2009

Seven Brooks Pierce Attorneys to Present at the 2019 Festival of Legal Learning, January 29, 2019

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

Twelve Brooks Pierce Attorneys to Present at the Festival of Legal Learning, January 12, 2017

Brooks Pierce Sponsors Ethics CLE for Association of Corporate Counsel, July 22, 2016

Inside Counsel Publishes Parsons' Advice on Utilizing Outside Lawyers, March 1, 2016

Veteran Litigator Gary Parsons Joins Raleigh Office of Brooks Pierce, July 16, 2015

#### SPEAKING ENGAGEMENTS

Brooks Pierce Attorney Served as Panelist at American Board of Trial Advocates Event, April 12, 2018

Gary Parsons Speaks on Immunity at NCAMA Summer Conference, August 12, 2015