

Approved Counsel

Amerisure Insurance Company

Catlin

Cincinnati Insurance Company

Liberty Mutual

Trident Insurance

Zurich, NA

HudsonParrottWalker Directors and Officers Liability Practice**Trial Tested**

Attorneys at HudsonParrottWalker have litigated throughout Georgia and other jurisdictions in all levels of state and federal court. The firm has obtained several significant decisions in the area of D&O liability including *Anderson v. Daniel*, 314 Ga. App. 384, 724 S.E.2d 401 (2012), *FDIC v. Blackwell*, 2012 WL 3230490 (N.D. Ga. August 3, 2012) and *FDIC v. Whitley*, No. 12-cv-00170-WCO (N.D. Ga. Dec. 10, 2012).

Anderson held that communications sent to all shareholders, such as annual reports and audited financial statements, did not satisfy the “direct communication” requirement for plaintiffs seeking to assert a “holder claim,” which permits shareholders to assert claims alleging that they were misled into retaining their stock instead of selling it.

Blackwell and *Whitley* held that the business judgment rule insulated former officers and directors of failed banks from claims based on alleged ordinary negligence.

Anderson, *Blackwell* and *Whitley* were all included in the *Georgia Bar Journal's* survey of significant corporate law opinions in 2012.

Representative Case Work

- Defending the officers and directors of failed banks who have been sued for negligence and gross negligence by the FDIC. Two of these suits are ongoing. One has been successfully settled within policy limits.
- Defending bank that financed a subdivision that the developer failed to complete. The developer defaulted on the loan, and the bank foreclosed. An individual who had purchased a house and lot in the neighborhood then sued the bank for failing to enforce covenants, negligence and misrepresentation. Prevailed on summary judgment, and the matter is on appeal to the Eleventh Circuit.
- Defended the officers and directors of failed banks in lawsuits brought by former shareholders. These cases were resolved on a motion to dismiss, and upheld by the Court of Appeals. *Anderson v. Daniel*, 314 Ga. App. 384, 724 S.E.2d 401 (2012).
- Defended a bank sued by the Georgia Insurance Commissioner, who alleged that the bank engaged in negligent omissions in writing a letter regarding the account of an insurance company applicant. The case was resolved favorably on a motion for summary judgment.
- Defended corporate officer and company in a suit alleging theft of computer data and trade secrets of competitor. The matter involved complex forensic analysis of over ten terabytes of electronic data. We utilized cost-effective searching techniques to determine that only 30 non-essential files were at issue, and the case then settled well within policy limits.
- Defended a bank for allegedly failing to fund a loan. The matter was resolved on summary judgment, and then upheld on appeal. *Hosch v. The Park Avenue Bank*, No. A11A0767 (Ga. App. June 30, 2011).
- Defended a bank for allegedly failing to provide benefits required by ERISA plan. Prevailed on summary judgment.
- Defended numerous companies in employment related matter involving Title VII, FMLA, ADA and similar type employment claims. The majority of these claims are resolved on motions for summary judgment. Those that have not been resolved, have been settled favorably well within policy limits.
- Defended a nonprofit board that was sued by neighbors for having property re-zoned in order build low income senior apartments. Prevailed on summary judgment.



About HudsonParrottWalker

HudsonParrottWalker was established to continue advancement of legal achievements in the industries of construction, banking and commercial litigation. Our firm is grounded on national success in trials and arbitration. We provide outside counsel, draft contracts and devise dispute resolution strategies based on experience. We believe theory must be supported by actual and practical results. Based in Atlanta, Georgia, the firm is dedicated to proven results, commitment and client success. HudsonParrottWalker is *Trial Tested* and equipped with experienced professionals to handle your legal needs.