



W. Preston Battle IV

Associate

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Preston Battle assists clients with a variety of litigation and compliance-related matters.

Preston is a litigation associate in the Memphis office and represents clients in complex civil litigation and arbitration matters, including commercial disputes, securities actions, white collar fraud cases, and consumer class actions. He maintains an active appellate practice and has successfully briefed and argued cases before the Tennessee Court of Appeals and the U.S. Court of Appeals for the Sixth Circuit.

Preston has represented U.S. and non-U.S. businesses and individuals in a range of industries, including financial services, real estate, health care, EB-5 investor immigration, medical cannabis, and government services. He has further experience in representing senior executives and corporations in regulatory and criminal enforcement actions involving the DOJ, U.S. Attorney's Offices, Securities and Exchange Commission (SEC), and Financial Industry Regulatory Authority (FINRA), as well as various state enforcement agencies.

Preston serves as an executive on the Memphis Bar Association's Board of Directors and as an executive on the Communications Committee of the Firm's Women's Initiative and is a member of the Memphis office's Recruiting Committee.

After law school, Preston clerked for the Honorable Thomas L. Parker of the U.S. District Court for the Western District of Tennessee. While in law school, Preston clerked for the Honorable Felicia Corbin Johnson and the Honorable Robert S. Weiss in the Shelby County Circuit Court.

Preston is fluent in French. Before law school, he taught English as a second language in the south of France.

Representative Matters

- Successfully represented a national real estate investment trust in arbitration proceedings in which plaintiff had sought more than \$75 million in damages for the alleged breach of contract and tortious interference with business relationships.
- Obtained summary judgment in a declaratory judgment action in federal court involving judicial interpretation of a commercial lease on behalf of national distribution company.
- After being retained post-trial, successfully represented a national mortgage servicer by overturning a jury verdict for violation of the Tennessee Consumer Protection Act and obtaining an affirming opinion from the Tennessee Court of Appeals.
- Defended a national auto insurer in a proposed class action alleging claims related to the assessment of deductibles for uninsured motorist accident claims.
- Prevailed on a motion to dismiss on First Amendment grounds in a defamation lawsuit against a religious organization in federal court.
- Obtained injunctive relief and a favorable settlement for casual dining franchisor in a breach of contract and trademark infringement dispute with a former franchisee.
- Obtained a favorable ruling from the Tennessee Court of Appeals affirming the trial court's dismissal of an ancillary attachment action in an interpleader/breach of contract dispute.
- Obtained a favorable ruling from the Tennessee Court of Appeals to overturn the trial court's denial of a motion to compel arbitration on behalf of a nursing home facility in a long-term care negligence action.

- Defended the chief compliance officer of a publicly traded biopharmaceutical company in SEC and DOJ investigations involving financial reporting and accounting fraud.
- Defended an issuer of private placement in SEC enforcement action alleging Section 5, Section 17, and Section 10b-5 claims.
- Negotiated favorable settlement for regional wealth management firm against alleged FINRA rule violations involving a former registered representative.
- Successfully defended a major bank against a lawsuit for negligence and violation of the Electronic Fund Transfer Act. Won a motion for judgment as a matter of law during trial in small claims court.



Professional Honors & Activities

- Member – Leo Bearman Sr. Inn of Court
- Graduate – Embark at the New Memphis Institute
- Listed in *Best Lawyers: Ones to Watch* in America™ for Commercial Litigation and Criminal Defense: White-Collar (2021 – 2024)
- Selected to Mid-South Rising Stars (2021 – 2023)
- Named an Attorney for Justice by the Tennessee Supreme Court (2018, 2020)



Publications

- "Landmark Ruling: Victory for Powers of Attorney and Health Care Providers" (February 2024)
- "SEC Signals How Examinations Will Focus on Compliance with Reg BI and Form CRS" (April 10, 2020)
- Co-author – "Artificial Intelligence: State of the Industry and Ethical Issues," *Tennessee Bar Journal*, Volume 54, No. 3 (March 2018)



Webinars

- Financial Services Litigation Outlook: Key Trends and Cases From 2023 (November 2023)
- Financial Services Litigation Outlook: Key Trends and Cases from 2022 (November 2022)



Education

- University of Memphis Cecil C. Humphreys School of Law, J.D., 2016, cum laude
- University of Tennessee, B.A. in French Language and Literature, 2011



Admissions

- Tennessee, 2016
- U.S. District Courts for the Eastern, Middle and Western Districts of Tennessee
- U.S. Court of Appeals for the Sixth Circuit