



W. Preston Battle IV

Associate

Memphis | 901.577.2259 | pbattle@bakerdonelson.com

Preston Battle assists clients with a variety of litigation matters from breach of contract issues to government investigations.

Based in the Memphis office, Preston has a diverse practice that focuses on complex commercial litigation, and he has experience in a number of subject matters, including breach of contract, government investigations and enforcement actions, securities litigation, fiduciary duty claims, and consumer class actions. He also has experience defending governmental entities against state and federal constitutional claims and has successfully litigated trial and appellate matters in state and federal courts, and in mediation and arbitration.

Preston serves as an executive on the Board of Directors of the Law Alumni Chapter of the University of Memphis Cecil C. Humphreys School of Law.

After law school, Preston clerked for the Honorable Thomas L. Parker, United States 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, Shelby County Circuit Court.

Preston has a professional working proficiency in French.

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.



Professional Honors & Activities

- Member – Leo Bearman Sr. Inn of Court
- Graduate – Embark at the New Memphis Institute
- Named a *Best Lawyers in America*® "Ones to Watch" in Commercial Litigation and Criminal Defense: White-Collar (2021, 2022)
- Listed in *Mid-South Super Lawyers* as a Rising Star (2021)
- Named an Attorney for Justice by the Tennessee Supreme Court (2018, 2020)



Publications

- "SEC Signals How Examinations Will Focus on Compliance with Reg BI and Form CRS" (April 10, 2020)
- "SEC & FINRA: Shared Regulatory Priorities for 2019" (April 2019)
- "Trump's DOJ Says Gender-Identity Discrimination Not Prohibited by Title VII" (November 2018)
- Co-author – "Artificial Intelligence: State of the Industry and Ethical Issues," *Tennessee Bar Journal*, Volume 54, No. 3 (March 2018)



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