



## W. Preston Battle IV

Shareholder

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

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Based in Memphis, Preston has represented clients in complex commercial disputes across practice areas, including securities claims, business separations, corporate misconduct, and consumer class actions. He maintains an active appellate practice and has successfully briefed and argued appeals before the U.S. Court of Appeals for the Sixth Circuit and the Tennessee Court of Appeals.

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

Preston serves as an executive on the board of directors for the Memphis Bar Association and as a member of the Firm's Baker Women Leadership Team, and he 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, he clerked for the Honorable Felicia Corbin Johnson and the Honorable Robert S. Weiss in the Shelby County Circuit Court.

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

### Representative Matters

- Served as lead counsel and successfully argued at the Sixth Circuit Court of Appeals to affirm summary judgment on behalf of a community bank whose teller had negotiated official checks on the mistaken belief that there were sufficient funds in the primary holder's account.
- Secured a landmark win before the Tennessee Supreme Court regarding the power of attorney's agency to execute an arbitration agreement on behalf of a principal, and to bind wrongful death beneficiaries, upon admission to a health care facility.
- Served as lead counsel for a national financial services firm that obtained injunctive relief and a favorable settlement related to a former employee's breach of their non-solicitation agreement.
- Served as lead counsel for a community bank that obtained injunctive relief and a favorable settlement in an action involving a Ponzi scheme using rent-to-own contracts.
- Obtained a favorable settlement on behalf of a large wholesale egg producer in a UCC breach of contract action involving terminated contracts for more than 19 million eggs.
- 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.
- Defended a logistics broker in a federal court action for violation of a non-compete agreement and misappropriation of trade secrets based on alleged involvement with the plaintiff's former employee. Obtained a favorable settlement.



## 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 – 2026)
- Selected to Mid-South Rising Stars (2021 – 2024)
- 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)
- 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 2024 (December 2024)
- 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 Fourth and Sixth Circuits