



## Frederick N. Salvo III

Shareholder

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Frederick N. Salvo III is an experienced litigator who represents clients in several industries including financial services, energy, real estate, and insurance.

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Mr. Salvo represents clients in the financial services, energy, real estate, and insurance industries and advocates on their behalf in litigation, regulatory, and stakeholder proceedings throughout the Southeast and nationally. He regularly represents national, regional, and local banks, finance companies, loan servicers, investors, asset management firms, real estate owners, developers, and related financial institutions in commercial and consumer financial services litigation. His work includes the defense of claims under federal statutory schemes and a litany of state law claims, as well as the enforcement of creditor's rights under notes, deeds of trust, financing agreements, lease agreements, receivership proceedings, and representing their interests in the negotiation of loan workout and modification agreements and short sales.

Mr. Salvo also regularly represents title underwriters in large title agent defalcations, coverage disputes under various title insurance policies, claims under closing protection letters (CPLs), and various extra contractual claims. His work in this area often also involves related regulatory, criminal, and bankruptcy proceedings. His real estate litigation experience also includes the representation of developers and real estate owners in significant real estate title matters, including large-scale projects involving multiple parcels and title defects. In addition, he has experience with significant fiduciary litigation matters representing corporate and individual fiduciaries and beneficiaries in estate and trust-related disputes. His practice also includes ERISA and non-ERISA related benefits litigation, including claims related to allegedly improper administration of certain employee welfare benefit plans.

In the energy sector, Mr. Salvo's experience includes representing interests in the stakeholder processes within regional transmission organizations (RTOs) and independent system operators (ISOs). He has experience representing interests within the Midcontinent Independent System Operator (MISO) stakeholder process and related forums, including providing guidance and advice related to a variety of issues, such as cost allocation, resource adequacy, energy market design, accreditation, reliability requirements, and demand models. His work in this area also includes review of compliance and regulatory filings before the United States Federal Energy Regulatory Commission (FERC) and federal courts.

Mr. Salvo also has significant experience with business and tort litigation matters, including matters involving non-competition agreements, trade secrets, protection of proprietary information, and asset purchase agreements. He also has experience litigating high exposure personal injury matters for corporate clients, such as housing authorities, rental car companies, freight brokers, health care practices, property management firms, automobile manufacturers, and property developers frequently addressing novel issues involving federal preemption, sovereign immunity, and statutes of limitations.

Mr. Salvo clerked under Chief United States Magistrate Judge John M. Roper, Sr. from 2001 to 2002, and he completed an internship with United States Magistrate Judge S. Allan Alexander in 2000 and 2001.



## Representative Matters

### Energy

- Served as counsel on independent monitoring team regarding oversight of the Kemper Integrated Gasification Combined Cycle (IGCC) Project with work focused on prudency review of large-scale real estate and mineral rights acquisitions and leases over a multi-county area, including work related to rights-of-way, mineral and mining rights, title confirmation, evaluation of suits and liens impacting land acquisition activities to assess prudency, and associated reporting to the Mississippi Public Service Commission. Work also included review and reporting of significant litigation impacting the Kemper Project.
- Advised the Mississippi Public Service Commission with regard to the Midcontinent Independent System Operator (MISO) stakeholder process and participation within The Organization of MISO States (OMS) addressing issues related to, among others, resource adequacy, cost allocation, transmission system planning, and market design. Work includes advocating for policies that support client's short- and long-term objectives via participation in various stakeholder committees and forums within MISO and OMS, including review and input on position statements, proposed regulatory, and compliance matters before the United States Federal Energy Regulatory Commission (FERC).

### Financial Services

- Represented a bank corporate fiduciary with regard to claims by multiple beneficiaries related to the administration of two fifty plus year old trusts by multiple prior trustees and the investment of the trusts' assets over several decades, including common law claims, claims under the Mississippi Uniform Trust Code (MUTC), and claims under the Mississippi Uniform Prudent Investor Act (MUIA). Issues include use of the Power to Adjust Statute, applicable statute of limitations to beneficiary claims, adequacy of disclosure of trust performance, and related distributions, successor liability, interpretation of trust distribution provisions, and the enforcement of beneficiary releases.
- Represented a beneficiary under a Mississippi trust against individual trustee for violation of duties and responsibilities as trustee, including claims for accounting, breach of duty of loyalty, breach of duty to fully inform and protect interests of beneficiary, and for removal of trustee.
- Represented a bank corporate fiduciary with regard to compliance with subpoena and a court order related to production of trust records and financial account records for production at adversarial hearing and production of client designee to provide detailed testimony regarding the administration of the subject trust.
- Represented banks and other creditors in enforcement of rights under notes, deeds of trust, personal guaranties, and other financing agreements secured by real estate, including related receivership proceedings, as well as the negotiation of loan workout and modification agreements.
- Represented multiple banks, loan servicers, investors, and related financial institutions in litigation throughout the Southeast, including the defense of statutory claims under the Truth in Lending Act (TILA), the Fair Credit Reporting Act (FCRA), the Fair Debt Collection Practices Act (FDCPA), the Real Estate Settlement Procedures Act (RESPA), as well as defense of state law claims under various consumer protection statutes, trade secret acts, and the defense of fraud, forgery, and negligence claims related to both loan origination and servicing issues. Work includes coordination and management of defense strategy and staffing for a large number of cases in multiple states.
- Defended national mortgage lenders in a large number of lawsuits by homeowners arising from Hurricane Katrina alleging failure to notify of the property's inclusion in the federal flood zone and failure to procure flood insurance, with the suits settling on favorable terms.
- Obtained the dismissal of claims by a large number of plaintiffs against a financial services firm alleging fraud and deceptive sales practices regarding the sales of credit life insurance in connection with consumer loans.
- Obtained summary judgment on behalf of a leading national bank in federal wire fraud case alleging various claims under Article 4A of the Uniform Commercial Code (UCC), the Electronic Fund Transfer Act (EFTA; 15 U.S.C. 1693 et seq), as well as claims for fraudulent and negligent misrepresentation.

Summary Judgment granted under UCC Section 4A-207 as it was shown that the client did not have actual knowledge of any beneficiary misdescription, and under UCC Section 4A-211, as it was shown, client accepted and paid subject wire request prior to any request for cancellation or amendment to payment order.

- Represented a United States Securities and Exchange Commission (SEC) Registered Investment Advisor (RIA) with regard to claims by client under Investment Management Agreements and Subscription Agreement related to investments in secured subordinated promissory notes issued by an investment finance company that was subsequently placed into receivership. Very favorable settlement reached before Financial Industry Regulatory Authority (FINRA), or American Arbitration Association proceedings commenced.
- Represented a California-based equipment finance company with consumer collections matters in multiple states, including Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, providing services including enforcement of equipment finance agreements against individual and corporate borrowers via replevin actions, enforcement of personal guaranties, collection of money damages, and handling of related bankruptcy proceedings.
- Represented a major national digital and print document services provider with regard to enforcement of equipment lease and maintenance agreements against individual and corporate lessors, including replevin actions, suits for collection of money damages, enforcement of personal guaranties, and handling of related bankruptcy proceedings in multiple states across the Southeast. Work includes addressing important issues affecting client's business, including choice of law provisions, enforcement of "hell or high water" provisions, and enforcement of agreements such as finance leases under Article 2A of the Uniform Commercial Code (UCC) as opposed to security agreements under Article 9 of the UCC.

#### **Real Estate and Insurance Litigation**

- Represented a national title insurance underwriter in a multimillion-dollar defalcation matter, including claims against a former agents and employees of agents for misappropriation and theft of escrow and other funds, including claims for injunctive relief, fraud, breach of agency contract and guarantee agreements, and actions to locate, seize, and/or sequester assets of former agent for use as recoupment of claims paid by the title insurer. Work also includes administration of large numbers of related title claims made by various parties, including insured lenders, owners, and third parties, work on related coverage issues, including those under closing protection letters (CPLs), and handling of related state and federal criminal proceedings and bankruptcy proceedings.
- Represented a national title insurance underwriter in claims against a former agent regarding defalcation, including actions to locate, seize, and/or sequester assets of the former agent for use as recoupment of claims paid by the insurer, as well as research and disposition of coverage disputes and title claims arising out of the defalcation.
- Represented a national title insurance underwriter with respect to coverage and other issues under a \$20 million plus title policy, including policy provisions related to insured's right of access to subject commercial property, appropriate measure of damages under policy terms and conditions (including alleged right to consequential damages), and ability of insurer to fulfill obligations under policy without providing actual access. Work involved significant analysis and consideration of multiple options for access to insured's property, extensive negotiations related to access options, and monitoring and disposition of multiple related litigated cases concerning the subject commercial property.
- Continuing work for a national title insurance underwriter regarding the representation of insured owners and lenders in litigation throughout the Southeast involving lien priority issues, easements, reformation actions, and related title curative matters, as well as in recoupment litigation. Work includes management and coordination of title curative strategy and staffing for handling of claims across multiple states.

- Represented a real estate developer on a project to clear title to large number of parcels of real estate in order for client to then move forward with development plans, with work including filing and management of over fifteen lawsuits involving significant title issues related to lost heirs, confirmation of tax sale deeds, detailed deraignments of title, prior judgments, and land patents.

### Business and Tort Litigation

- Represented an international facilities management firm in a suit against a former manager and competitor for violations of a non-competition agreement and related claims for breach of fiduciary duties, duties of care and loyalty, and unfair competition, obtaining full enforcement of the non-competition agreement and compensatory damages.
- Obtained a temporary restraining order and preliminary injunction on behalf of a publisher against a former manager who attempted to create a new business using the publisher's proprietary information.
- Resolved a dispute between the client manufacturing firm and the seller of a business regarding funds owed under the earn out provisions of an asset purchase agreement.
- Defended a health care rehabilitation professional in a matter related to a malpractice claim alleged by a patient after a catastrophic injury.
- Defended a pharmacy and pharmacy technician in a medical malpractice claim related to an allegedly misfilled prescription.
- Represented a property management firm in a suit by a tenant alleging inadequate repairs to multi-family housing unit caused assault. A favorable settlement was obtained after depositions of adverse expert witnesses.
- Successfully defended the owner of a multi-family housing complex against allegations by a non-tenant that inadequate security measures resulted in armed robbery, with the suit resolving on favorable terms.
- Successfully defended a major automobile manufacturer in a mass tort case filed by hundreds of plaintiffs alleging design defects in vehicle ignition systems, with the vast majority of claims dismissed, and the remaining claims settled for nominal amounts.
- Represented a national car rental company in high exposure personal injury matters in Mississippi, including litigation related to application of 49 USC §30106 (The Graves Amendment) and coverage issues under various rental car agreements.
- Represented a national freight broker in litigation in Mississippi involving defenses under applicable statutes of limitations and preemption under 49 USC §14501(c)(1) (Federal Aviation Administration Authorization Act [FAAAA]). Resolution negotiated and dismissal obtained with client paying nothing under terms of settlement agreement.
- Obtained summary judgment on behalf of a property management firm in a premises liability suit alleging inadequate security.



### Professional Honors & Activities

- BV<sup>®</sup> Distinguished<sup>™</sup> Peer Review Rated by Martindale-Hubbell
- Listed in Mid-South Super Lawyers in Business Litigation (2017 – 2022)
- Named a Mid-South Rising Star (2010 – 2016)
- Listed in *The Best Lawyers in America*<sup>®</sup> for Real Estate Litigation (2016 – 2025) and Commercial Litigation (2024 – 2025)
- Graduate – Leadership Greater Jackson (2009 – 2010)
- Graduate – National Institute for Trial Advocacy, 2008 Southern Regional Trial Advocacy Program
- President – University of Notre Dame Alumni Club of Mississippi
- Member – Executive Committee and Planning Board, American Bar Association, Young Lawyer Division (Tort and Insurance Law Committee, Litigation Committee)
- Member – American Bar Association, Litigation Section (Business Torts Litigation Committee, Commercial and Business Litigation Committee);(Co-Chair, Newsletter/Web-Page Content

Subcommittee of Commercial and Business Litigation Committee); Tort Trial and Insurance Practice Section (Business Litigation Committee, Insurance Coverage Litigation Committee)

- Member – DRI (Commercial Litigation Committee, Insurance Law Committee, Drug and Medical Device Committee, Young Lawyers Committee)
- Member – Mississippi and Capital Area Bar Associations
- Member – Mississippi Defense Lawyers Association
- Member – Jackson Young Lawyers Association



## Speaking Engagements

- "Title Agent Defalcations: Common Issues and Practical Considerations," Fidelity National Title Group, 2019 In-House Presentation
- "General Liability Issues Facing Public Housing Authorities – Mississippi Tort Claims Act and Sovereign Immunity Issues," Mississippi Association of Housing and Redevelopment Officials, 2019 Annual Conference
- "Primer on Applicability of Mississippi Tort Claims Act to PHA Nonprofit Affiliates," Mississippi Housing Authorities Risk Management, 2018 Insurance Workshop
- Fidelity National Title Group, 2011 Agency Underwriting Seminar Legal Update – Mississippi



## Education

- University of Mississippi School of Law, J.D., 2001, cum laude
- University of Notre Dame, B.A., Government and International Studies, 1998



## Admissions

- Mississippi, 2001
- U.S. District Court for Northern District of Mississippi, 2001
- U.S. District Court for Southern District of Mississippi, 2001
- U.S. Fifth Circuit Court of Appeals, 2001
- United States Supreme Court, 2005