



## Burleigh L. Singleton

PARTNER

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### Services

Complex Business Litigation; Litigation; Product Liability

Burleigh Singleton represents clients in commercial, construction, securities, and trust and estate disputes. Mr. Singleton focuses on trial work and has served as lead counsel or second chair in a wide variety of lawsuits and arbitrations in Georgia and throughout the United States.

While in law school, Mr. Singleton served as an editor on the *Yale Law and Policy Review* and was a Thurman Arnold Prize Finalist in the Morris Tyler Moot Court of Appeals. He was recognized as a Georgia "Rising Star" in Business Litigation, Construction Litigation and Estate & Trust Litigation by *SuperLawyers* magazine in 2008 and 2009 and more recently in 2013 and the three years immediately preceding for Business Litigation. He is AV<sup>®</sup> rated by Martindale-Hubbell.\*

\*CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

### Experience Highlights

#### Represented the executor of estate in will dispute

Represented the executor of estate in will dispute and related dispute to recover assets of the estate. (jury upheld validity of the will and awarded all assets to the estate; verdict affirmed on appeal).

#### Tax litigation for electric membership corporation concerning valuation

The firm served as lead counsel for an electric membership corporation in a lawsuit against the Georgia Department of Revenue concerning the valuation of the EMC's electrical distribution system for purposes of ad valorem taxation.

#### Litigation for lender against breach of promissory note and guaranty agreement

Represented lender, in pursuing borrower and guarantor in a lawsuit for breach of a promissory note and breach of a guaranty agreement. Defeated motion for summary judgment for counterclaim for fraudulent inducement and securities fraud. Obtained summary judgment on the bank's affirmative claims on appeal.

#### Breach of contract litigation for Spanish corporation

Represented a Spanish corporation in a federal lawsuit concerning a breach-of-contract claim regarding the sale of a \$36 million private jet. Negotiated a favorable settlement while the client's dispositive motions were pending.

#### Bankruptcy representation for Waterton Associates LLC

Representing Waterton Associates, holder of \$60 million of mortgage and mezzanine debt, in bankruptcy case of residential apartment and retail complex.

*In re Ten Side Holdings, LLC*, No. 10-93402 (Bankr. N.D. Ga. filed Nov. 3, 2010).

#### Lead counsel for a non-profit healthcare organization

The firm served as lead counsel for a non-profit healthcare organization in the trial of a dispute concerning exemption from ad valorem taxes. The jury granted the client's exemption.

#### Litigation for lender of a \$17 million loan

Represented lender in federal and state courts in several related proceedings concerning a \$17 million loan. Prevailed in bench trial on lender's ability to pursue borrower and guarantors for deficiency remaining on the loan. This case is on appeal.

#### Breach of contract litigation for Dash Crofts

Served as local counsel and lead trial counsel for Dash Crofts, of Seals & Crofts, a popular 1970s folk rock group, in a federal lawsuit raising claims for breach of contract, breach of fiduciary duty and punitive damages. Reduced the amount in controversy to approximately \$2 million by filing a successful motion for summary judgment. Tried the remaining issues to a jury, which returned a defense verdict on the claims for breach of contract and punitive damages claims and awarded zero dollars in damages on the fiduciary duty claim.

#### Litigation for automotive parts manufacturer

Represent manufacturer of automotive parts in the trial of a multimillion dollar claim for wrongful termination of a distributorship agreement — (defense verdict).

#### Issuance of warrants dispute representation for investment banker

Represented an investment banker in dispute regarding issuance of warrants.

#### Action against borrower and guarantor for \$70 million loan

Represent lender in several disputes concerning a \$70 million loan. Prevailed in bench trial on lender's ability to pursue borrower and guarantor for \$53 million deficiency. Presently representing the lender in federal lawsuit against borrower, guarantor, and alleged alter egos of the guarantor.

#### Complex business litigation for Canadian corporation

Defended Canadian corporation in federal court on claims for breach of contract and business torts. Negotiated a successful settlement while dispositive motions were pending.

#### Catastrophic injury litigation

Successfully represented the widow and teenaged daughter of a man killed three days after Christmas by a drunk driver on an interstate. The victim and his daughter were in route to attend a sporting event. The civil action was brought against the drunk driver as well as against the bar that had served the driver alcohol in violation of Georgia's dram shop laws. The case settled through mediation.

#### Arbitration between a general contractor and a subcontractor

Served as co-counsel for a general contractor in arbitration against concrete subcontractor for construction defects in an apartment complex.

#### Litigation against borrower and guarantor of \$5.5 million loan

Represented lender in connection with state and federal lawsuits in disputes against a borrower and guarantor over a \$5.5 million loan. Obtained summary judgment in the federal lawsuit on the lender's affirmative claims for breach of contract.

#### Complex business litigation for lender in multiple proceedings

Represented lender in multiple proceedings in state and federal courts regarding a mixed-use development securing \$60 million in senior and junior loans. Coordinated strategy for (1) pursuing the client's affirmative claims in multiple lawsuits that were eventually consolidated in the bankruptcy court and (2) defending claims for business torts raised by the borrower and the guarantors. The case settled on favorable terms after the client won significant portions of the motion to dismiss.

#### Contract dispute involving indemnity rights on alleged defective product

Defended French conglomerate on breach of warranty and indemnification claims arising alleged defects in a gas valves that resulted in a voluntary recall where plaintiff incurred more than \$15 million in damages. Removed lawsuit to federal court. Negotiated favorable settlement while motions for summary judgment were pending on several issues, including the application of French law and the United Nations Convention on the International Sale of Goods.

#### Litigation over lease dispute for municipality

Represented a municipality in breach of lease dispute.

#### Litigation defense for real estate development firm

Represented a real estate development firm in action arising from a dispute with a law firm in San Diego. The California law firm had obtained a default judgment against it in California; the action in Atlanta sought enforcement of that California judgment. We convinced the Court to grant summary judgment to our client and make an explicit finding that the California judgment was void.

\*Experience gained by attorney prior to joining Kilpatrick Townsend

### Professional & Community Activities

American Cancer Society, South Atlantic Division, Board Member

Gate City Bar Association, Member and past Board Member

St. Jude Recovery Center, Board Member

State Bar of Georgia, Committee on Women and Minorities in the Profession, Member

Visiting Nurse Health Care System, Board Member

2004 Class of Leadership Midtown

2005 Class of Leadership Georgia

### **Education**

Yale Law School, J.D. (1996)

Emory University, B.A., History (1993)

### **Bar Admissions**

Georgia (1996)

### **Admissions**

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court - Northern District of Georgia

U.S. District Court - Middle District of Georgia

U.S. District Court - Eastern District of Michigan

### **Clerkships**

U.S. District Court for the Middle District of Alabama — Myron H. Thompson