

Susan H. Boyles

Partner

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Services

Business & Finance

Litigation

Alternative Dispute Resolution

Appellate Litigation

Complex Commercial Litigation

Trade Secrets

Industries

Financial Services



Susan Boyles focuses her practice on business litigation and insurance coverage disputes. She regularly represents clients in state and federal courts throughout North Carolina, on both the trial and appellate court levels. She is also a certified mediator for North Carolina Superior Court cases by the North Carolina Dispute Resolution Commission.

Ms. Boyles takes ownership of her client's problems and works to find the most cost-effective way to solve them. She analyzes the legal issues alongside the practical and business implications and partners with clients to accomplish their goals. She was recognized in *The Best Lawyers in America*® for Commercial Litigation, Insurance Law, Banking & Finance Litigation, Insurance Litigation, and Personal Injury Litigation in 2021 and the 14 years immediately preceding. Ms. Boyles was also named a 2016 and 2018 "Greensboro Lawyer of the Year" in the area of Insurance Litigation and in 2017 for Insurance Law, a 2020 "Triad Lawyer of the Year" for Insurance Law, and a 2021 "Triad Lawyer of the Year" for Insurance Litigation by *The Best Lawyers in America*®. She was recognized as a North Carolina "Super Lawyer" for Business Litigation in 2021 by *Super Lawyers* magazine. In 2014, 2016 and 2017, Ms. Boyles was recommended by *Legal 500 US* in the area of Trade Secrets Litigation. She regularly provides pro bono legal services focused on the needs of children through the Children's Law Center of Central North Carolina and the Legal Aid of North Carolina.

Experience



Represented Family Dollar as the plaintiff in a breach of contract and unfair and deceptive trade practices case arising from a vendor's premature termination of a contract and failure to pay for accrued rebate hours. *Family Dollar Operations, Inc. v. Driveline Retail Merchandising, Inc.*, No. 3:17-cv-00054-FDW-DSC (W.D.N.C.).

Filed litigation on behalf of P&L Development LLC after its supplier failed to provide products under multiple requirements contracts for generic pharmaceutical products. The firm obtained a Temporary Restraining Order and Preliminary Injunction requiring the defendant to ship products to our client. *P&L Development LLC v. Bionpharma Inc.*, No. 1:17-cv-1154-NCT-JLW (M.D.N.C.).

Regularly provide advice and counsel to clients whose claims for insurance coverage have been denied under commercial general liability, professional liability, directors and officers, errors and omissions and other types of insurance policies.

Defended Western Union and related entities in multiple putative class action cases alleging violations of the Fair Debt Collection Practices Act. The firm was successful in obtaining orders of dismissal in all cases. *Carmen Woods, et al. v. Santander Consumer USA, Inc., et al.*, Civil Action No. 2:14-CV-02104 (N.D. Ala.); *Contonius Gill and Raymond Bell, et al. v. Western Union Business Solutions (USA), LLC*, Civil Action No. 14-CV-1066 (W.D.N.C.); *Timmy Fontenot v. Santander Consumer USA, Inc., et al.*, Civil Action No. H-15-1884 (N.D. Tex.); *April Lindblom v. Santander Consumer USA Inc., et al.*, Civil Action No. 1:15-CV-00990-LJO-BAM (E.D. Cal.); *Harold McWhorter and Robert Fielder, on behalf of themselves and all others similarly situated v. Ocwen Loan Servicing, LLC and Western Union Business Solutions (USA) LLC*, Civil Action No. 2:15-cv-01831-MHH, (N.D. Ala.).

Represented Tanger Properties Limited Partnership in a lawsuit filed by a former vendor alleging breach of contract and quantum meruit claims. *Nitz Graphics Services, Inc. v. Tanger Properties Limited Partnership, et al.* Civil Action No. 18-CVS-4401 (Guilford County Superior Court).

Represented Plaintiff Neusoft Medical Systems, U.S.A., Inc. in a lawsuit involving claims of conversion, violation of the Computer Fraud and Abuse Act, misappropriation of trade secrets, unjust enrichment, and violation of North Carolina's Unfair and Deceptive Trade Practices Act. The case also had significant issues regarding the enforcement of international arbitration agreements and the relationship between a Chinese medical equipment manufacturer and a U.S. distributor that were appealed to the U.S. Supreme Court. *Neusoft Medical Systems, U.S.A., Inc. v. Neusys, LLC, et al.*, Civil Action No. 11-CVS-11405 (Guilford County Superior Court).

Defended McGriff Seibels & Williams Inc. (McGriff), a retail insurance broker, against claims of negligence and breach of contract for alleged failure to procure insurance coverage for a client that suffered a fire loss. The wholesale broker and insurance carrier that wrote the policy were also named as defendants, and they asserted cross claims against McGriff. After extensive discovery, the court granted McGriff's motion for summary judgment



on the breach of contract claim. A confidential settlement was reached before trial. *Foster Apartment Group, LLC v. Certain Underwriters at Lloyd's, London, Colemont Insurance Brokers of Georgia, LLC, and McGriff, Seibels & Williams, Inc.*, No. 08-CVS-5242 (Forsyth County Superior Court).

Defended Broyhill Furniture Industries, Inc. (Broyhill) in breach of contract claim arising from allegations that Broyhill refused to pay the plaintiff for heat provided to a warehouse used by Broyhill. The case involved novel issues of contract interpretation and damages theories. The court granted Broyhill's motion for summary judgment and denied the plaintiff's motion to amend its complaint to allege extra-contractual theories of recovery, which resulted in a dismissal of all claims against our client. The Court of Appeals, in a 2-1 decision, affirmed summary judgement for Broyhill. The plaintiff appealed to the North Carolina Supreme Court, which issued a unanimous opinion adopting the COA's majority decision and affirming summary judgment for Broyhill. *Micro Capital Investors, Inc. v. Broyhill Furniture Indus., Inc.*, 728 S.E. 2d 376 (N.C. Ct. App. 2012), *aff'd.*, 736 S.E.2d 172 (N.C. 2013).

Defended BB&T against claims for fraudulent concealment and unfair and deceptive trade practices related to funding it provided for real estate transactions in the Village of Penland. The Court granted BB&T's motion to dismiss all claims prior to any discovery. *Randy A. Carpenter v. Branch Banking and Trust Company, et al.*, Civil Action No. 13-CVS-239 (Avery County Superior Court).

Represented Lowe's, its subsidiaries, and one of its individual employees in a case alleging breach of contract, tortious interference with contract, and interference with prospective contract. The plaintiff, a vendor of Lowe's, alleged that Lowe's improperly and prematurely terminated its contract for services, which caused it to lose \$3 million per year in revenue. Lowe's successfully enforced the arbitration clause in the contract, and the court sent the case to arbitration. The Arbitrator granted the Defendants' Motion to Dismiss all claims prior to a hearing on the merits.

Represented ABT Building Products Corp. and ABT Co. Inc., one of the largest manufacturers of building materials in North America, and working with another firm, obtained a jury verdict of more than \$18 million in the United States District Court for the Western District of North Carolina (Statesville Division). ABT sought coverage under a three-year umbrella policy issued by National Union with respect to numerous class actions and individual lawsuits alleging defects in hardboard siding manufactured by ABT. The jury awarded our clients \$2.5 million for breach of contract, \$3.9 million for unfair and deceptive trade practices, \$3.9 million for bad faith and \$7.5 million in punitive damages for the carrier's bad faith denial of coverage, misrepresentation of policy terms and failure to effectuate a prompt and fair settlement of the underlying lawsuit. The trial judge trebled the unfair and deceptive portion of the award and granted our clients' motion for nearly \$2 million in attorneys' fees. *The Fourth Circuit affirmed. ABT Bldg. Prod. Corp. v. Nat'l Union Fire Ins. Co. of Pittsburgh, Inc.*, 472 F.3d 99 (4th Cir. 2006).



Represented Lincoln Financial Media Company as plaintiff in a complex contract matter arising from the merger of Jefferson Pilot Corporation with Lincoln Financial Corporation and a subsequent name change. CBS contended that the corporate transaction extinguished its contractual duty to make promotional payments to Lincoln Financial Media Company. The court entered summary judgment in our client's favor. The Fourth Circuit Court of Appeals affirmed. *Lincoln Fin. Media Co. v. CBS Broadcasting, Inc.*, 316 F. App'x 235 (4th Cir. 2009).

The firm served as co-counsel for Krispy Kreme Doughnuts, Inc. defending claims of breach of contract, fraud, unfair and deceptive trade practices, and other causes of action arising from a decision not to grant area development rights to petitioners in northern California. Arbitration award is confidential.

Defended BB&T against claims of "wrongful foreclosure" and a preliminary injunction related to BB&T's foreclosure on residential real property and its subsequent resale. The Court granted BB&T's motion for summary judgment on all claims after limited discovery. *One West Bank v. Branch Banking & Trust Co. et al.*, Civil Action No. 12-CVS-10554 (Guilford County Superior Court).

Represented Universal Underwriters Insurance Company, an insurance carrier, in a dispute with another carrier in a subrogation claim arising from a fire loss where the policy involved a unique question of law concerning drop-down limits for a particular kind of loss.

Represented Lowe's Companies, Inc. in a suit brought by a former in-store service provider alleging multiple business tort claims, including fraud, negligent misrepresentation, unfair and deceptive trade practices, breach of contract, and copyright infringement arising out of Lowe's relationship with the service provider and the termination of the provider's contract. The Court denied plaintiffs' attempt to take the depositions of multiple Lowe's executives. After discovery closed, the firm was successful on a summary judgment motion that resulted in the dismissal of 29 of the plaintiffs' 30 claims. The remaining claim for an unpaid invoice was settled shortly before trial. *Performance Sales & Marketing, LLC, et al. v. Lowe's Cos., Inc.*, Civil Action No. 5:07CV00140-RLV-DLH (W.D.N.C.).

Education

University of North Carolina at Chapel Hill J.D. (1994) *with honors, Order of the Coif*

University of North Carolina at Chapel Hill B.A. (1990) Journalism, *with highest honors, Phi Beta Kappa*

Admissions

North Carolina

Court Admissions

U.S. Court of Appeals for the Fourth Circuit



U.S. District Court for the Eastern District of North Carolina

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

U.S. Supreme Court

Professional & Community Activities

North Carolina Bar Association, 1994-Present

Insurance Law Section Council, 2013-2015, 2019-Present

CLE Course Planner for 2016 and 2017 Annual Meetings

Co-Chair, Ethics Subcommittee, 2018 - Present

Professionalism Committee, 2011-Present

Litigation Section Member, 1994-Present

Litigation Section Council, 1997-2002

Chair, Litigation Council Subcommittee on Civil Practice and Procedure, 1997-99

Member, Litigation Council Subcommittee on Civil Practice and Procedure, 1999-2002

North Carolina Association of Defense Attorneys, 1996-Present

Children's Law Center of Central North Carolina

Board Member, 2015-Present

Chair, 2020-Present

Vice Chair, 2018-Present

Treasurer, 2016-2017

Volunteer Guardian Ad Litem Attorney, 2005-Present

Bethesda Center for the Homeless

Board Member, 2018-Present

Defense Research Institute, 1997-Present

Forsyth County Bar Association, 1994-Present

Wrote Bar Exam Questions for North Carolina Board of Law Examiners, 1999-2002

Barrister, Joseph Branch Inn of Court, 1999-2001

Maple Springs United Methodist Church

Board of Trustees

Chair, Safe Sanctuaries Committee

Children's Sunday School Teacher

Children's Council member

National Spasmodic Dysphonia Association

Area Contact Person

Insights

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2021



August 20, 2020

[News Releases](#)

36 Kilpatrick Townsend Attorneys Named to the 2019 North Carolina Pro Bono Honor Society
May 28, 2020

[Publications](#)

COVID-19 Litigation Kicks off in North Carolina
May 13, 2020

[Publications](#)

Do I Have Business Insurance for Coronavirus Losses?
March 31, 2020

[Publications](#)

N.C. Supreme Court Gives Green Light for Insurers to Depreciate Labor Costs
March 15, 2020

[News Releases](#)

Best Lawyers in America® 2020 Names Kilpatrick Townsend Attorneys "Lawyers of the Year"
August 15, 2019

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Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020
August 15, 2019

[In The News](#)

35 Kilpatrick Townsend Attorneys Named to the North Carolina Pro Bono Honor Society
May 24, 2019

[Publications](#)

COA Penalizes Insurer for Poor Writing in Policy Exclusion
January 15, 2019

[Publications](#)



Court Rules Insured Has Duty To Read Insurance Policy Sooner Rather Than Later
November 19, 2018

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NC Business Court Weighs In On 'Actual Cash Value'
November 19, 2018

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019
August 20, 2018

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Kilpatrick Townsend Recognized by Prestigious 2017 Legal 500 US
October 2, 2017

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Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2018
August 15, 2017

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Best Lawyers in America® Names Kilpatrick Townsend Attorneys 2018 Lawyers of the Year
August 16, 2017

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Kilpatrick Townsend Announces 2016 Kilpatrick Townsend Pro Bono Awards
April 12, 2017

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Best Lawyers in America Names Kilpatrick Townsend Attorneys 2017 Lawyers of the Year
August 24, 2016

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2017
August 16, 2016



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Kilpatrick Townsend Recognized by Prestigious 2016 Legal 500 US

June 20, 2016

[In The News](#)

Kilpatrick Townsend's Media Report October 2-8, 2015

October 9, 2015

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Best Lawyers in America Names Kilpatrick Townsend Attorneys 2016 Lawyers of the Year

August 20, 2015

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Kilpatrick Townsend Earns Record-Breaking Recognition in Annual Best Lawyers in America 2016

August 19, 2015