



## Douglas L. McCoy

Member

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### RELATED PRACTICES

Banking and Financial  
Services Litigation  
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Securities Litigation  
Probate Litigation

### Biographical Information

Douglas L. McCoy practices primarily in the area of commercial litigation, including cases involving intellectual property and non-compete agreement disputes, claims arising out of financing and leasing transactions, contract disputes, cyber security breach related claims, real estate litigation, securities litigation, corporate control litigation, commercial fraud and tort litigation, engineers and accountants professional liability claims and construction related litigation, as well as in the areas of estate litigation, products liability litigation and class action litigation. Doug serves as chair of Hand Arendall Harrison Sale's class action litigation practice group.

Doug graduated from Duke University School of Law in 1982 and from the University of Tennessee, B.S., *magna cum laude*, in 1979. Doug is admitted to practice before the United States Supreme Court and the Alabama Supreme Court, as well as before the United States Circuit Courts of Appeal for the Second, Fifth and Eleventh Circuits and the United States District Courts for the Southern, Middle and Northern Districts of Alabama.

Doug has argued before the United States Circuit Courts of Appeal for the Second, Fifth and Eleventh Circuits and before the Alabama Supreme Court. He has handled cases for clients in the United States District Courts for the Southern, Middle and Northern Districts of Alabama, in the United States District Court for the Southern District of New York and in the United States District Court for the Southern District of Mississippi. Doug has also litigated cases in a significant number of the

Circuit Courts of Alabama as well as in state courts in several Mississippi counties.

Doug's litigation experience has involved a broad range of legal issues which have arisen out of widely varying factual situations. His undergraduate degree in accounting contributes to his acumen for understanding complex factual scenarios as well as detailed technical information and his belief in developing a full understanding of the operations of his clients, particularly as those operations pertain to the issues in a particular case, have given Doug a strategic advantage which he has used for the benefit of his clients in many cases.

Doug has lectured and written on various topics including non-competition and trade secret litigation, class action litigation as well as damages issues including the defense of claims for punitive damages. He is presently a member of Leadership for the ABA Section of Litigation. Doug is a past Co-Chair of the Business Torts Litigation Committee of the ABA Section of Litigation, a past Co-Chair of the Trial Practice Committee of the ABA Section of Litigation and a past Co-Chair of the Consumer and Civil Rights Litigation Committee of the ABA Section of Litigation. Doug is a past President of the American Counsel Association and is a Fellow of the American Bar Foundation. Doug is also a member of Phi Kappa Phi, the Alabama Bar Association, the Mobile Bar Association and the American Bar Association.

Doug has achieved Martindale Hubbell's highest AV rating.

## Admissions

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- Alabama State Bar, 1982

## Education

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- J.D., Duke University School of Law, 1982
- B.S., Accounting, University of Tennessee, *magna cum laude*, 1979

## Additional Information

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### Civic and Professional Affiliations

- Phi Kappa Phi
- Alabama Bar Association
- American Bar Association (Co-Chair, Trial Practice Committee)
- American Counsel Association (past-president)

## **Publications and Presentations**

### **Recent Interviews:**

- *Litigation News*, Vol. 40 No. 2, Winter 2015, – Is Your Fact Witness a Hybrid?
- *Litigation News*, Vol. 40 No. 3, Spring 2015, – Statutory Cite Not Required for Federal Civil Rights Complaint

### **Presentations**

- The Ethical Preparation of Witnesses for Deposition and Trial – ABA Roundtable Program, January 2015
- “Associate Mentoring and Advancement – How to Do and How to Get” – ABA Roundtable Program, January 2016

### **Representative Cases**

- lead counsel in obtaining summary judgment in 2016 in a case litigated in U.S. District Court for the Southern District of New York representing clients who were sued for allegedly misrepresenting and/or failing to disclose material facts in connection with the \$51 million sale of their business to an international conglomerate;
- obtained summary against a certified national plaintiffs class, and in favor of a national equipment leasing company, in a case brought against the leasing company alleging the imposition of excessive insurance charges on lessees in violation of the express and implied terms of their lease contracts – this summary judgment was affirmed by the Alabama Supreme Court in 2016;
- Doug has represented former top executives of significant national and international companies in litigation seeking severance benefits denied to or clawed back from those former top executives and he obtained recoveries which exceeded \$1 million in each of those cases;
- Doug has served as state-wide defense counsel in Alabama for an international building materials manufacturer in MDL litigation seeking over \$1 billion in damages based on product defect-related claims;
- Doug represented a significant electrical cooperative and its Board of Directors in an extended lawsuit brought by members of the Coop who unsuccessfully sought to unseat a majority of the Coop's board;
- Doug has defended national stock brokerage firms against claims brought by customers; similarly, he has recovered hundreds of thousands of dollars for individuals who were misled or misadvised in connection with investments they were sold;
- Doug has successfully defended clients in litigation where claims were brought under state

- and federal securities laws, including putative class action claims;
- Doug has represented clients in regulatory proceedings before the Alabama Securities Commission;
  - Doug has litigated numerous cases in federal and state court involving employee non-compete agreements including many cases involving securities broker non-compete agreements;
  - Doug has been successful in defeating class certification or obtaining dismissal of claims against clients in cases brought as class actions;
  - Doug has acted as general outside counsel in representing and counseling a highly successful local engineering firm in connection with numerous contract negotiations and contractual disputes;
  - Doug has successfully defended numerous cases in state and federal court involving claims of fraud arising out of leasing and financing transactions;
  - Doug has served as successful defense counsel as well as successful plaintiff's counsel in a multitude of cases involving commercial contract-based claims; and
  - Doug has represented clients in a variety of complex commercial cases including cases involving patent rights disputes, riparian rights disputes, and corporate control disputes.

#### Awards

- Martindale-Hubbell AV® Preeminent
- *Best Lawyers In America*® Commercial Litigation, 2020–2021



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