

Lynn D. Moffa

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Lynn D. Moffa concentrates her practice on appeals, significant trial motions, and complex litigation in federal and state courts nationwide. Ms. Moffa has represented companies in many industries, including banking and finance, telecommunications, insurance, franchise, consumer products, construction, homeowners associations, accounting, aviation and governmental entities. She has extensive knowledge of federal law and procedure, having served as an Assistant U.S. Attorney in the Civil Division of the Northern District of Georgia. She also has practiced for many years in state appellate and trial courts in both North Carolina and Illinois. Her successful defense or prosecution of cases, whether in federal or state court, is a function of her comprehensive preparation, extensive knowledge of the law, and superior written and oral advocacy in court.

Ms. Moffa received her B.A. in Government from the University of Notre Dame, where she graduated with Highest Honors, Phi Beta Kappa. She received her J.D. from the University of Virginia, where she was a Dillard Fellow and served on the Virginia Law Review (Articles Review Board).

Experience

- Successfully represented the FDIC in a deficiency suit where the debtor argued that the debt had been cancelled by the predecessor bank. The district court entered summary judgment in the FDIC’s favor and the Fourth Circuit Court of Appeals upheld the summary judgment verdict in a 2-1 published opinion establishing new law favorable to the client. *FDIC v. Cashion*, 720 F.3d 169 (4th Cir. 2013).
- Successfully represented the Eastern Band of Cherokee Indians in a class action lawsuit brought to recover investment



Practice Areas:

Appeals and Dispositive Trial Motions
Complex Litigation
Commercial Disputes
Employment
Federal Statutes
Civil Rights
Constitutional Law

Education:

J.D. University of Virginia, 1987
B.A. University of Notre Dame, 1984

Admissions and Qualifications:

Illinois
Georgia
North Carolina
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. District Court for the Northern District of Illinois

Prior Experience:

Van Winkle, Buck, Wall, Starnes and Davis (2011-2015)
Jones Day (2002-2007)
Mayer Brown (1988-1998)

losses incurred as a result of the 2006 stock market crash, which were sustained in accounts held by the Tribal Council on behalf of enrolled minors. The tribal court entered summary judgment in the EBCI's favor based on sovereign immunity, and the Cherokee Supreme Court affirmed that ruling on appeal. *Teesateskie v. E. Band of Cherokee Indians* (Ch. Sup. Ct. 2015)

- Successfully represented commercial lenders in various collection actions in state and federal trial and appellate courts. E.g., *Macon Bank, Inc. v. Gleaner*, 240 N.C. App. 46 (2015); *Macon Bank, Inc. v. Cornblum*, 2015 N.C. App. LEXIS 56 (2015); *Mt. 1st Bank & Trust v. Galdena, LLC*, 2013 NC App. LEXIS 765; *Synovus Bank v. Bokke IV L.L.C.*, 1:11-cv-00071 (W.D.N.C.).
- Successfully took over representation of prospective adoptive parents in appeal of trial court ruling giving custody of adopted child to heretofore absent birth father over objections of birth mother and custodial adoptive parents.

Appeals

United Cmty. Bank (Ga.) v. Wolfe, 242 N.C. App. 245 (2015), rev'd, 369 N.C. 555 (2017); *Macon Bank, Inc. v. Gleaner*, 240 N.C. App. 46 (2015); *Mt. 1st Bank & Trust v. Galdena, LLC*, 2013 NC App. LEXIS 765; *Hodgin v. United Cmty. Bank*, 223 N.C. App. 408 (2012); *In re Foreclosure of the Commercial Deed of Trust of Beauchemin*, 2012 N.C. App. LEXIS 1393 (2012); *Seneca v. United S. & E. Tribes*, 318 Fed. Appx. 741 (11th Cir. 2008); *Teesateskie v. E. Band of Cherokee Indians* (Ch. Sup. Ct. 2015); *In re Foreclosure of the Deed of Trust of Marshall E. Cornblum & Madeline H. Cornblum v. Boyd*, 2014 N.C. App. LEXIS 760 (2014); *Macon Bank, Inc. v. Cornblum*, 2015 N.C. App. LEXIS 56 (2015).

Commercial

Diamond Falls Estates, LLC v. Nantahala Bank & Trust Co., 2015 U.S. Dis. LEXIS 119100 (W.D.N.C. 2015); *Macon Bank, Inc. v. Cornblum*, 2015 N.C. App. LEXIS 56 (2015); *Synovus Bank v. Karp*, 2014 U.S. Dist. LEXIS 7219 (2014); *Great Oak NC Lender, LLC v. Cornblum*, 2014 U.S. Dist. LEXIS 121107 (W.D.N.C. 2014); *In re Foreclosure of the Deed of Trust of Marshall E. Cornblum & Madeline H. Cornblum v. Boyd*, 2014 N.C. App. LEXIS 760 (2014).

Constitutional

Salomone v. United States, 2009 U.S. Dis. LEXIS 84041 (N.D. Ga. 2009) (summary judgment entered on claim alleging unconstitutionality of congressional “earmarking”).

Employment

Reynolds v. Green, 2009 U.S. Dist. LEXIS 138384 (N.D. Ga. 2009)

Professional Activities

- Seventh Circuit Bar Association
- Member, Asheville Civil Service Board (2013-2015; Vice-Chair, 2015)