William C. Mayberry

Partner

Charlotte

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Bill helps clients in the banking, food service, health care, and industrial sectors effectively and efficiently solve their most complex legal problems, including government enforcement actions and related internal investigations, compliance and regulatory issues, class actions, and commercial litigation.

OVERVIEW

Bill has a long track record of successfully helping clients resolve complex legal problems. He has particular experience in helping financial institutions, including national banks, regional banks, and nonbank financial institutions across various lines of business, including auto finance, mortgage, credit cards, deposit, securities, and investment banking. He has a comprehensive approach to help clients resolve disputes and manage risk, including government investigations and regulatory compliance, class actions, and counterparty disputes. He has helped clients with matters before state attorneys general, the Office of the Comptroller of the Currency, the Consumer Financial Protection Bureau (CFPB), and state mini-CFPB analogs. This work includes help with remediation plans, compliance efforts, internal investigations, and responses to matters requiring attention (MRAs), self-identified audit issues (SIAIs), and memoranda of understanding (MOUs).

Bill's commercial litigation experience includes antitrust cases, shareholder's disputes, franchise disputes, software development disputes, and financial services litigation. He has substantial experience in crisis-related mortgage litigation including large cases and mass cases involving title insurance, repurchase demands, and related issues.

In addition to his more than 25 years of experience practicing, Bill worked in-house at Bank of America as special counsel during 2009 and 2010. As part of a three-person team, he managed the defense of securities lawsuits related to proxy statements for the Bank of America-Merrill Lynch merger. Bill also served as a judicial law clerk to three federal judges after law school.

Bill has appeared in federal, state trial, and appellate courts in jurisdictions across the U.S. He has also represented clients in significant arbitration proceedings. Bill has handled cases involving insurance coverage, business torts and unfair business practices, software and technology disputes, supply chain disputes, mergers and acquisitions-related disputes, and construction litigation. In addition, he has represented creditors in collection actions, workouts, and bankruptcies. Additionally, Bill has experience in a wide variety of industries beyond financial services, including food and beverage, manufacturing, transportation, construction, health care, chemicals, automotive, technology, software and information services, and retail.

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Bill has a comprehensive understanding of the mortgage business stemming from his litigation engagements, compliance and regulatory work, and industry involvement. He has been a member of the Mortgage Banking Association (MBA) for many years and has achieved the MBA's Accredited Mortgage Professional designation. He represents a wide array of national banks and regional banks, as well as independent mortgage originators and mortgage servicers in a broad spectrum of mortgage related litigation, including enforcement actions. He also regularly counsels clients on regulatory and compliance issues in the field. Bill has particular knowledge through years of experience in identifying, marshalling, analyzing, and presenting data – both from financial services clients and third parties – to effectively support our clients' positions and ensure compliance with the law.

In the antitrust area, Bill advises clients on compliance with the Robinson-Patman Act, Sherman Act, Clayton Act, and state unfair trade practice laws. He advises clients on sales, marketing, and distribution programs that raise antitrust issues. He also has experience litigating major antitrust matters, including large class action cases concerning both horizontal and vertical claims.

Bill is also active in the community. He has coached youth sports for many years and has coached youth basketball for 30 years.

REPRESENTATIVE MATTERS

Financial Services Litigation and Compliance

- Defending a top four national bank in a series of class actions, including a class action in bankruptcy court, related to CARES Act mortgage forbearances.
- Defended a major top four national bank in a class action regarding the auto finance aftermarket product guaranteed auto protection (GAP).
- Defended a top four national bank in an MDL class action regarding auto lending force-placed insurance.
- Advised a top four national bank regarding regulation of a wide array of auto finance aftermarket products.
- Defended a money transmission business regarding state enforcement actions and advise on licensing issues.
- Defended a debt collection firm against state attorney general challenge to debt collection practices.
- Advised a non-bank mortgage servicer regarding cutting-edge RESPA and state-law compliance issues.
- Defended a non-bank mortgage originator and servicer in an enforcement action related to joint marketing service agreements and alleged deceptive practices, RESPA, FCRA, and TILA violations.
- Represented a top four national bank and a regional bank in litigation against insurance carriers and service providers in series of actions covering over 10,000 claims which concerned wide-ranging issues of loan origination and fulfillment and related insurance coverage, resulting in recovery of more than $170 million.
- Defended a major national bank against state attorney general enforcement action regarding mortgage loss mitigation practices.
- Counseled a regional bank on compliance with CFPB guidance related to collection of time-barred debt across fifty states, involving consideration of numerous legal issues across multiple lines of business, including mortgage, home equity, credit card, auto lending, deposit, and other consumer lending.
- Represented a top four national bank in alleged $90 million securities fraud case arising from collapse of Parmalat, an Italian food and dairy conglomerate.
- Represented a top four national bank in consumer class action lawsuit involving credit insurance ancillary product for credit card accounts.
- Represented a private equity fund in compliance due diligence regarding acquisition of mortgage originator.
- Represented lender in compliance due diligence regarding loan to health care consumer finance firm.

Antitrust Litigation and Compliance

- *Compton, et al. v. Compass Group USA, Inc., et al.*, 81 So. 3d 326 (Ala. 2011). Prevailed on motion to dismiss

in representation of one of the world's largest food service companies in a putative class action on behalf of existing and former students at Auburn University; ruling affirmed on appeal by the Alabama Supreme Court.

- *Valuepest.com of Charlotte, Inc. v. Bayer Corp.*, 356 Fed. App. 658 (4th Cir. N.C. 2009). Represented major international chemical company in obtaining a favorable summary judgment decision on a Sherman Act Section 1 resale price maintenance claim arising from agency distribution of a termiticide product.
- *Nicholson v. F. Hoffmann-LaRoche*, 576 S.E.2d 363 (N.C. App., 2003). Representation of one of the world's largest vitamin manufacturers in an indirect purchaser class action, opt-out litigation, and related appeals arising from horizontal price-fixing claims.
- Advised a publicly traded company in dispute with joint venture partner raising issues under the interlocking director section of the Clayton Act.
- Provide ongoing advice to clients on antitrust compliance issues related to product distribution and marketing programs, pricing decisions, joint ventures, mergers and acquisitions, and group purchasing arrangements.
- Provide antitrust compliance training to sales and management teams.

Class Action Litigation

- Representation of clients in financial services and antitrust class action litigation (see above).

Software and Technology Disputes

- Representation of a major financial institution in software development dispute for enterprise check data processing application.
- Representation of a developer in a $33 million software development dispute tried before an arbitration panel for more than 20 hearing days.
- Representation of a provider of Microsoft ERP systems in an implementation dispute.
- Representation of a retailer in lawsuit regarding the customization, configuration, and deployment of gateway software for a POS system.

AWARDS

- *Best Lawyers in America®:* Commercial Litigation (2022-2027)
- Legal Elite, Antitrust, *Business North Carolina* (2010, 2011, 2013)
- AV Rating® by Martindale-Hubbell

TOP AREAS OF FOCUS

- Antitrust
- Banking + Financial Services Regulation
- Banking Litigation
- Business Litigation
- Class Action
- Consumer Financial Services
- Corporate Governance
- Fair Lending
- Franchise, Distribution + Marketing Litigation
- Government + Regulatory Litigation
- Military Lending

- Mortgage Lending + Servicing
- Noncompete + Trade Secrets
- Patent Litigation
- Product Liability
- Real Estate Litigation
- Securities Litigation

ALL AREAS OF FOCUS

- Antitrust
- Auto Finance
- Banking + Financial Services Regulation
- Banking Litigation
- Bankruptcy + Restructuring
- Business Litigation
- Class Action
- Community Banking
- Construction Litigation
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Corporate Governance
- Enforcement Actions + Investigations
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Fair Lending
- Federal Trade Commission (FTC)
- Financial Services
- Financial Services Litigation
- Franchise, Distribution + Marketing Litigation
- Government + Regulatory Litigation
- Litigation + Trial
- Military Lending
- Mortgage Lending + Servicing
- Noncompete + Trade Secrets
- Patent Litigation
- Payments + Financial Technology
- Product Liability
- Real Estate Litigation
- Securities Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Accredited mortgage professional specialist, Mortgage Banking Association

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- Member, Mortgage Banking Association
- Member, North Carolina Bar Association
- Coach, YMCA Youth Basketball, 1991-present
- Coach, YMCA Youth Flag Football, 2013-2019
- Ambassador, Alexis de Tocqueville Cabinet, United Way of the Central Carolinas, Inc., 2016-present
- Law council, Washington and Lee University School of Law, 2015-present; president, 2020-2021; vice president, 2019-2020

EDUCATION AND CERTIFICATIONS

EDUCATION

- Washington and Lee University School of Law, J.D., *cum laude*, 1991
- Duke University, A.B., 1988, economics

BAR ADMISSIONS

- North Carolina
- Virginia

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Western District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Western District of Virginia
- U.S. Bankruptcy Court, Western District of North Carolina
- U.S. Bankruptcy Court, Western District of Virginia

CLERKSHIPS

- Hon. Robert D. Potter, U.S. District Court, Western District of North Carolina, 1991-1993
- Hon. Marvin R. Wooten, U.S. Bankruptcy Court, Western District of North Carolina, 1993-1994
- Hon. J. Craig Whitley, U.S. Bankruptcy Court, Western District of North Carolina, 1994

SPEAKING ENGAGEMENTS

- Speaker, "Class Action Litigation Review," Troutman Pepper, June 15, 2022.
- Co-presenter, "Class-Action Litigation Review," Troutman Pepper Webinar, December 8, 2021.
- Speaker, "2020 Class Action Litigation Review," Troutman Pepper Webinar, September 29, 2020.
- Speaker, "Internal Investigations Best Practices," AgFirst Legal and Compliance Conference, March 2020.

PUBLICATIONS

- Co-author, “The CFPB Takes Aim at Overdraft Fees,” *Troutman Pepper*, December 22, 2021.
- Co-author, “CFPB Proposes Time-Barred Debt Supplement to Last Year’s Third-Party Debt Collection Rule,” *Troutman Sanders Consumer Financial Services Law Monitor*, February 25, 2020.
- Author, “FDIC Requests Comments on Small-Dollar Lending by Banks,” *Consumer FinSights*, December 3, 2018.
- Author, “Democrats Decry Kraninger at Hearing, but Republicans Appear Supportive,” *Consumer FinSights*, July 23, 2018.
- Author, “CFPB Announces a New “Office of Innovation”,” *Consumer FinSights*, July 23, 2018.
- Author, “No Changes to CFPB This Year,” *Subject to Inquiry*, May 2, 2018.
- Author, “Senate Votes to Strike Down Key CFPB Bulletin on Lending Discrimination in the Indirect Auto Market,” *Subject to Inquiry*, April 20, 2018.
- Author, “Full D.C. Circuit Court, Reversing Decision Below, Holds that CFPB’s Independent Structure Is Constitutional; Also Reinstates Important RESPA Rulings,” *Subject to Inquiry*, January 31, 2018.
- Author, “CFPB Issues Game-Changing Rule on Arbitration Clauses,” *Subject to Inquiry*, July 11, 2017.
- Author, “Debt Collector Defined: Supreme Court Exempts Debt Purchasers,” *Subject to Inquiry*, June 21, 2017.
- Author, “D.C. Circuit Grants Rehearing in PHH Case,” *Subject to Inquiry*, February 21, 2017.
- Author, “Trump Signals Beginning of Efforts to Curtail Dodd-Frank,” *Subject to Inquiry*, February 7, 2017.
- Author, “D.C. Circuit Rebukes CFPB in PHH Case,” *Subject to Inquiry*, October 11, 2016.
- Author, “CFPB Issues Final Mortgage Servicing Rules,” *Subject to Inquiry*, August 5, 2016.
- Author, “The CFPB Issues New Proposals Overhauling the Debt Collection Industry,” *Subject to Inquiry*, August 3, 2016.
- Author, “Parties in PHH Case Argue the Impact of Recent Supreme Court Decision,” *Subject to Inquiry*, July 5, 2016.
- Author, “Oral Arguments in PHH Case Signal Trouble for CFPB,” *Subject to Inquiry*, April 14, 2016.
- Author, “CFPB Proposes Banning Some Arbitration Clauses, Resurrecting Consumer Contract Class Actions,” *Subject to Inquiry*, October 8, 2015.
- Author, “New York, Zombie Debt and the CFPB,” *Subject to Inquiry*, December 22, 2014.
- Author, “Protected? Privileged Materials and the CFPB,” *Subject to Inquiry*, November 25, 2013.
- Author, “Electronic Data Discovery: ‘EED’ Imposes Challenges,” *NC Lawyers Weekly*, September 10, 2007.
- Co-author, “Ruling Rewrites Century of Pricing Law,” *Charlotte Business Journal*, August 31, 2007.
- Co-author, “A Plan for E-Discovery Should Be in Place Now,” *Business North Carolina*, June 1, 2007.