

# BAKER DONELSON

## BEARMAN, CALDWELL & BERKOWITZ, PC

### C. Lee Lott III

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Shareholder

4268 I-55 North Meadowbrook Office Park  
Jackson, Mississippi 39211

T: 601.351.2464  
F: 601.592.2464

Lee Lott, a shareholder in Baker Donelson's Mississippi office, has extensive experience in commercial litigation. The broad array of business torts and other commercial claims that he has defended as lead counsel includes fraud, negligent misrepresentation, breach of contract, breach of fiduciary duty, breach of warranty, wrongful foreclosure, wrongful repossession, unfair debt collection, unfair credit reporting, tortious interference, negligence, bad faith, malicious prosecution, false arrest, defamation, unjust enrichment, quantum meruit, conversion and investment suitability.

In addition to his civil litigation experience, Mr. Lott has defended both individual and corporate clients against criminal actions and investigations involving charges of white collar crimes, including bank fraud, procurement fraud, mortgage fraud, money laundering, criminal intellectual property violations, aggravated identity theft and immigration crimes. He has served as lead counsel in the successful defense of qui tam actions under the federal False Claims Act and has led internal investigations stemming from allegations of fraud by defense contractors, healthcare providers and other government contractors.

Mr. Lott also has experience in labor and employment litigation. He has served as lead counsel for employers answering EEOC charges and responding to worksite inspections by the EEOC and the DOL Wage and Hour Division, and he has defended numerous employment discrimination cases and FLSA collective actions.

Mr. Lott served as a law clerk to the Honorable Glen H. Davidson, United States District Judge for the Northern District of Mississippi, from 1997 to 1999.

Since joining Baker Donelson, Mr. Lott has served as lead counsel in the following matters:

#### **Representative Commercial Litigation and Other Civil Matters**

- Won dismissal of action against land appraiser for alleged fraud, breach of fiduciary duty and negligence in connection with valuation of commercial property subject to foreclosure. Avoided expense of discovery when Court granted motion to dismiss and held that plaintiff's claims were barred by doctrine of res judicata
- Won summary judgment in declaratory judgment action filed on behalf of lighting manufacturer in commercial dispute concerning termination of sales representative agreement. Sales representative claimed protection under out-of-state dealership law, but Court agreed with client that Mississippi law governed and termination was lawful
- Won early dismissal of federal action under Fair Debt Collection Practices Act. Plaintiffs alleged that firm's client harassed them with unlawful debt collection efforts. Client avoided expense of discovery when Court granted motion to dismiss

because plaintiffs failed to effect timely service of process

- Defended mortgage servicers in multiple actions by mortgagors alleging wrongful foreclosure, gross negligence, intentional and negligent infliction of emotional distress, and other business torts
- Defended mortgage company in multiple title disputes stemming from tax sales
- Defended housing providers against multiple complaints of discrimination based on national origin, family status and disability, and negotiated favorable outcomes with HUD investigators and conciliators
- Defended national finance company in multiple contract actions presenting claims for wrongful repossession, conversion and other business torts
- Defended national finance company in contract and fraud action alleging ponzi scheme in equipment lease transactions
- Defended restaurant and retail store in premises liability slip-and-fall actions
- Defended national retailer in malicious prosecution action alleging reckless indifference in handling of bad check and identity theft
- Defended health care company in bad faith action alleging wrongful delay in payment of workers compensation benefits

#### **Representative Government Investigations and Litigation Matters**

- Defended first-ever joint intellectual property criminal investigation between the United States and the People's Republic of China. An 18-count indictment alleged that the firm's client was the ringleader in a conspiracy causing the illegal reproduction and distribution of hundreds of thousands of copyrighted motion pictures throughout the world. The client was charged with criminal copyright and trademark infringement, illegal importation of infringing goods, and money laundering, with a potential maximum sentence of 20 years in federal prison. Successful plea negotiations resulted in a sharply reduced sentence, and the client was released after 27 months.
- Won dismissal of a federal qui tam action against a university research foundation under the False Claims Act. Relators alleged that university researchers knowingly used false or fabricated scientific data in their application for a federal research grant. The Court agreed with defense arguments in holding that the relators failed to state a claim for vicarious liability against the firm's client, and none of the factual allegations supported a claim for direct liability.
- Successfully defended a military contractor that was the target of an investigation by the United States Air Force Office of Special Investigations. Special agents executed search warrants simultaneously at multiple client facilities, and the United States Attorney issued a subpoena duces tecum resulting in the production of hundreds of thousands of paper and electronic documents. At conclusion of the three-year investigation, no prosecution of any kind was pursued against the company or any of its employees, and the case was closed.

#### **Publications & Speaking Engagements**

- Speaker – Lorman continuing education programs for human resources professionals on the topics "Workplace Privacy," "Internal Investigations," "Employment Discrimination" and "Workers Compensation" (2005-2007)
- Co-author – "Responding to an Environmental Investigation," American Bar Association, Criminal Justice Section (2004)

#### **Professional Honors & Activities**

- Deputy Special Counsel, Mississippi Governor Haley Barbour's Commission for Recovery, Rebuilding and Renewal for the Mississippi Gulf Coast (2005)
- CJA Panel Attorney, Federal Public Defender Program (2002-2008)

- Member – Mississippi Bar Association
  - Board of Directors – Young Lawyers Division (2004-2006)
  - Chairman – YLD "Bridge the Gap" Committee (2004-2006)
- Member – American Bar Association
- Member – Federal Bar Association
- Member – Mississippi Defense Lawyers Association
- Recipient – Jackson Young Lawyers Pro Bono Award (2001)

**Admissions**

- Mississippi, 1997

**Education**

- University of Mississippi School of Law, J.D., 1997, *cum laude*
- Georgetown University, B.A. Government, 1992, George F. Baker Scholar