



Kip A. Nesmith

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Services

Broker-Dealer Disputes, Commercial / Corporate Litigation, Financial Institution Disputes, Trusts, Estates & Fiduciary Litigation, Securities Litigation, Non-Compete & Trade Secrets,

Kip has broad experience in general commercial and securities litigation, ranging from complex contractual disputes and business interference claims to defending individual and class-wide insurance, annuity and securities fraud cases, lender liability cases, mass tort cases, and shareholder derivative actions. Much of Kip's recent work in the financial services industry includes the defense of customer claims on issues of suitability and selling away, defending trust institutions and trust officers in breach of trust actions and extensive representation of both financial advisors and broker-dealers with respect to non-compete and non-solicit agreements and injunctive relief actions.

Kip has successfully defended financial advisors and broker-dealers in numerous FINRA/NASD final arbitration hearings, achieving multiple zero awards under federal and state securities laws. Additionally, he recently obtained a multi-million dollar verdict for a regional construction firm following a two-week arbitration in a dispute arising from a joint venture agreement. Kip has also successfully litigated jury trials in both state and federal courts, having recently obtained a favorable settlement for a local client following a two-week trial in a highly publicized case in Jefferson County. Kip also serves as a FINRA arbitrator.

Publications and Articles

"Recent Cases and Decisions in Securities Law," *New Developments in Securities Litigation*, Fall 2011 (co-authors Victor L. Hayslip and Benjamin B. Coulter)

"A New Prosecutorial Frontier – SEC Seeks Bans on Municipal Officials," *Bond Case Briefs, Municipal Finance Law Since 1971*(December 2014)

Education

J.D., *magna cum laude*, University of Alabama School of Law, (2003)

B.A., *cum laude*, University of Alabama

Licensed In

Alabama

Honors & Awards

- *Best Lawyers in America*, Commercial Litigation (2016-2019)
- America's Top 100 High Stakes Litigators (2018)
- Benchmark Litigation, "40 & Under Hot List" (2016, 2018)
- *Mid-South Super Lawyers* "Rising Star," General Litigation (2016-2018)
- *Alabama Super Lawyers* "Rising Star," General Litigation (2010, 2012-2016)

Professional Associations

American Bar Association, Business Torts Litigation Committee, Technology Subcommittee, Co-Chair; Litigation Section, Member

Alabama Bar Association

Birmingham Bar Association

Defense Research Institute

Community Involvement

Childcare Resources, Junior Board Member

Monday Morning Quarterback Club, Member and Fundraising Captain

Cub Scouts, Den Leader

Dawson Baptist Church, Sunday School Leader for High School Seniors

Experience

- Defense verdicts defeating preliminary injunction and ultimately dismissing \$4 million action in Louisiana against broker-dealer and three brokers for misappropriation of trade secrets and breaches of non-solicitation agreements
- Successful defense of a broker-dealer before state securities commission into alleged distribution of unregistered securities.
- Multiple defense verdicts for broker and broker-dealer dismissing claims for fraud and unsuitability totaling more than \$3 million (plus punitive damages and fees) by purchasers of variable annuities.
- Denial of class certification and grant of summary judgment for telecommunications provider on unjust enrichment and commercial deception claims in multiple states.

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