

BIRMINGHAM

Lee E. Bains, Jr.

SHAREHOLDER



Lee's Profile

Lee is a Shareholder and member of several practices in the Litigation section at Maynard Cooper.

Lee has extensive experience in complex civil litigation, particularly in the areas of class actions, punitive damages, insurance, antitrust, and business and commercial litigation. Lee is a fixture in the courtrooms of Alabama, both state and federal. He has represented clients in cases in nearly every Alabama county and has handled numerous appeals before the Alabama Supreme Court.

His history as a successful and knowledgeable litigator dates back to the 1980s and 1990s when Alabama was known as “tort hell.” During that time, Lee represented numerous Fortune 500 companies in hundreds of punitive damages and class action cases across Alabama.

Since the early 1980s, Lee has handled class action and complex commercial cases in federal and state courts throughout the United States and has presented oral arguments in the Second, Fifth, Eighth and Eleventh Circuits. He has defended class action litigation throughout the country, including cases in Arizona, Arkansas, California, Georgia, Illinois, Louisiana, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New York, South Carolina, Tennessee, and Texas.

Lee has appeared as an attorney of record in cases that have resulted in more than 100 published opinions.

His talents and success in the field have been recognized by numerous organizations and peer-review lists, among which is his distinction as a Leading Practitioner by Chambers USA in both Litigation: Commercial and Litigation: Appellate. Lee is consistently listed in The Best Lawyers in America®, Super Lawyers, and Benchmark Litigation for his work as a litigator. In addition, he has been rated AV-Preeminent by Martindale-Hubbell since his seventh year of practice.

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Lee received his J.D. from Harvard Law School and his A.B. from Harvard University.

Lee's Experience

Federal Court Petition to Compel Arbitration

- State court litigation had been pending for seven years when our firm was hired to handle this matter. We filed a federal court petition to compel arbitration, pursuant to Section 4 of the Federal Arbitration Act (“FAA”). The federal district court granted the petition, rejected the respondent’s abstention challenge, and compelled arbitration as to all claims relating to one brokerage account and reserved ruling as to claims relating to three other brokerage accounts. *MetLife Securities, Inc. v. Holt*, 2016 WL 3964459 (E.D. Tenn. July 21, 2016).
- The court granted petitioners’ motion to strike respondent’s jury demand as untimely under Section 4 of the FAA and explained that the burden is on the party opposing arbitration to show a genuine issue of material fact exists as to the validity of the arbitration agreement in order to justify the need for a jury trial under Section 4. *MetLife Securities, Inc. v. Holt*, 2016 WL 6127138 (E.D. Tenn. Oct. 19, 2016).
- After an evidentiary hearing, the court granted the petition to compel arbitration as to all remaining claims, including claims relating to three brokerage accounts where the respondent had not signed the account agreements with the arbitration provisions. *MetLife Securities, Inc. v. Holt*, 2016 WL 6683586 (E.D. Tenn. Nov. 14, 2016). Respondent filed a notice of appeal, but subsequently dismissed her Sixth Circuit appeal. In its various opinions, the federal district court addressed a variety of significant arbitration-related issues, including choice of law provisions, waiver, the validity and enforceability of the arbitration provision, and challenges to the arbitration clause as a contract of adhesion and based on alleged unconscionability.

Catastrophic Medical Insurance Policy Class Action

- Obtained dismissal of purported nationwide class action asserting claims for denial of benefits under the catastrophic medical insurance policy. *Metz v. United States Life Insurance Company in the City of New York*, 662 F.3d 600 (2d Cir. Dec. 8, 2011).

Credit Life Insurance/Credit Disability Insurance Unearned Premium Class Action Litigation

- Defeated certification of a nationwide class in unearned premium credit insurance litigation. *Bishop v. Protective Life Insurance Co.*, 255 F.R.D.619 (M.D. Ga. 2009). The court also granted the defendant's motion for summary judgment as to the plaintiff's tort claims and claims for attorneys' fees and punitive damages. *Bishop v. Protective Life*, 597 F.Supp. 2d 1354(M.D. Ga. 2009).

GAP Unearned Premium Class Action Litigation

- Obtained dismissal before the discovery of purported nationwide class in GAP unearned premium litigation. *Massih v. Jim Moran & Associates, Inc.*, 542 F. Supp. 2d 1324 (M.D. Ga. 2008), *aff'd*, 315 F. Appx. 177 (11th Cir. 2008).

“Juvenile Smoker” Class Action Litigation

Obtained first complete litigation victory for any life insurance company in the “Juvenile Smoker” litigation that has been filed against many of the major life insurance companies. In the *ALG/American General “juvenile smoker”* purported nationwide class action in the Middle District of Tennessee, the district court granted the motion to dismiss as to three of the four counts of the complaint.

- *Thompson v. American General*, 404 F. Supp. 2d 1023 (M.D. Tenn. 2005). Following extensive discovery, the district court granted the American General's motion for summary judgment on the remaining breach of contract claim.
- *Thompson v. American General*, 448 F. Supp. 2d 885 (M.D. Tenn. 2006). American General had filed its opposition to the plaintiff's motion for certification of a nationwide class, but the federal district court granted the American General motion for summary judgment without reaching the class certification issue. The plaintiff voluntarily dismissed her Sixth Circuit appeal shortly before the scheduled oral argument. Although “juvenile smoker” class action litigation had been filed against several major life insurance companies, the Thompson case was the first complete litigation victory for any life insurance company in this litigation wave.

Race-based Premium Litigation

Has handled an MDL proceeding involving several purported class actions, hundreds of lawsuits involving multiple plaintiffs, and tens of thousands of claimants. In the course of that MDL proceeding involving race-based premium litigation, Lee obtained several significant litigation victories:

- Obtained affirmance by the Fourth Circuit Court of Appeals of the district court's denial of class certification as to the pre-1982 class. *Hunter v. American General Life and Accident Insurance Company*, 2004 WL 5231631 (D.S.C. Dec 2, 2004), *aff'd*, 205 F. Appx. 177 (4th Cir. 2006) (“Hunter I”).
- Obtained denial of class certification as to alleged statistically discriminatory life insurance policies. In re *American General Life and Accident Insurance Company*, MDL No. 1429, C/A 3:01-5000 (D.S.C. March 9, 2007) (“Hunter II”). The Hunter I and Hunter II decisions were rare class-action victories for the life insurance industry in the race-based premium litigation. The Fifth Circuit, several federal district courts, and a couple of state courts had essentially ruled that a class should be certified in race-based premium litigation against other life insurance companies.

- Obtained dismissal of Section 1982 claim, dismissal of several named class representatives based on Article III standing grounds, and dismissal of vast majority of Section 1981 post-formation conduct claims based on the statute of limitations. *Hunter v. American General Life and Accident Insurance Company*, 375 F. Supp. 2d 442 (D.S.C. 2005).
- Obtained favorable ruling that earlier class action did not toll the running of the statute of limitations for the subsequent class action. *Hunter v. American General Life and Accident Insurance Company*, 384 F. Supp. 2d 888 (D.S.C. 2005).
- Obtained a landmark ruling from the Alabama Supreme Court that the common law rule of repose barred all common law claims involving life insurance policies sold more than 20 years before the complaint was filed. *American General Life and Accident Insurance Company v. Underwood*, 886 So. 2d 807 (Ala. 2004). That favorable ruling:
 - Effectively insulated the life insurance industry from common law liability for millions of life insurance policies sold in Alabama more than 20 years ago.
 - Prompted plaintiffs' counsel to amend the complaints in more than 100 cases pending in Alabama state court to add Section 1981 and 1982 claims, thereby providing a basis for AIG/American General to remove the cases from the unfavorable Alabama state court forums and to have the cases transferred as tag-alongs to the MDL proceeding in South Carolina.

Notable Cases & Successes

- *M.F. v. Magellan Healthcare, Inc.*, 2021 WL 1121042 (N.D. Ill. March 24, 2021) (granting motion to dismiss a purported class action alleging federal and state claims involving healthcare coverage).
- *Crosby v. California Physicians' Service, et al.*, F. Supp. 3d, 2020 WL 6535790 (C.D. Cal. Nov. 2, 2020) (denying plaintiffs' motion for class certification in a case alleging ERISA claims because plaintiffs failed to satisfy the requirements of Rule 23(a), Rule 23(b)(1) and 23(b)(2), and dismissing the case for plaintiff's lack of Article III standing).
- *Miller v. Metropolitan Life Insurance Co.*, 979 F.3d, 118 (2d Cir. Oct. 29, 2020) (affirming district court's order granting defendant's motion to dismiss purported nationwide class action and holding that plaintiff's breach of contract claims were barred by the statute of limitations, and one judge concurred on the grounds that the Securities Litigation Uniform Standards Act ("SLUSA") precluded the plaintiffs' claims).
- *Alenci v. Hometown America Management, LLC*, 2020 WL 2515872 (D. Mass. May 15, 2020) (granting defendants' motion to dismiss purported class action by residents of a manufactured housing community alleging six statutory and common law claims based on various state laws and the governing contract relating to water usage by the residents).
- *Advance Trust & Life Escrow Services, LTA v. Protective Life*

Insurance Company, 2020 WL 2198955 (N.D. Ala. May 6, 2020) (granting in part defendant's partial motion to dismiss a purported nationwide class action alleging breach of contract relating to Cost of Insurance charges for universal life insurance policies and dismissing "any claims seeking to recover for breaches that occurred more than six years before the filing of this lawsuit.").

- *BMTP, LLC v. RBH, Inc.*, 2020 WL 6875827 (N.D. Ala. March 5, 2020) (granting manufacturer defendants' motion to dismiss purported nationwide class action as to plaintiffs' negligence claims and as to Louisiana plaintiffs' breach of implied warranty claims relating to manufactured homes).
- *Miller v. Metropolitan Life Ins. Co.*, 2019 WL 4450637 (S.D.N.Y. Sept. 17, 2019) (granting defendant's motion to dismiss purported nationwide class action).
- *BMTP, LLC v. RBH, Inc.*, 2019 WL 407409 (M.D. La. Jan. 31, 2019) (granting defendant's motion to transfer venue from the Middle District of Louisiana to the Northern District of Alabama).
- *Ex parte Birmingham Airport Auth.*, 2018 WL 4656625, --- So.3d ---- (Ala. Sept. 28, 2018) (obtained writ of mandamus requiring dismissal of all claims against client due to statutory immunity defense)
- *Ware v. Metropolitan Property and Casualty Insurance Company*, 220 F. Supp. 3d 1288, 2016 WL 7209816 (M.D. Ala. Dec. 7, 2016) (granting defendant's motion to dismiss a purported class action asserting a breach of contract claim against an insurance company for depreciating labor costs when calculating the actual cash value of the insurance policy).
- *MetLife Securities, Inc. v. Holt*, 2016 WL 6127138 (E.D. Tenn. Oct. 19, 2016) (granting petitioner's motion to strike respondent's jury demand as untimely under Section 4 of the Federal Arbitration Act and explaining that the burden is on the party opposing arbitration to show a genuine issue of material fact exists as to the validity of the arbitration agreement in order to justify the need for a jury trial under Section 4).
- *MetLife Securities, Inc. v. Holt*, 2016 WL 3964459 (E.D. Tenn. July 21, 2016) (granting in part petition for an order to compel arbitration and rejecting respondent's abstention argument premised on the pendency of related state court litigation for seven years).
- *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*, 2015 WL 5166014 (E.D. Tenn. Sept. 24, 2015) (granting in part defendants' motions to dismiss federal antitrust law claims and state law claims alleged in purported nationwide class actions by Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, and Consumer Plaintiffs).
- *Lee v. Comcast Cable Communications, Inc.*, 2015 WL 4619806 (N.D. Ala. July 31, 2015) (granting defendant's motion to compel arbitration of named plaintiff's individual claim in purported class action alleging RICO and common law claims and rejecting plaintiff's challenge to class action waiver provision).
- *Camarena v. Vanderbilt Mortgage and Finance, Inc.*, 2015 WL 4036258 (N.D. Ill. July 1, 2015) (granting defendant's motion to transfer venue of TCPA purported nationwide class action from plaintiff's chosen forum to the location of defendant's

headquarters).

- Lewis v. Delaware Charter Guarantee & Trust Co., 2015 WL 1476403 (E.D.N.Y. March 31, 2015) (granting motion to dismiss a purported nationwide class action alleging common law and statutory claims relating to valuation in IRAs of non-publicly traded REITs), aff'd, 642 Fed. Appx. 23 (2d Cir. March 14, 2016).
- Kraetsch v. USAA, 2015 WL 1457015 (E.D. Mo. March 30, 2015) (granting motion to strike plaintiffs' class action allegations before initiation of class discovery)
- Pate Flagship, LLC v. Cypress Equities Southeast, LLC, 88 F. Supp. 3d 1271 (N.D. Ala. 2015) (granting motion to dismiss an amended complaint alleging breach of contract and accounting relating to interest savings on GO Zone bonds and alleged Enhancement Interest for mixed use real estate development)
- Saunders v. USAA Life Insurance Co., 71 F. Supp. 3d 1058 (N.D. Cal. 2014) (granting motion to transfer venue of purported nationwide class action and California sub-class from the Northern District of California to the defendant's headquarters in the Western District of Texas, San Antonio Division).
- Weaver v. National Better Living Association, 2014 WL 1621951 (N.D. Ala. April 22, 2014) (granting defendants' motion to stay discovery pending the court's ruling on motions to dismiss a purported nationwide class action alleging RICO and common law claims).
- In re Cast Iron Soil Pipe and Fittings Antitrust Litigation, 999 F. Supp. 2d. 1368, 2014 WL 709763 (JPML Feb. 18, 2014) (Accepting defendants' position that "center of gravity of [the 14 purported nationwide antitrust class actions] is in the Southeast" and transferring 11 purported class actions from N.D. Cal. to E.D. Tenn. where one case was pending).
- Bliss & Glennon, Inc. v. Ashley, 420 S.W. 3d 379 (Tex. App. – Hous. (1 Dist.), Jan. 7, 2014) (reversing trial court's order certifying a nationwide class action in data breach case) [our law firm was first engaged after the trial court's class certification order was entered and appeal notice was filed].
- In re Bliss & Glennon, Inc., 2014 WL 50831 (Tex. App. – Hous. (1 Dist.), Jan. 7, 2014) (granting mandamus petition as to trial court's severance order entered in violation of statutory stay provision pending resolution of interlocutory appeal of trial court's order certifying nationwide class action) [our law firm was first engaged after trial court's orders were entered].
- Goodner v. Clayton Homes, Inc., 2013 WL 5194113 (8th Cir. Sept. 16, 2013) (vacating district court's CAFA remand order).
- CMH Homes, Inc. v. Goodner, 729 F. 3d 832, 2013 WL 4749906 (8th Cir. Sept. 5, 2013) (vacating district court's order dismissing the petition to compel arbitration for lack of subject matter jurisdiction).
- Carroll v. CMH Homes, Inc., 2013 WL 960408 (S.D. Ind. March 12, 2013) (granting motion to dismiss based on forum selection clause).
- Lawson v. Life of the South Insurance Company, 286 F.R.D. 689 (M.D. Ga. Sept. 28, 2012) (granting defendant's motion to strike plaintiff's nationwide class action allegations), No. 12-90036-A (11th Cir. Dec. 7, 2012) (denying plaintiff's Rule 23(f) petition for

permission to appeal).

- *Vanderbilt Mortgage and Finance, Inc. v. Flores*, 692 F.3d, 358 (5th Cir. Aug. 23, 2012) (reversing jury verdict for borrowers on RICO/fraud/statutory claims, rendering judgment for lender, and holding that release of liens on land collateral did not release the debt owed by borrowers for a manufactured home).
- *McVeigh v. Callan Associates*, 2012 WL 1155783 (N.D. Ala. March 26, 2012) (dismissal of purported class action against asset managers).
- *Patel v. New York Life Insurance Co.*, 2011 WL 6778545 (S.D.N.Y. Dec. 20, 2011) (granting motion to stay discovery in a purported nationwide class action pending a ruling on a motion to dismiss).
- *Metz v. United States Life Insurance Company in the City of New York*, 662 F.3d 600 (2d Cir. Dec. 8, 2011) (affirming district court order granting defendant's motion to dismiss purported nationwide class asserting claims for denial of benefits under a catastrophic medical insurance policy).
- *Berry v. Indianapolis Life Insurance Company; American General, et al.*, 2011 WL 3555869 (N.D. Tex. Aug. 11, 2011) (granting defendants' motion to dismiss plaintiffs' remaining claims in 412(i) purported nationwide class action).
- *Davis v. Home Buyers Warranty Corporation*, 2011 WL 3489886 (N.D. Ala. Aug. 8, 2011) (granting defendants' motion to dismiss in RESPA purported nationwide class action).
- *Lemus v. CMH Homes, Inc.*, 2011 WL 2709035 (S.D. Tex. July 12, 2011) (granting defendants' motion to compel arbitration, staying action pending arbitration proceedings, and deciding a variety of issues, including binding a non-signatory plaintiff to an arbitration agreement, waiver, missing arbitration agreement, and ratification).
- *Hafer v. Vanderbilt Mortgage and Finance, Inc.*, 793 F.Supp.2d 987 (S.D. Tex. June 24, 2011) (granting defendants' motion to compel arbitration as to individual claims of named plaintiffs in purported class action and staying action pending arbitration proceedings).
- *Schandler v. New York Life Insurance Co.; U.S. Life; Hadassah*, 2011 WL 1642574 (S.D.N.Y. April 26, 2011) (granting defendants' motions to dismiss in a purported nationwide class action involving Major Medical Plan).
- *Lawson v. Life of the South Insurance Co.*, 738 F. Supp. 2d 1376 (M.D. Ga. Sept. 23, 2010) (granting defendant's motion to stay pending resolution of appeal on arbitration issue in a purported nationwide class action).
- *Davis v. Home Buyers Warranty Corp.*, No. 2:10-cv-01815-SLB (N.D. Ala. Sept. 4, 2010) (granting motion to stay discovery in RESPA purported nationwide class action pending a ruling on the motion to dismiss).
- *Metz v. United States Life Insurance Company*, 2010 WL 3703810 (S.D.N.Y. Sept. 21, 2010) (granting defendant's motion to dismiss in a purported nationwide class action involving catastrophic major medical insurance policies).
- *Metz v. United States Life Insurance Company*, 674 F.Supp. 2d 1141 (C.D. Cal. 2009) (granting motion to transfer venue from Central District of California to Southern District of New York in a purported

nationwide class action involving catastrophic major medical insurance policies).

- *Berry v. Indianapolis Life Insurance Company*, 608 F. Supp. 2d 785 (N.D. Tex. 2009) (in 412(i) purported nationwide class action, granting motion to dismiss 24 plaintiffs for lack of standing, dismissing certain counts with prejudice, and dismissing all other counts as to 10 remaining plaintiffs without prejudice to repleading those counts).
- *Bishop v. Protective Life Insurance Co.*, 255 F.R.D. 619 (M.D. Ga. 2009) (denying plaintiff's motion for certification of nationwide class seeking refunds of credit life insurance/credit disability insurance premium payments following early loan payoffs).
- *Bishop v. Protective Life Insurance Co.*, 597 F. Supp. 2d 1354 (M.D. Ga. 2009) (granting defendant's motion for summary judgment as to plaintiff's tort claims and claims for attorneys' fees and punitive damages).
- *American General Life Insurance Co. v. Schoenthal Family, LLC*, 555 F.3d 1331 (11th Cir. 2009) (affirming summary judgment for the insurance company in the rescission of \$7 million life insurance policy based on financial misrepresentations in the application process in first Stranger-Owned Life Insurance ('STOLI') case decided by a Circuit Court of Appeals).
- *In re FEMA Trailer Formaldehyde Products Liability Litigation*, 570 F. Supp. 2d 851 (E.D.La. 2008) (granting motion to dismiss six defendants from a purported class action in MDL proceeding based on plaintiffs' lack of Article III standing against those defendants).
- *Massih v. Jim Moran & Associates, Inc.*, 542 F.Supp. 2d 1324 (M.D. Ga. 2008) (granting motion for judgment on the pleadings before discovery in purported nationwide consumer class action seeking refunds of GAP payments following early loan payoffs), *aff'd*, 315 F. Appx. 177 (11th Cir. 2008).
- *Holoway v. Protective Life Insurance Co.*, 2007 WL 2904162 (M.D. Ga. Oct. 3, 2007) (granting motion to dismiss purported nationwide class action involving alleged failure to refund unearned premium on credit life/credit disability insurance based on plaintiff's lack of Article III standing).
- *Thompson v. American General Life and Accident Insurance Co.*, 448 F. Supp. 2d 885 (M.D. Tenn. 2006) (summary judgment for insurer on breach of contract claim in 'juvenile smoker' purported nationwide class action litigation), appeal dismissed based on plaintiff's motion for voluntary dismissal of appeal (6th Cir. Nov. 21, 2007).
- *Thompson v. American General Life and Accident Insurance Co.*, 404 F. Supp. 2d 1023 (M.D. Tenn. 2005) (granting motion to dismiss as to three of four counts of complaint in a purported nationwide class action in "juvenile smoker" litigation).
- *Hunter v. American General Life and Accident Insurance Co.*, 2004 WL 5231631 (D.S.C. Dec. 2, 2004) (denial of class certification as to pre-1982 class in race-based premium litigation in MDL proceeding), *aff'd*, 205 F. Appx. 177 (4th Cir. 2006).
- *American General Life and Accident Insurance Co. v. Underwood*,

866 So. 2d 807 (Ala. 2004) (holding that all common law claims, relating to life insurance policies sold more than 20 years before the complaint was filed, were barred by the rule of repose).

- *Lynn v. Kia Motors America, Inc.*, No. CV-2003-412-JPS (Circuit Court of Madison County, Alabama July 25, 2003) (dismissal of statewide purported consumer class action against Kia Motors America, Inc. based on plaintiff's lack of standing and lack of a case or controversy).
- *Metropolitan Life Insurance Co. v. Glisson*, 295 F.3d 1192 (11th Cir. 2002) (compelling arbitration of tort and contract claims based on unsigned arbitration endorsement attached to a life insurance policy, but not specifically mentioned in the policy itself).
- *Marshall v. American General Life and Accident Insurance Company*, 174 F. Supp. 2d 709 (M.D. Tenn. 2001) (denying plaintiff's motion to remand case removed on eve of the trial from Alabama state court directly to Tennessee federal district court based on All Writs Act and federal court's retention of jurisdiction over earlier class action settlement).
- *Bailey v. Allgas, Inc.*, 148 F. Supp. 2d 1222 (N.D. Ala. 2000) (granting motion to strike competitor's expert report and opinion as to relevant geographic market and market power and granting defendant's motion for summary judgment as to plaintiff's Robinson-Patman Act claim).
- *Gunn v. World Omni Financial Corp.*, 184 F.R.D. 417 (M.D. Ala. 1999) (vacating state court's conditional class certification order entered before removal and granting defendant's motion to dismiss purported class action without notice to the class).
- *Abbott Laboratories v. Durrett*, 746 So. 2d 316 (Ala. 1999) (reversing trial court's order denying defendants' motion for judgment on the pleadings and holding that Alabama's antitrust statutes do not provide a cause of action for damages allegedly resulting from a price-fixing agreement for goods shipped in interstate commerce).
- *Self v. Alltel, Inc.*, No. 98-JEO-2581-S (N.D. Ala. 1998) (dismissal of purported consumer class action based on plaintiff's lack of standing).
- *Chastang v. Metropolitan Life Insurance Company*, 1996 U.S. Dist. LEXIS 22265 (S.D. Ala. March 7, 1996) (denying plaintiff's motion to remand purported nationwide class action that was removed pre-CAFA based on fraudulent joinder theory despite plaintiff's efforts to waive damages greater than the jurisdictional minimum).
- *Durden v. Abbott Laboratories*, Case No. CV-93-663 (Circuit Court of Calhoun County, Alabama, Jan. 16, 1996) (denying plaintiff's motion for class certification of indirect purchasers of infant formula alleging violations of state antitrust statutes).
- *McCarter v. Abbott Laboratories*, Case No. CV-91-050 (Circuit Court of Shelby County, Alabama, 1994) (denying plaintiff's motion for class certification of indirect purchasers of infant formula alleging violations of state antitrust statutes).
- *Soap Company v. Ecolab, Inc.*, 646 So. 2d 1366 (Ala. 1994) (prospective recognition of 'competitor's privilege' as companion doctrine to tortious interference with business relations).

- Williams v. E. F. Hutton Mortgage Corp., 555 So. 2d 158 (Ala. 1989) (affirming summary judgment for defendant/note-holder in purported statewide consumer class action alleging that real estate mortgage loans included excessive, non-refundable, prepaid finance charges and were unconscionable and usurious under Alabama law).
- H.T.&T., Inc. v. TRW, Inc., 752 F. Supp. 424 (S.D. Ala. 1989) (represented defendant in a jury trial that resulted in defendant's jury verdict on plaintiff's Sherman Act §1 claim for vertical price-fixing and plaintiff's common law tortious interference claim and a plaintiff's jury verdict for \$5,000 on Sherman Act §1 claim for refusal to deal), aff'd, 1991 U.S. App. LEXIS 4141 (11th Cir. 1991).
- Super Valu Stores, Inc. v. Peterson, 506 So. 2d 317 (Ala. 1987) (affirmance of what-was-then the largest jury verdict ever affirmed by the Alabama Supreme Court and what remains as the leading Alabama case on the standard for the recovery of lost profits for an unestablished business).
- L.A. Draper & Son, Inc. v. Wheelabrator-Frye, Inc., 454 So. 2d 506 (Ala. 1984) (abatement of plaintiff's state court complaint alleging unfair competition and related common law claims based on the plaintiff's filing of an appeal in the federal courts of the federal district court's dismissal of plaintiff's pendent unfair competition claim).
- L.A. Draper & Son, Inc. v. Wheelabrator-Frye, Inc., 735 F.2d 414 (11th Cir. 1984) (affirming district court's order granting defendant's motion for a directed verdict in a jury trial as to plaintiff's antitrust claims under Sherman Act §1).
- L.A. Draper & Son, Inc. v. Wheelabrator-Frye, Inc., 560 F. Supp. 1138 (N.D. Ala. 1983) (order granting defendant's motion for a directed verdict in a jury trial as to plaintiff's antitrust claims under Sherman Act § 1).
- Water Works Board of the City of Birmingham v. Barnes, 448 So. 2d 296 (Ala. 1984) (rejecting challenges to new water rate schedules).
- Collins v. Metropolitan Life Insurance Company, 727 F.2d 1402 (11th Cir. 1984) (affirming rare jury verdict for insurer in beneficiary's claim involving denial of accidental death benefits).

Lee's Awards

- Chambers USA, Leading Practitioner in Litigation: General Commercial; Litigation: Appellate (2006 - present)
- The Best Lawyers in America® for Bet-the-Company Litigation, Appellate Practice, Commercial Litigation, and Insurance Law (2001 - present)
- Recognized as a "Litigation Star" by Benchmark Litigation
- Mid-South Super Lawyers for Class Action (2016-present)
- Mid-South Super Lawyers "Top 50 Super Lawyer in Alabama" (2016-present)
- B-Metro, Selected as a Top Attorney (2020)
- Alabama Super Lawyers for Class Action/Mass Torts and "Top 50 Lawyers in Alabama" (2008 - 2015)
- Birmingham Magazine's "Top Class Action Lawyer" (2011)

- Birmingham Business Journal's "Best of Bar" Appellate (2006)
 - Martindale-Hubbell AV® Preeminent Rating (since 1988 after 7 years of practice)
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Maynard, Cooper & Gale P.C.



2022

Lee's Affiliations and Civic Involvement

- American Bar Association
- Alabama State Bar Association, Business Torts and Antitrust Law Section, Former Chairman
- Birmingham Bar Association

Bar Admissions

State Bar: Alabama

U.S. District Court: Alabama (Northern, Middle, Southern)

U.S. Court of Appeals: Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, Eighth Circuit, Eleventh Circuit

U.S. Supreme Court

Education

- Harvard Law School
 - (1980, J.D., cum laude)
- Harvard University
 - (1977, A.B., cum laude)