

HUNTSVILLE

## Walter A. "Tod" Dodgen

SHAREHOLDER



### Tod's Profile

Tod is a veteran trial lawyer who represents companies and stakeholders involved in complex business disputes. He has appeared as lead counsel in courts across the country and various international tribunals and has a proven track record of creative and aggressive representation, particularly from the plaintiff's side of the "v." He is adept at coordinating legal teams and strategy that involve the intersection of multiple disciplines and venues and has recovered hundreds of millions of dollars for his business clients.

Tod has navigated successful outcomes in high stakes, bet-the-company cases in the software, real estate, oil and gas, firearms, healthcare, pharmaceutical, and government contracts industries. Utilizing the Firm's national footprint, Tod has served as lead counsel in more than nineteen states, and his expertise covers a broad spectrum of substantive areas, including business torts, corporate governance/derivative litigation, intellectual property litigation, litigation arising from merger and acquisition transactions, commercial contract disputes, and matters involving the acquisition, sale, and development of commercial real property.

Tod's cases often receive national media coverage, and he frequently litigates matters of first impression involving novel legal theories and emerging industries.

Links to recent matters:

- <https://www.bloomberg.com/news/articles/2017-12-15/palantir-investor-says-company-sabotaged-stock-sale-to-chinese>
- <https://www.washingtonpost.com/national/2019/07/20/opioid-files/?arc404=true>
- <https://www.google.com/amp/s/www.policymed.com/amp/2016/07/more-opioid-pill-shipment-settlements.html>
- <https://myNBC15.com/news/local/judge-dr-horton-destroyed-evidence-in-civil-case>

Tod's skills as a litigator have earned him recognition by Super Lawyers in the area of Business Litigation, and he is AV Preeminent™ rated by Martindale-Hubbell.

### Contact

T 256.512.0118  
F 256.512.0119  
C 256.426.3840

[tdodgen@maynardcooper.com](mailto:tdodgen@maynardcooper.com)  
Sarah Goldsmith Campbell  
[sgoldsmithcampbell@maynardcooper.com](mailto:sgoldsmithcampbell@maynardcooper.com)  
256.512.5734

### RELATED INDUSTRIES/SERVICES

[Outdoor Products](#)  
[Real Estate Litigation](#)

## Complex Business Litigation Experience

A substantial portion of Tod's practice involves representing clients in litigation arising from M&A and other business transactions. Some of his recent experience includes representing:

- Founding shareholders and provider of healthcare services to a Latin American government in a fraud and RICO case pending in federal district court and involving three related state court proceedings
- International merchant bank in tortious interference case in Delaware Superior Court arising out of proposed sale of privately held securities
- National pharmaceutical cooperative in the seminal opioid litigation filed by the state of West Virginia arising out of the opioid epidemic
- National pharmaceutical cooperative in the Opioid MDL and various related state court proceedings
- Portfolio software company and 26 worldwide subsidiaries in six week bench trial over an earn out provision and fraud claims arising out of asset purchase transaction
- Publicly traded jet engine manufacturer in two week jury trial arising out of post-merger indemnity obligations of founding shareholders
- International merchant bank in acquisition dispute over the sale of pharmaceutical company to Chinese investor in California state court
- Purchaser of demilitarized F-5 aircraft in a theft, fraud and title dispute involving parallel litigation proceedings in Oklahoma state court, Florida state court, and federal bankruptcy court
- Sellers against publicly traded Fortune 300 company in nine figure fraud-in-the-inducement acquisition dispute; obtained adverse jury instruction against chairman of board for intentional destruction of evidence
- Former bank director in breach of fiduciary duty and fraud action filed by the FDIC and companion coverage dispute arising out of bank's regional loan portfolio at the time of the 2008 financial crisis
- Majority owner in oil and gas service provider in derivative/breach of fiduciary duty litigation arising from the BP oil spill
- Minority owners of payment processing technology company in corporate oppression and derivative litigation against majority shareholder

## IP Litigation Experience

Tod has represented a wide variety of companies involved in intellectual property disputes arising from patents, trademarks, and copyrights. He has successfully defended and prosecuted infringement and trade secret claims in both state and federal courts and litigated numerous IP licensing issues.

His recent engagements include representing:

- Cosmetics company in trademark and trade dress infringement litigation in First and Eleventh Circuits
- Minority owner of international cryptocurrency firm in shareholder and IP disputes in Bermuda and New York
- Firearms manufacturer in trademark infringement/licensing litigation against national wholesaler and in subsequent bankruptcy proceeding
- Licensee of biometric technology in patent infringement action
- International commercial ink and printer manufacturer in post-merger arbitration arising from earn out provision and distribution agreement

## Real Property Litigation Experience

Tod has a national practice representing developers, owners, bondholders,

landlords, and tenants in litigation and arbitration proceedings. He has successfully handled matters involving purchase/sale contracts and options, including acquisition, specific performance, and escrow disputes; fraud and rescission claims; management and operating agreements for resorts, hotels, and shopping centers; ownership issues, including partnership and entity disputes, succession, squeeze-out, and dissolution; commercial leases; and construction disputes.

Notable engagements include representing:

- Auction company in parallel proceedings in Panama, Texas, and Alabama arising out of sale of Panamanian resort
- Developer of proposed \$60 million project in litigation by adjacent property owner seeking to prevent construction
- Purchaser of multi-family property in fraud litigation
- Owner in multi-state litigation with tenant over lease termination
- National retail tenant in litigation over redevelopment of \$50M retail facility
- Retail tenant in national multi-location lease termination dispute
- Owner of 330,000 square foot distribution center in dispute with developer
- Seller in earn out dispute related to sale of 550,000 square foot retail facility
- Owner in arbitration against contractor and architect over acoustical issues with mixed use residential/retail development
- Owner of hotel in arbitration over design/construction issues
- Owner of 500,000 square foot retail center in arbitration over design/construction issues
- Owner in qui tam action brought by developer for alleged lease kickbacks and Stark violations

Tod also regularly advises clients and litigates land use regulations against governmental entities, including matters related to zoning, taxes, easements, overlay districts, deed restrictions, historical preservation, conditional use permits, private road use, and construction, appropriation, and competitive bidding.

Representative Appellate Decisions:

- West Virginia ex. rel. Morrissey v. AmerisourceBergen Drug Corp., 2013 W6 1305575 (S.D. W. Va. Mar. 27, 2013)
- Rismed Oncology Systems, Inc. v. Daniel Esgardo Rangel Baron, 638 Fed. Appx 800 (11th Cir. 2015)
- Buck v. CH Highland, LLC, — So. 3d —, No. 2150220, 2016 WL 3221095 (Ala. Civ. App. June 10, 2016)
- Alabama Concrete Co., Inc. v. Argos Cement, LLC, No. 5:14-cv-01940-MHH, 2015 WL 5693614 (N.D. Ala. Sept. 29, 2015)
- Huntsville Golf Dev., Inc. v. Estate of Brindley, No. 5:13-CV-00870-MHH, 2015 WL 5693608 (N.D. Ala. Sept. 29, 2015)
- United States ex rel. Wilson v. Crestwood Healthcare, L.P., No. CV-11-S-3361-NE, 2012 WL 1886351 (N.D. Ala. May 18, 2012)
- Huntsville Times Co. Inc. v. United States, 98 Fed. Cl. 100 (2011)
- Ex parte Bentley, 50 So. 3d 1063 (Ala. 2010)
- Intergraph Corp. v. Bentley Systems Inc., 58 So. 3d 63 (Ala. 2010)
- Technical Innovation, Inc. v. United States, 93 Fed. Cl. 276 (2010)
- Neeley v. Gateway, Inc., 977 So. 2d 511 (Ala. Civ. App. 2007)
- Bentley Systems, Inc. v. Intergraph Corp., 922 So. 2d 61 (Ala. 2005)

## Tod's Awards

- Mid-South Super Lawyers for Business Litigation (2016 – present)
- The Best Lawyers in America® for Commercial Litigation (2021)
- Alabama Super Lawyers for Business Litigation (2014-2015)
- AV Preeminent™ peer review rating in Martindale-Hubbell

## Tod's Affiliations and Civic Involvement

### Civic Involvement

- Huntsville Museum of Art, Board of Directors, Past Vice-Chair
- Downtown Huntsville, Inc., Board of Directors
- Teton Mountain Lodge, former Board Member
- United Cerebral Palsy of Huntsville, Past President
- Huntsville/Madison County Land Trust, former Board Member
- Leadership Huntsville/Madison County – Class 22

## Bar Admissions

State Bar: Alabama, Wyoming

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

U.S. Court of Appeals: Eleventh Circuit

U.S. Court of Federal Claims

## Education

- University of Alabama School of Law
  - (1997, J.D., summa cum laude; Dean M. Leigh Harrison Scholar; Order of the Coif; Senior Editor, Alabama Law Review; Hugo Black Scholar Award (Class Rank 1/189))
- University of Alabama
  - (1994, B.S., magna cum laude; Corporate Finance and Investment Management; Jansons, President; Student Court Chief Justice, Anderson Society; Phi Gamma Delta Fraternity)