WHITEFORD



Eric H. Feiler

PARTNER

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BIOGRAPHY

Mr. Feiler's practice focuses on securities litigation, business torts and commercial contract disputes. He has successfully represented clients in corporate litigation, government enforcement actions and internal investigations. He has litigated securities class actions, challenges to mergers, business torts, derivative actions, and commercial contract disputes. He has also handled internal investigations involving the Foreign Corrupt Practices Act, the False Claims Act, and Securities and Exchange Commission and Department of Justice Enforcement Actions.

Mr. Feiler represents corporations and individuals in high-stakes and high-profile matters, involving both private litigation and government enforcement. He works with individuals and corporations across numerous industries, and in jurisdictions around the country. He understands that the most effective representation requires active coordination with legal and business constituents, often including in-house and outside deal counsel, and that there is no such thing as a one-size-fits-all approach to litigation.

Mr. Feiler has successfully represented clients in the courtroom,

PRACTICES & INDUSTRIES

Business Litigation

Securities Litigation and Enforcement

Investigations

Administrative Law, Regulatory Compliance & Enforcement

Business Solutions, Restructuring & Financial Litigation

International Sanctions and White Collar Criminal Defense

EDUCATION

University of Michigan Law School, 1999, J.D., cum laude

Georgetown University, 1993, M.A.

University of Michigan, 1991, B.A.

ADMISSIONS

Virginia

U.S. Court of Appeals: Fourth Circuit

achieving favorable results at both the motion and trial stage. He has also obtained favorable results in avoiding litigation altogether, including through successful negotiation with the government in a Foreign Corrupt Practices Act investigation.

RECOGNITIONS

- *The Best Lawyers in America*®, Commercial Litigation (2023-2027), Litigation - Securities (2027), Qui Tam Law (2026, 2027)

MEMBERSHIPS & ACTIVITIES

- Member: Virginia State Bar Association
- Member: Bar Association of the City of Richmond

FIDUCIARY DUTY AND CORPORATE GOVERNANCE

- (N.C.) Represented Fortune 500 energy company and its board of directors in shareholder class actions in state and federal court in connection with $13 billion merger with another Fortune 500 energy company.
- (Cal.) Represented Fortune 100 corporation in shareholder class actions brought in connection with acquisition of technology company. Action dismissed on the pleadings.
- (N.Y., Md.) Represented REIT in class action brought by preferred shareholder alleging breach of contract and breach of fiduciary duty in connection with merger with another REIT.
- (Tex.) Represented automotive lender and its board of directors in suits seeking to enjoin the sale of the company to automotive manufacturer. Case dismissed.

MERGER & ACQUISITION LITIGATION

- (VA) Defended not-for-profit hospital in challenge to its sale to purchasing hospital. Successfully defended against motion for injunction. Following filing of motion to dismiss, litigation settled on favorable terms, permitting closing of sale.

U.S. Court of Appeals: Third Circuit

U.S. Court of Appeals: Eleventh Circuit

U.S. District Court: Eastern District of Virginia

U.S. District Court: Western District of Virginia

DERIVATIVE LITIGATION

- Represented special litigation committee of the Board of Directors of Fortune 100 mortgage corporation in its investigation and evaluation of two derivative claims pending against several former officers and directors of corporation. The derivative claims relate to alleged accounting improprieties in the wake of the company's $5 billion restatement of earnings in 2003.
- Negotiated walk-away settlement of shareholder derivative litigation against food distribution corporation and its board of directors alleging breaches of fiduciary duty.

INTERNAL INVESTIGATION

- Conducted internal investigation of whistleblower allegations in corporation preparing to issue stock. Conducted interviews of employees and prepared investigation report.
- Conducted internal investigation of Fortune 500 corporation regarding accounting practices. Conducted interviews of employees and prepared investigation report.

CONFIDENTIAL SEC/DOJ INVESTIGATION

- Represented corporation in investigation by SEC and Department of Justice into alleged violations of Foreign Corrupt Practices Act.
- Represented Fortune 1000 corporation in investigation by SEC and Department of Justice into alleged violations of Foreign Corrupt Practices Act.

BUSINESS TORT LITIGATION

- (VA) Successfully obtained trial verdict in claims brought by investors against REIT acquiring management company and multiple apartment developments.
- (VA) Successfully obtained trial verdict in the ongoing national battle between major developers of retail shopping centers challenging legality of proposed bond issuance.

SECURITIES LITIGATION

- (S.D.N.Y.) Represented former REIT in action by noteholders alleging various contract and business tort claims in connection with repurchase of securities.

SHAREHOLDER CLASS ACTION

- (E.D. VA) Successfully represented underwriter in defense of shareholder class actions against issuer and underwriters arising out of alleged omissions from various filings related to IPO and secondary offerings. Underwriters dismissed.

SECURITIES FRAUD LITIGATION

- (E.D. VA) Represented Fortune 200 consumer electronics company and several officers in securities fraud class action alleging accounting improprieties and seeking damages in the hundreds of millions of dollars. Conducted client interviews and co-authored briefs in support of motion to dismiss. Case dismissed with prejudice.
- (N.D. TX) Represented Fortune 100 energy company and certain of its officers and directors in numerous securities fraud class actions triggered by the Company's decision to reduce its dividend. Assisted in research and preparation of pleadings and prepared briefs in support of motion to dismiss. Case settled on favorable terms.
- (S.D.N.Y) Represented publicly traded pharmaceutical corporation in suit alleging securities fraud related to “death spiral” financing. Obtained favorable settlement.
- (MA) Represented depositor and underwriter in claims for violations of the Massachusetts Uniform Securities Act related to RMBS offerings.
- (DE) Represented senior executives in defense of putative federal securities class action alleging material misstatements and omissions and accounting improprieties. Motion to dismiss granted.
- (3d Cir.) Represented food producer and two officers in defense of shareholder class actions and derivative suits alleging securities law violations arising out of allegedly misleading press releases. Complaint dismissed; affirmed by the Third Circuit.

ARBITRATION

- Successfully defended energy company over indemnification claims arising from its acquisition of fuel plant.
- Obtained favorable arbitration ruling for broker in defending allegations of unsuitable investments in customer account.
- Obtained arbitration decision in favor of life insurance company on allegations of fraud, conspiracy and waste of corporate assets.