WHITEFORD



James F. Moyle

PARTNER

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BIOGRAPHY

Mr. Moyle's practice covers a broad range of industries and includes commercial litigation, arbitrations, regulatory investigations, securities class and derivative actions and employment issues. The flexibility of his practice allows him to represent companies as well as individual officers, directors and employees in important matters whether large or small.

Mr. Moyle's successful track record over more than thirty years has earned him repeated recognition as one of New York's leading business lawyers. Some of the nation's most respected companies turn to him for a variety of matters that demand a sophisticated yet pragmatic approach. His strategic advice has resulted in many early-stage victories and has allowed clients to manage risk and control costs by positioning cases for highly favorable settlements. Mr. Moyle also is an experienced courtroom advocate and has successfully litigated matters in state and federal courts across the nation, as well as before regulatory bodies and arbitral panels.

Mr. Moyle previously spent more than two decades at two elite global firms, and was twice elected a member of one firm's governing board.

PRACTICES & INDUSTRIES

Business Solutions, Restructuring & Financial Litigation

Securities Litigation and Enforcement

Business Litigation

Labor and Employment Litigation

EDUCATION

Albany Law School, 1991, J.D., magna cum laude

State University of New York (SUNY) Binghamton, 1988, B.A., with honors

ADMISSIONS

New York

U.S. Supreme Court

U.S. Court of Appeals: Second Circuit

U.S. Court of Appeals: Third Circuit

He has authored numerous articles on financial services litigation and is a member of the New York State Bar Association, the New York City Bar Association, and the Federal Bar Council. He is a director and Chair of the Investment Committee for Give Kids The World, an 89-acre nonprofit resort in Central Florida that creates magical, cost-free vacations for critically ill children and their families. Give Kids The World is consistently one of Charity Navigator's highest rated nonprofits.

RECOGNITIONS

- *Chambers USA* (2007- 2012)
- New York Metro *Super Lawyers* (2013- 2026)

MEMBERSHIPS & ACTIVITIES

- Director: Give Kids the World; Chair, Investment Committee (2007-Present)
- Member: Federal Bar Council (October 2011- Present)
- Member: New York City Bar Association (February 2013- Present)
- Member: New York State Bar Association (January 2013- Present)

Recent Representative Matters

- Representing an investment advisor, mutual fund officers and other defendants in a putative securities class action arising out of almost $2 billion in pandemic-fueled declines in a Fund's net assets. Achieved early-stage dismissal of claims and theories of liability, with matter now limited to liquidity classification issues for the Fund's non-agency residential mortgage-backed securities.
- Represented a $14 billion investment company, its advisor and officers in an SEC investigation regarding fund marketing and other issues, arising under the Investment Advisers Act of 1940, Investment Company Act of 1940, and rules thereunder. Successful settlement achieved in 2024.
- Represented accounting firm in inquiries by the SEC and Department of Justice regarding activities of Russian oligarch.
- Representing investment advisor in an SEC investigation pertaining to mutual fund performance reporting.

U.S. Court of Appeals: Seventh Circuit

U.S. District Court: Southern District of New York

U.S. District Court: Eastern District of New York

U.S. District Court: Central District of Illinois

- Represented municipal bond underwriter in FINRA proceeding regarding contract dispute with former employee.
- Representing broker in dispute with fund advisor regarding contract and fee issues pertaining to an $800 million capital raise for an exchange-traded fund.
- Represented semiconductor company and its officers in putative class action brought under the Securities Exchange Act of 1934 alleging that the company's public filings failed to disclose that a material portion of its revenues came from sales to Huawei in violation of an export ban. Achieved an early victory when a federal district court granted defendants' motion to dismiss the claims in their entirety.
- Represented investment advisor in SEC investigation pertaining to $4 billion mutual fund's investments in odd-lot securities and valuation issues. Successful settlement achieved in 2022.
- Represented global consulting firm in responding to large-scale non-party discovery in federal asbestos-related litigation, including successful discovery-related motion practice. (2022)
- Represented an investment advisor, investment company and their officers and directors in a Florida state court class action arising out of a fund's NAV decline of more than $1.8 billion. The Court granted defendants' early-stage motion to dismiss the case for lack of jurisdiction, with prejudice. (2021)
- Represented investment advisor, investment company and others in multi-jurisdiction federal class action, Ohio state court derivative action, and regulatory investigations (SEC and CFTC) arising out of $700 million in fund losses and asserting violations of the Securities Act of 1933, Investment Company Act of 1940, Investment Advisers Act of 1940, Commodity Exchange Act and state law. All matters successfully resolved after federal court granted defendants' motion to dismiss plaintiff's claims with prejudice. (2020-2023)
- Represented hedge fund manager in FINRA proceeding addressing compensation and other employment issues. (2022)
- Represented West Coast investment advisor and funds in FINRA proceeding alleging that broker and traders failed to timely execute trades, resulting in millions in damages. Successful settlement achieved in 2021.

- Represented semiconductor company in suit regarding American Depositary Shares that followed indictment by Department of Justice charging economic espionage and theft of trade secrets. Favorable settlement in 2020 after mediation.
- Represented mutual fund advisor and others in AAA arbitration brought by portfolio manager employing a complex “short squeeze” strategy who sought millions of dollars in damages after the board closed the fund. Successful strategy resulted in claimant voluntarily dismissing the case with no payment whatsoever. (2020)