

J.M. Durnovich

ASSOCIATE

t: 704.342.5344

John Michael (J.M.) Durnovich represents individuals, businesses, and government bodies facing a wide range of challenges, with a concentration in government-related conflicts, constitutional litigation, and business disputes. In addition, he regularly represents clients through appeals at all levels of state and federal courts, including at the U.S. Supreme Court.



OFFICE LOCATION

301 S. College St., Suite 2900
Charlotte, NC 28202

JURISDICTIONS LICENSED

North Carolina, South Carolina, US District Court for the Eastern District of NC, US District Court for the Middle District of NC, US District Court for the Western District of NC, US Court of Appeals for the Fourth Circuit, US District Court for the District of South Carolina

“I pride myself on working hard to accomplish intelligent and cost-effective solutions to my clients’ most pressing challenges.”

BIOGRAPHY

J.M. represents professionals and businesses in both prosecuting and defending complex business litigation matters, including claims of malpractice, fraud, unfair trade practices, tortious interference, corporate veil piercing, and antitrust violations. He also represents individuals and government entities in high-stakes governmental disputes, whistleblower claims, and constitutional challenges up to and at the Supreme Court of the United States.

J.M. also maintains a substantial pro bono practice and serves as an appellate attorney for North Carolina's Guardian ad Litem program. In recognition of his public service, J.M. was inducted into the inaugural cohort of the Pro Bono Honor Society by the North Carolina Supreme Court.

AREAS OF FOCUS

LITIGATION

- Currently representing craft breweries in a closely watched constitutional challenge to the application of North Carolina's beer distribution and franchise laws
- Currently representing a government whistleblower in a lawsuit against two now-convicted district attorneys and the State of North Carolina
- Successfully represented physical therapists and patients in a federal antitrust lawsuit over patients' access to a form of physical therapy known as dry needling
- Successfully petitioned state government agency to repeal as "untenable" its own tax rule that had been enforced for more than six years
- Representing individuals and governmental entities in litigation involving the state and federal constitutions, including Civil Rights claims and challenges to legislation

APPELLATE PRACTICE

- Successfully appealed trial court's order denying an investor's motion to dismiss a products-liability lawsuit, resulting in the Court of Appeals directing the trial court to dismiss all claims against client
- Currently representing the North Carolina Department of Revenue before the U.S. Supreme Court after successfully petitioning the Court to decide the scope of the State's tax authority in a case with hundreds of millions of tax dollars at stake
- Represented five European business organizations in filing an amicus brief before the U.S. Supreme Court in *U.S. v. Microsoft*, a closely-watched case concerning cross-border data transfers and international investigations

BUSINESS LITIGATION

- Successfully obtained dismissal of claims for breach of contract, slander of title, and request for declaratory relief regarding the validity of a mortgage assignment
- Successfully obtained dismissal of all claims including fraud, unfair trade practices, and punitive damages against real estate developer on the eve of a jury trial while preserving the developer's counterclaims against the plaintiff
- Successfully obtained dismissal of class action lawsuit against a national lender in case alleging thousands of violations of the federal Servicemembers' Civil Relief Act
- Representing employers and employees with respect to non-compete, non-solicitation, and trade secret disputes
- Litigating complex, multi-party construction disputes involving contract, lien, and bond claims under state and federal law, including the Miller Act
- Defending against claims of fraud, misrepresentation, unfair trade practices, mortgage

- assignment challenges, and breaches of warranties arising from real estate transactions
- Enforcing judgments and collecting on delinquent accounts, including prejudgment liens, injunctive relief, claim and delivery actions, foreclosures, and supplemental proceedings, for banks and financial institutions
 - Litigating claims under various consumer protection statutes, including the Fair Debt Collection Practices Act
 - Representing and counseling companies and individuals regarding contractual liability, both under common law and the Uniform Commercial Code

PROFESSIONAL LIABILITY

- Successfully obtained dismissals of federal antitrust claims and constitutional claims against former members of the state licensing boards
- Successfully obtained dismissal of federal statutory and constitutional claims relating to attorney's representation of confidential informant to the U.S. Drug Enforcement Agency

CREDENTIALS

EDUCATION

University of North Carolina School of Law, JD, *with honors*

University of Virginia, BA in Foreign Affairs

NOTABLE ACCOMPLISHMENTS

Ranked among Super Lawyers magazine's North Carolina "Rising Stars" (Business Litigation), 2019
[North Carolina Pro Bono Honor Society](#), 2016, 2017

Executive Editor, N.C. Journal of Int'l Law & Commercial Regulation

Recipient of Eugene Gressman & Daniel H. Pollitt Oral Advocacy Award

PROFESSIONAL & COMMUNITY ACTIVITIES

Board Member, City of Charlotte's Privatization/Competition Advisory Committee

Pro Bono Appellate Counsel, NC Guardian ad Litem Program

"Treemaster," TreesCharlotte

Volunteer Attorney, Pro Se Settlement Assistance Program

The Good Fellows Club

Justice William Bobbitt Inn of Court

American Bar Association

North Carolina Bar Association

South Carolina Bar Association

Mecklenburg County Bar Association