

# Tate Ogburn

## PARTNER

t: 704.342.5258

Tate's practice focuses on construction law and commercial litigation. He also regularly represents banking and other financial institutions in workouts, foreclosure actions, and defending lender liability cases.



### OFFICE LOCATION

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

### JURISDICTIONS LICENSED

North Carolina, South Carolina, Supreme Court of the United States, 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

## BIOGRAPHY

Tate has substantial experience representing owners, general contractors, subcontractors, and suppliers in contract negotiations, construction disputes, including lien and bond claims, delay issues, and construction defect cases in North Carolina and South Carolina. Tate represents lenders and automobile finance companies in defending contract claims and lender liability claims brought under various consumer protection statutes. He represents large and small commercial entities in prosecuting and defending general litigation in state and federal court throughout North Carolina and South Carolina.

## AREAS OF FOCUS

## OUTSIDE GENERAL COUNSEL SERVICES

- Serves as outside general counsel for a large assisted living facility in Mecklenburg County

## CONSTRUCTION

- Represented specialty steel manufacturer in mechanic's lien action involving general contractor default on V.C. Summer Nuclear Station in Fairfield County, South Carolina
- Represented regional lumber supplier in collecting amounts owed by subcontractor that filed bankruptcy. Representation involved proceedings in bankruptcy court and mechanic's lien actions in North Carolina and South Carolina

### Representative Cases:

*Miles-McClellan Construction Company, Inc. v. NorSouth Constructs of NC, LLC, et al.* (Mecklenburg County, North Carolina, Superior Court) – Represented NorSouth Constructs of NC, LLC, a general contractor, in a week-long trial defending claims brought by a subcontractor and prosecuting counterclaims

*United States of America for the Use and Benefit of Cook & Boardman, Inc. v. The Broadband Companies, LLC, et al.* (United States District Court for Western District of North Carolina) – Represented Cook & Boardman, a subcontractor, in prosecuting a Miller Act claim to collect amounts owed and defending counterclaims by the general contractor

*ETW Development Company, LLC v. Bovis Lend Lease, Inc., et al.* (Horry County, South Carolina Court of Common Pleas) – Represented roofing subcontractor in construction defect case brought by developer of a high-rise condominium tower in Myrtle Beach, South Carolina

*City of Gastonia v. Balfour Beatty Construction, Inc., et al.* (U.S. District Court, Western District of North Carolina) – Counsel for City of Gastonia in a \$30 million construction dispute involving a wastewater treatment plant

*White Fox Construction Co., Inc. v. Mountain Grove Baptist Church, Inc.* (Caldwell County, North Carolina, Superior Court) – Appellate counsel for Mountain Grove Baptist Church in the successful reversal on appeal of a \$2,000,000 judgment obtained against the church by a general contractor

## LITIGATION

[Woodson v. DLI Properties, et al.](#) (South Carolina Supreme Court) – Successfully obtained dismissal of claims against Allen Tate Co., Inc. and its agent for fraud, negligent misrepresentation, and violations of South Carolina's unfair trade practices act arising from failed negotiations concerning the sale of a parcel of real property. As part of the decision from the South Carolina Supreme Court, the Court overruled a decision of the South Carolina Court of Appeals requiring orders granting summary judgment to contain factual findings and legal conclusions.

*Welliver McGuire, Inc. v. Members Interior Construction, Inc.* (Mecklenburg County Superior Court) – Counsel for HD Supply in successful dismissal of products liability case.

*Traylor Bros, Inc. v. J. A. Jones Construction Company, et al.* (U.S. District Court, Western District of North Carolina) – Counsel for Traylor Bros in a \$1 million contract dispute involving a joint venture agreement.

## **CREDITORS' RIGHTS & BANKRUPTCY**

- Represents national finance company in bankruptcy matters in North Carolina and South Carolina

### **Representative Cases:**

*In re: 222 South Caldwell Street, LP* (United States Bankruptcy Court for the Western District of North Carolina) – Represented lender in state court foreclosure and receivership action involving twenty story high-rise condominium tower in downtown Charlotte. Also represented lender in subsequent bankruptcy proceedings

*First Trust Bank v. American Equipment Leasing, LLC, et al.* – Represented lender in collecting amounts due under multiple loans secured by tractor trailers and defending claims against lender

## **BANKING**

- Represented national automobile finance company in defending claims brought in the Western District of North Carolina alleging violations of the Fair Credit Reporting Act, 15, U.S.C. § 1681, *et seq.*
- Represented private lender in defending lender liability claims in the Western District of North Carolina alleging violations of federal and state consumer protection statutes
- Represented national automobile finance company in defending lender liability claims filed in New Hanover County, North Carolina Superior Court

### **Representative Cases:**

*RBC Bank v. Thomas Darin Epps, et al.* (United States District Court for the District of South Carolina) – Represented RBC Bank in lawsuit against participants in a multi-million dollar mortgage fraud scheme in Horry County, South Carolina

## **CREDENTIALS**

### **CERTIFICATIONS & SPECIALIZATIONS**

Certified Yellow Belt in Legal Lean Sigma by the Legal Lean Sigma Institute®

### **EDUCATION**

Wake Forest University School of Law, J.D., 1996

Wake Forest University, M.B.A., 1996

University of North Carolina, B.A., 1992

### **NOTABLE ACCOMPLISHMENTS**

Recognized in The Best Lawyers in America (Commercial Litigation) 2024-2025; (Construction Law) 2024-2025

North Carolina Bar Association Citizen Lawyer Award recipient 2021

Recognized By Chambers USA: America's Leading Lawyers for Business (Construction) 2020-2024

Ranked in *Business North Carolina* magazine's "Legal Elite," (Construction) 2011, 2016

Ranked among *Super Lawyers* magazine's North Carolina "[Super Lawyers](#)," (Business Litigation) 2017-2024

## **PROFESSIONAL & COMMUNITY ACTIVITIES**

Director, Lucile P. & Edward C. Giles Foundation (2017 – Present)

Ronald McDonald House of Charlotte, Board of Directors (2016 – Present)

American Red Cross, Greater Carolinas Region Board of Directors (2007 – Present) (Secretary 2009 – 2012, Vice Chair 2012-2014, Chair 2014 – 2015)

American Red Cross – CPR, First Aid and Water Safety Instructor

North Carolina Bar Association

Mecklenburg County Bar Association

Elizabeth Community Association (1997 – 2004, President, 2003 – 2004)