

## Joseph W. Moss, Jr.

### MEMBER

t. 704.338.5340

[jmoss@nexsenpruet.com](mailto:jmoss@nexsenpruet.com)

The Carillon Building  
227 W Trade St #1550  
Charlotte, North Carolina 28202



### Practices

Alternative Dispute Resolution  
Banking and Finance  
Business & Commercial Disputes  
Construction Law  
Construction Services for General Contractors  
Construction Services for Owners  
Construction Services for Subcontractors and Suppliers  
Employment & Labor Law  
Governmental Litigation  
Land Use and Zoning  
Litigation  
Real Estate Law  
Real Estate Litigation  
Shareholder Litigation

### Industries

Construction  
Manufacturing  
Real Estate

Joe practices in Charlotte with a focus on complex business litigation. He is recognized by peers as a top business litigation attorney in Charlotte and North Carolina, receiving “Top 25 in Charlotte” and “Top 100 in North Carolina” recognition in Charlotte Law & Politics Magazine, *Super Lawyers*® annual listings for eight consecutive years. He also is consistently recognized for Construction Litigation and maintains Martindale Hubble’s AV Preeminent® rating.

Joe frequently represents individuals, privately owned businesses, publicly traded companies, and local governments. His trial experience includes cases in the North Carolina Business Court, United States District Courts, United States Bankruptcy Courts, and arbitrations administered by FINRA and the American Arbitration Association.

Joe’s practice areas include real estate litigation, shareholder and partnership disputes, securities law claims, business torts, unfair competition and unfair trade practices, breach of fiduciary duty, defamation, fraud and trade secret claims. Joe also has extensive experience with construction contracts and represents clients in litigation and arbitration of construction and design disputes. His experience includes work for clients across many industries including real estate development and construction, property management, banking and financial services, sports and entertainment, manufacturing, legal, medical and local government.

## Education

Davidson College, B.A., 1988

→ *Omicron Delta Epsilon*,  
Economics Honor Society

Wake Forest University School of  
Law, J.D., *Cum Laude*, 1993

→ Managing Editor, *Wake Forest  
Law Review*, 1992-93

## Admissions

North Carolina

South Carolina

American Bar Association: Forum on  
the Construction Industry; Litigation  
Section

A certified mediator by the North Carolina Dispute Resolution Commission, Joe is licensed to practice law in North Carolina and South Carolina.

## Experience

### Experience / Representative Matters and Practice Descriptions:

#### Construction, Construction Litigation, and Construction Arbitration

- Contract negotiation and drafting, bid protests, mechanic's liens, and licensing hearings
- Litigation and arbitration of contract disputes, lien claims, defect claims, delay claims, and payment and performance bond claims
- Clients include owners, design professionals, contractors, trade subcontractors, and surety companies

#### Business Disputes and Contract Matters

- Obtained a judgment for hotel developer arising from loan broker fraud and breach of contract
- Represented a medical product manufacturer against a competitor for civil conspiracy, trade secret misappropriation, unfair trade practice, and interference with contract
- Represented a large technology firm in a claim for breach of a software license agreement
- Represented a selling company in an earn-out compensation claim relating to post-closing company performance
- Prosecute and defend fraud and unfair trade practice claims
- Represented business owner in defense of minority shareholder claims

#### Securities Litigation and Arbitration

- Conflicts counsel for a federal court-appointed receiver in a large SEC enforcement action arising from a pyramid and ponzi scheme with more than 1 million victims
- Arbitrated a customer claim resulting in a \$1.4 million arbitration award against a broker and firm
- Represented an investment fund in a securities fraud action arising from a \$25,000,000 investment

- Represented a securities broker in an employment and compensation dispute with securities firm

## Employment-Related Litigation

- Defended a breach of fiduciary duty and unfair trade practice claims asserted against employee
- Defended a CPA firm in trade secret misappropriation case
- Prosecuted an employee's claim for bonus compensation resulting in a jury verdict and judgment in the North Carolina Business Court
- Enforcement of non-compete agreement for employer

## Local government litigation

- Represented local government in defense of statutory and constitutional challenges to development related fees
- Represented local government in land use disputes

## Real Estate Brokerage Related

- Obtained a judgment for a commercial real estate broker in commission collection action
- Defended brokers before NC Real Estate Licensing Board

## Real Estate Litigation

- Represented commercial landlords in ejectment and collection actions
- Defended condemnation actions for landowners relating to highway projects
- Represented commercial property owners and loan guarantors in default and foreclosure proceedings on a large development loan
- Represented property owners in easement and boundary disputes

## Financial Services and Bank Related Claims

- Represented banks and customers in check processing, forgery, and related UCC claims

## NASCAR Related Litigation

- Defended team owner from former employee's claims of fraud and breach of contract arising from employee's claimed ownership interest in team
- Defended securities firm employee in a fraud action arising from a proposed investment in a race team
- Represented team sponsor in a contract dispute with team owners

## Trust and Estate Litigation

- Represented beneficiaries in multi-party action relating to administration of large family trust

## Recognition

Martindale Hubble AV Preeminent® Rated

Charlotte Law & Politics Magazine, *Super Lawyers*®, Business Litigation (2004-22)

- Charlotte The “Top 25” (2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021)
- North Carolina The “Top 100” (2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021)

North Carolina Business Magazine, *Legal Elite*®, Construction Litigation (2006-2022)

North Carolina Bar Association, Award, Outstanding Young Lawyer, 1996-97

## Community & Professional

- Speaker, NCBA Construction Law Section, September 24-25, 2020, *Laying the Foundation, Brick by Brick*, CPM Scheduling and Tips for Navigating Claims (Co-Speaker with Andrew Englehart)
- Speaker, ABA Forum On the Construction Industry, Charlotte, N.C., March 2016, *Termination, Claims and Disputes*
- Speaker, NCBA Construction Law Section, September 2014, *Modifying Subcontracts to Anticipate a Multi-Party Dispute*
- Presenter, Everyday Ethics in Construction Law and Litigation, NCBA CLE, September 29, 2012, Concord, N.C.
- Site Coordinator, Sticks & Bricks CLE Program, ABA Forum on the Construction Industry, October 2011, Charlotte, N.C.
- Presenter, Construction Litigation, Ethics, CLE Program, Mecklenburg County Bar, February 1, 2011, Charlotte, N.C.
- Presenter, Lien on Me: When Developers, Lien and Title Insurance Collide, Ethics, February 22, 2007, Cary, N.C.
- Chair, Construction Law Section of the North Carolina Bar Association, 2006-07
- Mecklenburg County Bar Board of Directors, 2001-2004
- C. State Bar Young Lawyer Delegate to ABA House of Delegates, 1999-2001
- Chair, NCBA YLD Disaster Legal Services Committee, 1996-98
- Member, NCBA YLD, Executive Council, 1996-98, 1999-2001