



## ROBERT E. SUMNER IV

### Charleston Office

(843) 277-3705

Robert.Sumner@butlersnow.com

*Robert is a member of Butler Snow's commercial litigation group where he focuses his practice on complex civil litigation for a variety of clients, including large corporations, manufacturers, small businesses, real estate owners and developers, and trustees. He has tried jury and non-jury cases in state and federal courts in North and South Carolina, and has successfully handled appeals before the Court of Appeals and Supreme Courts of North and South Carolina, as well as the U.S. Court of Appeals for the Fourth Circuit.*

### PRACTICE AREAS AND INDUSTRY TEAMS

- Commercial Litigation
- Product Liability Litigation
- Estate/Trust Fiduciary Litigation
- Financial Services Litigation
- Class Actions

### EXPERIENCE

- Lead trial counsel in a two-week jury trial in the South Carolina Business Court in Charleston County, SC defending a national retail pharmacy in a case involving claims of interference with contract and unfair trade practices. The parties reached a settlement after the conclusion of evidence and two days of jury deliberations. February 2020.
- Lead counsel defending a large manufacturer in a wrongful death action pending in District Court in South Carolina. After completing the first phase of a bifurcated discovery schedule, on March 25, 2019, the District Court granted the defendant's Motion to Dismiss based on a finding that the decedent was the statutory employee of the defendant and that his estate's only legal recourse was under the South Carolina Worker's Compensation Act.
- Lead counsel representing a family in a series of actions pending in Probate and Circuit Courts in Beaufort, SC, seeking to remove a trustee from a series of revocable, irrevocable, and charitable trusts and recover damages for breach of trust and breach of fiduciary duty. After five years of litigation, the cases settled. December 2018.
- Lead trial counsel in a scheduled multi-week jury trial in the Circuit Court in Charleston County, SC defending a property owner from personal injury claims related to an alleged toxic exposure. The case settled after two days of trial. September 2018.
- Co-counsel defending an online travel company in a class action filed in District Court in South Carolina. The District Court granted the travel company's motion to dismiss on the grounds that the arbitration clause and class action waiver contained in the hybrid clickwrap/browsewrap agreement were enforceable. June 2018.

- Lead counsel for the plaintiff trust in an LLC derivative proceeding pending in the South Carolina Business Court, seeking damages for breach of contract, breach of fiduciary duty, and an accounting. The case settled after two years of litigation. May 2018.
- Lead trial counsel in a two-week jury trial in the Circuit Court in Charleston County, SC defending a property owner from claims of breach of contract and interference with contract after the property was damaged by fire. The owner settled with two of the parties after the trial. The case against the remaining plaintiff is currently on appeal in the South Carolina Court of Appeals. February 2018.
- Lead counsel representing a German machine manufacturer in a series of products liability cases filed in District Courts and state courts in South Carolina, Pennsylvania, and Alabama. All of the cases settled prior to trial. May 2015 – September 2018.
- Lead counsel for the trustee of an irrevocable trust in a matter pending in the Probate Court in Beaufort County, SC, defending against claims of breach of trust and breach of fiduciary duty. After two years of litigation, the case settled at mediation. May 2017.
- Lead counsel for a community bank in an action pending in the Circuit Court in Horry County, SC, defending against claims for breach of contract, unfair trade practices, fraudulent misrepresentation, negligent misrepresentation, and conversion. After three years of litigation, the case settled at mediation. August 2015.
- Lead counsel for a real estate developer in an action pending in the Circuit Court in York County, SC, defending against negligence causes of action related to a catastrophic motor vehicle accident and resulting brain injury. After three years of litigation, the case settled at mediation. June 2014.
- Lead trial counsel in a bench trial in the Circuit Court on Charleston County, SC, representing a financial institution and lead loan participant seeking to recover damages in excess of \$20 Million arising from a default of a commercial loan. The case settled after two days of trial. October 2013.
- Lead trial counsel in a jury trial in the Circuit Court in Jasper County SC, defending a banking institution from claims of breach of contract, promissory estoppel, conversion, and negligent misrepresentation arising out of an alleged lease agreement. The case settled after three days of trial. March 2013.
- Lead trial counsel for plaintiff logging company in a binding arbitration in Richland County, SC, seeking damages for breach of logging contract. At the conclusion of arbitration, the plaintiff recovered the full measure of damages owed under the contract. December 2012.
- Lead trial counsel in a bench trial in the Circuit Court in Beaufort County, SC, defending a licensee for claims relating to a breach of a license agreement. After a favorable ruling at trial, the ruling was later affirmed by the South Carolina Supreme Court. February 2011.
- Lead trial counsel in a week-long bench trial in the District of South Carolina, defending a vessel owner from claims and personal injury damages arising under the Jones Act. Following a favorable ruling from a trial court, the parties reached a settlement. March 2010.

- Lead trial counsel in a multi-day bench trial in Circuit Court in Berkeley County, SC, defending a large banking institution who was sued for failure to stop payment on certified checks under Articles 3 and 4 of the Uniform Commercial Code. After a favorable ruling from the trial court, the ruling was affirmed by the South Carolina Court of Appeals. June 2009.

## **BAR ADMISSIONS**

- North Carolina, 2002
- South Carolina, 2003
- U.S. District Court
  - South Carolina: District of South Carolina
- U.S. Court of Appeals
  - 4<sup>th</sup> Circuit

## **DISTINCTIONS**

- *Best Lawyers in America*®
  - Commercial Litigation, 2021
  - Litigation – Trusts and Estates, 2021
- *South Carolina Super Lawyers*®
  - Business Litigation, 2016-2020

## **ASSOCIATIONS**

- Charleston County Bar Association
  - Engagement Committee
    - Co-Chair
  - Education Committee
    - Chair
- South Carolina Bar Association
  - House of Delegates
- North Carolina Bar Association
- Federation of Defense and Corporate Counsel
  - Commercial Litigation Committee
    - Vice Chair
- American Bar Association
  - Litigation Section
    - Trial Practice Committee
- South Carolina Defense Trial Attorneys' Association

## EDUCATION & HONORS

- University of South Carolina, J.D., 2002
  - Articles Editor, *South Carolina Environmental Law Journal*
  - Member, Moot Court Bar
- University of North Carolina at Chapel Hill, B.A., English, 1999

## PAPERS, PRESENTATIONS AND PUBLICATIONS

- Author, "The Dirty Secret About Doing Business in 2020," Butler Snow BizLitNews Blog, October 27, 2020.
- Presenter, "COVID Litigation Update and Trends" South Carolina Association of Corporate Counsel Annual Meeting, September 2020.
- Presenter, "Commercial Leasing: Pitfalls for Commercial Landlords/Tenants and Their Real Estate Brokers," Charleston, S.C., September 19, 2019.
- Co-Author, "How to Achieve the Mandate of Proportionality Through Phased Discovery," ABA Section of Litigation Trial Practice, May 2018.
- Presenter, "Weathering the Storm of Data Breach Liability," Commercial Law WebAdvisor Webinar, June 27, 2017.
- Speaker, "Recent Developments in Electronic Discovery & Defense Strategies," Hannover, Germany, June 13, 2017.
- Presenter, "The War Against Fiduciaries: A Growing Trend in Trust & Estate Litigation," Commercial Law WebAdvisor Webinar, April 25, 2017.
- Co-Author, "When Do You Need an English Translator in Civil Depositions?," ABA Section of Litigation Trial Practice, August 2016.
- Author, "European Parliament Passes Landmark Data Protection Regulation", *Privacy & Data Security Law Blog*, July 2016.
- Co-Author, "Resident Defendant Exception for Removal: A Clever Move or Legal Gamesmanship?," ABA Section of Litigation Trial Practice, April 2016.
- Co-Author, "Requests for Admission: The Forgotten Weapon in the Litigator's Arsenal," *American Bar Association's Spring Newsletter*, June 2015.
- Co-Author, "Does Your Company Have Insurance Coverage For a Data Breach?," *Inside Counsel*, December 2014.
- Co-Author, "The Consumer May Not Be Your Worst Enemy in the Case of a Data Breach," *Inside Counsel*, November 2014.
- Author, "The Typical Data Breach Lawsuit and How to Protect Your Company," *Inside Counsel*, October 2014.
- Author, "The Importance of an Effective Trial Theme" (Book Chapter), *Trying Your First Case – A Practitioner's Guide*, August 2014.
- Co-Author, "2013 Amendments to Rule 45: Significant Changes to Subpoena Practice", by Robert E. Sumner, IV, and Lesley A. Firestone, *The DefenseLine*, May 2014.

- Presenter, “Data Breach and Cyber-liability: Preparing for Litigation,” Charlotte, N.C., February 27, 2014.
- Presenter, “Motions Practice in South Carolina,” South Carolina Legal Services Conference, Myrtle Beach, S.C., November 21, 2013.
- Presenter, “Data Breach and Cyber Liability in South Carolina,” Charleston, S.C., October 16, 2013.
- Presenter, “Cyber Liability: Data Breach Litigation in the Wake of the South Carolina Department of Revenue Hacking Scandal,” South Carolina Defense Trial Attorneys’ Association 46th Annual Summer Meeting, Asheville, N.C., July 26, 2013.

## **CIVIC INVOLVEMENT**

- Leadership Charleston, Class of 2012