

## Joseph S. Dowdy

### Partner

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Joseph (Joe) Dowdy is a trusted advisor who partners with clients to resolve their most complex issues inside and outside the courtroom. He is the Office Managing Partner of the firm's Raleigh office, and as a seasoned litigation, trial, and appellate lawyer, Joe navigates sophisticated legal problems for clients across a range of complex matters in state and federal courts and arbitrations, including commercial disputes and class actions.

His practice encompasses class actions, commercial disputes and business torts, defense of consumer claims, financial services litigation, real property disputes, challenges to government action, and utilities litigation.

Joe has extensive experience with litigation arising under federal and state laws governing the financial services industry, and clients in the industry frequently turn to him to represent their interests in both consumer and commercial litigation, in class actions, and in response to regulatory inquiries. He also offers clients significant background in risk mitigation and legal counseling outside of litigation. Joe advises executives and business owners on compliance issues, transactional matters, and negotiation strategy.

Clients enlist Joe's versatile approach to resolving issues across a broad range of matters, including:

- class actions and quasi-class actions brought by state attorneys general
- constitutional claims and other challenges to governmental action
- commercial disputes and business torts, including mini-FTC and unfair trade practices litigation
- defamation claims
- defense of consumer claims
- financial services litigation, regulatory inquiries, and lender and servicer liability defense
- representation of lenders and special servicers in litigation and loan servicing matters
- real property disputes and condemnations
- franchise litigation

- utilities litigation, including matters involving alternative energy providers and interconnection issues

Before Foley, Joe was a partner and national trial, complex litigation, and alternative dispute resolution lawyer in the Raleigh, North Carolina offices of two major law firms. He is a 2010 graduate of the Trial Academy of the International Association of Defense Counsel and clerked for the Honorable J. Douglas McCullough of the North Carolina Court of Appeals.

## Representative Experience

### Arbitration

- Led trial and complex motions team that won and obtained confirmation of a US\$13,950,060 arbitration award, including damages, attorneys' fees, and costs, on behalf of a small business wireless retailer client in JAMS arbitration. *Wireless World LLC d/b/a Experts Choice v. T-Mobile USA, Inc. and Sprint Solutions, LLC*, King County, Washington, Case No. 23-2-16531-4-SEA. \*
- Served as lead counsel in twenty similar arbitrations.\*

### Trial

- Led multidisciplinary litigation team that successfully challenged agency action that changed state law to potentially regulate several state tax equity investment businesses out of existence in North Carolina and impacted millions of dollars in business community investments in the state. *Monarch Tax Credits, LLC v. N.C. Dep't of Revenue*, Wake County, North Carolina, Case No. 19 CVS 12647 (Rule 2.1 "Exceptional" Designation).\*
- Led multi-firm litigation team that successfully challenged the transfer of all a municipality's assets and political powers by an outgoing board of commissioners to avoid the result of a popular election as it pertained to a public works project. *Town of Leland, N.C., and Brunswick Regional Water and Sewer v. Town of Belville*, N.C., Brunswick County, North Carolina, Case No. 17 CVS 2243 (Rule 2.1 "Exceptional" Designation). \*
- Secured injunctive relief in multimillion-dollar renewable energy contract dispute.\*
- Obtained favorable decisions from federal and state appellate courts in cases involving complex jurisdictional issues, discovery, and substantive law.\*
- Obtained favorable ruling enforcing arbitration clause and rejecting an opposing party's contention that the Bankruptcy Code preempts the Federal Arbitration Act.\*
- Tried Fifth Amendment case for national telecommunications company following the forced relocation of telecommunications facilities by a large municipality.\*

### Appellate

- Successfully appealed Commission dismissal of client complaint seeking purchase of hydroelectric qualified facilities' energy and capacity by incumbent utility at legacy rates and first chaired the trial of the action in the Commission on remand. *Cube Yadkin Generation, LLC v. Duke Energy Progress, LLC*

, 269 N.C. App. 1 (N.C. Ct. App. 2019) & N.C. Util. Comm'n, Case Nos. E-2, Sub 1177; E-7, Sub 1172.

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- Acted as co-counsel in successful defense and related appeals or putative qui tam action challenging alleged billings related to emergency calls. *C. ex rel. Expert Discovery, LLC, v. AT&T Corp, et al.*, Wake County, North Carolina, Case No. 14 CVS 13514 (Rule 2.1 "Exceptional" Designation), aff'd in part, 287 N.C. App. 75 (N.C. Ct. App. 2022), appeal dismissed and review denied, 891 S.E.2d 282 (N.C. 2023). \*

### Class Action

- Led class action defense of loan originator defendant against claims for alleged violations of the West Virginia Consumer Credit and Protection Act related to the closing of home mortgage loans. *Dijkstra v. Carenbauer, et. al.*, United States District Court, N.D. West Virginia, Case No. 5:11-CV-152.\*

### Other

- Negotiated and litigated commercial disputes on behalf of the firm's real estate and energy clients.\*
- Coordinated effective regional litigation strategy in sophisticated jurisdictions for large regional and national financial services companies.\*
- Led representation of a special committee of a board of directors in a large, interested-party merger.\*

*\*Matters handled prior to joining Foley.*

## **Awards and Recognition**

- *The Best Lawyers in America*®, Commercial Litigation (2018-2025)
- *Super Lawyers*, North Carolina (2021-2025)
- *Super Lawyers*, Rising Star (2012-2018)
- AV Preeminent Peer Review Rating from Martindale-Hubbell®

## **Affiliations**

- North Carolina Association of Defense Attorneys
- DRI, Member, Class Action Steering Committee
- North Carolina Bar Association, Member
- West Virginia Bar Association, Member
- American Bar Association

## **Community Involvement**

- Volunteer judge, University of North Carolina School of Law trial team competition
- YMCA of the Triangle Y Guides, Long Bow Council Member

## **Pro Bono**

Joe is deeply committed to pro bono service and is the previous recipient of several accolades for his extraordinary pro bono and community service efforts.

His contributions include successfully advocating for the removal of a Jim Crow-era confederate monument near a public school, regularly submitting amicus briefing in support of equity and fairness in public school funding, and filing a petition for certiorari in the United States Supreme Court on behalf of a whistleblower who uncovered Medicare fraud and denial of municipal services to homeless citizens. Joe also submitted an influential amicus brief in the Massachusetts crime lab scandal case and has contributed briefing on other matters of public interest.

## **Presentations and Publications**

- Featured speaker, North Carolina Court of Appeals 50th anniversary
- Class speaker, Leadership Raleigh

## **Practice Areas**

- [Commercial Litigation](#)
- [Litigation](#)

## **Education**

- University of North Carolina at Chapel Hill School of Law (J.D., with honors, 2003)
- University of North Carolina at Chapel Hill (B.A., with distinction, 2000)

## **Admissions**

- North Carolina
- West Virginia
- North Carolina State, Federal, and Bankruptcy Courts
- Supreme Court of the United States
- U.S. Court of Appeals for the Fourth Circuit
- West Virginia State Courts and U.S. District and Bankruptcy Courts for the Southern District of West Virginia