



Dan F. Laney

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Areas of Practice

Litigation / Trial Practice | Insurance Coverage Litigation | Class Action Litigation | Insurance Law | Securities Litigation | Appellate Practice | Corporate Governance

Dan Laney has practiced law since 1980 with a practice emphasis in complex business litigation, including trial and appellate work, arbitrations, and mediations. He represents clients in securities actions and arbitrations, insurance coverage and insurance brokerage disputes, class actions, shareholder derivative actions, legal malpractice litigation, and other complex business litigation.

Dan is admitted to practice law in Georgia, New York, and South Carolina. He spent the first five years of his legal practice with a major New York City law firm, focusing on complex securities, insurance coverage, and business litigation, before moving to Atlanta and joining Rogers & Hardin in 1985. He was a partner at Rogers & Hardin from 1988 until joining Smith Gambrell as a partner in 2022 when Rogers & Hardin merged with Smith Gambrell.

Experience

- Defeated a shareholder's derivative action in United States District Court and won an award of attorneys' fees against the unsuccessful plaintiffs. The district court's decision was affirmed by the United States Court of Appeals.
- Defense of an action brought against eight national securities brokerage firms regarding short-selling in a general attack on national short-selling securities clearing procedures and practices.
- Represented the private purchasers in litigation over several hundreds of millions of dollars in a post-acquisition purchase price adjustment dispute following the \$8 billion sale of an operating division of a Fortune 500 company. Matter was litigated in Delaware Chancery Court as well as arbitration

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of certain working capital issues before a Neutral Auditor.

- Defense of a company and some of its executive officers in an action in United States District Court against various claims (including claims of fraudulent conveyance) by a litigation trust in connection with a leveraged buyout. Plaintiff's claims seek almost \$1 billion.
- Defended a national class action seeking hundreds of millions of dollars in Georgia Superior Court arising from the sale of credit insurance with respect to automobile purchases.
- Defended two related shareholder class actions and shareholder derivative actions in Georgia Superior Court arising from the terminated corporate acquisition of a media company. The actions were dismissed on motions to dismiss.
- Defended a national law firm in a complex action alleging legal malpractice and breach of fiduciary duties with respect to a securitization transaction involving music copyrights. Plaintiffs complained about the quality of the work with respect to the securitization transaction and about tax advice given with respect to the transaction. There were also allegations that the law firm breached its fiduciary duties to the Plaintiffs out of a desire to benefit a specific principal.
- Defended a national securities brokerage firm and one of its district directors against a dozen arbitrations and an SEC investigation arising from the firm's sale of high-yield bonds on margin to customers. The SEC closed its investigation and took no action. All of the arbitrations except one settled. The remaining arbitration was brought by approximately 30 foreign national claimants who sought tens of millions of dollars in compensatory damages. Trial took place in Houston and required 100 trial days. In addition to resolving the substantive claims, the panel awarded our client \$1,000,000 in attorney's fees against the Claimants.
- Represented the CEO and Chairman of a communications company in two triple derivative actions in United States District Court relating to alleged usurpation of corporate opportunities and assets with respect to the accumulation of radio frequency licenses involved in digital cellular telephone services. After successfully turning back an attempt to enjoin the merger of the company with an NYSE company, the Court, at our urging, appointed a managing receiver for the corporations and realigned the receiver as plaintiff. The defendants then settled with the Receiver. The district court approved the settlement over the objection of the shareholder plaintiffs, and the U.S. Court of Appeals affirmed.
- Represented all of the former directors of a textile company in a shareholder class action brought in United States District Court on behalf of shareholders who contended that the price they received for their stock in a cash-out merger was too low. Won on a motion for summary judgment.

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- Represented the outside directors of a major national bank in the defense of a class action in United States District Court against a class of shareholders in connection with the merger with another bank. We were successful in getting our clients dismissed from the action on a motion of summary judgment.
- Defended innumerable errors and omissions claims against insurance brokers and human resources firms involving many areas of insurance coverage and benefits.
- Defended countless restrictive covenant, raiding and trade secret claims involving various businesses, including technology companies, insurance brokerage firms, and securities brokerage firms.
- Defended an executive officer of a major securities brokerage firm against an SRO regulatory claims of failure to supervise. Won a dismissal of all claims against the officer and the firm.
- Defended a putative consumer class action against a credit card issuer regarding alleged problems with services provided by a medical service provider.
- Defended a putative consumer class action in United States District Court against a lender arising from consumer real estate loan closings in South Carolina.

Admissions

Georgia

New York

South Carolina

United States District Court Northern District of Georgia

United States District Court Middle District of Georgia

United States District Court Southern District of New York

United States District Court Eastern District of New York

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Third Circuit

United States Court of Appeals for the Eleventh Circuit