

Carlos E. Mahoney
Curriculum Vitae

- Contact Information:** Glenn, Mills, Fisher & Mahoney, P.A.
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- Legal Employment:** Glenn, Mills, Fisher & Mahoney, P.A., Durham, NC
(Formerly Glenn, Mills & Fisher, P.A.) Partner, January 2004 – present; Associate, September 1999 - December 2003
- Areas of Practice:** Civil Litigation - Personal Injury and Wrongful Death, Civil Rights, Commercial and Business Law, Employment Law, Trusts and Estates Litigation, Professional Negligence, Insurance Coverage
- Bar Admissions:** U.S. Supreme Court, 2008
U.S. Court of Appeals for the Fourth Circuit, 2006
U.S. District Court Western District of North Carolina, 2002
U.S. District Court Eastern District of North Carolina, 2001
U.S. District Court Middle District of North Carolina, 2000
North Carolina, 1999
- Education:** JD, 1999, University of North Carolina School of Law
BA, 1996, University of North Carolina, Chapel Hill, NC
- Professional Training and Appointments:** Appointed to Merit Selection Panel for Recommendations on U.S. Magistrate Judge, United States District Court for the Middle District of North Carolina, 2012, 2020
Indigent Defense Services, Eligible for appointment to capital post-conviction cases in North Carolina, 2008-present
Indigent Defense Services, Eligible for appointment to non-capital criminal appeals, 2006-2013
Trial Advocacy, National Institute for Trial Advocacy, Southeast Regional Session, Chapel Hill, NC, May 2002
- Professional Awards:** International Society of Barristers: Fellow, October 2017-present
Martindale-Hubbell: AV Preeminent® rating (5.0), June 2014-present
American Board of Trial Advocates: Associate/Member, Eastern North Carolina Chapter, November 2007-present

Honors/Recognitions: Business North Carolina Legal Elite, 2021 (Employment), 2015 (Litigation), 2008 (Young Guns)
North Carolina Super Lawyers, 2010-present (Personal Injury, Civil Rights, General Civil Litigation, Rising Star)
Best of Durham - Lawyers (Readers' Favorite), Durham Magazine, 2020
Benchmark Litigation – Labor & Employment, 2019-present
Attorney of the Month, Attorney at Law Magazine, NC Triangle Edition, Vol 5, No. 5, January 2018
North Carolina Leaders in the Law - Honoree, 2016
NCATL: Ebbie Award for Exceptional Service and Inspired Commitment, June 2006

Leadership Positions: Board of Directors, Center for Death Penalty Litigation, 2015-present

Former Positions: ACLU: Board of Directors, Executive Committee (2016-2018), Finance Committee
ACLU Foundation: Board of Directors (2016-2018)
ACLU of North Carolina: Board of Directors, Executive Committee, President (2009-2011), National Board Representative
ACLU of NC Legal Foundation: Board of Directors, Executive Committee, President
American Board of Trial Advocates: Eastern NC Chapter Executive Committee, President (2018)
Durham County Bar Association and 14th Judicial District Bar: Board of Directors, President (2013-2014)
North Carolina Advocates for Justice: Board of Governors, Vice-President of Legal Affairs (2012-13)
NC Prisoners Legal Services: Board of Directors

Publications: *North Carolina Prima Facie Tort Manual*, edited Chapters on Assault and Battery and False Imprisonment (6th Ed. 2014)
North Carolina Personal Injury Lien Manual, co-authored Chapter on Ethics of Liens and Disbursements with Michael A. Jordan, (3rd Ed. 2014)
Trial Briefs, “Qualified Immunity in an Excessive Use of Force Case: *Phelps vs. Carter*,” co-authored with Stewart W. Fisher, October 2011
Trial Briefs, “A Practical Guide to Avoiding the Sovereign Immunity Defense in Claims Against Municipalities,” December 2006

Trial Briefs, “ERISA: Ethics and Pitfalls,” co-authored with Michael A. Jordan, December 2005
Trial Briefs, “Undocumented Immigrants’ Right of Access to North Carolina Courts,” June 2004

CLE Presentations:

NCAJ: Insurance Coverage Issues in Claims Against Governmental Entities and Public Officials/ Employees, January 29, 2016
NCAJ: Ethical Issues When Representing Minors and Persons with Disabilities, November 20, 2015
NCAJ: Chair, Trial of a Motor Vehicle Accident Case, September 13, 2013
NCAJ: An Overview of Federal Litigation From Pleadings Through Dispositive Motions, June 15, 2013

Thirty Additional CLE Presentations from 2004-2012 on Civil and Evidentiary Issues for the North Carolina Advocates for Justice, North Carolina Paralegal Association, Wake Forest, the North Carolina Bar Association, and Lorman Education Services

Reported Decisions:

Parker vs. Marston, 2019 U.S. Dist. LEXIS 135028 (W.D.N.C. 2019)
Internal Credit Systems, Inc. vs. Nautuff, LLC, 2017 N.C. App. LEXIS 798, 255 N.C. App. 693 (2017) (*unpublished*)
New Friendship Used Clothing Collection, LLC vs. Katz, 2017 NCBC 71 (N.C. Super. Ct. Aug. 18, 2017)
Chism vs. North Carolina General Assembly, 2016 U.S. Dist. LEXIS 92296 (E.D.N.C. 2016)
Law Offices of Peter H. Priest, PLLC vs. Coch, 244 N.C. App. 53, 780 S.E.2d 163 (2015), *review denied*, 368 N.C. 689, 781 S.E.2d 479 (2016)
Powell v. Christopherson, 2015 N.C. App. LEXIS 11, 239 N.C. App. 132 (2015) (*unpublished*)
Prometheus Group Enterprises, LLC vs. Viziya Corp., 2014 U.S. Dist. LEXIS 107231, 2014 WL 3854812 (E.D.N.C. 2014)
Green ex rel. Crudup vs. Kearney, 367 N.C. 113, 748 S.E.2d 143 (2013) (*amicus curiae*)
State vs. Gamez, 228 N.C. App. 329, 745 S.E.2d 876, *review denied*, 367 N.C. 256, 749 S.E.2d 848 (2013)
Tong vs. Dassault Systemes Simulia Corp., 2012 U.S. Dist. LEXIS 130592 (E.D.N.C. 2012)
Cook vs. Riley, 2012 U.S. Dist. LEXIS 83736, 2012 WL 2280619 (M.D.N.C. 2012)

Cook vs. Riley, 2012 U.S. Dist. LEXIS 83042, 2012 WL 2239743 (M.D.N.C. 2012)
Chapman vs. Rhoney, 2012 U.S. Dist. LEXIS 74486 (W.D.N.C. 2012)
Fraley vs. Griffin, 217 N.C. App. 624, 720 S.E.2d 694 (2011) (amicus curiae)
State vs. Dubose, 208 N.C. App. 406, 702 S.E.2d 330 (2010)
In re Will of Baitschora, 207 N.C. App. 174, 700 S.E.2d 50 (2010)
AEL Financial LLC vs. City Auto Parts of Durham, Inc., 2009 U.S. Dist. LEXIS 77570, 70 U.C.C. Rep. Serv. 2d (Callaghan) 230 (N.D. Ill. 2009)
AEL Financial, LLC v. Tri-City Auto Salvage, Inc., 2009 U.S. Dist. LEXIS 77573, 2009 WL 3011211 (N.D. Ill. 2009)
Woods vs. Mangum, 200 N.C. App. 1, 682 S.E.2d 435 (2009), *affirmed*, 363 N.C. 827, 689 S.E.2d 858 (2010)
Argonaut Great Central Ins. Co. vs. McDowell County, 626 F.Supp.2d 554 (W.D.N.C. 2009)
Andrews ex. rel. Andrews vs. Haygood, 362 N.C. 599, 669 S.E.2d 310 (2008), *cert. denied*, 129 S.Ct. 2792 (2009) (amicus curiae)
State vs. Dewalt, 190 N.C. App. 158, 660 S.E.2d 111, *review denied*, 362 N.C. 684, 670 S.E.2d 906 (2008)
Fulton vs. Harrison, 2007 U.S. Dist. LEXIS 112895 (E.D.N.C. 2007)
Jones vs. City of Durham, 183 N.C. App. 57, 643 S.E.2d 631 (2007)
Sitzman vs. Government Employees Ins. Co., 182 N.C. App. 259, 641 S.E.2d 838 (2007)
Jones vs. City of Durham, 361 N.C. 144, 638 S.E.2d 202 (2006)
Massasoit vs. Carter, 439 F.Supp.2d 463 (M.D.N.C. 2006), *affirmed*, 2007 WL 3390462 (4th Cir. 2007) (unpublished), *cert. denied*, 128 S.Ct. 2933 (2008)
Massasoit vs. Carter, 227 F.R.D. 264 (M.D.N.C. 2005)
Lassiter vs. Cohn, 168 N.C. App. 310, 607 S.E.2d 688, *review denied*, 359 N.C. 633, 613 S.E.2d 686 (2005)
Jones vs. City of Durham, 168 N.C. App. 433, 608 S.E.2d 387 (2005)
Barnes vs. Wells, 165 N.C. App. 575, 599 S.E.2d 585 (2004)
In re Will of Smith, 159 N.C. App. 651, 583 S.E.2d 615, *review denied*, 357 N.C. 657, 590 S.E.2d 861 (2003)

Personal:

2018, Sports Hall of Fame, Charlotte Catholic High School Alumni Association

1992, NCHSAA, Class AA, Men's Tennis, Dual-Team State Champion, Charlotte Catholic High School

1991, NCHSAA, Class AA, Men's Tennis, Individual State Champion, Charlotte Catholic High School

Family: Jennifer E. Mahoney and two daughters

Notable Verdicts, Settlements, and Rulings

(Disclaimer: The outcome of a particular case cannot be based on this law firm's past results)

- July 13, 2020 \$985,000.00 settlement in a Federal civil rights action for the wrongful death of a 54-year-old man at the Wayne County Detention Center in Goldsboro, NC. The lawsuit alleged claims for deliberate indifference, excessive force, and medical negligence. Reported in NC Lawyers Weekly on September 9, 2020. Handled with Matthew Sullivan.
- August 24, 2019 \$825,000.00 arbitration award and \$75,000.00 workers compensation settlement for personal injuries suffered by a male motorist in a motor vehicle accident in Person County. Reported in NC Lawyers Weekly on April 14, 2020.
- April 13, 2019: \$500,000.00 settlement in a Federal civil rights action against a law enforcement officer asserting a Fourth Amendment claim for the initiation of criminal proceedings without probable cause. Reported in NC Lawyers Weekly on April 9, 2020 and by WECT News and Port City Daily.
- September 25, 2018 \$3,100,000.00 total confidential settlement for a family in a medical malpractice case in North Carolina.
- April 17, 2017 \$775,000.00 total (partially) confidential settlement for a family in a dram shop/personal injury case arising from a motor vehicle accident in western North Carolina.
- May 6, 2016: \$800,000.00 settlement in a civil action for the wrongful death of a 41-year-old man in a tractor-trailer accident in western North Carolina. Reported in NC Lawyers Weekly on October 4, 2016. Handled with Jason A. Orndoff.
- January 15, 2016: \$257,833.73 award following a trial before the Industrial Commission for personal injuries suffered by a 4-year-old boy in a school bus accident. After the assessment of court costs, the total recovery was \$279,189.83. Reported in NC Lawyers Weekly on October 4, 2016.
- September 16, 2014: \$475,000 total settlement in a Federal civil rights action for two women who were sexually harassed by a deputy sheriff. Reported in NC Lawyers Weekly on September 29, 2014. Handled with Josh Van Kampen and Sean Herrmann.
- September 14, 2012: \$1,025,000 settlement in a Federal civil rights action for the wrongful conviction of a man for first-degree murder. Order on defendants' motion to dismiss reported in NC Lawyers Weekly on June 14, 2012. Handled with Frank Goldsmith and Jessica Leaven.

- August 27, 2012: \$1,000,000 settlement in a Federal civil rights action for personal injuries suffered by a 53-year-old man who was shot with a taser by a deputy sheriff. Order denying summary judgment reported in NC Lawyers Weekly on July 6, 2012. Handled with Lee Olive.
- July 13, 2012: \$200,000 verdict in a Wake County civil action for personal injuries suffered by a male motorist in a motor vehicle accident. After the assessment of court costs and interest, the total recovery was \$238,191.03. Handled with Randolph (Tré) Morgan, III.
- October 27, 2009: \$850,000 verdict (\$650,000 for compensatory damages and \$200,000 punitive damages) in a Federal civil rights action for personal injuries suffered by a 27-year-old man in a police shooting by a deputy sheriff. The case was subsequently settled for \$1,230,000. Reported in NC Lawyers Weekly on December 7, 2009. Handled with Stewart W. Fisher.
- March 6, 2009: \$5,500,000 total verdict in a McDowell County civil action for personal injuries suffered by a female motorist (\$2,500,000), personal injuries suffered by a 6-year-old girl (\$1,000,000), and the wrongful death of a 2-year-old girl (\$2,000,000) in a motor vehicle accident caused by a deputy sheriff. At trial, liability was admitted but damages were contested. The case was subsequently settled for \$1,071,875 due to limited insurance coverage and multiple claimants. Reported in NC Lawyers Weekly on April 13, 2009 and on January 25, 2010 in the 2009 NC list of the 25 largest verdicts and settlements. Handled with William S. Mills and Jason A. Orndoff.
- December 4, 2008: \$1,100,000 settlement in a Wake County civil action for personal injuries suffered by a female motorist in a motor vehicle accident with a city recycling truck. Reported in NC Lawyers Weekly on December 22, 2008. Handled with William S. Mills
- September 19, 2008: Order issued in a Durham County criminal action granting a motion for appropriate relief on the grounds of ineffective assistance of counsel, newly discovered evidence, and failure to disclose exculpatory evidence. The charges were dismissed and the client was freed from prison nearly seven years after his convictions at the age of 15. Reported in The News & Observer on September 20, 2008.
- April 27, 2007: \$375,000 settlement in a Durham County civil action for personal injuries suffered by a female pedestrian in a motor vehicle accident caused by a city law enforcement officer. Reported in The Herald-Sun and The News & Observer on May 11, 2007. Handled with Robert B. Glenn, Jr., Stewart W. Fisher, and William S. Mills.

February 20, 2004: \$240,995 verdict in an Orange County civil action for personal injuries and property damage suffered by a male bicyclist in a motor vehicle accident. Reported in NC Lawyers Weekly on February 20, 2004. Handled with Robert B. Glenn, Jr.

October 1, 2003: \$600,000 confidential settlement in a Durham County civil action for personal injuries suffered by a female tenant as a result of inadequate security. Reported in NC Lawyers Weekly on November 17, 2003. Handled with Robert B. Glenn, Jr. and Stewart W. Fisher.

April 15, 2003: \$800,000 confidential settlement in a Wake County civil action for the wrongful death of a 16-year old boy in a single-car accident caused by an impaired driver. Reported in NC Lawyers Weekly on November 3, 2003. Handled with William S. Mills and Matthew B. Murray.