



Evan M. Sauda

Shareholder

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Evan Sauda focuses his practice on complex business, commercial, financial services, and class action litigation, as well as franchise and distribution matters.

Evan Sauda assists clients in litigating complex business disputes, including commercial contracts litigation, class action defense, franchise and distribution matters, real estate issues, and defense of claims brought under the Telephone Consumer Protection Act (TCPA). He routinely appears in state and federal courts and handles binding arbitrations, both before the American Arbitration Association and other quasi-judicial bodies. He has brought cases to verdict before juries, judges, and arbitrators and has handled appeals in North Carolina's appellate courts and in the Fourth Circuit Court of Appeals.

Mr. Sauda also counsels clients on all aspects of the franchise relationship, providing counsel on the intricacies of the franchise relationship and franchise disclosure documents. As a certified Legal Lean Sigma® Yellow Belt, he regularly advises clients in designing and continuously improving their strategies and processes to reduce cost, cycle time, and overhead.

Representative Matters

- Represented a tool manufacturer in an action against the former CEO for the collection of an unpaid loan and seeking a declaratory judgment that the CEO was not entitled to any post-termination payment.
- Represented a financial institution handling and advising on defaults and collection efforts for an equipment leasing portfolio.
- Represented corporate landowners in condemnation cases arising out of the widening of I-485 through Ballantyne, North Carolina.
- Represented a developer and landlord in an action seeking to invalidate rental restrictions passed after the acquisition of a large portion of an unfinished residential subdivision.
- Advised a real estate company on the implementation and enforcement of a novel program involving agreements to list homes in the future.
- Served as arbitration counsel for a homebuilder in an action to require the seller to indemnify the client for deficient construction under the asset purchase agreement.
- Represented an equipment maintenance provider in an action against a former independent producer alleging breaches of the parties' agreement pre- and post-termination.
- Advised on and implemented a lease renegotiation strategy for all locations of a large retailer during the COVID-19 pandemic.
- Defended a class action seeking damages for a retailer's allegedly improper text messages under the TCPA.
- Represented a tool manufacturer in the defense of a putative class action alleging defective batteries and chargers and deceptive advertising practices under California law; settled on an individual basis following an expert inspection.
- Served as lead counsel in an action against a software developer for breach of delivery promises in the development agreement.
- Served as trial and appellate counsel for a group purchasing organization in a bench trial seeking payment of allowances from suppliers and the defense of counterclaims.

- Served as trial counsel in a weeklong bench trial arising from a utility's decision to terminate an engineering, procurement, and construction contract for a nuclear power plant.
- Served as trial counsel in a tortious interference case relating to the competitor's pressure on a common forklift dealership, resulting in a nearly \$10 million jury verdict returned following the two-week trial.
- Served as arbitration counsel for a business owner in a dispute with a partner regarding a buyout provision, with the decision issued following a three-day arbitration hearing.
- Represented a franchisor in a two-week trial to jury verdict involving breach of contract and trademark action for royalty strike, holdover, and failure to de-identify against the franchisee.
- Served as counsel in a bench trial defending wrongful termination and buyback claims brought by a dealer, with the case settling following a trial and appeal.
- Lead trial counsel for a food service vendor in an AAA arbitration alleging breach of contract. The arbitration award was issued after a two-day arbitration in Jacksonville, Florida.
- Served as lead counsel for the purchasers of buildings in a breach of contract and misrepresentation action against a developer relating to claims about the income potential of commercial offices.
- Represented a tax consultant in a confidential AAA arbitration alleging breach of contract against a large public utility regarding tax savings realized and fees owed. The case settled before the final arbitration hearing.
- Defended a client in breach of contract and fraud claims brought as a result of promises supposedly made by a pre-takeover entity under 12 U.S.C. 1823.



Professional Honors & Activities

- Member – North Carolina Bar Association, Future of Law Committee
- Member – Mecklenburg County Bar Association
 - Grievance Committee
 - Past Chair, Legal Volunteer Recruitment Committee
- Member – American Bar Association, Forum on Franchising
- Certified Legal Lean Sigma® Yellow Belt



Speaking Engagements

- Co-presenter – "Annual Franchise Law Legal Update," Southeast Franchise Forum (May 2022)
- Panelist – "Alternative Fee Arrangements, Are They Right for You?," Association of Corporate Counsel (October 2020)
- "February Finale: Modern E-Discovery – Managing Risks for Complex Litigation," North Carolina Bar Association (February 2020)



Education

- Washington and Lee University School of Law, J.D., 2004
- University of North Carolina at Chapel Hill, B.A., 2001



Admissions

- North Carolina, 2004
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the Middle, Eastern, and Western Districts of North Carolina
- North Carolina Business Court