

Philip E. Holladay, Jr. (Phil)

Partner
Trial and Global Disputes

Atlanta: +1 404 572 3340
Mobile: +1-404-861-7210
pholladay@kslaw.com



Phil Holladay specializes in defending a wide range of clients in high-exposure commercial disputes, product liability and tort cases, class action lawsuits, and *qui tam* actions. A partner in our Atlanta office, Phil leads our Automotive and Transportation initiative and the Tort & Environmental practice's Transportation subgroup.

With more than 30 years of experience representing clients and trying cases in state and federal courts around the country, Phil's practice today focuses on clients in the transportation, healthcare and financial services industries. He is frequently called on to handle matters for clients pending in jurisdictions that are hostile to corporate defendants, and has represented clients in cases in Alabama, Arkansas, California, Delaware, the District of Columbia, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia and Puerto Rico.

Phil has briefed and argued cases in both state and federal appellate courts. He regularly confronts the important recurrent issues in today's commercial disputes and tort cases, including class certification; whistle-blower allegations; jurisdictional and venue disputes; efforts to exclude expert witnesses and testimony on *Daubert* grounds; attempts to depose senior executives and counsel; efforts to obtain privileged documents; and attempts to obtain discovery from turncoat former employees.

Matters

Defending **national pharmacy benefits manager** in lawsuit filed by retail pharmacies alleging claims for, among other things, attempted monopolization, unfair competition, breach of contract, interference with prospective economic advantage, and fraud.

Represented a **credit card processing company** in successful arbitration to recover fees and implementation costs pursuant to Letter of Intent.

Defended a **national pharmacy benefits manager** in a class action lawsuit filed against the

company and its former insurers alleging fraud in connection with the settlement of securities class action and derivative lawsuits arising out of a failed merger.

Represented **HealthSouth Corporation** in the successful defense of a lawsuit brought under the Alabama Uniform Fraudulent Transfer Act seeking to enforce a \$376 million Michigan Consent Judgment obtained against a former HealthSouth subsidiary.

Defending **General Motors LLC** ("New GM") in a lawsuit seeking to obtain a default judgment in an automotive product liability case against General Motors Corporation ("Old GM") and to enforce the default judgment against New GM.

Dismissal of **General Motors of Canada, Ltd.** on personal jurisdiction grounds in an automotive product liability case involving catastrophic injuries filed in Geneva County, Alabama. (2016 WL 5817467) (Ala. S.Ct.).

Writ of Mandamus ruling from the Alabama Supreme Court dismissing a high-exposure automotive product liability case filed against **General Motors of Canada, Ltd.** based on the expiration of the statute of limitations. (*See Ex Parte General Motors of Canada, Ltd.*, 2013 Ala. LEXIS 109).

Summary judgment in favor of **General Motors of Canada, Ltd.** based on the expiration of the statute of limitations in an automotive product liability wrongful death case filed in Alabama federal court. (2012 U.S. Dist. LEXIS 54439 N.D. Ala.).

Dismissal of product liability claims brought against former officers and directors of **General Motors Corporation** ("Old GM") by plaintiffs attempting to circumvent the S.D.N.Y. Bankruptcy Court's ruling that General Motors LLC ("New GM") is not liable for automotive products cases that were pending when Old GM filed for bankruptcy. (67 So. 3d 882 Ala.).

Summary judgment for **an electrode manufacturer** sued in Louisiana State Court for catastrophic injuries resulting when a steel worker fell off the top of an electric arc furnace while changing an electrode. (Affirmed Louisiana 5th Circuit Court of Appeals).

In a case of first impression nationwide, the Eleventh Circuit Court of Appeals ruled that client, **BAE Systems, Inc.**, and other defendants had properly removed a toxic tort putative class action filed in Alabama state court to federal court pursuant to the Class Action Fairness Act, 449 F.3d 1159 (11th Cir.).

Successful in persuading a U.S. District Court Judge to vacate a **pro bono client's** death penalty sentence in federal *habeas corpus* proceedings, 699 F. Supp. 2d 838 (E.D. Va.).

Credentials

EDUCATION

J.D., Vanderbilt University

B.A., Birmingham Southern College, summa cum laude, Phi Beta Kappa

ADMISSIONS

Georgia

CLERKSHIPS

Law Clerk, Hon. Robert S. Vance, U.S. Court of Appeals for the Eleventh Circuit

ASSOCIATIONS

American Bar Association

State Bar of Georgia
Atlanta Bar Association
Defense Research Institute

Recognition

High-Exposure Product Liability
HIGH-EXPOSURE PRODUCT LIABILITY — LEGAL 500, 2011–2016

Georgia Super Lawyer
ATLANTA MAGAZINE, MULTIPLE LISTINGS BETWEEN 2004 AND 2017

Best Lawyers in America
2010, 2011

Super Lawyers: Business Edition
2011

Georgia's Best Lawyers
2011

Super Lawyers: Corporate Counsel Edition
2009, 2010

Insights

NEWSLETTER

September 24, 2019

Autonomous Vehicles Speed Read – September 2019

August 15, 2019

Autonomous Vehicles Speed Read – August 2019

July 19, 2019

Autonomous Vehicles Speed Read – July 2019

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Events

WEBINAR

August 16, 2016

Autonomous Vehicles: Navigating the Road Ahead

News

IN THE NEWS

March 14, 2019 • Source: Law360

Phil Holladay and Jon Chally obtain a dismissal for Express Scripts in a string of suits brought by

pharmacies accusing the company of using prescription data to poach patients from them

March 6, 2018 • Source: Law360

Phil Holladay and Jon Chally obtain a dismissal in a class action suit against the firm's client Express Scripts Inc.

RECOGNITION

February 28, 2019

Law360 Names King & Spalding an Automotive Practice Group of the Year

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