

## Shelby R. Grubbs, B.A., J.D., F. CI Arb

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Shelby Grubbs is an experienced advocate, arbitrator, mediator, special master, administrator and teacher. He has also been active as an editor, author, speaker and commentator.

### **EXPERIENCE AS AN ADVOCATE**

Exhibit 1 is a representative list of significant matters in which Shelby worked as an advocate. His litigation experience includes acting as lead counsel (or lead U.S. counsel) in cases involving parallel proceedings in Luxembourg, Mexico, Spain and the United Kingdom and lead counsel in arbitration for Netherlands consumer products company. He has acted as counsel in arbitration matters in the United States, Europe and Asia. Engagements as lead counsel have involved the following subject areas: anti-trust, banking, contract, corporate governance, consumer protection, employment, international arbitration, limited partnership, products liability, securities, trademark, trespass and U.S. wage and hour laws. He has also been involved in defending cases brought under the First, Fifth and Fourteenth Amendments to the U.S. Constitution. He has done considerable work in class actions, mainly as defense counsel but also as plaintiffs' class counsel, and he has served as coordinating counsel monitoring and supervising related class cases in multiple U.S. jurisdictions.

### **EXPERIENCE IN DISPUTE RESOLUTION**

Shelby is a JAMS panelist for domestic and international matters. His service as an arbitrator has included matters administered by American Arbitration Association and its international component, the International Centre for Dispute Resolution as well as the CPR International Institute for Conflict Prevention & Resolution and the ICC Court of International Arbitration. He is also a panelist for the World Intellectual Property Organization. Exhibit 2 lists some of Shelby's experience as a dispute resolution neutral. In addition to work as an arbitrator and mediator, he has significant experience as a court-appointed special master in multi-party cases. He was special master to compute damages in a case brought by the federal government to recover Medicare payments aggregating over US \$1 Billion made on behalf of over 250,000 beneficiaries. He was also special master responsible for dividing settlement proceeds among 2600 class members in a water pollution case. He served as settlement master in a ground water contamination claim brought by 282 plaintiffs and in a multi-party shareholder litigation involving an industrial gas company.

### **ADMINISTRATIVE/ACADEMIC EXPERIENCE**

From 2014 through 2017, Shelby was the Executive Director of the Atlanta Center for International Arbitration and Mediation ("ACIAM"), a component of the Georgia State University College of Law ("GSU"), and a member of the faculty at GSU Law. GSU operates a state-of-the art hearing facility hosting arbitrations, mediations and labor negotiations. Many of these matters come from institutional providers of dispute resolution services with which ACIAM has MOUs, including the Bogota Chamber of Commerce, the ICC Court of International Arbitration, the International Centre for Dispute Resolution, the

Financial Regulatory Authority (“FINRA”), JAMS, the Society of Maritime Arbitrators and the Vienna International Arbitral Centre.

Shelby has taught courses in International Commercial Arbitration and Advocacy in International Commercial Arbitration at the US at Emory University Law School, GSU and Vanderbilt University Law School. Early in his career, Shelby was a member of the adjunct faculty at the University of Tennessee at Chattanooga where he taught courses in the legal environment of business to undergraduates.

## **PUBLICATIONS AND COMMENTARY**

Exhibit 3 is a partial list of publications and presentations. Shelby is the lead author on the U.S. chapter of *Global Arbitration Review's on-line publication* “Know How: Litigation” (2018). He was general editor of a 2003 publication of Kluwer Law International entitled *International Civil Procedure*. He also edited the “Alternatives to Litigation” section of a 1989 publication of the American Bar Association entitled *The Corporate Litigator*. He is the author or co-author of numerous articles in legal and business publications including book reviews involving non-legal publications. Additionally, he is a frequent CLE speaker.

## **PROFESSIONAL AND COMMUNITY ACTIVITY**

Exhibit 4 lists professional and community affiliations and service. Shelby is currently a member of the ICC Commission on Arbitration and ADR and the Arbitration Committee of the US Council on International Business and chair of its Southeastern Subcommittee. He is a past chair of the Litigation, Arbitration & Dispute Resolution practice group of the World Law Group, a network of 48 law firms in 39 countries. He occupied various leadership positions in the American Bar Association. He has been listed in *Best Lawyers in America* (since 2001) and as an Atlanta Super Lawyer (since 2013). In 2011 and 2014, he was named a BTI Client Service All-Star.

Shelby is the immediate past chair of the Atlanta Sister Cities Commission. The commission coordinates work with Atlanta’s 17 sister cities: Brussels, Bucharest, Cotonou, Daegu, Fukuoka, Lagos, Montego Bay, Newcastle, Nuremberg, Olympia, Rio de Janeiro, Port of Spain, Ra’anana, Salcedo, Taipei, Tbilisi and Toulouse. In 2012 and 2013, Shelby chaired the Global Network Foundation, an Atlanta-based organization. The foundation conducts annual leadership academies in Istanbul, the Middle East and Southeastern Asia.

## **BAR ADMISSIONS**

Shelby is a member of the bars of Tennessee and Georgia. He has been admitted pro hac vice in a number of other U.S. jurisdictions, including California, Connecticut, Delaware, New York, Illinois, Florida, Ohio, New Jersey, Texas and Wisconsin.

## **EDUCATION**

Shelby is a 1975 JD graduate of the University of Alabama Law School. At Alabama, he was a member of the Bench & Bar Honor Society and the Editorial Board of the *Alabama Law Review*. He also holds a BA degree from the University of Mississippi where he had a triple major in history, English and political science.

## **PERSONAL/FAMILY MATTERS**

Shelby is married to Lynne Dodge, a native of Guelph, Ontario, Canada. They have three children: Nate, Jed and Tory.

## **Shelby Grubbs Resume Exhibit 1 – Representative Experience as an Advocate**

### ***Anti-Trust***

*Forman et al v. NCCI et al* – Lead trial counsel for defendants in state anti-trust class claim in Circuit Court for Marion County, Tennessee, and Tennessee Court of Appeals for Middle Section. Reported at 13 S.W. 3<sup>rd</sup> 365 (Tenn. App. 1999). Concluded in 1999.

### ***Arbitration***

Lead counsel in U.S. proceedings opposing enforcement of Luxembourg award against Spanish company, lead counsel in domestic arbitration for Dutch multi-national, lead counsel in defense of Italian manufacturer in opposing claims in U.S., lead counsel in domestic securities arbitration.

### ***Consumer***

*Operations Management International v. Tenggarco* – Lead Counsel for defendant in consumer protection act claims in US District Court for the Eastern District of Tennessee. Reported at 35 F. Supp. 2<sup>nd</sup> 1052 (E.D. Tenn. 1999). Concluded in 1999.

*Reeners et al v. Verizon* – Lead counsel for defendant in class claims in Circuit Court for Sumner County, Tennessee and US District Court for Middle District of Tennessee. Reported at 2011 WL 2791262 (M.D. Tenn. 2011). Concluded in 2011.

### ***Directors and Officers Liability***

*FDIC v. Colonial Bank* – Counsel for plaintiff in directors' and officers' liability and fidelity bond claims arising out of failure of \$30 billion bank in U.S. District Court for the Middle District of Alabama. Concluded in 2014.

*FDIC v. Berry et al* – Counsel for defendant ex bank president in directors and officers liability claims arising out of failure of Butcher bank system in US District Court for the Eastern District of Tennessee. Concluded in 1990.

### ***Employment***

*Scripps v. Agency for Performing Arts* – Lead Tennessee counsel for defendant in constructive discharge/non-compete case in U.S. District Court for the Middle District of Tennessee. Concluded in 2018.

*Robinson et al v. Coca-Cola Enterprises* – Lead counsel for defendant in employment class claims in Hamilton County, Ohio Court of Common Pleas and Ohio Court of Appeals. Report at 153 Ohio App. 3<sup>rd</sup> 764 (2003). Concluded in 2010.

*Chancellor v. Coca-Cola Enterprises* – Lead counsel for defendant in employment case in US District Court for Southern District of Ohio. Report at 2008 WL 3307131 (S.D. Ohio 2008).

*Spearman v. Deloitte & Touche* – Lead counsel for defendant in employment claim in U.S. District Court for the Middle District of Tennessee. Concluded in 2007.

*Wallace v. Johnston Coca-Cola Bottling Group, Inc.* Counsel for defendant in employment claim in US District Court for the Southern District of Ohio. Report at 2007 WL 927929. Concluded in 2007.

*Collier et al v. Coca-Cola Enterprises* – Coordinating counsel for defendant in employment class claims in US District Court for the Northern District of Illinois and in EEOC. Concluded in 2005.

*McAfee et al v. Coca-Cola Enterprises* - Coordinating counsel for defendant in employment class claims in US District Court for Northern District of Texas. Concluded in 2005.

*Ewing et al v. Coca-Cola Enterprises* - Coordinating counsel for defendant in employment class claims in US District Court for Southern District of New York. Report at 2001 WL 767070. Concluded in 2001.

*Appleton et al v. Deloitte & Touche* – Lead counsel for defendant in employment class claims in Middle District of Tennessee. Report at 168 F.R.D. 221 (M.D. Tenn. 1996). Concluded in 1996.

### **ERISA**

*Reynolds v. Mass Casualty Ins. Co.* – Lead counsel for defendant in ERISA controlled disability benefits claim under continuation coverage claim. Report at 113 F. 3<sup>rd</sup> 1450 (6<sup>th</sup> Cir. 1997) and 900 F. Supp 915 (E.D. Tenn. 1995). Concluded in 1997.

### **First Amendment**

*Claybrooks et al v. American Broadcasting Company* - Counsel for defendant in class claims in Middle District of Tennessee. Report at 898 F. Supp. 2<sup>nd</sup> 986 (M.D. Tenn. 2912). Concluded in 2012.

### **Insurance Coverage**

*Sulphuric Acid Trading Co., Inc. v. Greenwich Ins. Co.* – Lead counsel for defendant in insurance coverage claim in Tennessee Court of Appeals, Eastern Section. Report at 211 S.W. 3<sup>rd</sup> 243 (Tenn. App. 2006).

### **Insurance Agency**

*Lawhorn & Associates v. Patriot General Ins. Co.* – Lead counsel for defendant in wrongful termination of agency claim in US District Court for Eastern District of Tennessee. Report at 917 F. Supp. 538 (E.D. Tenn. 1996)

### **Limited Partnerships**

*Santiago Limited et al v. McIntyre et al* – Lead counsel for 100+ limited partners in claims arising out of limited partnership to mine coal property in U.S. District Court for Eastern District of Tennessee and Circuit Court for Bledsoe County, Tennessee. Concluded in 1993.

### **Malicious Prosecution**

*Yant v. Arrow Exterminators, Inc.* – Lead counsel for defendant in malicious prosecution case after grand jury declined to indict in Circuit Court for Davidson County, Tennessee, and Tennessee Court of Appeals for Middle Section. Report at 1999 WL 43239 (Tenn. App. 1999). Concluded in 1999.

### **Real Estate**

*Austin et al v. Greene et al* – Lead counsel for plaintiffs in class claim involving land transactions in US District Court for the Eastern District of Tennessee. Concluded in 2012.

### **Products Liability**

*Hurt v. Liquid Air Corporation et al* - Lead counsel for defendant Liquid Air in products liability litigation in US District Court for the Western District of Tennessee and Sixth Circuit Court of Appeals. Report at 956 F. 2<sup>nd</sup> 1319 (6<sup>th</sup> Cir. 1992)

### **Securities**

*Ezell et al v. Sun Life Financial* – Lead counsel for defendant in 60+-plaintiff securities litigation filed in Circuit Court for Davidson County Tennessee, Circuit Court for Mecklenburg County, North Carolina, District Court for Washington County, Texas – Concluded 2013.

*Schram v. Dean Witter* – Lead counsel for claimant in securities arbitration before American Arbitration Association. Concluded 1994.

### **Trademark**

*Sears Roebuck & Co. v. Sears PLC et al* – Lead counsel for defendants in trademark litigation in US District Court for the Eastern District of Tennessee, the US District Court for the District of Delaware, the US District Court for the Eastern District of Wisconsin and the US Seventh Circuit Court of Appeals with parallel proceedings in the High Court of Justice (Chancery Division) in London, UK Reports at 744 F. Supp 197 and 752 F. Supp. 1223 (District of Del 1990).

### **Trespass**

*CELLCO dba Verizon Wireless v. Shelby County, Tennessee et al* – Lead counsel for Verizon in trespass claim for use of utility easement in Shelby County, Tennessee Circuit Court and Tennessee Court of Appeals for Eastern Section. Reported at 172 SW 3<sup>rd</sup> 574 (Tenn. App. 2005). Concluded 2005

*Choates Heating & Air v. MLGW, Verizon et al* – Lead counsel for defendant Verizon in Fifth and Fourteenth Amendment case in Western District of Tennessee and U.S. Sixth Circuit Court of Appeals. Report at 16 Fed. App. 323 (6<sup>th</sup> Cir. 2001). Concluded 2001.

### **Wage & Hour**

*Evans et al v. BCI Coca Cola* – Coordinating counsel in collective actions under California law. Concluded 2001.

## **Shelby Grubbs Resume Exhibit 2 – Representative Experience as Special Master, Arbitrator and Mediator**

### ***Special Master - Environmental***

*Shults et al v. Champion International Corp.* – Appointed by US District Court for the Eastern District of Tennessee to divide settlement proceeds among 1200 class members.

*Beach v. Unisys Corporation* – Appointed by US District Court for the Eastern District of Tennessee to conduct various proceedings to explore settlement.

### ***Special Master - Medicare***

*United States v. Provident Life & Accident Beach v. Unisys Corporation* – Appointed by US District Court for the Eastern District of Tennessee to compute damages owed in Medicare secondary payment litigation.

### ***Special Master - Securities***

*Faucet et al v. White et al* – Appointed by US District Court for the Eastern District of Tennessee to conduct various proceedings to explore settlement.

### ***Arbitrator - Construction***

Sole arbitrator in two cases involving metropolitan subway system.

### ***Arbitrator – Corporate Governance***

Sole arbitrator in dispute regarding corporate governance.

### ***Arbitrator – Employment***

Sole arbitrator in commission dispute involving textile sales.

Sole arbitrator in 42 U.S.C. §1981 case.

Sole arbitrator in Age Discrimination in Employment case.

Arbitrator in non-compete case involving construction contracting.

### ***Arbitrator - Employment - Wage and Hour***

Sole arbitrator in three related cases regarding independent contractor or employee status.

### ***Arbitrator - Franchise***

Sole arbitrator in case arising out of fast food franchises.

Sole arbitrator in case arising out of franchises for magazine publication.

### ***Arbitrator – International***

Sole arbitrator in case involving alleged breach of contract relating to improper sales into exclusive Latin American territory.

Sole arbitrator in claims by seafarers.

Sole arbitrator in dispute involving attorneys fees.

Panel Arbitrator in case involving delivery of machinery parts for use in petroleum refining.

***Arbitrator - Products Liability***

Sole arbitrator in personal injury claim arising out of use of contraceptive device.

***Arbitrator – Utilities***

President of arbitration panel in claim against public utility involving natural gas contract.

***Arbitrator - Securities***

President of panel and wing arbitrator in securities claims arising in broker–customer context.

***Mediator***

Roughly 30 mediations involving various topics including: breach of contract and general commercial claims, contract, employment, personal injury, wrongful death, product liability and securities.

## Shelby Grubbs Resume Exhibit 3 –Publications, Presentations and Teaching

### **Publications**

#### **On-line**

Lead author (along with Christine Lee and Jessica Malloy Thorpe) of *U.S. Chapter of Global Arbitration Review Know How: Litigation (2018)*

#### **Books**

Editor – *International Civil Procedure*, Kluwer Law International (2003).

Section Editor – “Alternatives to Litigation,” *Corporate Litigator*, American Bar Association (1992).

#### **Articles**

“Choosing Applicable Law in International Arbitration Provisions,” *Daily Report* (2017) (with Magaly Cobian). (<https://www.law.com/dailyreportonline/sites/dailyreportonline/2017/10/02/choosing-applicable-law-in-international-arbitration-provisions/?sreturn=20181001122256>)

“Cross Border Dispute Resolution for Corporate Counsel,” *Daily Report* (2016) (with Grace Ha).

“Let’s celebrate the opening of the Atlanta Center for Mediation and Arbitration,” *Atlanta Business Chronicle* (2015) (with Jorge Fernandez). (<https://www.bizjournals.com/atlanta/print-edition/2015/10/02/let-s-celebrate-the-opening-of-the-atlanta.html>)

“International arbitration: A business opportunity for Atlanta,” *Atlanta Business Chronicle* (2014) (with John Watkins). (<https://www.bizjournals.com/atlanta/print-edition/2014/09/05/international-arbitration-a-business-opportunity.html>)

“International Commercial Arbitration, Southern Style,” *Tennessee Bar Journal*, Sept. 2012 (with Glenn Hendrix). (<http://www.tba.org/journal/archive/2012-09>)

“It’s not just the money: How do you define a successful settlement?,” *Business Law Today*, Jan./Feb. 2005.

"Preparing for Mediation: An Advocate's Checklist," *Tennessee Bar Journal*, March/April 1996.

"A Brief Survey of Court-Annexed ADR: Where We Are & Where We Are Going," *Tennessee Bar Journal*, January/February 1994 (winner of Justice Joe Henry Award for the best *Tennessee Bar Journal* article).

"The Business Lawyer as Dispute Resolver: Give peace a chance with ADR," *Business Law Today*, Sept./Oct. 1992.

Student Note, Collateral Consequences of Criminal Conviction, *Alabama Law Review* (1975).

#### **Recent Presentations/Program Appearances**

September 17, 2020 – Moderator, Arbitrability, Who Decides, Arbitrator or Judge? American Bar Association/



Russian Arbitration Association, Virtual Presentation.

May 12, 2020 – Moderator, A Remote World: Lessons and Predictions for Adaptation, World Law Group, Virtual Presentation.

November 21, 2019 – Panelist, International Commercial Arbitration in an Era of Retreating Globalism: “How to Deal with the Backlash Against Globalism?” BVI Internal Arbitration Centre, Road Town, Tortola, BVI.

September 9, 2019 – Chair, “The year in review, a guide through the essentials,” Second Annual GAR Live Atlanta, GSU College of Law, Atlanta.

March 19, 2019 – Speaker – Drafting Effective Clauses and Submission Agreements for IP Disputes part of WIPO Workshop, Fundamentals and Trends in IP and Tech Mediation and Arbitration, Atlanta, GA.

March 12 - 13, 2019 – Co-Chair, ICLE 12<sup>th</sup> Annual Arbitration Institute (Co-Chair with Adwoa Seymour) State Bar of Georgia, Atlanta, GA.

November 30, 2018 – Chair, Ethics, Regulatory and Procedural Issues in International Practice, Georgia Chief Justice’s Convocation on Professionalism and the Global Community, Porsche Experience Center, Atlanta.

November 12, 2018 – Chair, America’s Panel, Skills & Cultures: The Road Ahead for International Arbitration, GSU College of Law, Atlanta.

March 6, 2018 – Co-Chair, GAR Live Atlanta (Co-Chair with Carita Wallgren – Lindholm), GSU College of Law, Atlanta.

February 22 – 23, 2018 - Co-Chair, ICLE 11<sup>th</sup> Annual Arbitration Institute (Co-Chair with Wayne Thorpe) State Bar of Georgia, Atlanta, GA.

February 9, 2018, Recent Developments in International Commercial Arbitration (with Elizabeth Silbert), King & Spalding, Atlanta, GA.

January 29, 2018, Emergency and Expedited Relief in International Commercial Arbitration, Sixth Annual Arbitration and Investment Summit – Caribbean, Latin America and Emergency Markets, Nassau, Bahamas.

September 19, 2017, Choice of Law in International Commercial Arbitration, Second Annual CPR Canada Regional Meeting, Toronto, Ontario (Panelist).

September 17, 2017, U.S. Federal Court Intervention in International Commercial Arbitration, Federal Bar Association, Atlanta, Georgia (Panelist).

April 15, 2017, Mediation in Latin America, CPR Institute for Conflict Prevention and Resolution, Rio de Janeiro, Brazil (Panelist).

### ***Other Presentations***

Presentations sponsored by, among others, American Bar Association, the American Public Power Association, Atlanta International Arbitration Society, Chartered Institute of Arbitrators (Fellows Faculty), CPR International Institute, Defense Research Institute, Credit Union National Association, Federal Bar Association, Federal Judicial Center, Georgia Free Trade Zone, International Arbitration Club of New York, Metropolitan Atlanta Chamber of Commerce, Sixth Circuit Judicial Conference, State Bar of Georgia, Tennessee Bar Association, and Tennessee Judicial Conference.

***Law School Lectures/Classes***

Law School Classes Taught: Emory University Law School (International Commercial Arbitration), Georgia State University (International Commercial Arbitration, Advocacy in International Commercial Dispute Resolution); University of Tennessee in Chattanooga (Class – Legal Environment for US Business); Vanderbilt University Law School (Short Course - International Commercial Arbitration)

Law School Lectures: Duke University Law School (Employment Class Actions); Emory University Law School (International Commercial Arbitration), University of Memphis (Class Litigation); University of Tennessee in Knoxville (Alternative Dispute Resolution);

***Recent Interviews/Press Coverage***

Subject of or quoted in numerous articles appearing in, among other places, the *Atlanta Business Chronicle*, *Daily Report*, *Global Arbitration Review*, *Global Atlanta*, *Law 360 – International Arbitration*.

## Shelby Grubbs Resume Exhibit 4 – Boards and Bar and Civic Affiliations

### ***Current***

American Bar Association (Member)

American Bar Foundation (Member)

Atlanta Bar Association (Member)

Atlanta International Arbitration Society (Board Member)

Chartered Institute of Arbitrators (Fellow)

Chattanooga Bar Foundation (Member)

Georgia State University College of Law Board of Visitors (Member)

ICC Commission on Arbitration and ADR (Member)

International Bar Association (Member)

Rollins (Emory University) School of Public Health Dean's Advisory Council (Member)

State Bar of Georgia (Member)

Tennessee Bar Foundation (Member)

United States Council on International Business (Arbitration Committee Member and Chair – Southeastern US Subcommittee)

### ***Past***

*ABA Business Law Today* (Editorial Board Member)

Advisory Group on Reduction of Cost and Delay – U.S. District Court for the Eastern District of Tennessee (Chair)

Atlanta Sister Cities Commission (Chair)

Audubon Society of Chattanooga (Board Member)

Boys' Club of Chattanooga (Board Member)

Chattanooga Area Chamber of Commerce (Board Member)

Chattanooga Bar Association (Board Member, President)

Chattanooga Chapter of the American Heart Association (Board Member),

Culverhouse (University of Alabama) College of Commerce International Business Advisory Board (Member)

Global Network Foundation (Board Member, Corporate Secretary and Chair)

Hamilton County (Tennessee) Metro Charter Study Commission (General Counsel)

Kiwanis Club of Chattanooga (Board Member)

Lookout Rowing Club (Board Member)

Society of International Business Fellows (Board Member)

St. Paul's Episcopal Church (Vestry Member and Senior Warden)

Tennessee Bar Association Special Committee on Alternative Dispute Resolution (Chair)

Tennessee Supreme Court Commission on Dispute Resolution (Chair)

Tennessee Supreme Court Commission on ADR (Chair)

University of Tennessee at Chattanooga (Chancellor's Roundtable Member)

Urban League of Chattanooga (General Counsel)