STARNES DAVIS FLORIE LLP

Benjamin T. Presley (Ben)

PARTNER

100 Brookwood Place
7th Floor
Birmingham, AL 35209

P: 205-868-6057
F: 205-868-6099
bpresley@starneslaw.com

ABOUT BEN

Ben's practice focuses on complex business litigation, including contract disputes, RICO lawsuits, mass actions, class actions, fraud, defamation, and trade secret and non-compete cases. His practice also includes municipal and government litigation, personal injury, and constitutional law, as well as appellate advocacy. Ben has represented multinational, national, and regional companies, as well as municipalities across Alabama. He has successfully tried cases and secured judgments in favor of his clients in Alabama state and federal courts, as well as in federal courts outside of Alabama. He is admitted to practice in all state and federal district courts in Alabama, and in the Fourth and Eleventh Circuits.

Legal Assistant

Racheal Gironda
rgironda@starneslaw.com

Areas of Practice

- Accounting Malpractice
- Antitrust
- Commercial Disputes
- Complex Litigation
- Energy & Environmental
- Governmental
- Labor Law
- Mining & Mineral Law
- Professional Liability
- White Collar, Compliance & Investigations
- Workers' Compensation

EDUCATION

J.D., University of Alabama School of Law (2010)

B.S., magna cum laude and With Honors, University of Alabama (2007)

BAR ADMISSIONS

Alabama

COURTS

U.S. Court of Appeals, 11th Circuit

U.S. District Court, Northern District of Alabama

U.S. District Court, Middle District of Alabama

U.S. District Court, Southern District of Alabama

PROFESSIONAL RECOGNITION

Ben was named a Rising Star for the state of Alabama by the 2014 - 2020 editions of Mid-South Super Lawyers® magazine.

Named a "Litigation Star" in Benchmark Litigation

EXPERIENCE HIGHLIGHTS

Secured a landmark jury trial victory for Drummond Company, Inc. and one of its subsidiaries in long-running, high-profile litigation in the U.S. District Court for the Northern District of Alabama. The dispute originated from allegations that defendant Terrence P. Collingsworth made false and defamatory statements accusing Drummond of involvement in human rights abuses in Colombia, including hiring paramilitary groups to commit scores of murders. Drummond discovered that Collingsworth and his associates, while representing hundreds of plaintiffs in prior Alien Tort Statute actions against Drummond, paid hundreds of thousands of dollars for the benefit of witnesses (many imprisoned in Colombia, South America) who testified against Drummond. After this evidence came to light in the defamation suit, Drummond filed a second suit alleging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO). Both cases proceeded to a consolidated trial. The trial lasted for 6 weeks beginning December 1, 2025, and resulted in a substantial verdict in Drummond's favor, with the jury awarding $68 million on the RICO claims, plus $26 million in compensatory damages and $26 million in punitive damages on the defamation claim. After trebling under RICO statutes, the total award reached $256 million. This verdict is the largest federal jury award in the history of Alabama. The multi-year case centered on complex legal and factual issues, including alleged witness bribery, obstruction of justice, money laundering, extortion, and spoliation of evidence. It also involved numerous interlocutory appeals to the Eleventh Circuit, including one which resulted in a published opinion regarding the crime-fraud exception to privilege (Drummond Co. v. Conrad & Scherer, LLP, 885 F.3d 1324 (11th Cir. 2018)).

Currently representing a long-standing firm client in a case involving more than 200 cities and counties which challenges the Simplified Sellers Use Tax (SSUT) in Alabama.

Currently representing approximately 50 corporate entities and their affiliates, including multiple Fortune 100 companies, that are pursuing federal antitrust claims after opting out of a $2.7 billion class action settlement in *In re: Blue Cross and Blue Shield Antitrust Litigation (MDL No.: 2406)*, 2:13-cv-20000-RDP (N.D. Ala.).

Secured a victory in the Alabama Supreme Court on behalf of an Alabama municipality in a case alleging nuisance, trespass, and negligence. The case carried wide ranging implications regarding the scope of Alabama municipalities' liability for stormwater drainage systems. Following an adverse ruling in the trial court, the Alabama Supreme Court reversed on appeal and issued a unanimous, 53 page opinion ruling in our client's favor. The Alabama Supreme Court held, as a matter of first impression, that a city's decision regarding whether "to expand or upgrade a stormwater-drainage system is akin to a decision to provide a public service 'for the public's safety, health, and general welfare' such that any duty related to the upgrade or expansion of that system is a duty owed to the public as a whole" and does not create municipal liability to individual citizens. *City of Mountain Brook v. Miller*, SC-2025-0293, 2026 Ala. LEXIS 65 (Ala. June 26, 2026).

Obtained a jury verdict worth more than $50 million in favor of a multinational corporation against one of the three largest railroad companies in the United States in a dispute involving a long-term contract for rail transportation. Argued the appeal before the 4th Circuit Court of Appeals, resulting in a complete affirmance of the judgment.

Secured an $8.3 million dollar judgment in favor of a multinational corporation in a case involving a contract for port throughput capacity and the international export of metallurgical coal. The case was tried in the Northern District of Georgia, and the judgment was affirmed on appeal in a published opinion, *Southern Coal Corp. v. Drummond Coal Sales, Inc.*, 28 F.4th 1334 (11th Cir. 2022), in which the appellate court also found that our client was entitled to attorneys' fees and litigation costs in addition to the judgment amount.

Secured a multimillion dollar judgment in favor of a multinational corporation in a case involving a contract for port throughput capacity and the international export of metallurgical coal.

Secured the dismissal of a federal RICO lawsuit seeking more than $100,000,000 in damages from eleven defendants that included both corporate entities and individuals.

Obtained complete summary judgment in favor of a multinational corporation and its executives in a mass tort action involving claims of more than 600 Colombian citizens arising under the Alien Tort Statute, the Torture Victims Protection Act, and Colombian wrongful death law. *Doe v. Drummond Co.*, Inc., 782 F.3d 576 (11th Cir. 2015), cert. denied 136 S. Ct. 1168 (2016)

Baloco v. Drummond Co., Inc., 767 F.3d 1229 (11th Cir. 2014) – Obtained complete summary judgment in favor of a multinational corporation and its executives on claims arising under the Alien Tort Statute, the Torture Victims Protection Act, and Colombian wrongful death law premised on the deaths of three Colombian labor union leaders.

Awarded complete summary judgment in a case alleging violations of 42 USC 1981, Title VII and the FMLA.

Secured complete summary judgment in a case alleging excessive force against a police officer who fatally shot the decedent during a confrontation at the decedent's home.

Obtained complete summary judgment in a lawsuit filed against an Alabama municipality by a plaintiff seeking a refund of allegedly overpaid business license fees.

Secured dismissal of all claims against a former mayor arising out of the allegedly wrongful arrest of a former police chief by his successor.

Obtained judgment as a matter of law on behalf of a municipality, its mayor, its police chief and several officers in a lawsuit alleging conspiracy, false arrest, abuse of process, and malicious prosecution.

Secured a summary judgment for 4 supervisory co-employees in a case where the plaintiff was seriously injured after falling 7 feet while operating a mud car at a coke plant.

Obtained complete summary judgment in favor of a police officer and judicial magistrate on the basis that they were entitled to state agent immunity and absolute judicial immunity, respectively. The Alabama Court of Civil Appeals affirmed on appeal.

Obtained summary judgment on a 42 USC 1983 claim brought against a municipal-owned utility, a former mayor, and the utility operations manager where the plaintiff alleged a violation of procedural due process under the Fourteenth Amendment arising out of the allegedly tortious disconnection of her electrical services. The Eleventh Circuit affirmed on appeal. *Louise Alexander v. Edward May*, 2012 WL 1758612 (11th Cir. 2012)

Obtained summary judgment in favor of a municipality against a property owner who alleged that the city wrongfully condemned and demolished her property.

Secured complete dismissal of all claims, which included invasion of privacy, defamation, abuse of process, and negligence, brought against several municipal employees, including a police officer.

Obtained summary judgment in favor of a property owner against an individual who brought eight separate counts, including negligent design, negligent creation of a defect, negligent maintenance, and negligent failure to warn, and alleged that he was injured by a defect on the premises while playing tennis. *Miller ex rel. Miller v. Liberty Park Joint Venture, LLC*, 84 So. 3d 88 (Ala. Civ. App. 2011)

Obtained summary judgment in favor of a municipality and two police officers against an individual who alleged he was wrongfully arrested for capital murder.

FUN FACTS

- While attending law school, Ben served as Co-Chairman of the 2010 Moot Court Board.
- Ben graduated from the University of Alabama magna cum laude with a B.S. in Commerce and Business Administration and With Honors in Finance. While at the University of Alabama, Ben was a member of the Jasons Senior Honor Society and the University Honors Program.
- Ben is married to Rachel Kopf Presley of Mobile, Alabama and they have three children: Addison, Margo and Jacob.
- Ben enjoys anything outdoors, including sports, hunting, and grilling on his deck.

DISCLAIMER: The following language is required by the Alabama Rules of Professional Conduct: No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.