

Luke P. Sbarra

Partner

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Practices

- Commercial Litigation
- Construction Law
- Products Liability Litigation
- Professional Liability Litigation
- Long Term Care Practice
- Mass Tort Litigation
- Retail, Restaurant, and Hospitality
- Civil Litigation

Bar Admissions

North Carolina State Bar

U.S. District Courts, Eastern, Middle, and Western Districts of North Carolina

United States Court of Appeals for the Fourth Circuit

U.S. Bankruptcy Court for the Western District of North Carolina

Education

J.D., Wake Forest University, 2000

Overview

Luke Sbarra believes successful client representation derives from proactive and hands-on legal management, aggressive advocacy, and timely and accurate reporting. He was peer nominated and accepted into the Federation of Defense and Corporate Counsel (FDCC) where he has held several leadership positions.

Luke's practice encompasses professional liability, products liability, construction defect, premises liability and liquor liability, and commercial litigation. He has first chair trial experience in multiple North Carolina counties representing diverse clients across higher education, manufacturing, retail, construction, and varied individual matters. His first chair trial experience ranges from simple breach of contract actions to ATV roll-over cases to complex, multi-party cases designated by the North Carolina Supreme Court as complex, 2.1 cases. He has also argued before the North Carolina Court of Appeals, the North Carolina Supreme Court and the Fourth Circuit Court of Appeals.

A particular area of Luke's practice is professional liability, including defense and licensure matters for lawyers, dentists, health care providers, aging service providers (ALF/SNF), real estate professionals, and design professionals.

Luke served for several years on the Steering Committee of Hands on Charlotte, helping mobilize volunteers to strengthen the Charlotte community. He has also provided pro bono legal services to Charlotte Center for Legal Advocacy and serves on the Adult Troop Committee of Troop 15 of the Etowah District of Scouting for America.

He and his wife have two children and have lived in Charlotte since 2000. When he is not working, Luke enjoys spending time with his children, exercising, reading, watching sports, and vacationing at the beach.

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B.A. Mary Washington College (summa cum laude), 1997

Experience

Cases or matters referenced are for illustrative purposes only, and do not represent the lawyer's or law firm's entire record. Each case is unique and must be evaluated on its own merits. The outcome of a particular case cannot be predicted based upon a lawyer's or law firm's past results. Prior results do not guarantee a similar outcome.

- Lead counsel obtaining defense verdict following jury trial defending an entertainment venue and bar regarding allegations of over-service of alcohol/Dram Shop and inadequate security when a patron attacked another patron during an altercation at the establishment.
- Lead counsel obtaining summary judgment in United States District Court for the Western District of North Carolina of legal malpractice lawsuit against South Carolina law firm arising out of law firm's failure to file medical malpractice lawsuit within statute of limitations. United States Court of Appeals for the Fourth Circuit affirmed federal court summary judgment in favor of Defendants.
- Lead counsel in trial of 2.1 Complex Litigation Case in Jackson County (Sylva), North Carolina, Superior Court of claims of condominium-unit controlled owners' association against declarant-developer for breach of fiduciary duty, breach of implied warranty of habitability, and negligence arising out of alleged systemic construction and design defects in twenty two (22) condominium units. Plaintiff sought a final judgment in excess of $7,000,000.00 and the jury considered sixteen issues, including the North Carolina Real Property statute of repose and exceptions to the applicability of the statute of repose based on equitable estoppel.
- Lead counsel obtaining complete defense verdict in jury trial of claim against client for negligence and breach of contract arising out of client's upfit and renovation of PGA Tour Bus and delivery of bus to Florida following fire destroying bus en route to Florida. This case involved issues of Georgia law and defenses to breach of contract based on the impossibility of performance and frustration of purpose.
- Lead counsel obtaining complete defense verdict of breach of contract and contractual indemnity action against client arising out of client's employment contract with plaintiff.
- Trial to complete defense verdict of claim for breach of implied warranty of habitability and negligence arising out of alleged construction defects and personal injury at apartment complex.
- Lead counsel in trial to verdict of roll-over of Cushman ATV defending allegations of negligent warnings, negligent training, supervision, and failure to warn.
- Lead counsel in trial to verdict of personal injury action arising out of failed furniture at restaurant.
- Lead counsel obtaining complete defense arbitration award following five-day wrongful death arbitration against skilled-nursing facility arising out of alleged failure to prevent sepsis leading to death from infected decubitus ulcer and claims of medical malpractice, corporate and administrative negligence, and punitive damages.
- Arbitration of claim against North Carolina adult care home arising out of alleged third-party rape of resident at the facility.
- Lead counsel obtaining summary judgment in product liability action in federal court action against manufacturer of synthetic web sling following severe crush injury to Plaintiff when 1,700 pounds of sheet metal collapsed on Plaintiff following web sling failure. Trial court granted

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summary judgment on negligence and breach of express and implied warranty claims and Fourth Circuit Court of Appeals affirmed.

- Lead counsel in arbitration to final award of construction defect case in which Plaintiff sued general contractor for numerous defects in condominium and sought in excess of $1,500,000.00. Final arbitration award was $9,000.00. Trial court confirmed award and North Carolina Court of Appeals affirmed trial court.
- Lead counsel obtaining summary judgment for multiple physicians sued for "deliberate indifference" to incarcerated inmates' civil rights under 42 U.S.C. 1983 and Bivens v. Six Unknown Named Agents.
- Lead counsel representing numerous dentists in dental malpractice litigation and disciplinary matters before the North Carolina Dental Board and in dental malpractice actions relating to alleged standard of care violations, including improperly placed prosthetics, restorations, alleged failure to obtain informed consent, and death claims following general and specialized care and surgery.
- Lead counsel obtaining summary judgment on behalf of a structural engineer in federal court action alleging design defect and delay damages of $20,000,000 arising out of multiple failed structural elements of multi-unit condominiums in New Bern, North Carolina. This case involved over seventy-five depositions and the production and analysis of over one million documents. This case was affirmed on appeal.
- Lead counsel representing civil engineer in professional malpractice action alleging failure to obtain state Department of Transportation highway approval for hollow-core slab bridge allegedly causing delay damages in excess of $3,000,000 arising out of developer's inability to market eighty-four (84) acres platted for residential sub-division.
- Lead counsel obtaining Order granting client's motion to dismiss pursuant to Rule 12(b)(6) in 2.1 Complex Litigation Matter regarding plaintiff-investors' claims against real estate appraiser for negligence, civil conspiracy, breach of third party beneficiary contract, and violations of the State Mortgage Lending Act, in professional malpractice against appraiser for damages arising out of purchase of coastal North Carolina lots.
- Lead counsel obtaining Order granting client's motion to dismiss pursuant to Rule 12(b)(6) in connection with claims against residential real estate appraiser based on North Carolina's statute of repose for professional malpractice.
- Lead counsel obtaining dismissal of a lawsuit against Atlanta lawyer and law firm arising from alleged breach of contract and breach of fiduciary duty in connection with law firm's failure to repay financier of personal injury litigation.
- Lead counsel obtaining dismissal of professional malpractice civil action against lawyer arising from alleged failure to satisfy tax lien during the closing of a real estate transaction, allegedly resulting in the subordination of Plaintiff's Deed of Trust to first priority tax lien.
- Lead counsel representing law firm and lawyer as escrow agents in federal court action seeking damages in excess of $100,000,000 arising from alleged fraud scheme and numerous violations of state and federal racketeering, fraud, and conspiracy laws.
- Lead counsel obtaining summary judgment on behalf of owner of sports stadium in connection with lawsuit against owner of stadium arising out of blinding incident in which patron blinded from baseball striking patron in eye.
- Lead counsel obtaining dismissal with prejudice one week before trial of fire claim at hospital

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with alleged business interruption damages in excess of $7,000,000.000 arising out of client's allegedly improper use of thermographic equipment to conduct infrared thermographic scans of electrical cabinets prior to fire.

- Lead counsel representing industrial boiler manufacturer in the United States District Court for the Middle District of North Carolina in connection with allegations of breach of contract, breach of warranty, fraud, unfair and deceptive trade practices, and punitive damages seeking a recovery of $1,200,000.00 arising out of our client's alleged supply of two defective commercial boilers to one of the world's largest carpet manufacturers.
- Lead counsel representing Taiwanese manufacturer in the United States District Court for the Western District of North Carolina achieving dismissal of Plaintiffs' claims for the defective manufacture of a bicycle chain sprocket due to lack of personal jurisdiction over the client in the North Carolina federal courts.
- Lead counsel representing industrial designer in the United States District Court for the Western District of North Carolina in connection with a commercial fire subrogation lawsuit seeking damages of $800,000.00 arising out of a commercial electrical fire in a paint spray booth.
- Representation of an international manufacturer of cast polypropylene filmsin the United States District Court for the Western District of North Carolina in connection with Plaintiff's claims of improper design of film, breach of contract, and breach of warranty resulting from our client's supply of allegedly defective automobile transit tape causing tape melt on several thousand new automobiles and alleged damages of $800,000.00.
- Representation of numerous manufacturers, component part manufacturers, distributors, retail sellers, and individuals in connection with the defense of a wide variety of product liability lawsuits arising from diverse industries including textiles, plumbing, refrigeration, residential propane gas equipment, construction, and recreational and sporting equipment.

Publications

- Sbarra, Luke. "Courtesy Defense for Depositions of Former Employees of Long-Term Care Facilities: A Powerful Weapon for the Defense in the Fight for Truth." Federation of Defense and Corporate Counsel (FDCC), *Insights*, Special Edition, July 2023
- Sbarra, Luke, and Buckley, Thomas. "When Eating Crow is the Best Item on the Menu: Stipulating to Liability in Professional Liability Actions." *IADC Professional Liability Committee Newsletter* (May 2018).
- Sbarra, Luke, Richard Busch, and Andrew Countryman. "Third-Party Litigation Financing and Mitigating the Risk of Legal Malpractice." *February News- Lawyers' Prof Liability Claims, Professional Liability Defense Federation (PLDF)* (6 Feb. 2015).

Presentations

- *The Use of a Courtesy Defense for Former Employee Depositions and Trial Testimony: An Arrow in the Quiver, an Ethical Trap, or Both?,* 2024 FDCC Winter Meeting; FDCC Presentation on practical and ethical issues of using a courtesy defense to represent former employees in litigation against your client (February 2024).
- *Don't Be Left High and Dry in the Desert: How to Handle Thorny Issues of Indemnity Disputes Between Hospitals, Physicians and Insurance Carriers in Medical Negligence Litigation,* 2022

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FDCC Winter Meeting; Joint Presentation of FDCC Health Care Practice, Trial Tactics and Extra Contractual Sections (March 2022).

Awards & Honors

- Selected by peers for inclusion in *The Best Lawyers in America®* 2027 in the field of Professional Malpractice Law – Defendants
- Selected to the North Carolina Super Lawyers® list, 2024-2026
- Selected to the North Carolina Rising Stars list published in Super Lawyers® Magazine, 2010-2015
- Selected to the Business North Carolina's Legal Elite in the litigation category, 2018
- AV Preeminent® peer review rating from Martindale-Hubbell

Involvement

- Federation of Defense and Corporate Counsel
  - 2024-2025 NC State Representative
  - 2023-2024 Chair, Health Care Practice Section
  - 2021-2023 Vice Chair, Health Care Practice Section
- Professional Liability Defense Federation
  - Co-Chair, Legal Malpractice Sub-Committee (2014-2015)
- Hands on Charlotte
  - Member, Steering Committee (2009-2019)
- North Carolina Association of Defense Attorneys
  - 2024-2025 Member, Product Liability Subcommittee

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