



Tres Cleveland

SHAREHOLDER

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Practices

Education

Criminal Defense & Investigations

Business & Commercial Disputes

Class Action

Education

University of Mississippi School of Law

(2003, J.D., *cum laude*; Augustus Longstreet Scholarship; Moot Court Board)

Mississippi State University

(2000, B.B.A., *summa cum laude*)

Admissions

State Bar: Alabama, Mississippi

Tres is a Shareholder and serves as Chair of the Education Practice at Maynard Nexsen.

From the boardroom to the classroom to the courtroom, Tres has the experience to anticipate and support all client needs in the higher education industry. A litigator by trade, Tres has successfully represented educational institutions, third-party servicers, and financial investors in dozens of reported cases in courts throughout the country. His experience litigating education-related matters is broad, and includes cases involving the False Claims Act, Title IX, ADA Accreditation, and federal and state program reviews, State Attorneys General enforcement actions, student fraud and educational malpractice claims, employment discrimination, real estate and vendor contract disputes, arbitration enforcement, and more. Among other cases he is working on, Tres is currently defending a proprietary educational institution in hundreds of individual arbitrations brought by former students.

As a complement to his litigation practice, Tres regularly represents educational institutions and other entities in regulatory matters and corporate transactions. He frequently appears before the United States Department of Education, regional and national accreditors, state attorneys general, and state licensure boards. Tres was able to leverage his experience in the industry to advise institutions, investors and financiers in higher education mergers and acquisitions, and in other

complex corporate restructuring matters, including bankruptcies and receiverships. In addition, Tres provides guidance to institutions looking to convert their tax status in proceedings before the Department of Education.

Experience

- *Mai v. The Art Institute of Dallas Aii, LLC*, No. DC-21-07474 (Dallas Cty. Civ. Ct. Jan. 28, 2022) (successfully compelling former student's breach of contract claims against college to arbitration)
- *Qureshi v. Alabama College of Osteopathic Medicine*, No. 1:20-cv-934 (M.D. Ala. Dec. 28, 2021) (obtained dismissal of former student's Title VII national origin discrimination claims against medical college)
- *Matthews v. American Society of Professional Education*, 2021 WL 6285264 (W.D. Tex. Nov. 4, 2021) (obtained dismissal of federal copyright infringement suit arising out of development and use of student training materials)
- *Jenkins v. Georgia Driving Academy*, No. 2021-MAG-1131 (Rockdale Cty. Mag. Ct.) (Jul. 13, 2021) (prevailed at trial on former student's claims that professional driving school failed to accommodate disability)
- *Hilburg v. Fortis College*, No. 01-20-0014-5423 (AAA) (June 28, 2021) (obtained dismissal of student's claim that college's transition to distance education during COVID-19 pandemic violated enrollment agreement)
- *VC Macon GA, LLC v. Virginia College, LLC*, No. 5:18-cv-388 (M.D. Ga. Feb. 24, 2021) (obtained dismissal of landlord's fraud and misrepresentation claims against college)
- *MasterMind Involvement Mktg., Inc. v. The Art Institute of Atlanta, LLC*, 389 F. Supp. 3d 1291 (N.D. Ga. 2019) (obtained injunction requiring vendor to return social media login credentials to multiple universities)
- *Bishop v. St. Paul's School of Nursing*, No. 19-69422 (successfully defended race discrimination claims against nursing school in matter before New York City Commission on Human Rights)
- *Garcia v. Virginia College, LLC*, No. 1:18-cv-621 (E.D. Tex. Aug. 5, 2019) (successfully compelled student and employee putative class action claims against college to arbitration)
- *401 Palace Parkway v. Education Affiliates, Inc.*, No. 3:19-cv-151 (N.D. Tex.) (represented university in real estate dispute with landlord that settled)
- *Adams v. Antonelli College*, 304 F.Supp.3d 656 (S.D. Ohio 2018) (obtained summary judgment in putative class action suit by former students alleging college misrepresented its approval status with state nursing board)
- *United States ex rel. Gilbert v. Virginia College, LLC*, 305 F.Supp.3d 1315 (N.D. Ala. 2018) (obtained dismissal of relator's False Claims Act suit alleging college falsified student records to maintain eligibility for federal Title IV funds)
- *Marshall v. Alabama College of Osteopathic Medicine*, 2018 WL 4955211 (M.D. Ala. Oct. 12, 2018) (obtained dismissal of student ADA and due process claims)
- *Borden v. Antonelli College*, 304 F.Supp.3d 678 (S.D. Ohio 2018) (obtained dismissal of students' fraud and breach of contract claims regarding transferability of credits)

- *United States ex rel. Barret v. Beauty Basics, Inc.*, 2015 WL 3650960 (N.D. Ala. 2015) (obtained dismissal of False Claims Act suit alleging that school failed to provide students with grades and properly licensed instructors as required in order to obtain Title IV funds)
- *Fitzhenry v. One on One Marketing*, 2015 WL 4459023 (D.S.C. 2015) (obtained dismissal of suit alleging marketing agency working on behalf of university violated federal Telephone Consumer Protection Act)
- Won the dismissal of student's federal claims under the Higher Education Act, as well as the dismissal of student's class action claims, while the student's remaining individual state law claims were successfully compelled to arbitration. Also successfully defended student's appeal to the 5th Circuit Court of Appeals. *Natfracuria Daniels v. Virginia College at Jackson, et al*, No. 3:11-CV-496 (S.D. Miss. Nov. 29, 2011) (aff'd *Daniels v. Va. College at Jackson*, 478 Fed. Appx. 892 (5th Cir. 2012))
- Obtained dismissal of class action claims in a case where the students' claims against a for-profit educational institution were successfully compelled to arbitration and the court ruled that the students waived class action adjudication pursuant to the arbitration provision. *Asbell v. Education Affiliates, Inc., et al.*, No. 3:12-CV-00579 (M.D. Tenn. April 25, 2013)
- Won an appeal to the Mississippi Supreme Court, in a 9-0 decision, whereby the Supreme Court reversed the lower court's order granting the students' motion to invalidate the college's arbitration provision. *Va. College, LLC v. Blackmon*, 109 So. 3d 1050 (Miss. 2013).
- Successfully defended an appeal to the Alabama Supreme Court of the trial court's order granting our motion to compel the student's claims to arbitration. *Shalundia Dixon, et al. v. Virginia College*, No. 2011-195 (Cir. Ct. Mobile County Ala. May 13, 2011) (aff'd *Shalundia Dixon, et al. v. Virginia College*, No. 1101156 (Ala. May 30, 2012))
- In both federal and state courts, successfully obtained orders enforcing college's arbitration provision and, thereby, compelling students' claims to arbitration. *Anderson v. Va. College, LLC*, 2012 U.S. Dist. LEXIS 130619 (S.D. Miss. Sept. 13, 2012); *Brittany Davis, et al. v. Virginia College of Jackson MS, et al.*, No. 3:12-CV-510 (S.D. Miss. Aug. 21, 2012); *Francisco Rodriguez v. Virginia College, LLC*, No. 13083854-S-00 (Magis. Cr. Bibb County Ga. Sept. 23, 2013); *Shirley Hughes v. Virginia College, et al.*, No. 13 GS 2986 (Gen. Sessions Ct. Hamilton County Tenn. Apr. 15, 2013); *Kimberly Moore, et al. v. Virginia College of Jackson, et al.*, No. 251-06-408CIV (Cir. Ct. Hinds County Miss. July 21, 2009); *Phillip J. Shelnut, et al. v. Virginia College, L.L.C., et al.*, No. CV-2007-902009 (Cir. Ct. Jefferson County Ala. Oct. 14, 2008)
- Obtained defense verdicts in various AAA arbitrations defending student claims alleging that a college's accreditation was fraudulently concealed and provided no marketability
- Won a motion to exclude the testimony and strike the reports of two expert witnesses. *Va. College, LLC v. Martin*, 2012 U.S. Dist. LEXIS 178132 (S.D. Miss. Dec. 17, 2012)

Recognition

- The Best Lawyers in America® for Commercial Litigation (2021-present)
- Alabama Super Lawyers® Rising Star, Civil Litigation Defense (2012-2013)

Community & Professional

- California Association of Private Postsecondary Schools (CAPPS)
- Career Colleges and Schools of Texas (CCST)
- Career Education Colleges and Universities (CECU)
- Career Schools Private Education Network (CSPEN)
- Florida Association of Postsecondary Schools and Colleges (FAPSC)
- Mid-Atlantic Association of Career Schools (MAACS)
- American Bar Association
- Alabama State Bar Association
- Mississippi State Bar Association
- Birmingham Bar Association

News

08.22.2022

200 Maynard Attorneys Recognized in The Best Lawyers in America© 2023

08.19.2021

179 Maynard Attorneys Recognized in The Best Lawyers in America© 2022