

Press Release

Akerman Litigators Prevail for Trucking Executive in Federal Court

August 11, 2022

Top 100 U.S. law firm Akerman LLP today announced litigation partner Michael Kelly in Washington, D.C. and White Collar Crime and Government Investigations Practice Co-Chair Sergio Acosta in Chicago prevailed in a long-running federal criminal case out of the U.S. District Court for the Southern District of Indiana, winning dismissal on August 11th in a case that began with accusations of accounting and securities fraud against Akerman client, Bobby Peavler, and another individual, Eric Meek. They served as the CFO and COO, respectively, of a publicly traded trucking business called Celadon Group, Inc., based in Indianapolis. The indictment alleged, among other things, that the two executives misled investors and others about the value of the company's used truck inventory.

Akerman's legal team alleged in court that the Federal Bureau of Investigation, which investigated the case, and the federal prosecutors who brought the charges, presented false testimony, and concealed information pointing to Peavler's innocence. Kelly and Acosta sought a dismissal on those and other grounds, and the court issued a series of orders finding fault with the FBI agent's work and permitting the defendants to take the depositions of ten witnesses to determine if similar inaccuracies appeared in other interview memoranda prepared by the FBI.

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Sergio E. Acosta
Michael P. Kelly

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In authorizing this unusual remedy, the Court found that Akerman's cross-examination of an experienced FBI agent was "devastating." After receiving the Court's orders, the government determined that it would be in the interest of justice for the indictment to be dismissed with prejudice. The judge granted the government's motion to dismiss.

Kelly commented, "Bobby Peavler was innocent of these charges, and we are delighted for Bobby and his family that justice has prevailed." Acosta added, "The government did the right thing at the end by dismissing the case. When the evidence is not there and a person is innocent, dismissal is the only result in the interests of justice."

The win was covered by *Law360* and other publications.

About Akerman

Akerman LLP is a top 100 U.S. law firm recognized among the most forward-thinking firms in the industry by *Financial Times*. Its more than 700 lawyers and business professionals collaborate with the world's most successful enterprises and entrepreneurs to navigate change, seize opportunities, and help drive innovation and growth.

Akerman's Litigation Practice Group has vast experience in a wide range of civil and criminal litigation, including class action defense, securities and corporate litigation, banking, white collar crime and government investigations, insurance, and real estate. The Litigation team is recognized nationally by *U.S. News - Best Lawyers* in several categories including Commercial Litigation, Appellate, and Real Estate Litigation.