Whitney Pakalka

Senior Associate

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Services

Complex Commercial Litigation

Litigation

Whitney Pakalka focuses her practice on complex commercial litigation, including representing plaintiffs and defendants in contract disputes and business tort and trade secret litigation as well as representing employee health benefit plans and plan sponsors in ERISA litigation.

Prior to joining the firm, Whitney gained experience serving as a judicial law clerk for Judge Michael L. Robinson in the North Carolina Business Court.

Whitney was recognized in 2027 and the three years immediately preceding as one of the "Best Lawyers: Ones to Watch" for Commercial Litigation by *The Best Lawyers in America*®. She was recognized as a North Carolina "Rising Star" from 2022 to 2027 for Business Litigation by *Super Lawyers* magazine. She was selected by *Triad Business Journal* as one of its “40 Leaders Under 40” honorees in 2024. Whitney was listed as a legal "Phenom" in 2024 by *North Carolina Lawyers Weekly*. She was named as one of *Business North Carolina* magazine's “Young Guns” in 2022.

Whitney has a basic knowledge of Spanish.

Experience

Lead associate in representation of international civil engineering services firm against claims for trade secret misappropriation, breach of contract, and violation of the Sherman Act and the Racketeer Influenced and Corrupt Organizations Act pending in the Eastern District of New York.

Lead associate in representation of a major North American automotive services company in litigation against its former franchisee, former employee, and competitor involving claims for trade secret misappropriation, breach of contract, and tortious interference pending in Hillsborough County, Florida.

Lead associate in representation of fan experience and hospitality company in claims against a vodka producer for breach of a marketing agreement to sponsor certain tailgating events.

Lead associate in representation of third-party administrator MedCost, LLC in obtaining dismissal of claims brought by ERISA health plan participants claiming an entitlement to benefits for long-term residential treatment.

Lead associate in representation of health plan, health plan sponsor, and third-party claims administrator in obtaining dismissal of ERISA claims arising from the denial of health benefit claims for wilderness therapy.

Lead associate in successful representation of health insurer by obtaining summary judgment in federal lawsuit brought by specialty pharmacy asserting claims for violation of the North Carolina Pharmacy of Choice statute and related common law claims over exclusion from specialty pharmacy network due to pharmacy's failure to satisfy network participation requirements, which was affirmed on appeal to the Fourth Circuit.

Lead associate in representation of property manager in insurance coverage litigation seeking a defense and coverage for claims made against them in class-action lawsuits relating to eviction practices, which resulted in a ruling that an insurer cannot recover defense costs from its insured, even if it did not have a duty to defend, unless the policy specifically gives it the right to do so. *Hanover Ins. Co. v. Blue Ridge Property Mgmt. LLC*, 904 F. Supp. 3d 904 (M.D.N.C. 2020).

Lead associate in representation of one of the leading heavy truck and engine manufacturer against allegations of breach of warranty, fraud, and violation of consumer protection statutes filed in the Western District of New York.

Lead associate in representation of subsidiary of global metals service company in lawsuit with process and mechanical contractor over contractor's failure to pay for steel products supplied for and incorporated into microsystems plan in China. *Valex Corp. v. Kinetics Systems Malaysia SDN, BHD*, Case No. 56-209-00527645 (CA Sup. Ct., Ventura Cnty.).

Education

Wake Forest University School of Law J.D. (2017) *magna cum laude*, *Order of the Coif*, *CALI Awards*, *Pro Bono Honor Society*

University of Colorado B.A. (2008) Spanish Language and Literature

Admissions

North Carolina (2017)

Court Admissions

U.S. Court of Appeals for the Fourth Circuit (2021)

U.S. District Court for the Eastern District of North Carolina (2019)

U.S. District Court for the Middle District of North Carolina (2019)

U.S. District Court for the Western District of North Carolina (2019)

Clerkships

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Professional & Community Activities

The Historic Bethabara Park, Board of Trustees, Chair (2023-Present), Member (2019-2022)

The Children’s Law Center of Central North Carolina, Board Member (2024)

Charleston Trident Fishing Tournament, Outstanding Lady Angler-Offshore (January 2015)

Insights

News Releases

Kilpatrick Attorneys Recognized in 2027 Edition of Best Lawyers: Ones to Watch® in America

August 20, 2026

Events

Advanced Patent Law Seminar

February 12, 2026

Perspectives

6 Key Takeaways | 2025 North Carolina Business Court Update

December 1, 2025

News Releases

Over 100 Kilpatrick Attorneys Named 2025 Super Lawyers and Rising Stars

November 25, 2025

News Releases

126 Kilpatrick Attorneys Named 2024 Super Lawyers and Rising Stars

November 11, 2024