



JASON FULTON

Partner

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Jason Fulton is a litigation partner in the Dallas office. Jason handles all types of commercial disputes for plaintiffs and defendants in state court, federal court, and arbitration and has particular experience in representing owners and officers in disputes in private companies.

Jason spends most of his time representing clients in privately held companies and is often asked to represent them in a lawsuit related to a broken contract, or in a dispute related to the ownership, management, or finances of a private company. But he also works to help clients avoid litigation and work out a business solution that allows the parties to avoid the expense and burden of litigation if possible.

Prior to becoming an attorney, Jason worked on the options floor of the stock exchanges in Philadelphia and San Francisco and in commercial paper for a major issuer, giving him insight into securities, derivatives products and debt instruments.

Jason is licensed to practice law in Texas and is also admitted to practice before the all Texas Federal Courts, the 5th Circuit Court of Appeals, and the U.S. District Court for the District of Columbia.

Representative Cases

- Co-counsel for Plaintiff in a six week trial that resulted in a jury finding awarding a \$65 million dividend to the shareholders and more than \$2 million in additional damages to the minority shareholder. The case was brought on behalf of a minority shareholder against the majority shareholder and the corporation for claims of shareholder oppression, fraud, breach of fiduciary duty, and breach of contract. The jury found Diamond McCarthy's client entitled to a substantial dividend, back pay, and attorney's fees.
- Represented subordinated lender in fraud lawsuit against lead bank, investment advisor, lawyers, and auditors in claims of intentional financial statement fraud to obtain financing.
- Represented owner of software as a service provider in dispute with investors and lenders.
- Represented national real estate developer of apartments and condominiums in partnership dispute with co-developer over obligations related to two buildings in

Location

Dallas, Texas

Education

The University of Texas School of Law (J.D., *with high honors*, 2003)

- Order of the Coif,
- Texas Law Review 2001-2003

University of Pennsylvania (B.A. in Economics and Political Science, 1997)

Areas of Practice:

Complex & High-Stakes Litigation

- Bankruptcy, Third Party & Professional Liability
- Antitrust
- Class Actions
- Energy & Environmental
- Intellectual Property
- Securities & Regulatory

Admitted to Practice:

Texas

U.S. Court of Appeals, 5th Circuit

U.S. District Court for the District of Columbia

U.S. District Courts for the Eastern District of Texas

U.S. District Courts for the Northern District of Texas

U.S. District Courts for the Southern District of Texas

U.S. District Courts for the Western District of Texas

Victory Park in Dallas, Texas.

- Defended oil-refinery construction company in allegations by lender that repair work caused multi-million dollar loan defaults causing refinery to file bankruptcy.
- Represented bankrupt HDTV manufacturer in antitrust claims for price fixing against LCD suppliers.
- Defended a national homebuilder against fraud and misrepresentation claims in a mass action arbitration lasting seven weeks.
- Represented real estate development companies on partnership and related disputes.
- Represents plaintiffs in arbitrations before FINRA, including representations of hedge fund, brokerage employees, and customers.
- Represented a class of cable subscribers in an antitrust suit against a national cable company.
- Represented a medical device maker in an antitrust suit against a global healthcare products company.
- Represented realtors and defendants in whistleblower suits brought under the False Claims Act.