



# Jason Fulton

Partner

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## Locations

Dallas

### Related Practices

Antitrust

### Education

- The University of Texas School of Law (JD, with high honors, Order of the Coif, 2003)
- University of Pennsylvania (BA in Economics and Political Science, 1997)

A business litigator with substantial experience in cases involving a high degree of financial complexity, Jason Fulton focuses his practice on challenging commercial litigation and arbitration matters in Texas and throughout the U.S. He has guided clients through corporate-mismanagement litigation covering a number of multifaceted issues, including disputes between owners, shareholder oppression claims by minority owners, key executive and shareholder departures, and breach of fiduciary claims against officers and directors.

Jason also represents plaintiffs and defendants in significant private lending and investment disputes involving fraud, misrepresentation, Ponzi schemes and other deceitful activities. In addition, software installers and software as a service (SaaS) providers rely on Jason to protect their business interests in disputes involving breach of contract claims for nonpayment of usage fees and unauthorized use of software applications.

Many of Jason's cases involve complex document production obligations with thousands of physical and electronically-stored documents scattered across the country. He advises clients on all nuances of the E-Discovery process, including designing an efficient system for collecting and reviewing potentially responsive documents, ensuring compliance with all legal, ethical and privacy requirements, and protecting sensitive information covered by the attorney-client privilege and work product doctrine.

Jason brings on-the-ground industry experience in sophisticated financial matters to his litigation practice. Before law school, he worked on the options floor of the Philadelphia and San Francisco stock exchanges and in commercial paper for a major issuer, which gave him unique insight on securities, derivatives products and debt instruments.

### Representative Experience

- 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 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.

### **Professional Associations**

- Member of the Council of the Litigation Section of the State Bar of Texas (2016–present)

### **Bar Admissions**

- Texas

### **Honors and Awards**

- *Texas Super Lawyers*, Thomson Reuters (2020)
- *Texas Super Lawyers* “Rising Star,” Thomson Reuters (2010-2014)

### **Resources**

- David Lockton, et. al., V. Thomas Rogers, Hank Ratner, Bryan Jacoboski, James Mass, and Graham Holdings Company
- Derivative and Double Derivative Litigation: Shareholder Actions Post-Ritchie v. Rupe
- University of Texas 2015 LLCs, LPs and Partnerships
- 2015 Securities Regulation Primer
- Texas Bar CLE: 31st Annual Litigation Update Institute
- “Protecting Against Anticompetitive Conduct Abroad?: The U.S. Experience Under the Foreign Trade Antitrust Improvements Act (“FTAIA”)” (October 21, 2014 presentation to the Dallas Bar Association’s International Law Section) (with Jason Fulton).
- 2014 Texas Rising Stars
- The Balance of Power Between Majority Owners and Minority Investors in Texas Private Companies – Is Someone’s Ox Being Gored
- The Affluenza Influence – Are Majority Shareholders Truly Under Siege in Texas Private Companies?
- Am I My Brother’s Keeper: Understanding The Rights/Duties Of Majority Owners And Minority Investors In Private Companies