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## John W. Ellis

PARTNER

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### Overview

John is a commercial trial lawyer with extensive experience litigating disputes in the energy, medical device/pharmaceutical, financial services, and real estate development sectors. He also regularly advises clients in complex government investigations and government entity litigation. As a dual JD/MBA graduate and former manager for a Fortune 50 company, John leverages his business experience to help his clients resolve complex legal problems.

His practice routinely involves disputes concerning products liability, breach of contract, fraud, securities, real property, misappropriation of trade secrets, breach of fiduciary duty, deceptive trade practices claims, and various other consumer-protection statutes. John regularly represents clients in mass torts litigation, putative class actions, and other high-stakes disputes before state and federal courts and arbitration panels across the country.

Prior to joining Scott Douglass & McConnico, John practiced for several years with Locke Lord LLP. Before entering private practice, he served as a briefing attorney for the Honorable Paul W. Green of the Supreme Court of Texas. Before he obtained his JD and MBA degrees, John led various business units as a manager in the renowned AT&T Leadership Development Program.

John is actively involved in various state bar and other civic organizations. He served for many years on the Texas Young Lawyers Association Board of Directors where he helped create and execute a wide variety of public service projects. He also served as the District Representative for District 25 (South/Central Texas) to the Young Lawyers Division of the American Bar Association. John and his wife are actively involved in their church. He also volunteers time

helping develop future leaders through the Boy Scouts of America, where he serves as the Cubmaster of Pack 25 and as the General Counsel and Executive Board Member of the Capitol Area Council, representing a thirteen-county region across Central Texas.

## Experience

John has assisted clients in all phases of the dispute-resolution process, including pretrial and trial, post-judgment remedies, and appeals. He also has experience advising clients in pre-litigation matters and assisting with government investigations, enforcement matters, and regulatory compliance issues. John regularly cross-examines key fact and expert witnesses in disputes across the country. He also has extensive experience drafting and arguing pretrial motions, and has prevailed in numerous case-dispositive motions in state and federal courts. John has extensive experience managing litigation teams in complex multidistrict litigation dockets.

His clients range from multinational and Fortune 500 companies to regional businesses and individuals.

### **Products Liability Litigation**

Representation of a major pharmaceutical company in multidistrict litigation and individual lawsuits concerning prescription opioids. John worked closely with lead liaison counsel to help orchestrate key defense strategy and served as a principal architect for various key bellwether procedures on behalf of major industry groups in one of the most complex mass-tort proceedings in history. The plaintiffs included government entities, quasi-governmental entities, and individuals, involving numerous tort and statutory theories and alleged damages in the tens of billions of dollars. In addition to taking a leading role in briefing on dispositive and discovery issues, John deposed numerous key fact witnesses in bellwether proceedings that ultimately resulted in a favorable settlement for his multinational client.

Repeated representation of major medical device company in hundreds of federal multidistrict litigation and individual federal and state courts involving pelvic mesh products

Repeated representation of major medical device company as trial counsel in numerous bellwether proceedings before federal and state multidistrict litigations involving hernia mesh products

John has provided on-site trial support to lead trial counsel in medical device jury trials, which has included preparing defense experts, preparing witness outlines, arguing case-specific and company witness deposition designations, and arguing motions in limine against lead Plaintiffs' counsel.

Dunfee v. Johnson & Johnson, et al. – Philadelphia Court of Common Pleas, Pelvic Mesh Litigation, 2019. John served on the trial team in a four-week jury trial in which the jury awarded only compensatory damages. At the time, the Dunfee trial resulted in the lowest plaintiff jury verdict in the Philadelphia pelvic mesh litigation.

## **Government Entity Litigation**

Representation of major pharmaceutical manufacturing company in government investigations and litigation involving alleged violations of the Texas Deceptive Trade Practices Act and Texas Medicaid Fraud Prevent Act brought by the Texas Attorney General's office

Representation of major financial institution in state and federal government investigation proceedings related to numerous consumer protection statutes

Represented a government entity in a contract dispute concerning property development rights

## **Oil and Gas, Natural Resources, and Energy Litigation**

Represented oil and gas operator as plaintiff in contract dispute over wastewater disposal agreement

Represented independent oil and gas operator in business divorce and multiple breach of contract disputes across various jurisdictions

Represent lessees in multi-district litigation concerning royalty and other lease disputes

Represented major oil and gas company in multi-million-dollar title-defect arbitration, obtaining a favorable final arbitration award

Repeated representation of operators and lessees in suits alleging trespass, nuisance, breach of contract claim, and other claims

## **Business Litigation**

Repeated representation of business entities and executives in litigation and arbitration disputes following mergers, acquisitions, and purchase and sale agreements. These disputes often involve breach of contract, fraud, and breach of warranty allegations following a major business transaction or other significant liquidity event.

Representation of numerous businesses as plaintiffs in misappropriation of trade secrets cases, including oilfield services, financial services, and telecommunications industries

Repeated representation of business owners across numerous business sectors, including telecommunications, construction, information technology, and oilfield services in partnership and membership/management disputes

Assisted with putative class action against electronic filing and service provider regarding antitrust claims and breaches of various consumer-protection statutes

Represented inventor and patent-holder in breach of pharmaceutical patent licensing agreement

Represented franchisor and business owner in business divorce involving ownership of several franchises and territory

rights

Represented individuals and businesses in post-judgment remedies, including obtaining turnover and charging orders

Co-lead plaintiff lawyer in jury trial concerning property damage

### **Real Property Disputes**

Obtained complete defense verdict after a two-week jury trial in Travis County state court, in a dispute involving the purchase of commercial real property in downtown Austin. The plaintiff was seeking more than \$100 million in damages, and the jury returned a take nothing verdict in favor of the firm's developer clients.

Represented a real estate development company in litigation concerning the entitlement process

Represented real estate investment and development firm relating to its real estate assets and dispute concerning fraud and construction defect allegations following the sale of a major multifamily complex

Represented family partnership in probate dispute concerning claims of fraud and theft of property surrounding title to multiple real estate holdings

Represented landowner in encroachment dispute with neighboring landowner

Repeated representation of commercial and residential landowners and lienholders in a variety of title disputes

### **Consumer Finance and Financial Services Litigation**

Representation of leading student loan provider in alleged TCPA violations

Repeated representation of lenders and mortgage servicing companies in disputes challenging the securitization process, home-equity lending, and foreclosure practices

Extensive experience representing national banks, mortgage lenders, mortgage servicers, and investors in residential mortgage disputes involving alleged FDCPA, TILA, RESPA, FCRA, TDCA, and DTPA, violations, together with allegations of mortgage fraud, predatory lending, false credit reporting, improper collection, violations of various state and federal statutes, regulations, the home equity provisions of the Texas Constitution, and other lending and servicing errors

Assisted with putative class actions regarding home-equity lending and forbearance programs and collection and distribution of foreclosure fees and excess sale proceeds

Assisted with extensive internal investigation of mortgage lending practices and compliance with various state and federal laws for a leading financial institution

### **Legal Malpractice**

Repeated representation of regional and international law firms in legal malpractice disputes

### **Selected Reported Cases**

Rojas v. Wells Fargo Bank, N.A., No. 571 F. App'x 274 (5th Cir. June 6, 2014) (unpublished op.) (affirming motion to dismiss)

Klein v. Wells Fargo Bank, N.A., A-14-CA-861-SS, 2014 WL 5685113 (W.D. Tex. Nov. 4, 2014), aff'd 613 F. App'x 428 (5th Cir. Aug. 20, 2015) (per curiam) (unpublished op.) (affirming motion to dismiss)

Trevarthan v. Nationstar Mortgage LLC, No. 03-15-00011-CV, 2016 WL 368533, at \*1 (Tex. App.—Austin Jan. 29, 2016, no pet.) (affirming summary judgment)

Isaac v. Vendor Resource Management, Inc., No. 03-14-00529-CV, 2016 WL 3917133, at \*1 (Tex. App.—Austin July 15, 2016, no. pet.) (affirming order granting summary judgment)

Schuetz v. Source One Mortgage Services Corp., No. 03-15-00522-CV, 2016 WL 4628048, at \*1 (Tex. App.—Austin Sept. 1, 2016, no. pet.) (affirming summary judgment)

Farkas v. Wells Fargo Bank, N.A., No. 03-14-00716-CV, 2016 WL 7187476, at \*1 (Tex. App.—Austin Dec. 8, 2016, no. pet.) (affirming summary judgment)

## Awards

- Fellow, American Bar Foundation
- “Texas Rising Star” in Business Litigation by Super Lawyers, a Thompson Reuters business, 2016 – 2021
- President’s Award of Merit, Texas Young Lawyers Association, 2018, 2019, 2020
- Editor in Chief, Texas Tech Law Review, Vol. 43
- Member, Board of Barristers
- TYLA National Mock Trial Team
- Top Speaker, Advanced Mock Trial Championship Round
- ALI-ABA Scholarship & Leadership Award
- Phi Kappa Phi
- University of Southern California: Order of the Torch, Order of the Laurel and Palm, elected as “Mr. USC” for Class of 2006, and the USC Interfraternity Council’s 2006 “Greek Man of the Year”

## Articles & Presentations

- Speaker, “Ethical Rules for Attorney Advertising,” Southwest Regional Meeting of the American Academy of Attorney-CPAs, Austin, Texas, January 2018
- Moderator, “Conversations with Texas Litigation Legal Legends,” State Bar of Texas Annual Meeting, 2017
- Course Director and Speaker, Practical Skills for New Lawyers, Austin, Texas, March 2017
- Speaker and Co-author, “Recent Developments in Texas Spoliation Law,” 14th Annual Advanced Business Law Course, Dallas, Texas, November 2016
- Moderator, “Conversations with Texas Litigation Legal Legends,” State Bar of Texas Annual Meeting, 2016
- Moderator, “Conversations with Texas Litigation Legal Legends,” State Bar of Texas Annual Meeting, 2016
- Course Director and Speaker, Building Your Career: A Guide for New Lawyers, Austin, Texas, 2014
- Speaker, Justice James A. Baker Guide to Ethics and Professionalism in Texas, CLE, Austin, Texas, 2014
- Speaker, Justice James A. Baker Guide to Ethics and Professionalism in Texas, Austin, Texas, 2013
- Author, Yours, Mine, Ours?—Why the Texas Legislature Should Simplify Caretaker Consent Capabilities for Minor Children and the Implications of the Addition of Chapter 34 to the Texas Family Code, 42 Tex. Tech L. Rev. 987, (June 1, 2010)

## News & Insights

- John Ellis elected to Executive Board of the Boy Scouts Capitol Area Council
- John Ellis and David Shank named Partners in the Firm
- Seven SDM Lawyers Named to Texas Rising Stars®
- John Ellis Elected to The Fellows of the American Bar Foundation
- Six SDM Lawyers Named to Texas Rising Stars®
- SDM Lawyers Recognized as 2021 Texas Rising Stars®
- SDM Wins Complete Defense Verdict in Commercial Property Trial

## Practice Areas

- Appellate
- Business Litigation & Torts
- Fiduciary Duty Litigation
- Oil & Gas Litigation
- Personal Injury & Products Liability
- Pharmaceutical & Medical Device
- Professional Malpractice, Licensing & Regulation
- Securities & Complex Financial Litigation

- Class Action Litigation
- Governmental Entity Litigation
- Intellectual Property Litigation
- White Collar Defense & Government Investigations Group

## Education

- University of Southern California, B.A. in Political Science, minors in Professional and Managerial Communication and Critical Approaches to Leadership, magna cum laude
- Texas Tech University School of Law, J.D., magna cum laude
- Texas Tech University, Rawls College of Business, M.B.A., graduated at the top of his class

## Admissions

- State Bar of Texas
- United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit

## Activities

- Member, State Bar of Texas
- Member, Texas Young Lawyers Association
  - Board of Directors, 2014-2020
  - Co-Chair, Law Focused Education Committee, 2018-present
  - Co-Chair, Public Service Committee, 2016–2018
  - Co-Chair, Marketing and Technology Committee, 2015–2016
- Member, American Bar Association
  - Young Lawyers Division, District Representative for District 25, South/Central Texas, 2018- 2020
- Texas Bar Foundation
  - Fellow, 2016 – present
- Member, Texas Bar Foundation District 9 Nominating Committee, 2016–2018
- Member, International Association of Defense Counsel (IADC), 2019-present
- Member, Austin Bar Association, Civil Litigation Section
- Member and TYLA Liaison, Austin Young Lawyers Association

- Member, Defense Research Institute (DRI)
- Community and Charitable Organizations
  - Partner/Member, Austin Ridge Bible Church
  - Boy Scouts of America: Capitol Area Council Executive Board Member (2019-present), Vice President – Administration (2019-2022), General Counsel (2022-present), Cubmaster, Pack 25 through the Regent's School of Austin, Eagle Scout, Vigil Honor, and former Assistant Scoutmaster
  - Repeated pro bono representation of low-income individuals through the Volunteer Legal Services of Central Texas
  - Meals on Wheels delivery service
  - Student mentor, multiple occasions, Texas Tech University School of Law Regional Externship Program