

### John W. Ellis

John is a commercial trial lawyer with extensive experience litigating disputes in the energy, medical device/pharmaceutical, and financial services sectors. 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 individual actions in state and federal courts and arbitration proceedings across the country.

John joined Scott Douglass & McConnico in August 2015, after practicing 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. Prior to obtaining his law degree and master of business administration, John led various business units as a manager in AT&T, Inc.'s Leadership Development Program. His background and experience allow him to bring a practical approach to each case.

John is actively involved in various state bar and other civic organizations. Since 2014, he has served on the board of directors to the Texas Young Lawyers Association where he has helped create and execute a wide variety of public service projects. He was recently elected to serve a two-year term as the District Representative for District 25 (South/Central Texas), to the American Bar Association, Young Lawyers Division.

### Recognitions & Awards

Fellow, American Bar Foundation

"Texas Rising Star" in Business Litigation by *Super Lawyers*, a Thompson Reuters business, 2016 - 2018



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#### RELATED PRACTICE AREAS:

- Appellate
- Business Torts
- Commercial Litigation
- Fiduciary Litigation
- Oil & Gas Litigation
- Oil & Gas Natural Resources and Energy Litigation
- Personal Injury and Products Liability
- Pharmaceutical and Medical Device

President's Award of Merit, Texas Young Lawyers Association, 2018

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"

### **Representative 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 takes and defends fact and expert witness depositions throughout the country. He also has extensive experience drafting and arguing pretrial motions, and has prevailed in dozens of case-dispositive motions in state and federal courts in which he served as the primary drafter and lead counsel at the hearing.

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

### Products Liability Litigation

- Professional Malpractice Defense
- Professional Malpractice, Licensing and Regulation
- Securities and Complex Financial Litigation

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

Representation of major pharmaceutical company in multidistrict litigation and individual lawsuits brought by government entities concerning prescription opioids

Repeated representation of major medical device company as trial counsel in federal multidistrict litigation and individual federal courts involving hernia mesh products

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

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 lessees in suits alleging trespass, nuisance, and breach of contract claims

Represented operator in premises liability dispute

#### Business Litigation

Co-lead plaintiff lawyer in jury trial concerning property damage

Representation of business owners 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

Assisted with representation of wireless telecommunications company in lawsuit brought by software development company for breach of contract and trade secret misappropriation

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

#### Real Property Disputes

Represented real estate investment and development firm relating to its real estate assets

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

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

Representation of law firm in dispute with former clients concerning underlying construction litigation

#### **Bar Admissions & Activities**

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

Member, State Bar of Texas

Member, Texas Young Lawyers Association

- Board of Directors, 2014-present
- 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- present

Texas Bar Foundation

- Fellow, 2016 – present
- Member, Texas Bar Foundation District 9 Nominating Committee, 2016–2018

Member, Austin Bar Association, Civil Litigation Section

Member and TYLA Liaison, Austin Young Lawyers Association

Member, Defense Research Institute (DRI)

### **Community and Charitable Organizations**

Boy Scouts of America: Capitol Area Council Executive Board Member (2019), Eagle Scout, Vigil Honor, and former Assistant Scoutmaster

Repeated pro bono representation of low-income individuals through the Volunteer Legal Services of Central Texas

Student mentor, multiple occasions, Texas Tech University School of Law Regional Externship Program

### **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

### **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

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)

### **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)