

## Jonathan Michael Thomas

### Partner

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Dallas

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Michael Thomas is a trial attorney focusing his practice in complex commercial and intellectual property litigation. He also has substantial experience handling high-risk securities matters, particularly matters involving registered investment advisory firms and independent advisors. Michael is a Dallas-based partner with the firm and a member of the Business Litigation & Dispute Resolution Practice.

Michael has tried cases in both state and federal courts as well as arbitration in Texas, California, Florida, Colorado, New York, Utah, and Pennsylvania. His litigation style has earned him a reputation for being a creative, out-of-the-box problem solver, and a well-prepared advocate for his clients.

Michael routinely handles large, complex, multiparty matters including cases involving the proper management of registered investment advisory firms and supervision of independent advisors; theft of trade secrets; patent and copyright infringement; covenants not to compete; partnership disputes; breaches of contract and fiduciary duties, along with other business torts; employee theft, fraud, and embezzlement.

Michael has experience in all aspects of litigation in state and federal court and a significant amount of trial experience exceeding most of his peers. His experience includes all phases of trial including pre-trial proceedings, opening statements, closing arguments, expert witness preparation and examination, and direct and cross examination of witnesses.

### Representative Experience

- Defended private company in the automotive industry in a national class action dispute involving claims related to an alleged data breach and exposure of customers' personally identifiable information or PII.
- Defended an accused infringer in a patent infringement case. Shared first chair responsibilities in trying the patent infringement case to a jury. Jury found non-infringement for our client and that Park Assist engaged in unfair competition by asserting patent infringement claims against our client.

- Defended a registered investment advisory firm in claims that it was vicariously liable for the purported improper conduct of its independent agent. After four weeks of a jury trial, the court dismissed all claims against our client finding that there was no evidence of any wrongdoing against our client.
- Defended a registered investment advisory firm in six separate arbitrations involving claims of an alleged Ponzi scheme. Obtained full defense arbitration award “zeroing out” claims for fraud, securities fraud and contract claims.
- Obtained a Temporary Restraining Order and injunction (during COVID-19 when the courts were closed) on behalf of a registered investment advisory firm against the former CEO who was taking actions to harm the company and its relationships with its certified custodian. Ultimately, leveraged the injunction into a favorable settlement for the company.
- Defeated a request for injunction sought against a registered investment advisory firm for alleged breach of contract claims. Shortly thereafter, obtained a favorable settlement.
- Led a national trial team on behalf of an independent investment advisor who sought to sever his relationship with his former RIA and join a new RIA. By preemptively filing suit in California, thereby defeating subsequent lawsuits filed in Florida and a New Jersey based arbitration. Obtained a favorable settlement as a result of our early trial strategy and preemptive action.
- Obtained a judicial foreclosure on a commercial property in federal court on an emergency motion when local government was not handling foreclosures due to COVID-19.
- Co-chaired the trial team that obtained a US\$10m jury verdict in favor of food industry client against poultry manufacturers for supply of thousands of pounds of “boneless” chicken containing bone, plastic, and metal.
- Represented a small manufacturer against a nationally recognized manufacturer on claims for patent infringement. Obtained a multimillion-dollar settlement on the eve of trial.
- Obtained US\$13m jury verdict in favor of Park Place Motorcars Ltd. and Park Place RB Ltd in fraud, theft, and fiduciary breach case against former independent contractor.
- Obtained summary judgment on all claims in defense of theft of trade secrets and tortious interference claims
- Obtained a multimillion-dollar settlement on the eve of a bench trial against a real estate developer who fraudulently transferred assets in advance of filing for bankruptcy.
- Obtained a TRO against a manufacturer to prohibit the sale of a product that infringed a copyrighted pattern. Successfully leveraged the injunction into a favorable settlement, which included a favorable settlement payment and destruction of the offending inventory.
- Defended company against theft of trade secrets and violations of covenants not to compete in federal court. After defeating requests for injunctive relief, obtained a favorable settlement which resulted in a zero dollar payment to the plaintiff.
- Obtained a trademark cancellation on behalf of a charitable organization whose former member registered the trademark and attempted to assume control of the organization through his improper registration of the trademark.

While in law school, Michael worked for the Equal Employment Opportunity Commission focusing on religious and other discrimination claims. He also served as a judicial intern in the 116th Judicial District Court in Dallas. Following law school, Michael joined one of the preeminent litigation boutiques in Dallas, where he handled commercial lawsuits in federal, bankruptcy and state courts. He also coached a highly successful mock trial team at SMU, in which he taught law students the art of trial advocacy.

### Awards and Recognition

- Recognized, Texas Rising Star by Super Lawyers®, a Thomson Reuters business, as published in *Texas Super Lawyers Magazine* (2019-2022)

### Affiliations

- Member, State Bar of Texas
- Member, Dallas Bar Association
  - Labor and Employment Section
  - Litigation Section

### Community Involvement

- Member, Greater Irving-Las Colinas Chamber of Commerce
- Member, Dallas Regional Chamber Young Professionals (YP)
- Member, Dallas Christian Legal Society

### Sectors

- [Cloud Computing Infrastructure & Solutions](#)
- [Innovative Technology](#)

### Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [IP Litigation](#)
- [Labor & Employment](#)
- [Litigation](#)
- [Product Liability](#)
- [Securities Enforcement & Litigation](#)

### Education

- Southern Methodist University Dedman School of Law (J.D., magna cum laude, 2010)
  - Senior Staff Editor, *SMU Law Review* (2009-2010), Staff editor (2008-2009)
  - Member, Order of the Coif
  - Member, Order of the Barristers
  - National Finalist, ABA Labor and Employment Law Mock Trial Competition (2010), National Semi-Finalist (2008), Regional Champion (2007, 2009)



FOLEY & LARDNER LLP

- Finalist, Georgetown National White Collar Mock Trial Competition (2008)
- Coach, ABA Labor and Employment Mock Trial Team (2012-present)
- The University of Texas at Arlington (B.A., summa cum laude, 2006)
  - English

## **Admissions**

- Texas
- Texas State Courts
- U.S. District Court for the Eastern, Northern, Southern and Western Districts of Texas
- U.S. District Court of Colorado
- U.S. Appeals Court for the Federal Circuit