

Jason C. Hicks



Jason is a trusted counselor and experienced litigator for his clients, large and small. For more than a decade, Jason has advised clients on a wide variety of matters involving business disputes, federal and state antitrust laws, complex regulatory matters, franchise statutes, intellectual property, unfair and deceptive trade practices, financial services litigation, mortgage lending and foreclosure consumer finance litigation, government contracts, advertising laws, industry-specific trade regulations, gaming law, contract disputes, business torts, and constitutional law. In that regard, Jason has represented clients in the manufacturing, defense, pharmaceutical, real estate, construction, furniture, alcohol, banking, and gaming industries. A native Virginian, Jason grew up in Lynchburg, Virginia, attended the University of Virginia, and served as a law clerk for Judge Samuel G. Wilson in Roanoke, Virginia, and Judge Susan H. Black on the Eleventh Circuit Court of Appeals. Jason lives in Charlottesville, Virginia and practices law throughout the Commonwealth of Virginia, District of Columbia and State of North Carolina.

REPRESENTATIVE MATTERS

Any result the lawyer or law firm may have achieved on behalf of clients in other matters does not necessarily indicate similar results can be obtained for other clients.

- *Greenvest LC and Cameron Station LLC v. Comcast of Virginia LLC* (JAMS Arbitration 2015). Obtained a \$1.5 million award, including attorney fees, and an audit of amounts owed under a revenue share agreement for cable TV, telephone and internet service on behalf of a real estate client.
- *Albemarle Place EAAP, LLC v. Sequel Investors Limited Partnership*, 89 Va. Cir. 337, 2014 WL 10520422 (Circuit Court for the County of Albemarle 2014), appeal dismissed by Supreme Court of Virginia, Record No. 150388 (February 12, 2016). Won dismissal of all claims against client related to the discharge of storm water from a newly constructed shopping center in Charlottesville, Virginia after a week-long trial in state court.
- *Soft Line S.p.A. v. Calia Trade S.p.A. et al.*, 2015 WL 246709 (N.C. Super Ct. Jan. 16, 2015) and 2015 WL 1208343 (N.C. Super. Ct. March 17, 2015). Represented Italian furniture company in a complex dispute against another Italian furniture company in North Carolina Business Court involving breach of fiduciary duty and self-dealing related to a failed joint venture involving a factory in China. Obtained a monetary judgment in favor of client after litigation and depositions in the United States and Italy..

CONTACT INFORMATION

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SOCIAL MEDIA

- [linkedin.com/pub/jason-hicks/3/217/87a](https://www.linkedin.com/pub/jason-hicks/3/217/87a)
- westernvirginialaw.blogspot.com
- wombledistributionlaw.blogspot.com

AREAS OF PRACTICE

- Business Litigation
- Antitrust and Trade Regulation
- Distribution and Franchise Law
- Financial Services Litigation
- Gaming Law

- *SoTrustees of Hackberry Baptist Church v. Womack*, 62 F. Supp.3d 523 (W.D. Va. 2014). Represented insurance company in coverage dispute involving alleged wind damage.
- *Hankins & Anderson, Inc. v. NA Dulles Real Estate Investor, LLC* (Circuit Court for the County of Loudoun July 15, 2015). Obtained dismissal of all claims against client related to alleged breach of contract for architectural services for mixed use development.
- *Curtis Contracting, Inc. v. Cherry Contracting, Inc.* (Circuit Court for the City of Portsmouth 2016). Contract dispute involving subcontractors for Elizabeth River Tunnel Project.
- Represented financial institutes in foreclosure consumer finance litigation, mortgage lending matters, Truth in Lending Act claims, RESPA claims, debt collection, financial services litigation, LIBOR related claims, bankruptcy claims, and related matters in state and federal courts in the Commonwealth of Virginia.
- *VLOX, LLC v. Mirzada Transport & Logistics Co.*, (E.D.Va. 2012). Obtained \$2.8 million jury verdict for a government subcontractor and dismissal of over \$18 million in claims against the client during a week-long jury trial involving trucking services for the US Army in Afghanistan. The verdict was affirmed on appeal by Fourth Circuit, 549 Fed. Appx. 150 (4th Cir. 2013)
- *Southernwalk at Broadlands Homeowners Association v. Broadlands Association et al.* (E.D.Va. 2014). Obtained dismissal of all charges against real estate developer related to telecommunication services provided to neighborhood development.
- *Automation Creation Inc. v. ParkIntuit, LLC* (W.D. Va. 2014). Represented business in contract dispute involving software development.
- *ThinkGeek, Inc. v. Global Holdings, Inc.* (E.D.Va. 2013). Represented internet retailer in contract dispute with distributor.
- *Lansdowne HOA v. Lansdowne Community Development* (Fairfax County Circuit Court 2012) (Supreme Court of Virginia 2013). Obtained dismissal of all claims brought by homeowners association against developer of real estate community. Dismissal affirmed by Virginia Supreme Court in 2013.
- *State of Florida v. Alascia et al.* (Seminole County Circuit Court 2013). Defended sweepstakes operator and businesses against charges of money laundering, RICO and civil forfeiture in Florida.

BAR ADMISSIONS

Admitted to practice before:

- All state and federal courts in the Commonwealth of Virginia, State of North Carolina and District of Columbia

EDUCATION

- J.D., 2001 | Wake Forest University School of Law
 - *magna cum laude*
 - Order of the Coif, 2001
 - Senior Articles Editor
 - Wake Forest Law Review, 2000-2001
- B.A., 1996 | University of Virginia | History

- *TD Bank, N.A. v. Warehouses, Inc. et al.*, (W.D. Va. 2012) Obtained a \$5.8 million judgment against real estate developer for default on loans associated with shopping center in Roanoke, Virginia.
- *Bassett Furniture Industries, Inc. v. Freight Furniture Warehouse Corp.*, (W.D.Va. 2012). Successfully represented furniture manufacturer in action against terminated dealer who alleged violations of Sherman Act, Robinson Patman Act and state law.
- *SED, Inc. of South Carolina v. Seven Creeks Entertainment, LLC*, (E.D.N.C. 2012). Represented distributors of video gaming equipment in copyright and trademark dispute
- *Curves International v. Heitkemper*, (E.D.Va. 2011). Successfully represented franchisor in trademark and contract dispute against former franchisee.
- *Lansdowne on the Potomac Homeowners Association, Inc. v. OpenBand at Lansdowne, LLC*, (E.D. Va. 2011) (Fairfax Circuit Court 2012). Represented real estate developer in federal and state lawsuits challenging telecommunications easements and agreements under the Sherman Act, Communications Act, FCC regulations and state law. Obtained dismissal of all claims against client.
- *Vienna Metro LLC v. Pulte Home Corp.*, 786 F. Supp. 2d 1076 (E.D.Va. 2011). Represented developer in contract dispute involving mixed-use development adjacent to Vienna Metro station in Fairfax County. Obtained summary judgment on all damages claims against client.
- *SMCI Residential v. AmeriDream Amber Overlook LLC*, (D.C. Super. 2011). Represented owner of condominium project in mechanic's lien action in Superior Court for the District of Columbia.
- *Ringo v. Huckabee et al*, (V.I. Superior Court 2010). Represented government contractor in dispute regarding consulting agreement.
- *Wood v. Archbold Medical Center*, 738 F. Supp. 2d 1298 (M.D.Ga. 2010). Member of team of attorneys who obtained dismissal of antitrust claims against Georgia hospital based, in part, on HCQIA immunity and lack of antitrust injury.
- *In re CLP, Inc.*, (E.D.N.C. Bankruptcy 2009). Represented tobacco manufacturer in action to recover leased equipment from bankrupt lessor.
- *Vogen Funding, LP v. Wener et al.*, (City of Roanoke Circuit Court 2009). Represented appraiser in contract and tort action involving loans made to insolvent company.

- *Paulson v. Sugar Bay Club & Resort et al.*, (D.V.I. 2008). Represented lottery contractor in dispute regarding alleged jackpot win involving a malfunctioning video lottery machine.
- *Stanfl Associates, Inc. v. Stanley Furniture Company, Inc.*, (Fla. Cir. Ct. Sarasota County 2008). Represented furniture manufacturer in tort and contract dispute involving former sales representative.
- *Elliott v. APAC, Inc.* (Va. Circuit Court 2009). Successfully defended construction company in jury trial in Carroll County, Virginia.
- *Black Millwork Co. v. Andersen Corp.*, (D.N.J. 2008). Represented window manufacturer in case brought under New Jersey Franchise Practices Act. Successfully defended plaintiff's attempts to obtain temporary restraining order prohibiting termination of plaintiff's distributorship.
- *JGR v. Thomasville Furniture Industries, Inc.* (6th Cir. 2008). Successfully overturned \$6.83 million jury verdict based on breach of contract claim brought by disgruntled furniture retailer. The Sixth Circuit reversed the damages award and ordered the dismissal of all claims based on lost profits.
- *Muhler v. Silver Line Building Products Corp.* (D.S.C. 2008). Represented window manufacturer in false advertising action under Lanham Act and South Carolina Unfair and Deceptive Trade Practices Act.
- *Static Control Components v. Lexmark Int'l* (E.D. Ky. 2007). Represented printer manufacturer in a complex patent and antitrust case that resulted in a 6 week jury trial. Involved issues of antitrust standing, market definition, anticompetitive effects, and aftermarkets. Successfully won dismissal of antitrust claims brought by certain plaintiffs for lack of standing and achieved favorable settlement during trial for the remaining antitrust plaintiffs.
- *In re R.J. Reynolds Tobacco Company* (2006). Won administrative appeal before USDA regarding the amount of assessments under tobacco growers buyout program. The appeal resulted in a \$12.4 million refund for the client and new administrative rules that resulted in even larger savings in subsequent years.
- *Remington Arms Company, Inc. v. Heritage Graphics, LLC* (N.C. Ct. App. 2006). Successfully defeated attempts by defendant to compel arbitration in a declaratory judgment action based on breach of purchasing agreement.
- *J. Wagers Design Group, Inc. v. Laneventure, Inc.* (N.C. Cir. Ct. 2005). Represented interior design company in breach of contract action brought by terminated supplier/designer.

- *Gonzales v. DaimlerChrysler Motors Co., LLC* (N.C. Cir. Ct. 2006).
Successfully defended automobile manufacturer in breach of contract action.

PROFESSIONAL ACTIVITIES

- Virginia State Bar Association
- North Carolina State Bar Association
- Charlottesville Albemarle Bar Association

PRIOR LEGAL EXPERIENCE

- Associate, Troutman Sanders, Richmond, VA, 2003-2004
- Summer Associate, Frith Anderson & Peake, Roanoke, VA, 2000
- Summer Associate, McGuire Woods, Charlotte, NC, 1999

PUBLICATIONS

- *To What Extend Can You Use Errata Sheets To Correct Testimony Under Rule 30(E)?*, AMERICAN BAR ASSOCIATION TRIAL TECHNIQUES COMMITTEE NEWSLETTER (Fall 2016)
- Various articles published in e-Competition Review 2011-2014.
- *Antitrust and Competition Review* 2013, FINANCIER WORLDWIDE (July 2013).
- *Antitrust Risks in E-Commerce Distribution*, STRAFFORD (November 2012).
- *US Antitrust Policy Enters A New Phase*, FINANCIER WORLDWIDE (November 2009) (Co-Author).
- *Judicial Empathy*, Daily Progress (May 26, 2009).
- *Maryland Law Counters High Court's '07 Price Ruling*, MARYLAND'S DAILY RECORD (June 18, 2009) (Co-Author).