



Jason S. Lewis

Partner

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Jason is a trial attorney who handles civil and criminal regulatory investigations and litigation matters across the United States and internationally. Jason, a former senior enforcement attorney with the US Securities & Exchange Commission (SEC), focuses his practice on SEC enforcement, government investigations, conducting internal corporate investigations, white collar criminal defense, FCPA matters, securities litigation, healthcare fraud, crisis management and business disputes. Jason has been the lead attorney in federal jury trials brought by the Department of Justice (DOJ) and the SEC. Jason routinely handles high-profile and high-stakes matters. *Chambers USA* described Jason as possessing "...an excellent reputation for his broad white-collar practice, representing corporations and individuals in civil and criminal regulatory investigations and litigation matters" and is noted for being "very strong on SEC investigations."

Jason has defended and regularly represents corporate entities, officers, directors, investment advisors, hedge funds, broker dealers and individuals in civil and criminal investigations and litigation involving the SEC, DOJ, the Financial Industry Regulatory Authority (FINRA), Federal Trade Commission (FTC), Internal Revenue Service (IRS), Department of Treasury's Office of Foreign Assets Control (OFAC), state securities boards and attorney general offices, as well as numerous other state and federal governmental agencies. He also represents public companies and their officers and directors in securities class actions, derivative actions, state and federal litigation and arbitrations.

During his tenure at the SEC, Jason conducted numerous investigations, including accounting fraud, insider trading, market manipulation, offering fraud, reporting and disclosure violations and auditor misconduct. After returning to private practice, Jason has conducted a broad range of internal corporate investigations, which include accounting irregularities, FCPA issues, export controls and sanctions, insider trading, public corruption, bank fraud, healthcare fraud and employee malfeasance. In addition, Jason advises clients on corporate governance and compliance matters.

RELATED SERVICES

- Litigation, Arbitration and Investigations
- Corporate and Securities Litigation
- Global Governance and Compliance
- Investigations
- Class Actions
- White Collar and Corporate Crime

EXPERIENCE

SEC ENFORCEMENT AND LITIGATION

Jason has handled and successfully defended numerous high-profile and high-stakes SEC enforcement investigations and litigation in Texas, nationally and internationally. Jason interacts with the SEC staff on nearly a daily basis and has defended matters arising from every SEC Regional Office and the SEC's Home Office in Washington, D.C.

- Lead trial counsel in eight-day federal jury trial brought by the SEC against former CEO and Chairman of Servergy, Inc. alleging misrepresentations and omissions related to the company's green server technology while raising over \$26 million. Also charged in the SEC's action was Texas Attorney General Ken Paxton for allegedly recruiting investors while hiding that he was being compensated to promote the company's stock. Obtained jury verdict finding no liability for client on all fraud-related securities and unregistered securities claims, with only a single finding of negligence. *SEC v. William E. Mapp, III, No. 4:16-cv000246*, in the US District Court for the Eastern District of Texas (Jury verdict returned on December 13, 2017).
- Obtained summary judgment in favor of the Chairman of the Board of a consumer financial services public company in an insider trading case brought by the SEC's Ft. Worth Regional Office. *SEC v. Powell, Civil Action No. 6:11-CV-161-WSS* in the US District Court For the Western District Of Texas (opinion dated October 11, 2012).
- Obtained dismissal of SEC lawsuit against the former CEO and COO of the Ticket Reserve Inc. The SEC obtained a receiver over the company and brought the action against the executives under the scheme liability provisions of the federal securities fraud laws based upon an alleged \$33 million fraudulent solicitation of investments by a Ticket Reserve board member from his clients, most of whom are professional athletes. The case was subsequently settled. *SEC v. Narayan et al., Civil Action No.: 3:16-cv-1417-M* in the US District Court for the Northern District of Texas (opinion dated August 28, 2017).
- Obtained denial of SEC Preliminary Injunction application against Pacific West Capital Group and its CEO in the Central District of California. *SEC v. Pacific West Capital Group, Inc., et al, 2:15-cv-02563-FMO-FFM*, In the United States District Court, Central District of California (June 2015).
- Obtained termination letter from SEC closing its year-long investigation relating to accounting and reporting issues for publicly-traded consumer retail company. (2018).
- Obtained termination letter from SEC for former CFO of publicly-traded power equipment company closing its year-long investigation related to accounting and reporting issues (2018).
- Obtained termination letter from SEC for a senior executive of a publicly-traded oil field service company closing its nine month insider trading investigation relating to a proposed merger announcement. (2016).
- Obtained termination letter from SEC closing its nearly three-year insider trading investigation of a senior officer of a publicly-traded technology company. (2016).
- Obtained termination letter from SEC closing its nearly two-year investigation into alleged FCPA violations in Asia by publicly-traded gaming company. (2015).
- Successfully defended Chairman of publicly-traded financial services company in two-year SEC investigation. Client was not charged while four other executives and board members entered into settled actions with the SEC. (2012 – 2015).
- Obtained termination letter from SEC closing its 14-month insider trading investigation into alleged insider trading and tender offer violations against an attorney and investor of a publicly-traded bank. (2014).
- Obtained termination letter from SEC closing its two-year investigation into alleged insider trading allegations against CEO of publicly-traded energy company. (2013).
- Obtained termination letter from SEC closing its 12-month investigation into registration and anti-fraud allegations against international fund and its principals. (2012).
- Obtained termination letter from SEC closing its 18-month investigation into alleged anti-fraud violations against publicly-traded software company and its CEO. SEC brought enforcement action against several other individuals as a result of its investigation. (2009).
- Representing three individual defendants in SEC litigation brought in federal court in Arizona related to an alleged pump and dump scheme to manipulate the market of Crown Dynamics Corp. *SEC v. Zouvas, et al., No. CV-17-00427-PHX-SPL*, US District Court for the District of Arizona. (2017).
- Representing former CFO of medical device company in a strict liability Sarbanes-Oxley Section 304 executive claw-back action brought by the SEC. *SEC v. Gluk, Civil Action No. 1:12-C V-285-SS*, in the US District Court for the Western District of Texas, Austin Division.
- Obtained favorable, non-traditional settlement for former director of oil field services company after three-year investigation

and litigation by SEC related to alleged insider trading allegations. Obtained a discovery sanction award against the SEC during pre-trial litigation. *SEC v. Robert L. Hollier and Wayne A. Dupuis*, Civil Action No. 6:09-cv-00928 in the US District Court for the Western District of Louisiana. (2011).

- Obtained favorable settlement for high-net worth individual and company related to allegations of a fraudulent tender offer brought by the SEC in the Southern District of New York. *SEC v. Luis Chang and Everbright Development Overseas, Limited*, Civil Action No. 14 4132 (ER) in the US District Court for the Southern District of New York. (2015).
- Represented former CEO and Chairman of publicly-traded energy company in settled action brought by the SEC in the Western District of Oklahoma. *SEC v. Jerry D. Cash*, case number 09-cv-00639, in the US District Court for the Western District of Oklahoma. (2009).
- Represented several oil and gas companies in SEC investigations and litigation related to alleged offering frauds and unregistered securities.
- Represented several life settlement companies in SEC investigations and litigation related to alleged offering frauds and unregistered securities.
- Represented real estate funds in SEC investigation related to alleged offering frauds and unregistered securities.

SECURITIES CLASS ACTIONS AND LITIGATION

Jason routinely handles all facets of securities litigation and arbitrations for publicly-traded companies and their officers and directors, as well as regulated entities and private companies.

- Obtained dismissal with prejudice of securities class action against national organic grocery store and its executive management in the Western District of Texas (August, 2017).
- Represented the former CFO of ArthroCare Corp. in securities class action amid accusations that material misrepresentations led to a restatement of financial results. Also represented former CFO in federal and state derivative suits alleging a breach of fiduciary duty. All cases settled. *In re ArthroCare Securities Litigation*, in the US District Court for the Western District of Texas, Austin Division.
- Represented alternative investment company and its president in putative class action brought by purchasers of fractional interests in life settlements, alleging violations of the California Corporate Securities Act; common law negligence, fraud, and related claims; breach of contract; and other California statutory causes of action in Los Angeles Superior Court.
- Represented the former Chairman of the Board of Penson Worldwide, Inc., in breach of fiduciary duty litigation brought by the liquidating trust in Texas State Court. Case settled. *Penson Technologies LLC and its Chief Officer, acting in his capacity as representative of the bankruptcy estates of Penson Worldwide, Inc., et al. vs. Philip A. Pendergraft, Roger J. Engemoen, Jr., David M. Kelly, James S. Dyer, David Johnson, David A. Reed, Kevin McAleer, and Thomas R. Johnson*; Cause No. CC-14-00873-C, in the County Court at Law No. 3, Dallas County, Texas.
- Represented the former CEO and Chairman of publicly-traded energy company alleging violations of Section 10(b) of the Exchange Act, in suits by two independent classes, based on an alleged off-the-books loan and check-kiting scheme, as well as in several state and federal derivative suits alleging a breach of fiduciary duty. All cases settled. *Friedman v. Quest Energy Partners LP, and Jents v. Quest Resource Corporation* in the US District Court for the Western District of Oklahoma.
- Represented former CEO and Chairman of Servery, Inc. with regard to allegations of violations of the Alabama and Texas Securities Acts, among other causes of action. Case settled. *Breslin, et al. v. Servery, et al.*, Cause No. DC-16-01483, in the 101st Judicial District Court of Dallas County, Texas.
- Represented German private equity firm in minority shareholder dispute with publicly-traded US technology company.
- Represented corporate entities, broker-dealers, investment advisors, hedge funds and individuals in FINRA arbitrations.

WHITE COLLAR CRIMINAL MATTERS

Jason defends entities and individuals in criminal investigations both pre and post indictment. Jason routinely deals with Main Justice in Washington, D.C. and local U.S. Attorney Offices.

- Lead trial counsel for former CFO of publicly-traded medical device company in 18-day federal criminal securities fraud trial alleging nearly \$1 billion in investor losses. *U.S.A. v. Baker*, Criminal Action No. 1:13-CR-346-SS, in the US District for the Western District of Texas, Austin Division. (2015) Conviction was reversed and remanded by the Fifth Circuit in 2016. After initially receiving a sentence of 120 months, the former CFO was ultimately sentenced to 50 months after entering into a favorable plea agreement with the government. (2018).

- Representing DSO relating to allegations of fraud by the Texas Office of the Attorney General.
- Representing numerous current and former employees of publicly-traded MSB relating to a Deferred Prosecution Agreement and ongoing DOJ investigation.
- Represented a former lead systems engineer at a Dallas technology firm charged with embezzling \$2.4 million from the company by causing it to place orders with fictitious businesses he created and using the funds for his own use.
- Represented publicly-traded oil field services company in parallel DOJ and SEC FCPA investigation relating to issues in Nigeria, Kazakhstan, Colombia and Mexico.
- Obtained cautionary letter from OFAC for Hollywood actor resulting from unauthorized travel to Cuba. (2012).
- Represented former executive of energy company related to DOJ, SEC and OFAC investigations related to FCPA and sanction country issues concerning sale of equipment to Iran.
- Represented former CEO and Chairman of energy company relating to criminal securities fraud investigation in the Western District of Oklahoma.
- Represented individual relating to alleged billion-dollar criminal gambling operation. Obtained probation with no jail time.
- Represented Texas-based energy company and its principals for alleged criminal securities fraud brought in state court in Ohio.
- Represented individual from criminal violations and obtained civil settlement with no criminal action in alleged structuring case investigated by US Attorney's Office for the US District Court for the Eastern District of Texas and IRS CID.
- Represented key witness relating to a criminal indictment of a Texas government official.
- Represented business solutions company regarding former employee being investigated by FBI and DEA.
- Routinely represent individuals in criminal investigations and preparation for grand jury testimony.

INTERNAL INVESTIGATIONS

Jason has conducted a broad range of internal investigations working closely with company internal counsel, special committees and audit committees to effectively and efficiently define the scope of the investigation and provide findings.

- Conducted internal whistleblower investigation for publicly-traded international building manufacturer relating to alleged corporate malfeasance.
- Conducted internal investigation for publicly-traded financial services business relating to potential FCPA violations in Eastern Europe.
- Conducted internal investigation for Japanese automotive parts manufacturer related to fraud and kickback allegations in US and Mexico.
- Conducted internal investigation for market analysis and intelligence firm regarding potential insider trading.
- Conducted internal investigation for financial services company relating to potential misconduct and kickbacks between financial advisor and Texas county official.
- Conducted internal investigation for regional bank regarding potential securities and bank fraud violations.
- Conducted internal investigation for publicly-traded energy company involving financial reporting.
- Conducted internal investigation for energy company regarding FCPA and export control issues.

VARIOUS REPRESENTATIONS

- Represented former Major League Baseball manager Ron Washington in his separation with the Texas Rangers.
- Obtained dismissal of plaintiff's putative class action claim against RLS Supermarkets, Inc. alleging RLS had violated the Fair and Accurate Credit Transactions Act ("FACTA") by printing his credit card's expiration date on his receipt. The district court concluded that Plaintiff lacks constitutional standing to sue because the inclusion of his card's expiration date is not a concrete injury, and consequently dismissed for lack of subject matter jurisdiction. *Batra v. RLS Supermarkets, Inc.*, No. 3:16-cv-02874-B (N.D. Texas Opinion dated August 9, 2017).
- Represented former executives of publicly-traded energy company against allegations of breaching their fiduciary duty, usurping corporate opportunities, and sharing confidential and proprietary information in competition with company.
- Represented former CFO of publicly-traded restaurant chain in separation with company.

- Obtained summary judgment with regard to multimillion-dollar breach of contract claim for financial services company.
- Represented financial services company in class action, multi-district litigation and opt-out litigation.

CREDENTIALS

Admissions

- Texas

Recognitions

- *Chambers USA Guide*, Litigation: White Collar Crime and Government Investigations (2017-2018)
- *Who's Who Legal: Investigations* (2019)
- "Best Lawyers in Dallas – Securities Litigation and Enforcement," *D Magazine* (2016-2018)
- *Texas Monthly Magazine*, *Texas Super Lawyers* (2015-2018)

From 2018 Chambers USA Guide: Jason Lewis of DLA Piper LLP regularly advises clients on a wide array of regulatory investigations, and is noted for being "*very strong on SEC investigations.*" He is also well versed in internal investigations, securities litigation and other business disputes. One client enthuses: "*He is really sharp and deals really well with the government. He's always available, very personable and makes me feel like I am his main client.*"

From 2017 Chambers USA Guide: Jason is described as possessing "...an excellent reputation for his broad white-collar practice, representing corporations and individuals in civil and criminal regulatory investigations and litigation matters." One interviewee highlights his strength in SEC investigations, while others were left "very, very impressed" with his work.

Education

- J.D., Business Law and Regulation, Cornell Law School 1998
- B.A., University of Oklahoma 1995
With distinction

Courts

- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas

Memberships

- Cherokee Nation of Oklahoma, Tribal Member
- Hugh O'Brian Youth Leadership, National Board of Trustees
- Association of Securities and Exchange Commission Alumni, Member
- American Bar Association, Criminal Justice Section, Member
- State Bar of Texas, Member
- Dallas Bar Association, Securities Section, Member
- Sooner Club, Member

INSIGHTS

Publications

- "DLA Piper Adds 2 Securities Litigators To Dallas Office," *Law360*, April 16, 2018

NEWS

DLA Piper adds Jason Lewis and Jason Hopkins to Litigation practice in Dallas

5 APR 2018

DLA Piper announced today that Jason Lewis and Jason Hopkins have joined the firm's Litigation practice as partners in Dallas.

MEDIA MENTIONS

- "Inside the Case Against Ken Paxton: The Lawyers," *The Texas Lawbook*, August 3, 2015
- "Former SEC Enforcement Attorney Predicts More Financial Fraud Investigations," *The Texas Lawbook*, March 25, 2014