



John A. Lucas

865.380.5978
jlucas@merchantgould.com

Knoxville Office
110 McGhee Tyson Boulevard
Suite 203
Alcoa, TN 37701

ph: 865.380.5960
fax: 865.380.5999

Military Experience

1963-65 - Enlisted Service, U.S. Army. Special Forces qualified.

1965-69 - U. S. Military Academy at West Point. Member of gymnastics team. Commissioned in the Infantry.

1969-74 - Commissioned service.

- Honor graduate, U.S. Army Ranger school. John says, "This remains the most effective training for developing mental and emotional stamina that I have experienced. That training has carried over to my current profession where I am accustomed to representing clients in cases involving substantial amounts of money in a high-pressure environment."
- Served with the 1st Cavalry Division in Vietnam from 1970-71 as the "Blue" or Aero-Rifle platoon leader with B/1/9 Cavalry. Awards include Combat Infantryman's Badge and Bronze Star Medal w/ "V" device and 3 Oak Leaf Clusters.

Legal Background and Experience

1974-77 - University of Texas School of Law. Graduated with honors.

1977 - 2008 - Hunton & Williams, LLP.

2008 - Present - Merchant & Gould P.C.

After 31 years with Hunton & Williams, in 2008, John moved to Merchant & Gould's newly opened Tennessee office, where he is the resident litigation partner in that office, responsible for management and leadership of our litigation effort in Tennessee.

In addition to intellectual property litigation, John's legal practice and background includes a wide range of complex commercial litigation, including the defense of class action lawsuits, antitrust and unfair competition suits, environmental claims, labor and employment disputes, lender liability claims, product liability suits, representation of bankruptcy trustees in protracted complex litigation arising out of the collapse of Ponzi schemes, and the like.

John has successfully argued cases before the United States Supreme Court, the Courts of Appeal for the Fourth, Sixth, Ninth and Eleventh Circuits, as well as the Supreme Courts of the State of Tennessee and the Commonwealth of Virginia.

In 2009, John prevailed in a jury trial, defending a financial institution against a variety of claims.

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In 2009, he was also a member of a team that defended a multinational company in a complex class action trial on ERISA claims in U.S. District court in Knoxville. At the present time the parties are awaiting a decision from the Court.

In 2007 John obtained a series of summary judgment orders resulting in the dismissal of a complex lender liability case against a major bank. At the conclusion of the case, John obtained a sanctions award against the plaintiff for over \$1.6 million, which is believed to be the largest sanctions award ever entered by a Tennessee court

In 2006, John represented a multi-national company that had been sued for trademark violations and unfair competition. After a hung jury, the judge entered judgment as a matter of law for our client.

In 2005, John represented a multi-state convenience store owner whose franchise had been terminated by a major international oil company. The case was tried before a jury in the United States District Court for the Northern District of Georgia. The jury returned a verdict in favor of his client on all 26 breach of contract claims made by the major oil company. It also awarded his client \$500,000, plus attorneys' fees, on its counter-claim under the Petroleum Marketing Practices Act.

In 2005, John represented a high-tech company against a class action claim, when it was sued in an effort to block a \$1 billion merger between our client and a multi-national corporation. John was retained to spearhead the defense effort even though his client had been represented for a number of years by a prominent firm that would continue working on the case. To put together an effective team of potential competitors who would work smoothly together, subordinating their competitive instincts to the client's best interest, was a challenging leadership task. With the cooperation of everyone, John was able to put together a team that proved its worth by quickly and decisively defeating the plaintiffs and obtaining the dismissal of all claims against his client, allowing the merger to proceed.

John has been lead counsel for the tobacco industry in a number of large, high-profile suits in Tennessee, some of which potentially involved hundreds of millions and even billions of dollars. As lead counsel for the industry he was responsible for coordinating the efforts of the defense group, for examination of key witnesses, making the oral arguments on motions and appeals, and generally providing leadership to a diverse group of sophisticated litigants and attorneys in big cases. This was a challenging task because to accomplish it effectively John had to gain and retain the confidence and respect of a diverse group of aggressive, sophisticated lawyers, type-A personalities all.

John represented a major international construction company in complex litigation over a radiation monitoring system at a nuclear power plant. The case was resolved in favor of his client with a very favorable settlement after three days of trial.

John represented a kayak manufacturing company in a suit for trademark infringement and inducement to breach contract in the United States District Court for the District of Idaho. Although a jury verdict was entered against the defendants, John was able to obtain a reversal in the United States Court of Appeals for the Ninth Circuit, which rendered a judgment in favor of his client on all claims without requiring a new trial. *McClaran v. Plastic Industries, Inc.*, 97 F.3d 347 (9th Cir. 1995)

From 1984 to 1989, John was lead trial counsel for the trustee of a failed industrial loan and thrift company. In this role John coordinated the filing, preparation and trial of over 1000 suits to recover fraudulent conveyances and preferential transfers. He tried scores of suits, and argued motions and appeals too numerous to count. See, e.g., *In Re SIBC*, 59 B.R. 978 (Bankr. E.D. Tenn. 1986); *In Re SIBC*, 66 B.R. 349 (Bankr. E.D. Tenn. 1986).

On his practice: "The breadth of my practice means that I constantly have to learn about new legal and business matters, from the nuances of Delaware corporate merger law to the complexities of radiation monitoring systems for nuclear power plants and other cutting-edge technology. Although my practice is primarily devoted to intellectual property and other commercial litigation, it necessarily involves advising

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clients on legal, and sometimes business, matters. The ultimate qualification for this is good judgment. You can always learn new things, but by this stage of my career, good judgment and integrity have to be informed but instinctive and ingrained in one's character."

Other representative reported decisions:

- Pioneer Investment Services v. Brunswick Associates Limited Partnerships, 501 U.S. 380 (1993)
- Carbon Fuel Corp. v. USX Corp., 100 F.3d 1124 (4th Cir. 1996)
- McClaran v. Plastic Industries, Inc., 97 F.3d 347 (9th Cir. 1995)
- Foster Wheeler Energy Corp. v. Metropolitan Knox Solid Waste Auth., 970 F.2d 199 (6th Cir. 1992)
- State of Tennessee, ex rel. Beckom v. American Tobacco Co., 18 S.W.3d 186 (Tenn. 2000)
- Waste Conversion Sys., Inc., v. Greenstone Indus., Inc., 33 S.W.3d 779 (Tenn. 2000).

Other

- Competed in and took first place (age group) in Ironman-length triathlon
- Private Pilot
- Personal interests: reading and military history, mountain climbing, hiking, biking, personal fitness
- Adjunct Professor of Law, University of Richmond School of Law
- President, West Point Society of East Tennessee
- Fellow, Tennessee Bar Foundation
- Fellow, Knoxville Bar Foundation

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