

James C. Lester

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Jay's Profile

Jay focuses his practice on complex litigation matters, including commercial business litigation, class actions, mergers and acquisitions litigation, research misconduct litigation, and trademark litigation. He has represented clients around the country appearing in cases in 17 states.

Jay's experience ranges from defending putative class actions in federal courts to representing plaintiffs in shareholder disputes in the Delaware Court of Chancery. Jay's appellate work includes handling appeals to the Fourth, Sixth, and Eighth Circuits and the Alabama Supreme Court. In 2021, Jay achieved a resounding jury verdict on behalf of Clayton Homes -- one of the nation's largest homebuilders and a division of Berkshire Hathaway -- in a major trademark infringement suit in North Carolina federal court. Recently Jay has also presented an oral argument before the United States Court of Appeals for the Fourth Circuit and served as trial counsel in a three-day bench trial before the Delaware Court of Chancery.

In 2019, Jay was selected in the B-Metro Magazine as a Star of the Bar. In 2020, Jay was named in Best Lawyers: Ones to Watch for Commercial Litigation, Mass Tort Litigation/Class Actions – Defendants (2021).

Jay's Experience

- Successfully defended trademark infringement case against a division of Berkshire-Hathaway. Result: Jury verdict for defense finding no likelihood of confusion. True Homes, LLC V. CMH Manufacturing, Inc., et al., case no. 3:18 cv 345-KDB-DCK, in the Western District of North Carolina. [Featured in Law360.](#)
- Kruse v. Synapse Wireless Inc., 2020 WL 3969386 (Del. Ch. July 14, 2020). As co-chair of the trial team, obtained a compelling win after a three-day trial in Delaware Chancery Court for client (and Respondent) Synapse Wireless Inc. in a stockholder appraisal proceeding. The appraisal proceeding arose from a short-form merger under Delaware General Corporation Law. The award was

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approximately half the merger consideration previously tendered to the stockholder in the short-form merger. National coverage of the trial is linked here:

- [Bloomberg](#)
- [Law 360](#)
- District Court granted motion to dismiss with prejudice putative class action by residents of a manufactured housing community alleging six statutory and common law claims based on various state laws and the governing contract relating to water usage by the residents. Argued motion to dismiss before the District Court. *Alenci v. Hometown America Management, LLC*, 2020 WL 2515872 (D. Mass. May 15, 2020).
- District Court granted motion to dismiss with prejudice nationwide putative class action by plaintiff alleging violations of the Equal Credit Opportunity Act related to public assistance income. *Trites v. 21st Mortg. Corp.*, 2020 WL 1531773 (E.D. Mich. Mar. 31, 2020).
- Obtained summary judgment on all claims against contract research organization in purported research misconduct action. Argued appeal before United States Court of Appeals for the Fourth Circuit. Dismissal affirmed in reported decision. *Trana Discovery, Inc. v. S. Research Inst.*, 915 F.3d 249 (4th Cir. 2019).
- Defended Nestle Purina Petcare in the United States District Court for the Eastern District of Michigan against Lanham Act claims related to the use of images on product packaging. Obtained summary dismissal of all claims. Results were featured in Law360. Sixth Circuit Court of Appeals affirmed dismissal. *Wysong Corp. v. APN, Inc., et al.*, 889 F.3d 267, 270 (6th Cir. 2018).
- Trial court granted complete summary judgment for client in contract and tort civil action related to alleged failure to pay royalties. Judgment affirmed by the Alabama Supreme Court resulting in a complete dismissal of claims. *Gilley v. Southern Research Institute*, 176 So. 3d 1214 (Ala. 2015).
- Obtained permanent injunctions and favorable settlement in action seeking injunctive relief and damages for trademark infringement and common-law torts stemming from defendants' alleged illicit scheme to divert unsalable food products for unauthorized distribution. *Campbell Soup Company et al. v. Midwest Processing, LLC et al.*, No 12-CV-608-WKW (M.D. Ala. 2014).
- District Court granted defendant's motion to transfer venue of TCPA purported nationwide class action from plaintiff's chosen forum to location of defendant's headquarters. *Camarena v. Vanderbilt Mortgage and Finance, Inc.*, 2015 WL 4036258 (N.D. Ill. July 1, 2015).
- Representing manufacturer in a putative nationwide class action pending in the United States District Court for the Northern District of Alabama after case transferred from the United States District Court for the Middle District of Louisiana. See *BMTP, LLC v. RBH, Inc.*, 2019 WL 407409 (M.D. La. Jan. 31, 2019).
- Obtained dismissal of qui tam action under the False Claims Act. *United States ex rel. Gilbert v. Virginia Coll., LLC*, 305 F. Supp. 3d 1315 (N.D. Ala. 2018).

- Purported research misconduct matter voluntarily dismissed after filing motion to dismiss on behalf of client. *Pikamab, Inc. v. University of Alabama, Birmingham, et al.*, Case No. 16-cv-02370-JSW (N.D. Cal. 2016).
- Obtain partial summary judgment in cross-indemnification action arising from stock purchase agreement. *SurModics, Inc. v. S. Research Inst.*, F. Supp. 2d 938 (D. Minn. 2013).
- District court granted motion to dismiss amended complaint alleging breach of contract and accounting relating to interest savings on GO Zone bonds and alleged Enhancement Interest for mixed use real estate development. *Pate Flagship, LLC v. Cypress Equities Southeast, LLC*, 88 F. Supp. 3d 1271 (N.D. Ala. 2015).
- Court granted motion for judgment on the pleadings dismissing plaintiff's negligence and fiduciary duty claims in annuity suitability matter. *Shafron v. Aviva Life and Annuity Co.*, 2014 WL 763238 (N.D. Ohio Feb. 21, 2014).
- Represented oil distributor in misappropriation of trade secrets matter. *The McPherson Companies, Inc. v. John Keith Johnson, et al.*, before the Circuit Court of Jefferson County, Alabama, Case No. 01-cv-2017-000269.
- Obtained summary judgment on all claims asserted by and against financial institution in declaratory judgment action. *Hernan Moreno v. Regions Bank*, before the Circuit Court of Jefferson County, Alabama, Case No. 01-cv-2009-900100.
- Defended automobile component manufacturer in commercial dispute related to just-in-time delivery.
- Defended Fortune 500 printer manufacturer in putative antitrust class action originally filed in the Northern District of Alabama.
- Defended privately held OB/GYN practice in shareholder dispute alleging minority shareholder oppression.
- Defended foundry and machining company in dispute following termination of letter of intent.
- Defended putative class action against manufactured home company filed in the Southern District of Texas.

Jay's Awards

- Best Lawyers: Ones to Watch for Commercial Litigation; Mass Tort Litigation/Class Actions – Defendants; Litigation: Intellectual Property; Litigation: Banking and Finance (2021-present)
- B-Metro Magazine - Star of the Bar (2019)
- Recognized as a "Future Star" by Benchmark Litigation



2022

Jay's Affiliations and Civic Involvement

- Birmingham Bar Association Young Lawyers Section - President 2019 (Previous Secretary-Treasurer 2017 and President-Elect 2018)
- Birmingham Bar Association: Future Leaders Forum, Class of 2017

Bar Admissions

State Bar: Alabama

U.S. District Court: Alabama (Northern, Middle, Southern), Michigan (Eastern)

U.S. Court of Appeals: Third Circuit, Fourth Circuit, Sixth Circuit, Eighth Circuit

Education

- University of Alabama School of Law
 - (2011, J.D., summa cum laude; Recipient of Dean M. Leigh Harrison Award; Alabama Law Review, Articles Editor; John A. Campbell Moot Court Board; ABA National Moot Court Team; Order of the Coif; Order of the Barristers; Hugo Black Scholar)
- Washington and Lee University
 - (2008, B.A., magna cum laude)