

## Jason D. Evans

Partner

Charlotte

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Through a client-focused approach and strategic advice tailored to each situation, Jason helps companies in the financial services, energy, and other industries solve their most difficult legal problems when facing high-stakes litigation and government investigations.

### OVERVIEW

Jason represents business clients in complex litigation and class action disputes, including a significant focus on banking and financial services matters; antitrust litigation, investigations, and compliance; and other government enforcement and regulatory matters, including compliance with federal and state laws governing banks and their consumer lending activities.

In addition to financial services, Jason has experience in the energy, chemical, food and beverage, manufacturing, automotive, and retail. He has handled high-stakes disputes in trial and appellate courts, both federal and state, throughout the U.S. as well as in commercial arbitrations.

In his financial services practice, Jason has represented banks and other financial institutions in matters involving parallel regulatory and civil litigation, including the resolution of significant matters with the OCC, the CFPB, and attorneys general in all 50 states, as well as with private litigants, including class action plaintiffs and commercial counterparties. He has significant experience in the auto lending, residential mortgage, and deposit banking businesses. Jason has represented banks and lenders in disputes involving complex financial products and instruments, residential mortgage securitizations, data privacy, consumer class actions, investor claims, aiding-and-abetting fraud claims, Ponzi schemes, software and technology disputes, supply chain matters, and other complex litigation matters.

In the energy sector, Jason has represented electric utilities and other energy companies in complex commercial litigation, contract and supply chain disputes, antitrust litigation, and antitrust compliance, with a focus on the renewable energy industry, including matters involving both solar and wind power.

Jason regularly counsels companies on antitrust compliance and has handled antitrust litigation or investigations in the chemical, agriculture, energy, financial services, transportation, and retail industries.

Jason's diverse litigation experience additionally includes data privacy and security matters – he received the Certified Information Privacy Professional (U.S.) certification – as well as matters involving insurance coverage, software and technology implementation, supply chain, distribution, construction, and eminent domain.

Among other activities, Jason is the past chair of the North Carolina Bar Association Antitrust & Complex Business Disputes Section and is an adjunct professor at Wake Forest School of Law teaching antitrust.

Jason is also the managing partner of the firm's Charlotte office.

## **REPRESENTATIVE MATTERS**

### **Financial Services Litigation and Compliance**

- Represented a large national bank and its auto lending division in connection with government investigations and resolutions with those agencies (including a multistate attorneys general resolution with all 50 states), multidistrict consumer class action litigation, and related matters arising from force-placed insurance on consumer auto loans.
- Represented a large national bank in disputes in more than 10,000 mortgage-related title insurance claims, resulting in recoveries of more than \$170 million.
- Represented a large international bank in a series of cases arising from a \$1+ billion Ponzi scheme perpetrated by a bank customer, including AML (anti-money laundering) compliance and regulatory aspects.
- Represented a large bank in mortgage repurchase and indemnification litigation arising from multiple securitization trusts and related bankruptcy settlements.
- Representing financial companies on compliance and enforcement matters involving the CFPB, state attorneys general, and other enforcers.
- Regularly provide compliance advice with respect to consumer financial services, including auto lending and mortgage, with respect to federal regulations, state law requirements, and UDAP/UDAAP risks.
- Significant experience with remediation plans to address consumer harm pursuant to bank regulatory oversight.

### **Energy and Utilities**

- Regularly represent a major energy company in matters related to its renewable energy portfolio.
- Advised a large utility on significant antitrust class action litigation involving natural gas trading.
- Represented a large electric utility in software and IT implementation dispute.
- Represented a petrochemical company in a complex joint venture dispute with more than \$300 million in dispute.
- Experience representing renewable energy companies in contract and construction disputes as well as other matters.

### **Antitrust Litigation and Compliance**

- Frequently advise manufacturing, energy, chemical, food and beverage, and other industry clients on antitrust compliance issues related to product distribution and marketing programs, pricing decisions, joint ventures, mergers and acquisitions, and group purchasing arrangements.
- Successfully concluded a U.S. Department of Justice merger investigation involving a horizontal merger of two global industrial materials businesses.
- Obtained favorable summary judgment and class action decision on a Sherman Act Section 1 resale price maintenance claim on behalf of a large international chemical company arising from agency distribution.
- Represented a vitamin manufacturer in an indirect purchaser class action, opt-out litigation, and related appeals arising from horizontal price-fixing claims.

### **Other Government Enforcement**

- Experience representing clients in enforcement matters and compliance advice with respect to numerous federal and state agencies, including the U.S. Department of Justice, CFPB, Federal Trade Commission, and various state attorneys general.
- Successfully concluded an investigation by the District of Columbia Attorney General of False Claims Act allegations.
- Represented large financial institution with respect to Vermont's attorney general's investigation of mortgage foreclosure and servicing practices.

## **Class Action Litigation**

- Experience representing financial services, chemical, and other companies in antitrust and other consumer class action litigation.
- Significant experience with circumstances involving parallel class action litigation and government investigations involving the same conduct.
- Obtained favorable class action decision on behalf of a large international chemical company in antitrust litigation.
- Represented a waste management provider in class action lawsuit involving claims arising from rate increases.
- Represented a medical insurer and a national auto insurer in separate consumer class action lawsuits related to the calculation of benefits and premiums.

## **AWARDS**

- *Best Lawyers in America®*: Antitrust Law (2022-2026), Commercial Litigation (2020-2026), Litigation – Banking and Finance (2026)
- *Business North Carolina*: “Legal Elite” in Antitrust Law (2010, 2011, 2015-17, 2021)
- *Super Lawyers North Carolina*: Business Litigation (2014-2023)
- *Super Lawyers North Carolina*: “Rising Star” in Antitrust Litigation, Class Action/Mass Torts (2010-2013)
- *Charlotte Business Journal*: 40 Under 40 (2010)

## **TOP AREAS OF FOCUS**

- Antitrust
- Business Litigation
- Class Action
- Consumer Financial Services

## **ALL AREAS OF FOCUS**

- Antitrust
- Auto Finance
- Banking + Financial Services Regulation
- Banking Litigation
- Business Litigation
- Class Action
- Community Banking
- Consumer Financial Protection Bureau (CFPB)

- Consumer Financial Services
- Enforcement Actions + Investigations
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Federal Trade Commission (FTC)
- Financial Services Litigation
- Litigation + Trial
- Mortgage Lending + Servicing
- Payments + Financial Technology
- Real Estate Litigation
- State Attorneys General

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- University of North Carolina School of Law Alumni Board
- Nevins, Inc. (nonprofit) Board of Directors
- Adjunct professor, Wake Forest University School of Law (teaching antitrust)
- Former chair, vice-chair, secretary, and treasurer – N.C. Bar Association Antitrust & Complex Business Disputes Section
- American Bar Association Antitrust Section

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- University of Oxford, B.C.L., *Fulbright Scholar*, 2004, associate editor, *Oxford University Commonwealth Law Journal*
- University of North Carolina School of Law, J.D., *high honors*, *Chancellors Scholar*, *Order of the Coif*, *Order of the Barristers*, 2001, editor-in-chief, *North Carolina Journal of Law and Technology*
- University of North Carolina at Chapel Hill, B.A., *highest honors and highest distinction*, *Phi Beta Kappa*, 1998

### **BAR ADMISSIONS**

- North Carolina

### **COURT ADMISSIONS**

- U.S. Court of Appeals, Fourth Circuit
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina
- Supreme Court of the United States

## **SPEAKING ENGAGEMENTS**

- Speaker, "Unilateral Conduct: Companies in the Danger Zone?," Annual Antitrust CLE Event, December 5,

2024.

- Speaker, "Non-Competes Under Attack: Not So Obvious Consequences of the FTC Ban," Association of Corporate Counsel Greater Charlotte Chapter, July 23, 2024.
- Speaker, "Hot Topics, Including Antitrust Crimes, Employment Issues, No-Poach, and the Aftermath," Troutman Pepper Annual Antitrust CLE Event, December 6, 2022.

## **PUBLICATIONS**

- Author, "Obama's National Cybersecurity Recommendations to Trump," *Password Protected*, December 21, 2016.
- Author, "D.C. Circuit Rebukes CFPB in PHH Case," *Subject to Inquiry*, October 11, 2016.
- Author, "The CFPB Issues New Proposals Overhauling The Debt Collection Industry," *Subject to Inquiry*, August 3, 2016.
- Author, "FTC Unveils Nationwide Debt-Collection Enforcement Effort," *Subject to Inquiry*, November 5, 2015.
- Co-author, "Ruling Rewrites Century of Pricing Law," *Charlotte Business Journal*, August 31, 2007.
- Author, "The Antitrust Modernization Commission Report and Recommendations Antitrust News," *Official Publication of the Antitrust and Trade Regulation Section of the NC Bar Association*, July 1, 2007.
- Author, *Indirect Purchaser Handbook*, January 1, 2006.