



Jesse K. Shumway
Associate

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Mr. Shumway's practice consists primarily of complex commercial litigation matters. He has experience with trial-level and appellate litigation involving a broad range of subject matter, including trade secrets, covenants not to compete, insurance coverage, commercial insurance broker professional liability, securities, construction, employment, and immigration.

Representative Matters

Trade Secrets/Non-compete

Represents an insurance brokerage account executive who has been sued by a former employer for alleged breach of a covenant not to compete and of fiduciary duties. Obtained summary judgment declaring the non-compete unenforceable, and secured voluntary dismissal of the fiduciary duty claim. Appeal pending before the Texas Supreme Court.

Represented a medical services company in its efforts to prevent a former employee from opening a competing business that the employee had secretly started planning while he was still employed. Obtained a temporary injunction broadly prohibiting the employee from competing.

Represented a commercial insurance brokerage firm in its efforts to enforce a covenant not to compete against a former salesman who had induced his customers to move their business and then attempted to purchase the accounts from the firm. Obtained a temporary restraining order and then a favorable settlement that included an agreed permanent injunction requiring full compliance with the non-compete, in addition to payment of the client's attorneys' fees.

Represented a New York-based technology training company in its efforts to enforce a covenant not to compete against a former national sales manager. A temporary restraining order was granted, and an agreed injunction was ultimately entered against the former sales manager.

Securities

Represented outside directors of a public company in multi-forum stock option backdating litigation. The outside directors' motion to dismiss the claims asserted against them has been granted in the federal forum.

Insurance

Represented a commercial insurance broker in a multi-million-dollar dispute over an umbrella liability policy which the broker had placed. A serious personal injury claim was made against the insured during the policy period, and the insurance carrier denied coverage. Cooperating with the insured, the broker obtained summary judgment and a declaration that the claim was covered by the umbrella policy.

Represents a motorcycle manufacturer in federal court litigation over insurance coverage for a products-liability claim. The insurer denied coverage and sought a declaratory judgment, contending coverage was absent because the insured failed to provide timely notice of the claim. Obtained dismissal of the insurer's declaratory judgment complaint.

Construction

Represents multi-national company in arbitration over payment for allegedly defective oil/water separation tanks supplied in connection with multiple oil refinery construction projects.

Represented multi-national company in litigation over payment for out-of-scope work performed in supplying and installing a baggage handling system in an international airport, and obtained favorable settlement.

Immigration

Represented a political refugee from Ethiopia in her defensive asylum application. The refugee had been persecuted by soldiers in her home country because of her ethnicity and her family's political activities. The immigration judge granted asylum, and no appeal was taken by ICE.

Education

University of Texas
J.D., with high honors, 2004
Texas Law Review, 2002-2004
Order of the Coif
Townes Hall Society Scholar

Brigham Young University
B.S., 2000

Law Clerkship

Hon. Louis H. Pollak, U.S. District Court, Eastern District of Pennsylvania, 2005-2006

Admittances

Texas 2004

Speeches/Publications

Co-author, *Internal Investigations, The Ethical Minefield: Selected Issues for Counsel's Consideration*, 2005 – Article included in materials presented at Continuing Legal Education course.