



John C. Ekman

Partner

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John is a trial lawyer with a national practice in complex commercial litigation spanning a wide range of practice areas and industries.

His clients include manufacturers, contractors, financial services companies and tribal entities in cases brought in state and federal courts across the country, including the Court of Federal Claims.

John's trial resume includes a precedent-setting financial services verdict. The three-week jury trial in U.S. District Court in Minnesota, which he tried with Fox partner Eric Nystrom, resulted in a judgment of more than \$17 million in favor of American Bank of St. Paul and 25 other banks. The case is believed to be the first reported verdict in the country in which a bank was held liable for aiding and abetting the fraud of one of its customers and the only time a bank has been held liable for conspiracy to commit fraud.

More recently, John defended a manufacturer in a month-long jury trial in San Francisco arising out of a large, downtown construction project that involved multiple defendants. Among other witnesses, John cross-examined plaintiff's causation and damages experts.

John honed his skills as a Trial Attorney with the Civil Division of the U.S. Department of Justice where he defended the government against claims brought by nuclear utilities over the Department of Energy's failure to begin disposing of spent nuclear fuel at Yucca Mountain. John made the closing argument in the first spent fuel case to go to trial and was lead trial counsel for the government in lawsuits brought by Southern Nuclear and Pacific Gas & Electric. As a member of the Spent Fuel Team, John also cross-examined damages experts and fact witnesses in numerous other cases.

Businesses in a wide variety of industries rely on John's skills. He has a wealth of experience in manufacturing, government contracts, construction and financial services. John has defended or prosecuted claims involving contract and warranty, fraud and other business torts, deceptive trade practices, tribal law, bankruptcy and fraudulent transfers, and shareholder oppression.

Services

- Litigation
- Construction
- Federal Government Contracts & Procurement
- American Indian Law

Beyond Fox Rothschild

John is president of Park Valley United FC, a Minneapolis-area community soccer club.

Bar Admissions

- Minnesota
- District of Columbia
- Wisconsin

Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Federal Claims
- U.S. District Court, District of Columbia
- U.S. District Court, District of Minnesota
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Northern District of Illinois
- U.S. District Court, District of North Dakota

Education

- University of Wisconsin-Madison (J.D., *cum laude*, 1997)
- University of Wisconsin-Madison (M.A., 1997)
- Oberlin College (B.A., 1992)

Honors & Awards

- Named as a "Minnesota Super Lawyer" by *Super Lawyers* Magazine (2013-2019)
- The U.S. Department of Justice's 2006 John Marshall Award for Outstanding Legal Achievement for Trial of Litigation
- U.S. Department of Justice-Civil Division Perseverance Award (Dec. 2004)

Manufacturing and Construction

Representative manufacturing and construction industry matters:

- Defended coatings manufacturer in case alleging defects in manufacturer's paint applied to aluminum lineals used to make residential windows.
- Prosecuted design defect case on behalf of bottler against manufacturer of assembly line equipment.
- Defended manufacturer in cases involving allegations of a product defect in units used in large construction projects.

Government Contracts

Representative government contracts matters:

- Prosecuted claims against United States Army Corps of Engineers involving differing site conditions encountered during construction of a spillway.
- Prosecuted multiple actions against the Department of State involving contract changes and differing site conditions experienced during the construction of national security and embassy buildings overseas.

Financial Services and Bankruptcy

Representative matters in financial services and bankruptcy:

- Obtained injunction on behalf of North Carolina bank in connection with servicer's attempted extension of a loan agreement in violation of the parties' participation agreement. Case was argued to the Eighth Circuit and settled shortly after argument.
- Defended more than 20 banks in clawback actions in the U.S. Bankruptcy Court for the Middle District of Florida arising out of participation loans unknowingly made into a Ponzi scheme operated by former boy-band impresario Louis J. Pearlman.
- Compelled arbitration in "jail card" class action venued in Miami, Florida, leading to dismissal of case.
- Defended bank against class action RICO claims in five different federal jurisdictions arising out of contractual relationship with payday lenders.
- Defended mortgage lenders in class action claims alleging company engaged in the unauthorized practice of law in preparing closing documents.

American Indian Law

Representative matters in American Indian Law:

- Obtained dismissal of claims against tribal entities based on status as "arms-of-the-tribe" in cases brought in New Mexico, California and Virginia.
- Defended tribal entity involved in payday lending against enforcement action brought by the State of California.

Selected Reported Decisions

- *Rosas v. AMG Services, Inc.*, 53 Cal. App. 5th 613 (2020)
- *American Bank of St. Paul v. TD Bank, N.A.*, 713 F.3d 455 (8th Cir. 2013) (affirming entry of judgment in favor of plaintiffs)
- *Indiana Michigan Power Co. v. U.S.*, 422 F.3d 1369 (Fed. Cir. 2005) (affirming trial court's finding of no damages in first spent fuel case to go to trial)
- *Southern Nuclear Operating Co. v. U.S.*, 77 Fed. Cl. 396 (2007) (trial court decision following two-week trial)
- *Pacific Gas & Elec. Co. v. U.S.*, 74 Fed. Cl. 333 (2006) (trial court decision following three-week trial)
- *Yankee Atomic Elec Co. v. U.S.*, 73 Fed. Cl. 249 (2006) (trial court decision following seven-week trial)
- *Canal Elec. Co. v. U.S.*, 65 Fed. Cl. 650 (2005) (granting government's motion to dismiss)