

Ashley Oakes

Ashley is a litigation associate in the Firm's corporate governance and business litigation practice. She began her legal career at a prominent Dallas trial boutique. Since the inception of her career, Ashley has engaged in complex defense motion and discovery practice on various multimillion-dollar complex commercial and business litigation matters involving all phases of litigation. She has developed a particular depth of experience in breach of fiduciary duty claims (self-dealing, shareholder oppression, misappropriation of funds, and usurpation of corporate opportunity), including derivative and double-derivative claims; fraud claims, including common law fraud and fraudulent inducement; aiding and abetting claims under the Texas Securities Act, aiding and abetting fraud, aiding and abetting breach of fiduciary duty, aiding and abetting fraudulent inducement; breach of contract; tortious interference with existing contract; civil conspiracy; and alter ego.

As a testament to her research and drafting skills—and as illustrated in her Representative Matters List—she acted as a research and briefing attorney on various high-profile cases in Texas, such as: briefing for the City of Dallas regarding the payment of TIF funds pursuant to a development agreement, resulting in dismissal of all claims against the City; a highly-publicized multimillion-dollar Texas Securities Act violation class-action case (where the client is one of the largest land developers in Texas, whose potential liability was well in excess of several millions of dollars); and a notable class-action healthcare antitrust case (consisting of over fifty class-action lawsuits conditionally transferred to a multi-district litigation court, where the client is a major healthcare insurer in the United States and an alleged co-conspirator among thirty-seven prominent healthcare insurer defendants, with potential damages estimated to collectively total multiple billions of dollars).

Ashley thoroughly interrogates the facts and law throughout the case to advance case theories and evidence to identify the best strategic approach. As a recent example, she played an integral role in formulating and developing case theories, trial themes, strategies, and factual development via written and deposition discovery—including intense document analysis—involving the alleged misappropriation of EB-5 investor and PID funds in construction developments, with potential damages exceeding \$30 million, resulting in the dismissal of the majority of the plaintiff's and derivative plaintiff's claims as well as four out of five of the defendants complete dismissal from the case.

While at SMU Dedman School of law, Ashley served as a Federal Judicial Extern for the Honorable Reed O'Connor of the United States District Court for the Northern District of Texas, and as a Research Assistant



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to two professors. Ashley further honed her research, writing, and editing skills under Professor Bryan A. Garner, having been selected as a Garner Law Scholar. In this position, Ashley briefed and analyzed cases for Professor Garner's book, co-authored with the late United States Supreme Court Justice Antonin Scalia, *Reading Law: The Interpretation of Legal Texts*. She also helped edit the most recent edition of Black's Law Dictionary.

Ashley has developed the skillset demanded of an effective advocate: she researches and uncovers nuances in the law and facts and understands how best to use them to the client's advantage; she writes clearly, concisely, and persuasively. She adheres to the notion that the smallest details matter and ardently believes that the lawyer who provides the most thorough and thoughtful analysis is the most likely to prevail. She thrives on complexity and welcomes it.

Ashley believes in long-term, flexible relationships. She understands the value of knowing all the intricacies of her client, from the C-suite to all business interests. She understands that, to deliver the highest level of customer service, a foundational relationship of trust and confidence must exist. She understands that relationships are built over time, starting with consistent delivery of high-quality work product, guided by a clear understanding of the client's goals.

CORE FOCUS

- Financial Services
- Financial Services: Litigation
- Financial Services: Distressed Debt & Bankruptcy
- Financial Services: Compliance
- Financial Services: Investigations
- Real Estate
- Real Estate: Litigation
- Real Estate: Distressed Debt & Bankruptcy
- Corporate Plaintiffs
- Corporate Plaintiffs: Litigation
- Corporate Plaintiffs: Distressed Debt & Bankruptcy
- Corporate Plaintiffs: Investigations

EDUCATION

- SMU Dedman School of Law, 2013
 - Honors: cum laude
 - Dean's List Scholar (top 25% of class)
 - Dean's Scholarship recipient
 - Phi Delta Phi legal honors fraternity (top 33%), *Vice-Magister & Charitable Coordinator*
 - Professor Bryan Garner Law Scholars Program, *Garner Law Scholar, September 2011–December 2011*
 - Jackson Walker Moot Court Competition, *Best Oral Advocate in Round*
 - Howie Sweeney Moot Court Competition, *Bench Brief Writer finalist*
 - SMU Dedman School of Law Association for Public Interest Law, *Scholarship Recipient*, Innocence Project of Texas
 - William "Mac" Taylor Inn of Court, *Selected Student Member*
- University of Nevada, 2007
 - Bachelor of Arts, Political Science and Philosophy
 - Honors: Magna Cum Laude

- Dean's List Scholar
- College of Liberal Arts Dean's Award Winner for Outstanding Graduate
- Nevada Senate Majority Leader William J. Raggio Selected Legislative Intern
- Pi Sigma Alpha Honor Society; Honor Society of Phi Kappa Phi; Delta Epsilon Iota Academic Honor Society; Golden Key International Honor Society

ADMISSIONS

- State Bar of Texas, 2014

EXPERIENCE

- Drafted complex multi-party petition alleging damages exceeding \$40 million on behalf of five entity-plaintiffs and individual-developer plaintiff, asserting claims against multiple defendant-entities and/or individual-defendant for: breach of contract; breach of fiduciary duties; common law fraud; fraudulent inducement; statutory fraud in a stock transaction; Texas Securities Act Fraud; negligence; and negligent misrepresentation.
- Drafted plea to the jurisdiction on behalf of City concerning breach of contract and temporary injunction claims, relating to the City's alleged illegal payment of a \$25 million payment of TIF bond proceeds to be paid pursuant to Development Agreement as an alleged illegal Developer Fee. Court ultimately dismissed individual and double-derivative breach of contract and application for temporary injunction claims based on findings of no waiver of governmental immunity as to breach of contract claims as well as finding that entity-plaintiffs lacked individual and double-derivative standing.
- Drafted Fed. R. Civ. P. 12(b)(6) motion to dismiss federal class-action suit on behalf of individual-developer and entity-defendant accused of aiding and abetting a Ponzi-like scheme—allegedly resulting in material false and misleading statements made to investors in financial statements, registration statements and prospectuses in connection with share offerings in a publicly-traded REIT (a series of five total REITs under one umbrella company)—in violation of the Texas Securities Act, with potential joint and several liability well in excess of \$5 million. Complaint was abated and amended.
- Researched and drafted Fed. R. Civ. P. 12(b)(2) section of combined motion to dismiss based on Fed. R. Civ. P. 12(b)(2), 12(b)(3) and 12(b)(6)—including researched potential bases to circumvent ERISA's nationwide service of process provision under Fifth Circuit case law as it pertains to pendent personal jurisdiction over state-law claims (namely, the grounds for a 14th Amendment analysis rather than a national contacts analysis to govern said claims), on behalf of notable healthcare insurer—in response to provider's federal suit concerning alleged failures to reimburse for medical services rendered, during a period of three years, with alleged damages of over \$21 million, and involving several notable healthcare-insurer defendants.
- Drafted response to no-evidence and traditional partial motion for summary judgment on behalf of corporate-entity and personal-guarantor defendants in a collections case pertaining to unpaid shipments of petroleum, resulting in four out of six affirmative defenses, saved.
- Formulated and developed case theories, trial themes, strategies, and factual development via written and deposition discovery under supervision of named Partner on one of the Firm's largest cases, as the same relates to mixed-use developments and the alleged misappropriation of EB-5 investor and PID funds in construction developments, with potential damages exceeding \$30 million in alleged diminution in value of entity asset, *inter alia*.
- Research and drafting attorney for named Partner in antitrust case consisting of over fifty class-action lawsuits conditionally transferred to a multi-district litigation court ("MDL Court") and two tracks of plaintiffs, where client, a major healthcare insurer in the United States (including its holding company and subsidiaries), is an alleged co-conspirator among thirty-seven healthcare-insurer defendants. Case recently settled for over \$2 billion dollars.

ASSOCIATIONS

- Dallas Bar Association