

## Jason A. McVicker

Associate

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### Overview

Jason McVicker's civil litigation practice encompasses the areas of complex commercial litigation, insurance disputes, and products liability defense in both state and federal courts. He has represented doctors and restaurants accused of regulatory violations before state agencies, prosecuted and defended insurance bad faith cases, and litigated an array of personal injury cases. The bulk of his practice is devoted to products liability defense, representing OEMs in cases involving products ranging from robots to pickup trucks.

Active in the Tulsa community, Jason serves on the board of The Oklahoma Center for Community and Justice and volunteers his time with the University of Tulsa's moot court program and the Tulsa County Bar Association CLE programs. He also teaches Trial Practice at the University of Tulsa College of Law.

Jason's achievements have earned him inclusion in *Oklahoma Super Lawyers'* list of "Oklahoma Rising Stars," which recognizes the state's top up-and-coming attorneys.

### Representative Experience

- While serving as first chair, obtained verdict in two-day jury trial in Tulsa County, Oklahoma, in favor of plaintiff landlord in hotly contested real estate dispute.
- Successfully argued *Tigges v. Andrews*, 2017 OK 9, 390 P.3d 251, in which the Supreme Court clarified the standards governing disqualification of trial judges.
- Obtained dismissal of multiple contribution and indemnity claims for manufacturers using Oklahoma's innocent-seller statute and product indemnity statute.
- Represent OEMs in array of warranty and subrogation claims.
- Secured \$800,000 million discovery sanction against opposing party in complex business dispute litigation.
- Obtained dismissal of putative bilateral class action brought against energy producers by surface owners in Osage County,

### Admissions

Oklahoma, 2012

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

U.S. Tenth Circuit Court of Appeals

### Education

J.D., with highest honors, University of Tulsa, 2012; Editor-in-Chief, *Tulsa Law Review*; Order of the Curule Chair; Director, Board of Advocates; Judge W. Lee Johnson Award; 5 CALI Awards

B.A. (English), University of Tulsa, 2008; Phi Beta Kappa

### Professional Organizations and Memberships

Tulsa County Bar Association

Oklahoma Bar Association

OK, that sought to invalidate all oil and gas leases by claiming the federal government failed to comply with National Environmental Policy Act (NEPA) mandates when approving such leases. Judgment affirmed on appeal to the Tenth Circuit.

- Obtained summary judgment in accounting malpractice case using cutting-edge Oklahoma tort reform.
- Obtained summary judgment in uninsured motorist case on behalf of the insurer in a complex multi-state case.
- Successfully defended microwave oven distributor and retailer in a wrongful death case premised on product liability.
- Successfully defended an appeal of summary judgment in favor of construction company based on Oklahoma's statute of repose.
- Deposed fact witnesses and experts in a variety of tort cases.
- Successfully prosecuted and defended Writs of Mandamus and Prohibition in the Supreme Court of Oklahoma.
- Secured temporary restraining order and injunction restoring client's access to his company when a rival business partner locked him out.
- Briefed every stage of a case involving an allegedly defective carnival ride, including motions in limine and jury instructions, ultimately obtaining a favorable settlement.
- Represented landowner in breach of contract and fraud suit arising out of a multimillion-dollar environmental remediation agreement.
- Prepared depositions and motions for summary judgment in numerous lawsuits alleging bad faith against insurance companies.
- Drafted successful *Daubert* motion excluding plaintiff's expert witness in an insurance bad faith suit.
- Litigated all types of discovery disputes in state and federal court.
- Secured dismissal of tort claim against tribal chief in state court on sovereign immunity grounds.
- Secured dismissal of regulatory compliance proceedings against restaurant, arguing that state violated client's due process rights.
- Represented multiple restaurants before the Oklahoma State Department of Health for alleged safety violations.
- Successfully forced transfer of civil lawsuits, including professional liability claims and trucking accidents, to more favorable venues.
- Represented automobile and medical device manufacturers in every stage of litigation, from pleadings through trial.

## Civic Involvement and Leadership

Oklahoma Center for Community and Justice (Board Member)

University of Tulsa College of Law Alumni Association (Board of Directors)

Oklahomans for Equality (Former Member, Board of Advisors; Volunteer, OutLaw Legal Clinic)

Oklahoma Bar Association Leadership Academy (Participant)

University of Tulsa Moot Court Programs (Volunteer)

- Provided legal research and writing in all phases of defending complex litigation including answers, motions to dismiss, motions to bifurcate, motions to quash, motions to compel, motions for summary judgment, motions *in limine*, Daubert motions, bench briefs, jury instructions, and verdict forms.

## Honors and Awards

- Named to *Oklahoma Super Lawyers*' list of "Oklahoma Rising Stars," which recognizes the state's up-and-coming attorneys
- Named to *Oklahoma Magazine*'s 40 Under 40 list of outstanding young professionals (2013)

## Articles & Publications

- "Gavel to Gavel: Class-action Christmas in July," published in *The Journal Record*, July 23, 2015
- "Now is the time to reevaluate commercial sales contracts that incorporate other documents by reference," published in *McAfee & Taft Litigation Update*, June 2, 2015
- "Tenth Circuit affirms federal preemption of state law tort claims for medical devices," published in *McAfee & Taft Litigation Update*, May 11, 2015
- "Better Living With Citations," published in *Oklahoma Bar Journal*, February 14, 2015
- "Oklahoma's Latest Tort Reform," published in *Drug and Device Law*, July 17, 2014
- "Oklahoma passes new products liability statute protecting vigilant manufacturers and innocent sellers," published in *McAfee & Taft Litigation Update*, May 29, 2014