



Jack N. Sibley

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Jack Sibley is the Managing Partner of Hawkins Parnell Thackston & Young LLP. In addition, he serves on the Firm's Policy Committee and is the Chairman of the Business Litigation Group.

Jack's practice focuses on commercial and contract litigation, business torts, construction disputes, and high-profile trust and estate litigation. He represents corporations and individuals in complex litigation and arbitration. He has taken numerous trials to verdict and through the appellate process.

Jack has served as local, regional, and national counsel for many prominent national and international corporations, including:

- National Counsel for major manufacturer involving asbestos claims (2003 to Present)
- National Settlement Counsel for foreign company's asbestos claims (1996 to Present)
- Regional trial counsel managing and taking to trial through verdict and appeal product liability claims involving economic damages for national client in Georgia, South Carolina and North Carolina (2000 to Present)
- Called upon to serve as trial counsel in complex business partnership dispute (January 2009)

PROFESSIONAL EXPERIENCE

Patent and Trademark Disputes

Obtained preliminary injunction enjoining false advertising activities by defendant under the Federal Lanham Trademark Act and applicable State statutes in the United States District Court for the Northern District of Georgia. (June 2009) Affirmed by the 11th Circuit Court of Appeals. (2010)

Won an arbitration contract dispute regarding ownership of patent rights. (2006-2007)

Contract Disputes (Business, Construction, Trusts & Estates, Etc.)

Obtained with Ty Brown in construction defect regarding a leaking building a favorable outcome in arbitration resulting in favorable settlement for client, the general contractor, with recovery of a substantial portion of settlement funds from subcontractors. (2010)

Obtained favorable ruling and settlement of complex family trust and estate planning dispute involving family partnership issue in the Fulton County Superior Court. (August 2009)

Resolved through litigation and negotiation contract dispute regarding substantial fee for computer software services involving companies and individuals in Georgia, Arizona, and South Africa. (2008)

Won interlocutory injunction shutting down competing business organized by client's former employee enforcing non-competition covenants in employment contract. (2008)

Favorable ruling in complex arbitration involving dispute between manufacturer and distributor over a breach of distributorship agreement involving a \$26 Million claim. (2008)

Won court order to arbitrate and arbitration ruling for enforcement of settlement after two years of litigation in claim asserting tortious interference with business relations and breach of fiduciary duty by former employees who started new business. (2008)

PRACTICE AREAS

Business Litigation
Construction Litigation

EDUCATION

J.D., University of Georgia,
1975

- Notes Editor of the *Georgia Journal of International Law* (1974-1975)

B.A., University of Virginia,
1970

BAR ADMISSIONS

Georgia

COURTS

All Georgia State Courts

All Georgia Federal District
Courts

Court of Appeal (4th, 5th
and 11th Circuits)

United States Supreme
Court

Jack N. Sibley (*Cont.*)

In Connecticut, through Federal Court and arbitration and settlement obtained recovery of fees paid by client against document management provider. (2006)

Received a favorable ruling in a high-profile estate dispute alleging issues of competence and wrongful taking of assets. Plaintiff (father) won back control of over \$10 Million in assets from Defendants (children). (2005)

Obtained a defense verdict in a \$105 Million public contract dispute filed by an international transportation company alleging improper award of public contract filed against his clients, which was awarded the contract, and the regional transit authority. (2003)

Favorable settlement in a breach of contract, Fair Business Practice Act and Civil RICO case. Plaintiff (bankruptcy trustee of a cabinet installer) sued Defendant manufacturer for \$9 Million. Defense won a summary judgment on the Fair Business Practice Act and Civil RICO claims and then settled the case on favorable terms for the client. (1997)

Won a defense summary judgment against Plaintiff (general contractor) who contracted with a school district to build a high school and then sued Defendant (construction management firm) for \$18 Million, alleging negligence which caused Plaintiff to perform work outside the scope of the contract and go out of business. (2004)

Won a favorable ruling in a family estate dispute in which a claim was filed contesting the Last Will and Testament of the head of a global financial services company based on a pre-existing divorce decree. All trust funds were returned to client. (1998)

Products Liability / Toxic Tort

Defense verdict in asbestos claim before jury in Alameda County, California. Plaintiff alleged his mesothelioma was caused by exposure to asbestos while using defendant's products. (2007)

Defense verdict in asbestos claim before jury in Dallas County, Texas. Plaintiff claimed his cancer was caused by exposure to asbestos while using defendant's products. (2007)

Favorable settlement and award of an arbitration matter of a construction defect claim involving a major college institution. The Petitioner (college) brought a multi-million dollar arbitration case against a joint venture between two general contractors for allegedly defective construction of the college's administration building. The Firm represented the general contractors and negotiated significant financial contribution from three subcontractors, then during the arbitration hearing settled the college's claim against the general contractors for less than one third of the claim amount, then continued the arbitration for the general contracts against a subcontractor for indemnification and obtained a significant award in favor of the general contracts. (2007)

Won a defense verdict in a \$5 Million claim filed by Plaintiff (manufacturing company) alleging Defendant's (national paint manufacturer) product was defective by failing to adhere properly to plaintiff's tire racks. (2002)

PROFESSIONAL AFFILIATIONS

- State Bar of Georgia
- Atlanta Bar Association
- American Bar Association
- ALFA International
 - Past Director 2004-2007

COMMUNITY INVOLVEMENT

Interdenominational Theological Center (Trustee)

A.G. Rhodes Homes (Trustee)

Atlanta Youth Academy (Member Board of Advisors; past Chair)

Atlanta Youth Academy Foundation (Trustee 2000-2008)

Warren Wilson College (Trustee 1992-2006)

Jack N. Sibley (*Cont.*)

Emory University Board of Visitors (Member 2004-2007)

First Presbyterian Church (Elder, past Chair Annual Campaign; Member, Capital Campaign Committee; past Chair, Missions Committee; Chair, Long-Range Planning Committee)

Psychological Studies Institute (past Board Chairman)

Christian Television and Film Commission (past Board member)

HONORS

Georgia Super Lawyer, *Super Lawyers Magazine* (2004-2010)

Georgia Super Lawyer for Business Litigation, *Super Lawyers Magazine*, Corporate Counsel Edition (2009, 2010)

Listed in Who's Who in Law & Accounting, *Atlanta Business Chronicle* (2009, 2010)

Listed in Atlanta's Top Law Firm Managing Partners, *Atlanta Business Chronicle* (2010)

Listed in Top Attorneys in Georgia, *Atlanta Magazine* (2011)

Georgia Super Lawyer, *Super Lawyers Magazine*, Business Edition (2011-2012)

Listed in American Registry as America's Most Honored Professionals (2011)

Best Lawyers in America, Product Liability Litigation (2012)

Georgia Super Lawyers (2012)

PRESENTATIONS

"Alternative Dispute Resolution: Making the System Work for You", Panel Chair, *ALFA International* Client Seminar, (March 2008)

Trained over 30 local counsel, *National Counsel* (February 2007, and March 2009)

"Liability of Trust Officer" Annual *State Bar* Trust & Estates Seminar (July 2006)

"Preparing for Litigation: Early Discovery Problems", *Construction Management Association of America* (September 2005)

ARTICLES AND PUBLICATIONS

- Ethics and Witness Preparation
- Chapter Seven - Breach of Fiduciary Duty, in Model Jury Instructions

TRIALS

- CSR, Ltd
 - Douglas M. Bodenhamer and Yvonne R. Bodenhamer v. Blue Cross and Blue Shield of Georgia, Inc. And HMO Georgia, Inc.
 - James C. McClure v. Zymo International, Inc. v. Environmental Services, Inc.
 - Michael Rickman, et al v. Sports Stadium Clubs of America, LLC, et al.
 - Optimum Technologies, Inc. v. Vantage Industries, Inc. and Leggett & Platt, Inc.
 - Prime Group, Inc., Victor J. Mills, and Oliver W. Owens v. Tucker Federal Savings and Loan Association
 - Spelman College v. Russell/Moody, A Joint Venture, H.J. Russell & Company, C.D. Moody Construction Company, et al.
 - Bobby Dale James, et al. v. The Sherwin-Williams Company
 - Neil Le Sage v. The Sherwin-Williams Company
 - Cooper Construction Company, Inc., v. Osborn Contract Services, Inc., James G. Osborn, Sherwin-Williams Company, Inc., and Chris Lewis
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Jack N. Sibley (*Cont.*)

- Philip T. Leopold and Strategic Sports Group, LLC, a Georgia Limited Liability Company v. Strategic Sports Group, Inc., member of Strategic Sports Group, LLC, a Georgia Limited Liability Company and Peter Stern
- Mitec Controls, Inc. v. Suntech Systems, Inc., Timothy Bland, Malcolm Quehl, Tony Planas and Wayne Phillips
- Strategic Sports Group, LLC v. Strike Ten Entertainment, Inc., and Bowling Proprietors Association of Georgia
- James M. Sibley v Pharr Manor Condominium Association, Inc.
- David Eytcheson v. Kelley Moore, et. al.
- Carolina Casualty Insurance Company et al. v. Heery International, Inc. et al.
- NAP Chesterfield, L.L.P. v. Assurance Company of America, et al.
- Thales e-Transactions, Inc. v. MARTA, and Cubic Transportation, Inc.
- American Safety Casualty Insurance Company, a Delaware Corporation v. Principal Management, Inc. a Michigan Corporation, Steven M. Lademan; Timothy P. Laux; and Patrick S. Stewart
- Daniel A. Metzler v. Catheren Woolard a/k/a Cathy Woolard, et al.
- David Bitter v. Rapid American, et. al.
- Jessie Clancy, et al v. Kelly-Moore Paint Company, et al.
- Southern States Rack & Fixture, Inc. v. The Sherwin-Williams Company v. Keller-Rigany Construction South Carolina, Inc.
- SunTrust Banks, Inc. v. Wachovia Corporation
- Billy E. Patterson, et al v. The Sherwin-Williams Company, et al.
- Joyce Bailey, et al v. The Sherwin-Williams Company
- Spark Technologies, Inc. v. Biltmore Technologies, Inc. et al.
- The State of M.O.D.E., Inc. v. Wilsonart International, Inc. and Meyer Laminates, Inc.
- Charles Howard Candler, III v. D. Jack Sawyer, Jr., et al.
- Milton O. Stein v. Stein Steele and Supply Company and Burt J. Stein

NEWS

- Fourteen Lawyers from HPTY Selected for Inclusion in The Best Lawyers in America® 2012
 - HPTY Secures Summary Judgment for Two Clients
 - Eleventh Circuit Affirms Preliminary Injunction for HPTY Client in Lanham Act False Advertising Case
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