WINSTON & STRAWN LLP

John Sanders, Jr.

Partner

Dallas
+1 214-453-6462

Described as an "impact player" by *Texas Lawyer* and "simply excellent" by *The Legal 500 US*, John is a trial lawyer, whose national practice focuses on complex business litigation and class actions. His litigation achievements include plaintiff-side wins for millions of dollars and multiple defense wins rejecting claims for billions of dollars. Along with his jury trial practice, John has extensive experience representing clients in arbitration proceedings, including those administered by the American Arbitration Association and JAMS. In 2023, the *National Law Journal* named John to its list of "General Litigation Trailblazers."

John is a founding partner of Winston's Dallas office and serves as the Dallas office hiring partner. John's litigation experience is broad. He has managed cases involving partnership disputes, theft of intellectual property and trade secrets, breaches of contract and fiduciary duties, business torts, non-compete and non-solicitation agreements, unfair competition, corporate espionage, whistleblowing, and securities fraud. Additionally, he has extensive experience defending companies in class-action litigation and regularly handles class claims involving allegations of RICO and securities violations.

John's experience defending and advising direct-selling organizations is particularly deep. He has been retained by nearly half of all direct-selling companies that have faced class-action pyramid scheme litigation in the last several years and has successfully defeated multiple claims filed against direct-selling companies. In 2019, *Texas Lawyer* recognized John as a "Trailblazer" for his work defending direct-selling businesses facing bet-the-company class actions.

John's work for direct-selling businesses also goes beyond litigation defense. He is often called in to advise direct-selling organizations on regulatory compliance issues. He has assisted multiple direct selling organizations facing publicity crises and helped those organizations to craft persuasive and creative responses. He also regularly advises direct selling companies undergoing government investigations, including those brought by the FTC.

John is frequently asked to speak about strategies for litigating cases involving theft of trade secrets and the enforcement of non-competition agreements. He regularly prosecutes cases on behalf of employers involving the theft of trade secrets and breaches of non-compete agreements. He has successfully obtained injunctive relief for employers on numerous occasions in such cases.

John was also selected to serve as a law clerk for then Chief Judge John M. Walker, Jr. of the U.S. Court of Appeals for the Second Circuit in New York before he began his private law practice.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

- Represented international direct selling company facing class actions case alleging that the company operated a pyramid scheme in violation of U.S. securities laws. Successfully defeated class claim at motion to certify at state by demonstrating that difference among class members made class action treatment unworkable.
- Represented large steel fabrication company in bet-the-company suit against competitor. Obtained early injunction against competitor restraining the competitor's theft and unlawful use of trade secrets. After litigating for two years, obtained successful settlement for client on eve of trial.
- Represented national auto auction company in case involving breach of acquisition agreement and fraud. After a two-week trial, obtained unanimous jury verdict in favor of client on all claims as well as unanimous finding that the defendant's conduct was malicious. Case settled at trial before punitive damage phase for confidential sum.
- Represented fund managers in suit brought by disgruntled executive and former owner of business which fund acquired. Obtained settlement for fund for nominal amount prior to clients having to be deposed.
- Obtained injunction for Fortune 500 healthcare company restraining departed executive's competitive activities after a three-day injunction hearing. The competitor and the departing employee appealed. Achieved full appellate victory in which court of appeals upheld trial court's grant of injunction and ordered trial court to broaden the injunction granted.
- Obtained dismissal of class claims for direct-selling organization in bet-the-company class action after successfully compelling arbitration and enforcement of class-action waiver.
- Obtained dismissal of class claims for direct-selling organization before having to file responsive pleadings after sending letter to plaintiff's attorney demonstrating that claims were demonstrably false and threatening sanctions if the case moved forward.
- Achieved arbitration win for client in multimillion-dollar employment dispute. Arbitration panel rendered complete defense verdict and awarded client attorneys' fees for compelling arbitration.
- Obtained summary judgment for client in hard-fought dispute involving billion-dollar real estate development. The win allowed the development to proceed and saved the client millions of dollars in delay costs.

- Represented Fortune 200 consumer electronics company to address departure of its Chief Marketing Officer, who sought to join arch-competitor in same position. Obtained temporary restraining order and, thereafter, leveraged restraining order to obtain a settlement preventing former executive from working for competitor for a period of time sufficient to protect client's trade secrets.
- Represented private equity fund in case alleging fraud and negligent misrepresentation when portfolio company defaulted on certain debts. Obtained dismissal of all claims against fund totaling more than US$7M.
- Obtained favorable settlement for private equity fund in case involving breach of contract and fraud with alleged damages of over US$5M.
- Obtained settlement for fund in dispute over oil and gas partnerships. Plaintiff claimed damages over US$18M, but agreed to settle the case for a nominal amount after the Plaintiff was deposed.
- Represented logistics company bringing clams for fraud, breach of contract, and trade secret misappropriation. Obtained jury verdict for client of over US$7M and defeated counterclaim alleging US$28M in damages.
- Represented the Dallas Independent School District in high-profile race-discrimination case. Achieved dismissal of all claims against client at summary judgment.
- Represented Fortune 100 semiconductor company bringing state court action against former senior-level employee after he resigned to take similar position with competing company. After obtaining temporary restraining order and preliminary injunction against new employer and former employee, defendant agreed to settle case and agreed to a permanent injunction.
- Represented private equity fund in case against insurer for wrongful denial of insurance coverage. After court granted summary judgment in favor of insurer, achieved reversal on appeal, finding that insurer had wrongfully denied coverage and ordering the district court to conduct a trial on damages and bad faith. Achieved successful multimillion-dollar settlement for client thereafter.
- Represented ultra-high net worth individual in complex partnership dispute with departed family office CEO. After two-week bench trial, achieved verdict in favor of client on all issues submitted to the court.

Recent Experience

FTS International Completes Financial Restructuring

Recognitions

- Recognized in *Chambers USA* for Texas Litigation: General Commercial (2022–2024)
- Recognized as a “Future Star” in *Benchmark Litigation US* (2021–2025) and selected for inclusion on it’s “Under 40 Hot List” (2017–2019)
- Listed among *Lawdragon*’s “500 Leading Litigators in America” for complex commercial litigation, consumer class actions, labor & employment (2024–2025)
- Named to *National Law Journal*’s List of General Litigation Trailblazers (2023)
- Named Best Lawyer in Dallas” for Business/Commercial Litigation by *D Magazine* (2022)
- Named a “Rising Star” in Business Litigation by *Super Lawyers* (2016–2019) and selected as a *Super Lawyer* (2019–2020)
- Recognized as a “Trailblazer” by *Texas Lawyer* (2019)
- Recognized as a “Next Generation Lawyer” by *Legal 500 US* in Dispute Resolution: General Commercial Disputes (2018–2019)
- Recipient of *Texas Lawyer*’s “Professional Excellence–On the Rise” award (2018)

Activities

John is a member of the Board of Directors of Interfaith Family Services, a non-profit organization that provides housing and training for temporarily homeless families in the Dallas area.

Credentials

EDUCATION

John received his J.D., with highest honors, from the University of Texas at Austin School of Law in 2007, where he was an associate editor of the *Texas Law Review*, member of Order of the Coif, designated a Chancellor for graduating among the top four students in his class of 500, and received seven Dean’s Achievement Awards for achieving the highest grade in the class on various subjects. He received his B.S. in Political Science from Texas A&M University in 2002.

ADMISSIONS

- Texas

CLERKSHIPS

- USCA - Second Circuit for the Honorable John M. Walker Jr.

Related Insights & News

Media Mentions

- "Texas Attorney Prevails in Case Involving Noncompete Agreements," *Texas Lawyers*, Dec. 2020

Publications

- "Advanced Trade Secrets 2023: New Challenges, New Solutions, and New Opportunities," PLI (Practising Law Institute) Conference, Oct. 2023
- "Influencer False Ad Settlement Shows Small Biz Is Fair Game," Law360, July 2023
- "FTC Proposes Rulemaking to Enhance Its Ability to Seek Civil Penalties for Deceptive Earnings Claims," Winston.com, April 2022
- "Are Your Agreements Enforceable?: Ensuring An Adequate Registration Process," Winston.com, March 2022
- "The FTC Remains Focused on Misleading COVID-19 Claims," Winston.com, March 2022
- "Protect Your Company from Downline Raiding," *Direct Selling News Magazine*, Oct. 2021
- "Protecting Your Business: Five Things You Should Do Now," Winston.com, Oct. 2021
- "Bad for business: New Biden initiative seeks to curtail use of non-compete agreements (Viewpoint)," *Dallas Business Journal*, Aug. 2021
- "Don't Let Your Guard Down: The Limited Impact of the AMG Capital Decision," Winston.com, June 2021
- "The FTC's Radar, and How to Stay Under It," Winston.com, June 2021
- "The Future of the MLM Exemption From the Business Opportunity Rule Is at Risk," Winston.com, June 2021
- "Supreme Court Unanimously Concludes FTC Cannot Obtain Equitable Monetary Relief Through Section 13(b) of the Federal Trade Commission Act," Winston.com, April 2021
- "The FTC's Heightened Scrutiny of Direct Sellers Continues During the COVID-19 Pandemic," Winston.com, June 2020
- "New Class Action Calls Into Question MLM's Independent-Contractor Classifications," Winston.com, May 2020
- "Recent FTC Paper Likely Overstates MLMs' Pyramid Potential," Winston.com, March 2020
- "FTC Obtains Asset Freeze of Success By Health Top Executives in Arizona Federal Court," Winston.com, Feb. 2020
- "Today's Legal Landscape: What Direct Sellers Need to Know," Roundtable Discussion, DSA
- "FTC Enforcement," Presentation, DSA
- "5 Steps You Can Take Now to Build Stronger Compliance Department," 2020 DSLC Summit Presentation, Jan. 2020
- "The Direct Selling Self-Regulatory Council: What Your Business Should Know," Winston.com, Dec. 2019
- "What You Wish You Knew About Big Law," UT 1L Law School Presentation, Nov. 2019
- "New Executive Orders May Impact FTC Enforcement Actions Against Direct Sellers," Winston.com, Nov. 2019
- *"FTC v. AdvoCare:* Enforcement Action Demonstrates Importance of Compliance Programs," Winston.com, Oct. 2019
- "Successfully Fighting Plaintiffs' RICO Claims Alleging an Illegal Pyramid Scheme," Winston.com, Oct. 2019
- "Conducting Business During the COVID-19 Pandemic," *Social Selling News*, May 2020
- Contributing Editor, "Tortious Interference in the Employment Context: A State-by-State Survey," Bloomberg BNA
- "Trade Secrets: Texas Law and the New Federal Legislation," UT Law CLE: 2016 Non-Compete and Trade Secret Law: A Practical Guide to Talent Management, Sept. 2016

- "Decision Dynamics in Non-Compete Cases," UT Law CLE: 2015 Non-Compete Camp, Sept. 2015
- "Employment Law Update for the HR Professional," Dallas HR, March 2014
- "Changes on Noncompete Clauses: June Case Illustrates how Texas Supreme Court is Expanding the Reach of the Agreements," *Dallas Business Journal,* Oct. 28, 2011
- "Looking for Faith in All the Wrong Places: Rethinking Agreements to Negotiate in Good Faith," 7 Davis Bus. L. J. 5, 2006

Speaking Engagements

- "Legal and Regulatory Updates," DSA Legal & Regulatory Seminar, Co-speaker, Sept. 2023
- "Dealing with Nastygrams: Responding to Regulators & Industry Opponents," Direct Selling Leadership & Compliance Summit, Feb. 2023

RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

RECOGNITIONS

Winston Attorneys Featured on the 2025 *Lawdragon 500* Leading Litigators in America List

SEPTEMBER 6, 2024

IN THE MEDIA

John Sanders and Chase Cooper Discuss Win for Power Standard LLC with *Texas Lawyer*

SEPTEMBER 5, 2024

ARTICLE

FTC Noncompete Ban Invalidated Until Further Notice

AUGUST 23, 2024

BLOG

Update: FTC's Noncompete Rule Set Aside

AUGUST 22, 2024

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2024

JUNE 6, 2024

BLOG

Navigating the FTC's Final Rule Banning Non-Competes: Why Direct Sellers Shouldn't Panic

MAY 21, 2024

BLOG
Neora Part II: Lessons About Deceptive Claims
NOVEMBER 2, 2023

RECOGNITIONS
John Sanders Named to the *National Law Journal*'s List of 2023 General Litigation Trailblazers
NOVEMBER 1, 2023

RECOGNITIONS
Winston & Strawn Recognized in 2024 *Benchmark Litigation*
OCTOBER 6, 2023

BLOG
Neora Part I: The Decision and Its Implications
OCTOBER 5, 2023

RECOGNITIONS
Winston & Strawn Partners Recognized in 2024 *Lawdragon* 500 Leading Litigators in America
SEPTEMBER 8, 2023

Capabilities

Commercial Litigation & Disputes | Trade Secrets, Non Competes & Restrictive Covenants | Labor & Employment | Class Actions & Group Litigation | Public Companies

© 2024 Winston & Strawn LLP.