



Burch, Porter & Johnson, PLLC  
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## Jonathan P. (Jon) Lakey

### Member

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### PRACTICE AREAS

- Commercial & Business Litigation
- Government Relations & Municipal Law
- Insurance Litigation & Coverage
- Personal Injury Litigation
- White Collar & Government Investigations

Jon Lakey has represented individuals, businesses and government entities for nearly 30 years in courts of law all over the country, focusing on complex commercial and municipal litigation. He returned to Burch, Porter & Johnson in 2022, though he began at the firm in 1996 and became a Member in 2001. In between stints at BPJ, he led two smaller firms' commercial litigation departments.

Over the last two decades, he has helped lead the State of Tennessee through three of the largest institutional reform cases in the history of the state and has worked with the City of Memphis on a number of significant class litigation cases as well. He also worked with Rutherford County in Tennessee on a case involving its juvenile justice system, reaching a settlement after intense litigation that minimized the county's liability.

Mr. Lakey has been appointed by three different Tennessee governors to serve as Special Counsel to the Tennessee Attorney General's office in five different cases over the last 20-plus years, all of which were either class actions or cases in which classes were sought.

Mr. Lakey has also represented a number of businesses in federal court litigation.

In addition to his legal work, Mr. Lakey teaches Litigation's "Advanced Legal Drafting" at the University of Memphis Cecil C. Humphreys School of Law. Attending Memphis in May, concerts at the Levitt Shell and Grizzlies games are some of his favorite pastimes, along with spending time with his young adult sons.

### REPRESENTATIVE MATTERS

- In two cases he defended in concert with the Tennessee Attorney General's office, including a landmark case in Memphis, Mr. Lakey helped the State negotiate exit plans with the Department of Justice and advocacy groups that led to the dismissal of cases that had constrained the State and its operation of state agencies for over 20 years. The cases were: *United States of America, et al. v. State of Tennessee*, et al., United States District Court, Western District of Tennessee, Case No. 92-2062 (this case was dismissed in 2013, about 20 years after it was filed and within three years of the negotiation of the exit plan); and, *People First of Tennessee, et al. v. Clover Bottom Developmental Center, et al.*, United States District Court, Middle District of Tennessee Case No. 95-1227. In this matter, Mr. Lakey was able to lead the negotiation of an exit plan that led to the dismissal of a more than two-decade-long case in under three years.
- Mr. Lakey also was retained to represent the state and its departments in *Brian A., et al. v. State of Tennessee, et al.* (United States District Court, Middle District of Tennessee Case No. 00-00445), a case in



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which the State was facing increasing pressure from the federal court at the time Mr. Lakey was hired and first appeared in 2013. This case, originally filed in 2000, was effectively dismissed in 2017, when Mr. Lakey and the AG's office, along with officials of the Department of Children's Services, were able to demonstrate to the monitors and Plaintiff's counsel, and ultimately the Court, that the State was in compliance with all required provisions of the governing orders. Most recently, in *John Doe v. Hommrich, et al.*, 2017 WL 660681 (M.D. Tenn 2017), Mr. Lakey and the AG's office defeated the plaintiffs' attempt to establish a state-wide class covering all juveniles detained in any facility licensed and/or supervised by the Tennessee Department of Children's Services.

- Mr. Lakey has handled several complex matters for the City of Memphis. He represented the City in a lawsuit involving Elvis Presley Enterprises (Graceland) and the Memphis Grizzlies. In this matter, which was brought by Elvis Presley Enterprises, Mr. Lakey was able to obtain dismissal of the City through aggressive motion practice. Another matter involved Tennessee's continuing evolution on the issue of records that are in the possession of private companies contracting with the government that the press seeks access to through the Public Records Act, and when those records are public. In this case, filed by the Memphis Commercial Appeal, the City was trying to honor an agreement between its contractor and the contractor's membership to keep their identities confidential in relation to the City's search for a Director of Police. After losing in the trial court, Mr. Lakey prevailed on behalf of the City in the Tennessee Court of Appeals, helping further clarify the law in this important area. *Memphis Publishing Company d/b/a The Commercial Appeal, et al. v. City of Memphis, et al.*, 2017 WL 31562 Tenn. Ct. App, Western Section 2017). Mr. Lakey continues to represent the City of Memphis in significant litigation.
- In a case they filed in March 2015, Jon Lakey and John Cook represented a company in a dispute involving over \$4 million clients asserted were due and owing to it. After extensive litigation in an out-of-state court, including motion practice and depositions, Mr. Lakey and Mr. Cook were able to forge a settlement in under two years that returned to their client every dollar it had sought in the lawsuit, as well as reimbursement for attorneys' fees.
- In two separate cases in the Western District of Tennessee, Mr. Lakey and Mr. Cook obtained summary judgment decisions on behalf of their clients that resulted in both victories for their clients and awards of attorneys' fees, rare in cases of these types. First, in *Medison America v. Preferred Medical*, 548 F. Supp.2d 567 (W.D. Tenn. 2007), they successfully defended their client against Lanham Act claims and obtained a dismissal on summary judgment, including the award of attorney's fees to their client (in the sum of over \$200,000.00) against the plaintiffs. They defended an appeal of this decision at the 6<sup>th</sup> Circuit Court of Appeals, which upheld the district court decision on all points. *Medison v Preferred Medical*, 357 Fed. Appx. 656 (6<sup>th</sup> Cir. 2009). Similarly, in *Genesis Financial v. National Capital Management*, 2011 WL 4955319 (W.D. Tenn. 2011), Mr. Lakey and Mr. Cook successfully obtained summary judgment in favor of their client on complex contractual claims.

### EDUCATION

Emory & Henry College (B.A., 1989), cum laude –Inducted into the Emory & Henry Sports Hall of Fame for football, 2015 University of Memphis Cecil C. Humphreys School of Law (J.D., 1994)

### PROFESSIONAL HONORS AND ACTIVITIES

Mr. Lakey has been an Adjunct Professor at the Cecil C. Humphreys School of Law, University of Memphis from 1995-2000, and again from 2011 to present.



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### **COMMUNITY INVOLVEMENT**

Mr. Lakey has provided legal advice to students at Rhodes College and the University of Memphis at either no charge and/or at reduced rates. He was active in coaching teams in the Memphis Tigers youth baseball organization and at Grace St. Luke's School, in sum coaching or help to coach over 30 teams (football, basketball and baseball).

### **ADMITTED TO PRACTICE**

Tennessee, 1994

United States District Court, Western District Court of Tennessee, 1995

United States District Court, Middle District of Tennessee, 2003

United States Court of Appeals for the Sixth Circuit, 2007

### **BAR ASSOCIATIONS**

Tennessee Bar Association

Memphis Bar Association