

Jason L. Bush

SHAREHOLDER

Kansas City, MO | 816.572.4764

jbush@polsinelli.com



Jason Bush is a partner in the firm's Commercial Litigation department. He has extensive experience with every facet of litigation, including serving as lead counsel in numerous jury trials, trials to the court, arbitrations and injunction hearings. Jason aggressively advocates for his clients and seeks the best outcome, whether via trial or alternative dispute resolution, such as mediation or arbitration. Jason prides himself on his strategic analysis of disputes and his ability to devise and implement creative and forward-thinking litigation strategies to drive favorable outcomes.

Jason routinely represents clients in litigation and pre-litigation matters involving business disputes such as breach of contract, shareholder/LLC member disputes, fraud, unfair competition, and other business torts. In addition, Jason frequently handles real estate litigation matters, and estate, trust and fiduciary litigation matters. He represents clients in cases filed in state and federal courts and in arbitration venues across the country. He also has experience in bankruptcy-related litigation, such as fraudulent transfers and preferences, and in litigation involving trade secrets, non-compete and non-solicitation agreements.

Jason has given presentations to attorneys at Continuing Legal Education seminars on a variety of litigation, discovery and trial strategy topics, and has served on panel discussions on similar topics.

Jason is the lead author of several articles published annually by Practical Law (Thomson Reuters) on a variety of litigation topics including Commencing an Action, Statutes of Limitation, and Civil Appeals.

Education

- University of Missouri (J.D., 1997)
 - Law Review
- University of Missouri (B.A., 1994)
 - Finance and Banking, magna cum laude; Bright Flight Scholar; Curator's Scholar

Capabilities

- Commercial Litigation
- Real Estate Litigation
- Trusts & Estates
- Litigation

Bar Admissions

- Kansas, 1997
- Missouri, 1998

Court Admissions

- U.S. District Court, District of Kansas
- U.S. District Court, Western District of Missouri
- U.S. Court of Appeals, Tenth Circuit

Memberships

- Earl E. O'Connor Inn of Court
- Johnson County Bar Association
- Kansas Bar Association
- Kansas City Metropolitan Bar Association
- The Missouri Bar
- Overland Park South Rotary Club

Recognition

- Selected for inclusion in *Best Lawyers in America*® for Commercial Litigation, 2016-2026

Matters

Business Litigation

- Lead trial counsel in representation of a manager/member of an LLC in a dispute involving claims of breach of fiduciary duty. The case was successfully tried to the court, resulting in a judgment for the client.
- Lead trial counsel in the representation of investors in a suit against an issuer involving breach of convertible promissory notes and other agreements. The case was tried to the court and resulted in judgment in the clients' favor.
- Represented a large asset management/financial services client in the defense of claims of breach of contract, fraud, and other claims. Successfully negotiated an early, favorable settlement, resulting in significant cost savings to the client.
- Lead trial counsel for consulting firm in a suit alleging misappropriation of trade secrets, breach of duty of loyalty, breach of fiduciary duty, and other claims. After obtaining a favorable preliminary injunction order, proceeded to a jury trial and obtained a multi-million dollar jury verdict in favor of client. Successfully prosecuted post-trial fraudulent transfer and successor liability claims in various states and tribal courts related to collection of judgment.
- Represented a large insurance agency in claims of breach of contract, resulting in early, favorable settlement (pre-suit), resulting in significant cost savings for the client.
- Lead trial counsel for a partner in a dispute with a former partner over tail compensation/earn-out provision, resulting in favorable arbitration award for client and full collection of judgment obtained.
- Served as nation-wide monitoring counsel for a Fortune 500 company.
- In the defense of a Fortune 500 manufacturing company, undertook extensive

informal investigation and narrowly tailored discovery to develop facts and obtain early dismissal of all claims against client, resulting in significant cost savings.

Real Estate Litigation

- Lead trial counsel in a jury trial in Federal Court defending a national retailer in a commercial landlord-tenant dispute related to the condition of the property upon lease expiration. Successfully defended claims resulting in a jury verdict for less than half of the offer made to the plaintiff to resolve the dispute prior to trial.
- Lead trial counsel in representation of an LLC in a claim for specific performance of a contract for the purchase and sale of prime re-development property in Kansas City, Missouri. The litigation was hotly contested and included a successful appeal of the initial trial court judgment, and a subsequent trial (before the same trial court judge) resulting in judgment of specific performance in favor of the client.
- Defended commercial real estate developers in a suit filed against them by a former co-developer concerning alleged breach of development agreement and fiduciary duties, resulting in an early, favorable resolution for the clients.
- Represented national hospital organization in suit challenging enforceability of deed use restrictions.
- Defended developer of self-storage facilities in suit alleging trespass, nuisance, in which the plaintiff sought monetary damages and a permanent injunction which would have significantly impaired future business operations.
- Served as lead trial counsel in trial to the court resulting in favorable judgment.

Estate, Trust and Fiduciary Litigation

- Represented various non-profit entities in trust disputes, resulting in favorable settlements to ensure that beneficiaries received appropriate distributions under trust agreements.
- Successfully defended multiple trustees against claims of breach of trust.
- Provides advice and counsel and litigation services for clients regarding will or trust contests, and other estate and trust related disputes.

Other Litigation

- Successful litigation of fraudulent transfer suit on behalf of chapter 7 bankruptcy trustee in California bankruptcy court related to real estate sale.
- Successfully litigated suit for breach of non-compete agreement resulting in favorable settlement involving monetary and non-monetary relief.
- Represented many franchisees in litigation with franchisors over alleged breach of franchise agreements.
- After a nearly two-week jury trial, obtained favorable verdict in a case where the plaintiff had suffered catastrophic injuries and sought millions in damages.
- Successfully defended a finance company in a suit alleging nearly \$40 million in damages arising from alleged fraudulent transfers and preferences filed by chapter 7 bankruptcy trustee in bankruptcy court.

Publications

May 15, 2023

M&A Litigation: Early Dispute Resolution Successes