




Attison L. Barnes, III

Partner



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Attison counsels and represents clients in complex commercial, government contracts, employment, and Internet IP litigation and arbitration disputes. These matters include breach of contract, torts, fraud and misrepresentation, trade secret misappropriation, teaming agreement disputes, claims including allegations of non-payment, work share violations, common law and statutory conspiracy, and improper solicitation of clients and personnel, administrative and statutory violations, protection of proprietary information, trademark protection, emergency and permanent injunction proceedings, as well as employment-related claims such as wage and hour violations and agency investigations (DOL), non-competition, and tortious interference with contract. He also counsels clients on internal investigations of wrongdoing and Freedom of Information Act (FOIA) matters. Mr. Barnes has managed high-stakes litigation, including defense of class action litigation.

A former law clerk in the U.S. District Court for the Eastern District of Virginia (known as the "Rocket Docket") as well as a former President of the Federal Bar Association's chapter for the Rocket Docket, Attison has considerable experience litigating in the court.

Representative Matters

- On behalf of large government contractor, obtained temporary restraining order and preliminary injunction to prevent teaming partner from misappropriating trade secrets and usurping workshare at Marine Corps data centers.
- Defeated injunction motion in federal court and obtained dismissal of challenge to procurement decision on sovereign immunity ruling applied for the first time in that jurisdiction.

Practice Areas

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- Litigation
- Commercial Litigation
- Government Contracts
- Intellectual Property
- Cybersquatting & Internet IP
- Employment & Labor
- Construction
- Global Disputes
- Patent

Credentials

Education

J.D., T.C. Williams School of Law, University of Richmond and Cambridge University (Emmanuel College), England
B.A., University of Virginia

Clerkships

Law Clerk for the Honorable W. Curtis Sewell, U.S. District Court for the Eastern District of Virginia (1989-1990)

Bar and Court Memberships

District of Columbia Bar
Maryland Federal Bar
Virginia Bar
Supreme Court of the United States
U.S. Courts of Appeals for the Fourth, Tenth, and District of Columbia Circuits
U.S. District Courts for the Eastern District of Virginia, Western District of Virginia, District of Maryland, and District of Columbia

- Successfully defended owner of major transportation facilities in construction dispute with design-builder, developer, and subcontractors in federal court, involving lengthy scheduling delays and construction defects.
- In a case of first impression, obtained summary judgment dismissal (and dismissal of Fourth Circuit appeal) of in challenge to client's assertion of deliberative process privilege to work product of a non-lawyer consultant.
- Defeated emergency preliminary injunction (and obtained dismissal of entire complaint against client within 30 days of filing) in federal action arising out of procurement decision for bus services, securing important decision on deference to decisions on client's operations and interpretation of its solicitations
- In emergency declaratory and injunction relief action, prevailed to ensure that two congressional candidates could appear on the November 2020 ballot.
- Representation of entity (sealed) victimized by what federal prosecutors described as "one of the most brazen, manipulative, and intractable fraud schemes that the . . . prosecutors have ever encountered" involving a complicated scheme to pose as a deep-cover operative working for the CIA and, while gaining access to some of the most sensitive locations in our country, falsely claimed to spearhead a highly-classified program that had been authorized by the highest levels of the U.S. Government.
- On behalf of a large government contractor, success in state court, in federal district court, and at the U.S. Court of Appeals for the Fourth Circuit in \$40 million dispute involving a contract to supply services to for helicopter repair and maintenance.
- After full evidentiary hearing, defeated claims (including emergency injunction) by contractor claiming breach of contract, breach of good faith and fair dealing, tortious interference, and organizational conflicts of interest arising out of classified work under a contract with the Defense Threat Reduction Agency (DTRA), an agency of the Department of Defense.
- In class action lawsuit for alleged violations of Fair Labor Standards Act (FLSA) and other wage & hour issues, exposed falsified documents relied upon by plaintiffs in deposition, after which the case resolved promptly.
- On behalf of non-profit scientific society, prevailed in emergency injunctive proceedings in federal court to remove offensive material posted online.
- Obtained complete dismissal of numerous claims for breach of contract, fraud, conspiracy, confidentiality breach, and tortious interference between government contractors over sales and distribution of military hardware under multiple military defense contracts, including with the U.S. Army, as well as under commercial contracts.
- Successful claims, including emergency injunctive relief, against teaming partner for theft of proprietary information and trade secrets, usurpation of workshare, and civil conspiracy.
- Successful action, including pursuit of temporary injunction, to prevent use and disclosure of proprietary information and trade secrets by a former executive who abruptly departed to work for a competitor related to similar services.

- Obtained large monetary recovery and release of contract and guaranty for restaurant chain related to a breach of no-build zone lease provisions.
- Obtained dismissal with prejudice a putative class action lawsuit alleging violations of the Telephone Consumer Protection Act (TCPA) when, as directed by the Centers for Medicare & Medicaid Services, the client placed phone calls reminding consumers of upcoming deadlines to sign up for health insurance coverage under the Affordable Care Act. The Court granted the motion to dismiss with prejudice, agreeing that the client enjoys derivative sovereign immunity because it was acting at the direction of the Government. The Fourth Circuit Court of Appeals affirmed.
- Successful pursuit of claims for large aerospace company for recovery against supplier of engines for launch vehicles under a contract with NASA.
- Successful claim to recover funds improperly withheld under Asset Purchase Agreement.
- On behalf of a spectrum owner, defeated requests for preliminary and permanent injunctive relief in three courts (federal, state, and state Supreme Court within a four-month period) seeking to prevent the termination of a services contract, tortious interference with business expectancy, and ultimately the sale of spectrum.
- Obtained complete dismissal on motion for summary judgment all claims for breach of contract and unfair trade practices claims related to contract to rewire buildings with high-speed data communications cable at facility in Massachusetts.
- Secured complete dismissal on motion to dismiss of a complaint filed by a subcontractor alleging, among other things, violations of the Racketeer Influenced and Corrupt Organizations Act (RICO) associated with a project for the National Aeronautics and Space Administration Supplies Services Center.
- Obtained dismissal of claims that client had acquired trade secrets and other confidential information from competitor through and after the engagement of former executive of competitor.
- Won dismissal with prejudice as well as four sanctions awards against company which filed breach of contract, fraudulent inducement, constructive fraud, and negligent misrepresentation claims against client arising out of work share clause in a subcontract under USAID to provide financial services to the country of Ukraine.
- Jury verdict in favor of client on all counts in defense of technology client sued for breach of contract.
- Defeated emergency injunction request by subcontractor related to terms of a contract for services to the U.S. Army Corps of Engineers, resulting in a favorable resolution for the client.
- Defeated emergency injunction against client accused of improperly terminating contract and soliciting another party's personnel.
- Defeated on motion to dismiss a civil conspiracy claim against distributor of underground mine communications technology.
- Obtained \$32 million award in U.S. federal court in internet/IP scam created and operated by a foreign defendant.

- In class action for alleged violations of Fair Labor Standards Act (FLSA) and other wage & hour issues, defeated plaintiffs' expansive class certification efforts and ultimately defeated broad liability sought by plaintiffs.
- Obtained favorable result for client arising out of attempts by former managers to steal contracts, key personnel, and proprietary information.
- Award in favor of client in a multi-week arbitration hearing in contract and tort claims filed by departing executive of a non-profit corporation.
- Obtained multimillion-dollar recovery for client on claims of breach of contract, fraud and misrepresentation, breach of (i) warranties / representations, (ii) the duty of good faith, (iii) the duty of loyalty, and (iv) the duty to give notice, indemnification and contribution, and unjust enrichment arising out of a partnership for the development, marketing, and sale of a bundled data storage product for large users in Europe, the Middle East, and Africa.
- Pretrial victory on behalf of client against claims of trademark infringement, anti-dilution, fictitious name, and unfair competition claims.
- Favorable jury verdict in breach of contract and tortious interference with business dispute involving insurance adjuster.
- Pretrial dismissal affirmed by the Fourth Circuit representing oil and gas company against Lanham Act, unfair competition, and securities claims.
- Successful pursuit of injunctive relief against government agency on behalf of telecommunications provider to continue wireless operations in the Gulf of Mexico.
- Successful action to prevent U.S. Army Corps of Engineers from continuing beach replenishment project near client's submarine telecommunications cable.
- Successful bench trial of Chancery actions to expose cellular company's waste and mismanagement.
- Successfully defended client from breach of contract action involving stock redemption and non-competition/non-solicitation claims.
- Successfully defended client against claims for breach of teaming agreement, as well as defense of securities, Blue Sky, and related tort claims.
- Successfully pursued claims against aircraft manufacturer for breach of contract in construction and delivery of \$40 million aircraft.
- Obtained multimillion-dollar recovery pursuing contract and warranty claims on behalf of airline against Israeli entity under contract to repair MD-80 engines.
- Defeated emergency injunctive relief requested by subcontractor plaintiff and ultimately obtained complete dismissal of claims including common law and statutory conspiracy, tortious interference with contract, defamation, and breach of contract claims arising out of allegations that client conspired to remove plaintiff subcontractor and solicit personnel under a prime contract with the Navy's Space Warfare Systems Command to administer the support of the Navy and Marine Corps Internet (NMCI).

- Obtained full award in arbitration proceeding and confirmed award in Maryland Circuit Court on behalf of client against a prime contractor for payment on an IDIQ IT contract with National Nuclear Security Administration.
- Successfully defended prime contractor against breach of contract claims by subcontractor providing foreign language interpretation and translation services to the Department of the Army's Intelligence and Security Command.
- On behalf of a large client, obtained summary judgment and dismissal with prejudice of breach of contract and tortious interference claims related to a telecommunications infrastructure and services contract.
- Obtained temporary Injunction against contracting party who sought to avoid contract execution and to instead directly hire client's uniquely qualified subject matter expert employees on proposal for customer ultimately succeeding in getting contract for client.
- Successfully pursued monetary claims for non-payment against opposing party to supply IT and program management support for customer.
- On behalf of a large telecommunications company, obtained dismissal of a federal lawsuit alleging various claims related to internet connection point upgrades.
- Obtained full payment on behalf of wireless telecommunications provider for breach of contract related to services provided to Transportation Services Administration (TSA) and prime contractor.
- Handles numerous domestic and international arbitrations for large American and foreign clients.
- Counsels companies that seek to protect intellectual property rights and trade secrets.
- Counsels clients on internal investigations of wrongdoing.

Affiliations

- Judicial Conference of the Fourth Circuit, Member
- American Bar Association (ABA), Sections of Litigation and Intellectual Property, Strategic Alliances and Teaming Agreements Committee
- Federal Bar Association (FBA)
 - President and Board Member, Northern Virginia Chapter
- Restaurant Association Metropolitan Washington (RAMW)
- Board of Directors, T.C. Williams Law School Association (former)
- Virginia Bar Association
 - Board of Governors
 - Chair (2005) and Vice-Chair (2004), Civil Litigation Section
 - Committee on Nomination of Federal Judgeships

Recognitions

- Included in *Benchmark Litigation* guide as a "Litigation Star" (2023)
- Named an Thomson Reuters Stand-out Lawyer (formerly Acritas Star Lawyer) (2018)
- Included in *The Best Lawyers in America* directory for Commercial Litigation (2021-2023), Government Contracts (2023), and Litigation - Labor and Employment (2023)
- Named one of DC's "Super Lawyers" by *Super Lawyers* magazine (2018-2020, 2022-2023)
- Fellows Award for longstanding commitment to the Virginia Bar Association's Community Activities
- Emerson G. Spies Award for outstanding enthusiasm and dedication to the work of the Virginia Bar Association