



JASON W. HARDIN

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Complex Litigation
- Energy & Utilities
- Environment/Natural Resources
- Real Property

PRACTICE SUMMARY

"Jason is one of the most intelligent, hardworking and dedicated lawyers that I have practiced against or with. I don't want to be adverse to Jason in a case." -- Opposing general counsel of large corporation who later hired Jason.

"Jason meant what he said about working for his clients, especially when I compared his efforts and the cost incurred having him help me, as against other lawyers that have represented me and my companies over the years. Jason will be the first one I think of when I'm in a jam – or for some preventative medicine." -- Chief Executive Officer of mid-sized company

Jason is one of Fabian's most successful trial attorneys and litigators, primarily because he makes his clients' problems his problems. He has been involved in all aspects of high-profile, complex litigation and has first and second chaired several trials and arbitrations. He has worked with numerous experts from many fields, a task made easier and more effective by Jason's scientific and engineering background. Jason has successfully represented clients in many industries and sectors, with significant experience in the areas of complex business and commercial disputes, mine safety, mass torts, energy and electric utilities, and construction and development.

Jason is aggressive and succeeds in pursuing cost-effective litigation, carefully targeted based on his clients' needs and circumstances. For example, Jason represents the co-owner, operator and parent entities of the Crandall Canyon Mine, near Huntington, Utah, in relation to the multiple deaths and injuries arising out of the collapse of the mine and failed rescue in August 2007. He played a key role in investigating and mastering the complex facts, in negotiating with numerous plaintiffs and insurance companies, and in reaching the highly publicized global settlement of all claims from all plaintiffs (i.e., the injured and deceased) against all defendants in less than two years following the accidents.

Jason's peers named him one of Utah's "Legal Elite" in the field of Business Litigation in Utah Business Magazine each year from 2006 to 2010, as well as a Super Lawyer in the 2010 edition of Mountain States Super Lawyers & Rising Stars and a Rising Star in the 2008 and 2009 editions. The

2008 edition also featured an article on Jason titled "He Works While You Sleep."

Jason is a shareholder and the chairperson of Fabian's Energy & Utilities Practice Group. He served on Fabian's Board of Directors in 2008 and 2009 and served as Fabian's Recruiting Coordinator from 2005 through 2007. He is licensed to practice in both Utah and Nevada and has appeared in courts (state, federal and administrative) and arbitrations (private, AAA and NASD) across the country.

Prior to becoming an attorney, Jason was a Naval submarine officer aboard the USS Pogy (SSN 647) and was a Department of Energy certified Naval Nuclear Engineer. These experiences taught Jason how to attack difficult issues and remain focused for long hours for weeks at a time. Jason earned his undergraduate degree in physics (with an emphasis in geophysics) from Rice University in Houston, Texas.

Jason is also active in a variety of community service organizations. He was a member of the Board of Directors of Big Brothers Big Sisters of Utah from 2003 to 2009 and was its Chairman from July 2005 through January 2008. During that time, BBBSU grew exponentially to provide almost 2,000 at-risk children throughout Utah each year with professionally supported, one-to-one mentoring. Having been a Little Brother himself while growing up, Jason remains passionate about this worthy cause.

Jason has a beautiful wife, Paula, and three lively children, Emma, Will and Sarah.

PROFESSIONAL

- Fabian & Clendenin: Director, 2008-2009; Shareholder, 2004-Present; Chairperson, Energy & Utilities Practice Group, 2010; Recruiting Director, 2005-2007; Associate, 2000-2004
- Courts: Admitted to the Utah State Bar, 2000; United States District Court for the District of Utah, 2000; Nevada State Bar, 2006; and United States District Court for the District of Nevada, 2008; Practiced before the Federal Mine Safety Health & Review Commission, 2009-Present
- Legal Awards: Recognized as "Legal Elite" in the field of Business Litigation, Utah Business magazine, 2006-2010
- Recognized as "Rising Star," Mountain States Super Lawyers, 2008-2009, with 2008 edition featuring article on Jason titled "He Works While You Sleep."
- United States Navy: Special Security Officer and Intelligence Officer, Submarine Squadron Eleven, San Diego, California, 1996-1997; Submarine Officer, USS

Pogy (SSN 647), San Diego, California, 1993-1996;
Certified as Nuclear Power Plant Engineer by the Naval
Reactors Division of the Department of Energy, 1995;
Cleared for Top Secret Information and granted access to
Sensitive Compartmented Information based on Single
Scope Background Investigation (SSBI) completed on
September 2, 1992 under Case Control Number (CCN)
92136-0542

EDUCATION

- University of Utah College of Law, Juris Doctor Degree (2000) (Top 20%); Editor-in-Chief, JOURNAL OF LAND, RESOURCES & ENVIRONMENTAL LAW; Semi-Finalist (out of 63 universities), National Environmental Law Moot Court Competition, Pace University (1999); William H. Leary Scholar (Top 20%); Legal Writing Teaching Assistant
- Naval Nuclear Prototype Training Unit, Idaho Falls, Idaho, Graduated 1st in Class, 1992-1993
- Naval Nuclear Power School, Orlando, Florida, 1992, Graduated in top 10% of class. Graduate Level Courses in: Atomic and Nuclear Physics, Health Physics, Fluids and Fluid Systems, Material Sciences and Metallurgy, Thermodynamics, Water Chemistry, Mechanical Engineering, Reactor Kinetics, Electrical Engineering, Mathematics and Power Plant Systems
- B.A., Physics, Emphasis in Geophysics, Rice University, Houston, Texas, 1992; Naval ROTC, Rice Rugby Club

PUBLICATIONS & PRESENTATIONS

- "The Management of a Large Case Document Review;" Orange Legal Technologies Intermountain e-Discovery Conference 2009, <http://tinyurl.com/lxm6rx>
- "Tipping the Scales: Why Congress and the President Should Create a Federal Interim Storage Facility for High-Level Radioactive Waste," 19 J. Land Resources & Env'tl. L. 293 (1999)

COMMUNITY SERVICE

- Big Brothers Big Sisters of Utah: Chairman, Board of Directors (2005-2007), Treasurer, Board of Directors (2004-2005), Member, Board of Directors (2003-2009)
- Community Service Committee, Young Lawyers Division, Utah State Bar, 2001-2003
- Hearts & Hands Award, Utah Philanthropic Society, 2007

REPRESENTATIVE PROJECTS

- Successfully represented the co-owner, operator and parent entities of the Crandall Canyon Mine near Huntington, Utah in three civil lawsuits stemming from the multiple deaths and injuries arising out of the collapse of the Mine and failed rescue in August 2007; played a key role in investigating and mastering the complex facts, in negotiating with numerous plaintiffs and insurance companies, and in reaching the highly publicized global settlement of all claims from all plaintiffs against all defendants in less than two years following the accidents.

Assisted and currently assisting with investigations by the Mine Safety and Health Administration, several Congressional committees, the Department of Labor, the Utah Mine Safety Commission, and the United States Attorney's Office for the District of Utah in relation to the August 2007 accidents at the Crandall Canyon Mine.

- Successfully represented, and currently representing, clients in Mine Safety and Health Administration special investigations seeking to impose civil and criminal liability, administrative contest proceedings before administrative law judges, appeals before the Federal Mine Safety and Health Review Commission, and litigation challenging unlawful MSHA regulations and related regulatory actions.
- Successfully represented utility in baseball-style arbitration involving coal company's assertion of force majeure under a long-term coal supply agreement because of allegedly "unanticipated geologic conditions" encountered at the mine; was responsible for large part of discovery and arbitration preparations; deposed several fact witnesses and all opposing expert witnesses, including a rock mechanics specialist, a geo-statistician, and two geologists.
- Successfully represented utility in three week baseball-style arbitration involving utility's assertion of force majeure under a long-term coal supply agreement because of a breakdown of one of its turbine generators; was responsible for large part of discovery and arbitration preparations; examined and cross-examined all expert witnesses during hearing, including two metallurgists, two generator specialists, and a fracture mechanics and finite element analysis expert.
- Successfully represented large industrial linen supply company in several jurisdictions in defense of national and state class action lawsuits involving antitrust and consumer fraud claims; assisted in the preparation of successful motion in opposition to class certification in federal court (reported at 223 F.R.D. 506 (2004)); responsible for managing complex discovery, involving over twenty depositions and well over fifty thousand pages of documents.

- Successfully represented millwork installer (a sub-subcontractor during the construction of a large five-star hotel) in two-and-a-half week arbitration in Boston against millwork supplier; was responsible for large part of discovery and arbitration preparation; examined key fact witnesses and cross-examined key fact witnesses during hearing.
- Obtained preliminary injunction in federal court on behalf of nation's fourth largest alarm monitoring service provider in action alleging various Lanham Act and consumer fraud violations; largely responsible for drafting memorandum in support of motion for restraining order and injunction.