



PIERRE GROSDIDIER PH.D.

Counsel

pierre.grosdidier@haynesboone.com

PRACTICES: Litigation, Construction Litigation, Energy Litigation, Oil and Gas Litigation, Trade Secret Litigation, Privacy and Data Security, Social Media, Franchise and Distribution; **INDUSTRIES:** Technology, Software, Chemical, Media, Entertainment and Sports; **TRENDING ISSUES:** Hydraulic Fracturing

HOUSTON

1221 MCKINNEY STREET
SUITE 2100
HOUSTON, TX 77010
T +1 713.547.2272
F +1 713.236.5664

EDUCATION AND CLERKSHIPS

- J.D., University of Texas at Austin School of Law, 2007, *with honors*; *Texas Intellectual Property Law Journal* "Outstanding Staff Editor Award" recipient
- Ph.D., Chemical Engineering, California Institute of Technology, 1986
- B.Eng., Chemical Engineering, McGill University, 1980, *with distinction*

ADMISSIONS

- Texas, 2007

COURT ADMISSIONS

- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

LANGUAGES

- French

Pierre Grosdidier is a Houston construction lawyer who divides his practice between construction litigation and construction contract drafting. Pierre belongs to the first group of attorneys board certified in construction law by the Texas Board of Legal Specialization in 2017. Pierre's practice also includes litigating unauthorized computer access and software copyright infringement claims. He recently published an article on digital privacy that was published in the April 2019 issue of the *Texas Bar Journal*: [Course of Action: Why Plaintiffs' Attorneys Should Start Early When Suing Providers of Custom-Designed Industrial Software](#), and also published an article on [Construction Law Practice Tip: Indemnity Provision Details Matter](#).

With an engineering Ph.D. from Caltech, Pierre is at ease litigating the most complex technical issues whether in the construction, computer, energy, manufacturing, or environmental industries. He has represented clients in construction disputes that arose under the Texas lien statute, the Residential Construction Liability Act, and the Products Liability Act ("Chapter 82"). Pierre has litigated claims related to construction defects, industrial accidents, environmental contamination, oil and gas drilling operations, engineering services projects, computer and software projects, copyright and software copyright infringements, computer piracy, and trade secret thefts. Pierre's computer-related litigation experience includes claims under the Stored Communications Act, the Computer Fraud and Abuse Act, and the Texas Harmful Access by Computer Act, including a case where the defendant planted a "time bomb" in his employer's computer system. Pierre leverages his software and project management experience to efficiently organize and lead complex ESI preservation, collection, and review projects.

In accordance with Haynes and Boone's tradition of leveraging capabilities and talent across-practice groups, Pierre works with the firm's Intellectual Property and Labor and Employment Practice Groups to help draft digital systems (e.g., computer, database, network, hand-held device, etc.) use agreements that reflect the latest legislation, case law, and litigation trends in this domain.

Pierre is a prolific legal writer, a practice he first developed as an engineer. Pierre is also firmly dedicated to the community, and has served on the board of directors and as treasurer of the *Awty International School*, the *Lycée Français de Toronto*, and a communal daycare in Bouc-Bel-Air, France. Pierre, a native French speaker, is an active member of the French-American Chamber of Commerce in Houston, co-chaired the

committee to open a French-English immersion program in a Houston public school (Mark White Elementary), and is involved in the Association of French Veterans in Texas (he is not a veteran himself). Pierre participates in the firm's pro bono activities and has helped an asylum applicant from Chad and two teenage Central American refugees obtain permanent residency in the United States.

Selected Client Representations

- Representing a gas plant operator asserting claims of defective flare design.
- Representing two major real estate investment groups asserting claims of defective roof construction stemming from Knigh-Celotex-manufactured fiberboard.
- Representing a major energy company asserting claims of defective foundation construction work against a general contractor.
- Representing owners defending Mechanics' and Materialmen's liens filed by subcontractors with claims against delinquent general contractors.
- Representing a note holder against a defaulting creditor in a case involving oil and gas leases as security interest.
- U.S. District Court for the Southern District of Texas: Represented a provider of specialty engineering services in claims of email theft. The lawsuit involved claims under the Stored Communications Act and the Computer Fraud and Abuse Act, among others.
- 152d Judicial District Court, Harris County: Represented a bank asserting default on a loan.
- Ergon West-Virginia, Inc., American Arbitration Association: Represented in arbitration a major energy company/refinery seller accused by the refinery buyer of pre-sale groundwater contamination from a solvent release at a West Virginia refinery.
- Texokan Operating, Inc. *et al.*; U.S. District Court for the Southern District of Texas: Represented a major energy company against leasehold owners who alleged claims of underground trespass and oil and gas well contamination by drilling fluids. The defendant drilled horizontal wells in the Eagle Ford shale beneath the plaintiffs' Austin Chalk wells.
- Saman Rajaei; U.S. District Court for the Southern District of Texas: Represented an employer against a former employee who alleged Computer Fraud and Abuse Act and Stored Communications Act claims (and other state law claims) for alleged unauthorized access to the employee's iPhone, which had been connected to the employer's email server.
- U.S. Global Steel Dust, Inc., 269th Judicial District Court, Harris County: Represented a bulk metal-based powder producer in a trade secret theft case.
- D&D Pipeline Construction, Inc.; American Arbitration Association: Represented a major energy E&P company in a breach-of-contract claim related to a pipeline construction project. The dispute centered over who bore responsibility for the cost of repairing leaks that developed in the epoxy pipeline segment joints.
- 234th Judicial District Court, Harris County: Represented a software company in a dispute with a former employee who planted a "time bomb" in the company's software before resigning. The case involved claims under the Computer Fraud and Abuse Act and the Texas Computer Crime Law.
- CDI Corp., U.S. District Court for the Southern District of Texas: Represented an ultra-high-purity metalloid production equipment manufacturer in a civil action involving breach-of-contract and tort claims regarding engineering services, technology licensing and joint-sales agreements.
- Jesco Operating, LP, 165th Judicial District Court, Harris County: Represented at trial an energy company and pipeline owner in a lawsuit by a pipeline contractor that alleged its business was destroyed by nonpayment of invoices. At trial, plaintiff sought to recover the value of its business and other damages.
- Rosenberger Construction, LP *et al.*; 333rd Judicial District Court, Harris County: Represented a Texas real estate investment group whose commercial buildings suffered from early and extensive roof metal-deck corrosion.
- K-W Construction, Inc. *et al.*; 125th Judicial District Court, Harris County: Represented a Colorado real estate investment group whose commercial buildings suffered from early and extensive roof metal-deck corrosion.
- 190th Judicial District Court, Harris County: Represented an energy partnership in a complex technical breach-of-contract and negligence dispute wherein an equipment

failure caused considerable material and lost profit damages.

- Plant Automation Services, Inc.; U.S. District Court for the Southern District of Texas: Represented a software company against claims of software copyright infringement.
- 3rd Probate Court of Dallas County: Represented a building owner in a trespass-to-try-title action to recover a building stolen from the owner through a forged deed.

Professional and Community Activities

- Panelist, American Arbitration Association National Roster of Arbitrators
- Texas Bar Foundation Fellow
- State Bar of Texas Computer & Technology Section: Secretary 2019; Council Member 2015–2018; Webmaster and Circuits Editor 2018–2019
- Board Certified in Construction Law by the Texas Board of Legal Specialization, 2017
- Past Board Member and Treasurer of the Awty International School, 2008-11
- Past Board Member and Treasurer of the Lycée Français de Toronto, 2001-03
- State Bar of Texas
- Houston Bar Association
- Texas Board of Professional Engineers (inactive)
- Institute of Electrical and Electronics Engineers
- American Association for the Advancement of Science

Selected Publications and Speeches

Legal Publications and Speeches

- “Border Searches of Cell Phones and Computers,” presenter, UT Law CLE Webcast Session, February 1, 2019.
- “15 Cases in 45 Minutes: Law Practice Security,” presenter, 2nd Annual Technology and Justice for All CLE: Disaster Proofing Your Practice, Austin, Texas, December 7, 2018.
- “Expect Warrantless Electronic Device Searches at the Border,” speaker, InfraGard Legal SIG July Meeting, Houston, Texas, July 11, 2018.

- “Caselaw Update: 15 cases in 45 minutes,” co-presenter, State Bar of Texas Annual Meeting, Houston, Texas, June 22, 2018.
- “Employer Liability for Independent Contractor Injury,” presenter, State Bar of Texas Annual Meeting, Houston, Texas, June 21, 2018.
- “Authentication of Electronic Evidence,” presenter, UT Law CLE Webcast Session, May 4, 2018.
- “Data Breaches, Big Data, and FTC Oversight,” presenter, UT Law CLE Webcast Session, May 4, 2018.
- “Hot Topics From In-House Counsel In 2018,” panel moderator, 31st Annual Construction Law Conference, San Antonio, Texas, March 2, 2018.
- “Employer Liability for Acts of an Independent Contractor,” presenter, University of Texas Law School, Austin, Texas, January 26, 2018.
- “15 Tech Laws to Protect Your Clients: Cases and Codes for the Courtroom,” presenter, Computer and Technology Section, State Bar of Texas’ With Technology and Justice For All Event, Austin, Texas, December 1, 2017.
- “Employer Liability for Independent Contractor Injury under the Common Law and Chapter 95,” presenter, Houston Bar Association Construction Law Section Luncheon Meeting, Houston, Texas, November 16, 2017.
- “Data Breach Risks for Law Firms,” presenter, State Bar of Texas Annual Meeting’s Intellectual Property Law Section, Dallas, Texas, June 23, 2017.
- “What Every Attorney Must Know About Cyber Security and Data Privacy Issues and Their Ethical Obligations (Ethics),” presenter, Institute for Energy Law’s 4th Mergers, Acquisitions and Divestitures Conference, Houston, Texas, May 19, 2017.
- “Admissibility of Electronic Evidence,” CLE presentation, Fort Bend County Bar Association, January 26, 2017.
- “Family Law & Technology: Keeping Your Family Law Practice in Pace with the Latest Technological Advances,” Speaker, State Bar of Texas Continuing Learning Education Event, Austin, Texas, December 9, 2016.
- “Admissibility and Authentication of Electronic Evidence (text messages, social media postings, and metadata),” 2016 Texas Advanced Paralegal Seminar, September 28-30, 2016.
- “Data Breaches, Big Data, and FTC Oversight,” presenter, InfraGard Health Care SIG, September 1, 2016.

- "Admissibility and Authentication of Electronic Evidence," presenter, 2016 State Bar of Texas Annual Meeting, June 17, 2016.
- "A Modern Whodunit: Non-compliant DMCA § 512 'Take-down' Notifications Might Prevent a Copyright Owner from Learning an Alleged Infringer's Identity," State Bar of Texas, Computer and Technology Section's Circuits Newsletter, September 2, 2015.
- "Texas High Court Continues to Rule in Favor of Lessees," guest article, *Law360*, July 1, 2014.
- "When Employees Leave with Electronic Files: The CFAA's Eclectic Damage and Loss Case Law Illustrated," co-author, *Bloomberg BNA Electronic Commerce & Law Report*, May 21, 2014.
- "Strategies for Reducing Defects and Failures," speaker, HalfMoon Seminar in Construction Law, Houston, Texas, March 14, 2014.
- "Expect Foreign Privacy Law Defense to U.S. Discovery to Fail," guest article, *Law360*, March 7, 2014.
- "The French Blocking Statute, the Hague Evidence Convention, and the Case Law: Lessons for French Parties Responding to American Discovery," 2014.
- "When Hacking an Email Account Doesn't Violate the SCA," *Law360*, December 11, 2013.
- "More Proof of Texas Courts' Split on Certificate of Merit," *Law360*, October 24, 2013.
- "Texas Courts Split on Certificate of Merit," *Law360*, October 22, 2013.
- "Pitfalls Await Those Who Do Not Think Through TTLA Claims," guest author, *Law360*, October 15, 2013.
- "Choose Your Friends - and Privacy Settings - Wisely," guest author, *Law360*, October 2, 2013.
- "Les avocats aux Etats-Unis," 2013.
- "Comment devenir avocat aux Etats-Unis," 2013.
- "Computer & Internet Crimes - Where Will it End? The Ninth Circuit Decides to Revisit when a User "Exceeds Authorized Access" under the CFAA," *Bloomberg Law Reports*, January 2012.
- "Direct and Consequential Damages in Contract Disputes," *Law360*, November 2011.
- "The Danger With Time Bombs - Can Your Software Vendor Lock Up Your Software so That You Have to Buy an Upgrade? Maybe not," *ControlGlobal.com*, October 2011.
- "A Case Study of Data Manipulation by a Prominent Expert Witness," contributor, with Michael J. Mazzone, Forensic Expert Witness Association, July 2011.
- "Un litige commercial aux Etats-Unis (en deux parties)," 2011.
- "Annual Review of Litigation, Chapter 3: Appellate Practice," contributor, with Kendyl Hanks and Mark Trachtenberg, American Bar Association, Section of Business Law, April 2011.
- "ESI Preservation and Collection - Issues and Solutions," 2010.
- "Two Issues of Interest to Franchisors and Franchisees," 2009.
- "Analysis of Records Hold Issues and Case Law on the Duty to Preserve Data," 2008.

Technical Publications

- "Improve APC Project Success," P. Grosdidier, *Hydrocarbon Processing*, Vol. 83, No. 10, (2004).
- "Value Proposition for Oil Accounting - Parts 1 and 2," P. Grosdidier and M. McLaughlin, *Hydrocarbon Processing*, Vol. 82, Nos. 4 and 5, (2003).
- "Understand Operation Information Systems," P. Grosdidier, *Hydrocarbon Processing*, Vol. 77, No. 9, (1998).
- "Economics of Blend Giveaway," P. Grosdidier, *Hydrocarbon Processing*, Vol. 76, No. 11, 55, (1997).
- "FCC Unit Reactor-Regenerator Control," P. Grosdidier, A. Mason, A. Aitolahti, P. Heinonen and V. Vanhamäki, *Computers and Chemical Engineering*, Vol. 17, 165, (1993).
- "Crude Unit Product Quality Control," K. Muske, J. Young, P. Grosdidier and S. Tani, *Computers and Chemical Engineering*, Vol. 15, 629, (1991).
- "Integral Controllability of Integrating Systems," P. Grosdidier and M. Morari, *Ind. Eng. Res.*, Vol. 29, 2160, (1990).
- "Interaction Measures for Systems Under Decentralized Control," P. Grosdidier and M. Morari, Vol. 22, 309, *Automatica*, (1986).
- "Closed-Loop properties from Steady-State Gain

Information," P. Grosdidier, M. Morari and B. R. Holt, *Ind. Eng. Chem. Fundam.*, Vol.24, 221, (1985).