

Texas Lawyer Names Thad Behrens Litigator of the Week For AT&T Class Action Win

October 9, 2018 Mark Trachtenberg, Michelle Jacobs

PRACTICES Class Action Defense, Litigation

Haynes Boone Partner Thad Behrens, co-chair of the firm's U.S. Litigation Practice, was named "litigator of the week" by *Texas Lawyer*, in recognition of Behrens' successful representation of client AT&T in a federal class action suit.

Here is an excerpt of *Texas Lawyer's* profile of Behrens:

Had defense attorney Thad Behrens lost a recent ruling before a Houston federal judge, his client AT&T might have been forced to dig up 200 miles of underground cable and potentially pay over \$35 million in damages to a proposed class involving hundreds of property owners.

Yet Behrens recently convinced U.S. District Judge Al Bennett that there weren't enough common issues in the case to justify granting class action certification against the telecommunications giant.

And to win that ruling, he had to best Tony Buzbee, one of Texas' most successful trial attorneys, who represents the plaintiffs in the case.

The case, *Cook v. AT&T*, centers around communication cables that were buried under land owners' property pursuant to easements granted in the 1950s on various properties spanning the 200 miles between Houston and Dallas/Fort Worth.

Seven plaintiffs filed the case alleging that deteriorating cable was leaking lead and copper onto their property. The plaintiffs proposed a class made up of hundreds of property owners whose land has been encumbered by an AT&T easement.

They also sought declaratory relief, arguing that because AT&T had abandoned its rights to the easements, it had the duty to remove the cable from under their properties.

In his decision, Bennett concluded the case was not appropriate for class certification because of the dissimilarities between the hundreds of properties at issue. . . .

Behrens was pleased with Bennett's ruling.

"We appreciate Judge Bennett's thoughtful opinion denying class certification, which we believe is entirely correct," Behrens said. "In addition we believe the claims of the individual plaintiffs are without merit. We sampled soil on the individual plaintiffs' properties and found no evidence that lead or any other metal have leached from AT&T's cable."

Behrens, a partner in Dallas' Haynes Boone, leads a litigation team in the case which includes partner [Mark Trachtenberg](#), associates [Michelle Jacobs](#) and Billy Marsh and AT&T in-house lawyers Paul Drummond and Len Briley.

To read the full article, click on the PDF linked below.

[Behrens-Litigator-of-the-Week.PDF](#)

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