



## Aimee Furness

Partner | Dallas

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**PRACTICES** Litigation, Franchise and Distribution, Franchise Litigation, Real Estate Litigation, Oil and Gas Litigation, Energy Litigation, Bankruptcy Litigation, Trademark Litigation, Trials

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Aimee Furness represents entities involved in range of commercial litigation issues, including actions based on tortious interference, breach of contract, and breach of fiduciary duty. She has tried cases to judgment in both state and federal courts before both judges and juries. Clients turn to Aimee in connection with bankruptcy litigation, real estate and construction litigation (including condemnation matters, landlord/tenant disputes, property-related disputes, and oil and gas issues) and franchise and distribution litigation (including trademark infringement, breach of non-competition agreements, and breach of license agreements and trademark ownership).

Aimee takes a distinctive approach to serving her clients' litigation needs, whether they're seeking victory in a "bet the company" case or fending off a meritless or frivolous claim. Having earned a Bachelor of Science degree in Math, Aimee understands that the story of a litigation is ultimately built on data. She enjoys jumping into case documents, digging into facts, and uncovering information that will benefit her client. Taking no adversarial premise at face value, Aimee challenges weaknesses in opposing counsels' cases to position her clients most advantageously.

Aimee's clients appreciate her uncommon responsiveness – she generally gets back to clients within minutes – and her keen litigation strategy, which she employs both in and out of the courtroom, and before and during trials. Aimee understands that well-written contract can significantly limit a client's liability in a dispute; her knowledge of frequently litigated clauses (and the potential outcomes in those disputes) allows her to provide clients with pre-litigation counseling on potential contracts.

Aimee is AV® Peer Review Rated Preeminent by *Martindale-Hubbell® Law Directory*.

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## QUALIFICATIONS

### EDUCATION

- J.D., Southern Methodist University Dedman School of Law, 2000, *cum laude*; Sumners Foundation Scholar; *SMU Law Review Association*, Articles Editor 1999-2000; Staff Member, 1998-1999
- M.A., Political Science, Colorado State University, 1997
- B.A., Political Science, Southern Methodist University, 1995

- B.S., Mathematics, Southern Methodist University, 1995

## ADMISSIONS

- New Mexico
- New York
- Texas

## COURT ADMISSIONS

- U.S. Court of Appeals for the Fifth Circuit
  - U.S. District Court for the Eastern District of Texas
  - U.S. District Court for the Northern District of Texas
  - U.S. District Court for the Southern District of New York
  - U.S. District Court for the Southern District of Texas
  - U.S. District Court for the Western District of Texas
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Evaluating the Legal Ethics of a ChatGPT-Authored Motion," co-author, *Law360*, January 23, 2023.
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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- American Bar Association
  - State Bar of Texas
  - Fellow, Texas Bar Foundation
  - ABA Forum on Franchising
  - ABA Law Practice Management Section
  - Dallas Bar Association
  - Dallas Association of Young Lawyers
  - The William "Mac" Taylor American Inn of Court
  - DAYL Foundation
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## SELECTED CLIENT REPRESENTATIONS

- Obtaining a full client victory after jury trial in litigation over trademark ownership
- Obtaining summary judgment based on the statute of frauds on claims related to a sale of a large package of mineral interests
- Representing James W. Giddens as Trustee for the SIPC Liquidation of MF Global, Inc. related to claims against one of MF Global's service providers
- Obtaining dismissal of franchisee's counter-claims and summary judgment on franchisor's claims on behalf of national franchisor resulting in complete franchisor victory in federal court, including award of attorneys' fees
- Obtaining summary judgment on claims for negligent hiring, conspiracy, fraud and violations of the DTPA on behalf of a cutting-edge technology company
- Obtaining favorable arbitration award for franchisor related to fees charged under franchise agreement

- Favorable arbitration awards arising out of property-related disputes and landlord-tenant disputes
  - Favorable awards and settlements on behalf of private entities arising out of condemnation matters
  - Obtaining favorable resolutions for physicians and others involved in complex partnership and management disputes, including claims for breach of fiduciary duty, defamation, breach of contract, tortious interference, and negligence
  - Obtaining a favorable resolution for technology-related defendant in an action based on tortious interference with contractual relations claim
  - Obtaining a favorable resolution after sequestration of the secured goods on behalf of a technology company
  - Successfully trying cases to judgment for organizations involving real property and tenancy-related disputes
  - Assisting a major financial institution in quickly securing its interest in a customer's current communications equipment after the customer's default on its loan obligations
  - Representing franchisors in disputes related to breaches of license and franchise agreements
  - Representing franchisors in disputes related to Lanham Act violations
  - Assisting floorplan lender in securing its interests and obtaining a workout of the debtor's past-due debts
  - Obtaining writs of sequestration and temporary restraining orders to protect clients' secured interests
  - Successfully trying a lawsuit and defending a Fifth Circuit appeal - arising out of the sale of a financial derivative (an interest rate swap) - for a large national bank, defending against claims of fraud, negligent misrepresentation, violation of the DTPA, violation of the Texas Business Opportunity Act, violation of the Bank Holding Company Act, violation of the Texas Securities Act, gross negligence, breach of the implied duty of good faith and fair dealing, and breach of fiduciary duty; obtaining a take-nothing judgment in favor of the client as well as a money judgment on a breach of contract counterclaim
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## AWARDS AND RECOGNITIONS

- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., in Commercial Litigation, 2022-2023
- Martindale Hubbell AV® Rating of Preeminent™ 4.6 out of 5, 2010
- Fellow, Texas Bar Foundation, 2009
- Selected for inclusion in *Texas Super Lawyers* - Rising Stars Edition, Thomson Reuters, 2005-2013
- Recognized as one of "The Best Lawyers under 40 In Dallas" by *D Magazine*, D Magazine Partners, 2006
- *Martindale Hubbell® Law Directory* with a Peer Review Rating of AV® Preeminent™