Appellate Client Representation

Representative Appellate Matters

Haynes Boone's Appellate Practice represents clients in high-stakes appeals before federal and state courts, including the U.S. Supreme Court, circuit courts of appeals, and state appellate courts nationwide. Our attorneys handle every stage of the appellate process — from preserving issues at trial and drafting dispositive motions to briefing and oral argument — across a broad range of industries and legal disciplines. The matters below reflect the depth of our appellate experience and the outcomes we've delivered for clients facing complex, precedent-setting litigation.

***Martinez v. Pioneer Natural Resources USA, Inc.*, No. DC-22-04389, 2024 WL 7112713 (Tex. Dist. Oct. 22, 2024)**

In potential nuclear verdict wrongful death case arising from wellsite accident, obtained take-nothing summary judgment for a key industry defendant, having previously obtained a very favorable settlement for a second defendant.

***Marathon Oil Co. v. Mercuria Energy America LLC*, No. 25-BC11A-0013 (Tex. 11th Div. Bus. Ct.)**

In force majeure litigation arising out of Winter Storm Uri, we provided appellate support in a historic bench trial (the first ever in a Texas business court) that culminated in Marathon obtaining a declaration that its invocation of force majeure was proper and a take-nothing judgment on Mercuria's $26 million counterclaim. The Haynes Boone team played a key role in securing pre-trial summary judgment rulings that favorably positioned Marathon for trial and prepared, in collaboration with co-counsel, proposed findings of fact and conclusions of law that shaped the legal framework.

***In re Pinnergy, Ltd.*, No. 23-0777 (Tex. 2024)**

Obtained forum non conveniens dismissal of a personal injury case at the trial court following briefing, oral argument, and remand by the Texas Supreme Court.

***Acufloor, LLC v. EvenTile, Inc.*, No. 23-1887 (Fed. Cir.)**

The firm represents Acufloor, a company led by a father-and-son team who invented novel tile-leveling systems that aid in producing level floors while also preventing tile breakage, in a patent-infringement lawsuit against two infringing competitors. Following an unfavorable claim construction order in the district court, we appealed to the Federal Circuit, which sided with Acufloor on the construction of a critical claim term, vacated the district court's judgment of non-infringement, and remanded to the district court for further proceedings. The Federal Circuit decision confirms Acufloor's infringement position with respect to at least one of the patents asserted, and Acufloor intends continue to enforce its patent rights on remand.

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American Midstream (Alabama Intrastate), LLC v. Rainbow Energy Marketing Corp., 714 S.W.3d 572 (Tex. May 23, 2025)

Persuaded the Texas Supreme Court to reverse an approximately $8 million judgment against our client and to reinstate our client's breach of contract counterclaim and attorneys' fees claim in a dispute arising out of the termination of a gas transportation agreement. The Court eviscerated Rainbow Energy's case on remand by rendering a take-nothing judgment on Rainbow tort and contract repudiation claims against our client and holding that Rainbow's lost profits damages model failed as a matter of law.

Marathon Oil Co. v. Koch Energy Services, LLC, No. H-21-1262 (S.D. Tex.)

In force majeure litigation arising out of Winter Storm Uri, we provided appellate support in a jury trial that culminated in Marathon obtaining a $9.8 million judgment and a take-nothing judgment on Koch Energy's $123 million counterclaims. The Haynes and Boone team led a successful amicus campaign in related litigation before the Fifth Circuit and played a key role in developing the strategy, jury charge, and other legal briefing before and during the six-day jury trial.

Massage Heights Franchising, LLC v. Hagman, 712 S.W.3d 615 (Tex. 2025)

Submitted an amicus brief on behalf of the International Franchise Association in an important franchise law case before the Texas Supreme Court. Adopting the reasoning of the amicus brief, the Court reversed an adverse decision against a franchisor and clarified that, under Texas law, a franchisor can be held liable for the actions of a franchisee's employee only if the franchisor exercised specific control over the conduct allegedly causing the injury.

Great Lakes Dredge & Dock Co. v. Clark, No. 14-23-00400-CV, 2025 WL 597052 (Tex. App.—Houston [14th Dist.] Feb. 25, 2025, no pet. h.) (mem. op.)

Obtained reversal of a $3.8 million jury verdict and rendition of a take-nothing judgment from the Houston Fourteenth Court of Appeals in a maritime personal-injury case under the Jones Act and federal common law. Holding that the jury had no legally sufficient evidence to find that a fight occurred in the scope of an employee's employment or in service of the ship, the Court disposed of his personal-injury claims as a matter of law. The decision adds an important precedent defining the meaning of “course and scope of employment” for employers in the maritime industry throughout Texas.

Union Pac. R.R. Co. v. Anderson Cnty., 710 S.W.3d 233 (Tex. App.—Tyler 2024, review denied)

Won a unanimous reversal in the Tyler Court of Appeals in a historic dispute involving an 150-year-old agreement that required a railroad to build a repair shop and employ residents of a locality “forever,” resulting in a cost savings of $180 million.

Apple Inc. v. Dubiski, No. 01-24-00326-CV, 2024 WL 3941024 (Tex. App.—Houston [1st Dist.] Aug. 27, 2024)

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Successfully represented Apple as lead appellate counsel in the trial court and the Houston First Court of Appeals in multi-district litigation arising from the Astroworld music festival tragedy, obtaining results that were hailed by *Law360* as among the "biggest rulings in 2024."

***Hilary Rochelle v. Travis Servs. Grp. Inc.*, No. 01-23-00592-CV, 2024 WL 3762484 (Tex. App.—Houston [1st Dist.] Aug. 13, 2024, no pet.) (mem. op.)**

Successfully defended a jury verdict in favor of a construction business against sufficiency challenges to the liability and damages findings on appeal, which involved the failure to pay by a property owner who alleged defects in the work, while also vindicating the business's right to prejudgment interest and to foreclose on the property through cross-appeal points. (Opinion)

***Baron Real Prop. Holdings LLC v. AMLI/BPMT Towne Square P'ship*, No. 01-22-00413-CV, 2024 WL 3446935 (Tex. App.—Houston [1st Dist.] July 18, 2024)**

Represented a real estate management company in the Houston First Court of Appeals and as appellate counsel at trial in a $40 million contract and fraud dispute that was featured on Texas Lawbook's annual list of the "Ten Most Important Commercial Cases," resulting in settlement.

***Book People, Inc. v. Wong*, 91 F.4th 318 (5th Cir. 2024)**

Affirming preliminary injunction of portions of HB 900 (READER Act) requiring booksellers to rate every book ever sold to Texas public schools based on unconstitutionally vague definitions of "sexually explicit" and "sexually relevant." The 5th Circuit held these portions of the Act were unconstitutional compelled speech. The ruling withstood a *sua sponte* request for en banc reconsideration.

***Texas Disposal Sys. Landfill, Inc. v. Travis Cent. Appraisal Dist.*, 94 S.W.3d 752 (Tex. 2024)**

Persuaded the Texas Supreme Court to affirm a favorable decision from the Austin Court of Appeals for Travis Central Appraisal District. In doing so, the Texas Supreme Court articulated holdings of importance to the Texas property-tax framework and the authority of Texas appraisal districts, which included that trial courts have broad jurisdiction to hear appeals from appraisal districts by trial de novo and that appraisal districts may present evidence of fair-market value whenever the property's appraised value is at issue in those proceedings (overruling a prior intermediate court of appeals decision to the contrary). The result of these holdings will be to enhance the accuracy and fairness of property appraisals statewide.

***Dellinges v. Cassady*, No. DC-20-00555 (118th Dist. Ct., Dallas Cnty., Tex. 2024)**

Served as appellate counsel in the trial court in a multiple-fatality aviation accident case involving experts, responsible third parties, and presumptions pertaining to product defect claims, resulting in settlement.

***Union Pac. R.R. Co. v. Prado*, 685 S.W.3d 848 (Tex. 2024)**

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Won a unanimous reversal in the Texas Supreme Court in a critical decision for the railroad industry, clarifying the types of warnings that railroads must provide to drivers at the thousands of locations where private roads cross railroad tracks in rural Texas.

Albert v. Fort Worth & Western R.R. Co., No. 22-0424 (Tex. 2024)

Filed amicus brief to inform the Texas Supreme Court of negative consequences to the railroad industry stemming from a decision on prescriptive easements involving railroad crossings.

Berry as next friend of Terrell Michelle Thomas v. Union Pac. R.R. Co., No. 23-20330, 2024 WL 3355359 (5th Cir. May 21, 2024)

Served as lead counsel in the Fifth Circuit in an appeal involving premises liability and negligent activity claims, resulting in a favorable settlement.

Polaris Engineering, Inc. v. Texas Int'l Terminals, Ltd., No. 3:21-cv-94 (S.D. Tex. May 10, 2024)

In refinery construction dispute, assisted trial team with strategy, legal briefing, and preparing and arguing the jury charge in a trial that resulted in a favorable judgment of approximately $35 million.

ProPublica, Inc. v. Frazier, Cause No. 2018-45639 (234th Dist. Ct., Harris Cnty., Tex.), Cause No. 01-22-00281-CV (Tex. App.—Houston [1st Dist.] Apr. 25, 2024, no pet.)

Reversing the denial of a motion to dismiss under the Texas Citizens Participation Act for the second time. This time holding that the investigative report at issue was substantially true and a fair, true and accurate report of official proceedings, dismissing all claims, and remanding for an award of attorney's fees.

Polk Cnty. Publ'g Co. v. Coleman, 685 S.W.3d 71 (Tex. 2024)

Filed amicus brief on behalf of media trade organizations in favor of petition for review that successfully overturned lower court findings and resulted in dismissal of defamation claims against a local newspaper.

Stewart v. Hill, No. 23-10111 (5th Cir. 2024)

Convinced the Fifth Circuit to affirm the district court's dismissal of untimely claims filed by intervenors in long-completed litigation.

ExxonMobil Corp. v. Alvarez, 693 S.W.3d 794 (Tex. App.—Houston [14th Dist.] 2024, no pet.)

Won a very significant permissive appeal that vindicated a premises owner's right to immunity under Texas's workers' compensation laws against scores of personal-injury claims arising from an

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explosion, and which should stand as an important precedent for employers and premise owners across the state of Texas for years to come.

Huntington Nat'l Bank v. AIG Specialty Ins. Co., No. 23-3039, 2024 WL 374571 (6th Cir. 2024)

Obtained reversal of an adverse summary judgment order, convincing the Sixth Circuit that Huntington's insurance claim was insurable under applicable law and did not fall within an exclusion governing unrecoverable credit.

Catalyst Strategic Advisors, L.L.C. v. Three Diamond Capital SBC, L.L.C., 93 F.4th 870 (5th Cir. 2024)

Having obtained over $4 million on summary judgment for a consulting firm that was owed a commission for its role in promoting the sale of its former client, a Haynes Boone team successfully defended that judgment on appeal before the United States Court of Appeals for the Fifth Circuit. Michael Mazzone and Julia Peebles handled the case in the district court before Judge Keith P. Ellison. Ryan Pitts argued the case on appeal before Judges Carl E. Stewart, Cory T. Wilson, and James L. Dennis.

Published Opinion

Media Coverage by *Texas Lawbook*.

Allied Aviation Fueling Co. of Houston, Inc. v. Cruz, No. 1-22-00083-CV (Tex. App.—Houston [1st Dist.] 2023)

After being hired post-verdict to handle the appeal of the largest actual damages award for an injured worker in Texas history, we persuaded the trial court to grant a historic $117 million remittitur, reducing the plaintiffs' award from $353 million to $235 million. Then, after the filing of our opening appellate brief, we obtained a mediated settlement for a fraction of the original verdict.

Gaskins v. Navigator Oil & Minerals, Inc., 670 S.W.3d 391 (Tex. App.—Eastland 2023, pet. denied)

Achieved an appellate judgment construing a royalty-interest reservation in a deed conveying surface and mineral estates in Trustee Appellants favor and denial of the petition seeking review in the Supreme Court of Texas.

Werner Co. v. DeVallee, No. 21-0344 (Tex. 2023)

Persuaded the Texas Supreme Court to deny review of a petition seeking reversal of sizable products liability judgment.

Sullivan v. Feldman, 2022 WL 17822451 (S.D. Tex. Dec. 20, 2022), *and* 2023 WL 2392746 (S.D. Tex. Mar. 7, 2023)

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In a case involving numerous overlapping arbitration awards, persuaded the Court to confirm the most favorable awards, reject the opposition's vacatur arguments, and enter a partial final judgment awarding our clients $99 million for their fiduciary duty, professional malpractice and conversion claims.

Belya v. Kapral, 59 F.4th 570 (2d Cir. 2023)

Filed amicus brief explaining the potential harm of the district court and panel opinions to Jewish religious practices.

Technox Engineering & Servs. Pvt., Ltd. v. Sunwoo Co., Ltd., No. 01-22-00006-CV, 2022 WL 17981848 (Tex. App.—Houston [1st Dist.] Dec. 29, 2022, pet. denied) (mem. op.)

Convinced the First Court of Appeals in Houston to affirm the trial court's order holding one of the defendants, a company based in India, subject to personal jurisdiciton in the Texas courts with respect to claims asserting trade-secret misappropriation, fraudulent transfer, and related theories.

Diamondback E & P LLC v. Ridgefield Permian, LLC, No. 21-0497 (Tex. 2022)

Persuaded the Texas Supreme Court to deny review of two separate petitions for review (and a motion for rehearing) in an oil-and-gas dispute about the scope of a tax foreclosure deed

Hill v. Keliher, No. 01-20-00419-CV, 2022 WL 3031620 (Tex. App.—Houston [1st Dist.] 2022, no pet.)

Obtained affirmance of trial court order dismissing claims based on charitable contributions pursuant to the Texas Citizens Participation Act (TCPA).

Cessna Aircraft Co. v. Garcia, No. 19-0381, 2019 WL 5196422 (Tex. 2022) (Appellate Petition, Motion and Filing)

Served as lead counsel in the Texas Supreme Court and appellate counsel at trial on behalf of an aircraft manufacturer in a multiple-fatality aviation accident case that presented issues involving personal jurisdiction and expert testimony, resulting in settlement.

Arreola v. Union Pac. R.R., 657 S.W.3d 789 (Tex. App. 2022)

Won affirmance in the El Paso Court of Appeals of a defense verdict in a wrongful-death case, defeating arguments pertaining to spoliation, judicial bias, experts, and testimony from corporate representatives.

Sharifan v. Kelley, No. 14-20-00197-CV, 2022 WL 1112804 (Tex. App.—Houston [14th Dist.] Apr. 14, 2022)

Persuaded the court of appeals to vacate a $7 million arbitration award on the basis of evident partiality.

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In re ExxonMobil Corp., 635 S.W.3d 631 (Tex. 2021)

Persuaded the Texas Supreme Court to grant mandamus relief enabling the client to obtain discovery from third-party medical providers regarding amounts and rates paid or incurred by patients who were similarly-situated to plaintiffs. This discovery was sought in connection with client's defense against plaintiffs' multi-million-dollar damage claims for past medical expenses.

In re SurgiSil, L.L.P., 14 F.4th 1380 (Fed. Cir. 2021).

Haynes Boone represented SurgiSil at the Federal Circuit and successfully argued for a reversal of a design patent claim rejection, which also overturned Patent Office precedent.

Capshaw v. White, 854 F. App'x 610 (5th Cir. 2021), cert. denied

Persuaded the Fifth Circuit to affirm the dismissal of relators' claims under the False Claims Act's first-to-file rule and the denial of statutory attorney's fees; also persuaded the United States Supreme Court to deny two related petitions for certiorari.

Landry's, Inc. v. Ins. Co. of the State of Pennsylvania, 4 F.4th 366 (5th Cir. 2021)

Persuaded the Fifth Circuit to reverse summary judgment finding that insurance company owed no duty to defend in a novel case arising out of an alleged data breach.

In re Bass, 2021 WL 3276879 (Tex. App.—Dallas July 30, 2021)

Persuaded the Dallas Court of Appeals to grant mandamus relief and prevent the production of privileged documents, which the trial court had erroneously ordered produced under the crime-fraud exception to the attorney-client privilege.

In re Diocese of Lubbock, 624 S.W.3d 506 (Tex. 2021)

Filed amicus brief explaining the potential harm of the lower court opinion to Jewish religious practices in underlying mandamus proceeding that resulted in successful dismissal of the lawsuit.

Status Lounge Inc. v. KHOU-TV, Inc., Cause No. 2016-51529 (164th Dist. Ct., Harris Cnty., Tex.)

Plaintiff, a nightclub/bar, sued our client, a television station, for its brief online article -based on a police news conference - that reported on a dispute that occurred in front of the bar and the subsequent shooting of a band member in the arm. After an initial, successful appeal of the denial of our Anti-SLAPP Motion on timeliness, and remand, the trial court judge failed to rule for more than a year. After a judge from another district court entered an Order finding the Anti-SLAPP Motion had been denied by operation of law 30 days after remand, and on the merits. We again appealed and again were successful on appeal, with the appellate court finding both that the Anti-SLAPP motion had not been denied by operation of law and that it should have been granted on the merits.

Krieger v. Nicandros, (N.Y. Sup. Ct. 2020)

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Successfully defended and obtained dismissal of lawsuit seeking to enforce guaranty of lease agreement.

Perry v. Christian, 846 F. App'x 279 (5th Cir. 2021) (per curiam)

Convinced the Fifth Circuit to affirm the district court's dismissal of a complaint, which made broad allegations regarding acreage and mineral rights, for failure to state a claim.

In re Southwestern Energy Co., No. 20-0197 (Tex. 2021)

Filed amicus brief on behalf of a group of securities law professors explaining the application of substantive federal securities law standards to federal securities litigation brought in state courts.

Sean Gharavi v. Behrooz Khademazad, d/b/a Grand Prairie Family Dental

Represented client in appeal of $1.2 million judgment based on a single social media post (Yelp review) and obtained full reversal and rendering of take-nothing judgment in client's favor.

Great American Ins. Co. of New York v. Compass Well Services, LLC, 2020 WL 7393321 (Tex. App.—Fort Worth Dec. 17, 2020, pet. denied)

Persuaded a Texas appellate court to affirm a multi-million judgment for client Compass Well Services, LLC in an insurance dispute concerning coverage for damaged fracking equipment.

BBVA Compass v. Bagwell, 2020 WL 7332845 (Tex. App.—Dallas Dec. 14, 2020, no pet. h.)

Persuaded a Texas appellate court to overturn a $110 million fraud verdict against client BBVA in a lawsuit filed by a borrower who claimed that a BBVA employee made misrepresentations during loan renewal negotiations.

Compass Bank v. Collier, 2020 WL 6494213 (Tex. App.—Beaumont Nov. 5, 2020, no pet.)

Persuaded a Texas appellate court to overturn a jury verdict against BBVA Compass in a lawsuit by a borrower who claimed that BBVA breached a loan modification agreement and violated consumer-protection statutes.

AIG Europe, Ltd. v. Caterpillar Inc., 831 F. App'x 111 (5th Cir. 2020)

Persuaded Fifth Circuit to affirm a take-nothing summary judgment in favor of fracking engine manufacturer in products liability action seeking $15 million in damages arising from fire at a wellsite.

Plummer v. Enterra Capital Investor Trust, 2020 WL 831600 (Tex. App.—Dallas Feb. 20, 2020, no pet.)

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We were retained after $1,165,770 default judgment was entered against clients in fraud case and successfully appealed entry of default judgment to the Dallas Court of Appeals. The Court of Appeals reversed the entry of default judgment and remanded the case. All claims against the client were dismissed on remand.

Degan v. Bd. of Trs. of the Dallas Police & Fire Pension Sys., 594 S.W.3d 309 (Tex. 2020); *Degan v. Bd. of Trs. of Dallas Police & Fire Pension Sys.*, 956 F.3d 813 (5th Cir. 2020)

Successfully represented the Dallas Police and Fire Pension System in the Texas Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, securing the dismissal of state and federal constitutional claims that challenged a Texas pension reform statute critical to the future solvency of the pension system. This is the second of two landmark Texas Supreme Court wins we have secured for this client, upholding the constitutionality of pension reforms implicating nearly $1 billion in pension assets.

OOGC Am., L.L.C. v. Chesapeake Expl., L.L.C., 975 F.3d 449 (5th Cir. 2020)

Represented in the trial court and Fifth Circuit a partner at a major law firm who had rendered an arbitration award that was later vacated by the district court, based on allegations that had acted improperly in agreeing to serve as an arbitrator. Our client sought to intervene in the lawsuit to address the district court's factual misstatements and participated in the appeal. The Fifth Circuit reversed the trial court's vacatur and held that our client had not acted improperly, providing complete vindication to his reputational interest.

CVS Pharmacy, Inc. v. Astrazeneca Pharmaceuticals L.P., No. 1:19-cv-9999 (S.D.N.Y.)

Persuaded court to transfer from New York to Delaware a multi-million dollar antitrust lawsuit against Accord Health Care, Inc. and other pharmaceutical manufacturers.

SoCal Recovery, LLC v. City of Costa Mesa, 808 F. App'x 531 (9th Cir. 2020)

In the trial court, an unlicensed sober living home operator and one of its residents asked the court to stop the City from enforcing its ordinances against unlicensed sober living homes in single- and multi- family residential zones within the City, claiming that the City's actions violated the Fair Housing Act. The trial court denied the injunction request.

Plaintiffs appealed to the Ninth Circuit. On appeal, plaintiffs argued that one of their unlicensed sober living homes should have been excused from the separation requirement in City Ordinance 14-13, which requires sober living homes to be located 650 feet away from other sober living homes and licensed drug or alcohol abuse treatment facilities.

In June 2020 a unanimous panel of judges rejected that argument and concluded that the trial court appropriately denied the plaintiffs' request for an injunction.

Pike v. Texas EMC Management, LLC, 610 S.W.3d 763 (Tex. 2020)

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Persuaded the Texas Supreme Court to vacate a $16.5 million judgment and deny injunctive relief in a highly contentious trade secret dispute. The suit was filed after the assets of a partnership, EMC Products, LP, were sold to our client VHSC in a foreclosure sale. Following the foreclosure, EMC Products, LP and related parties obtained a judgment against VHSC (and other defendants) for allegedly appropriating EMC's trade secrets and tortiously interfering with its contracts. A six-year long appellate battle culminated in the Texas Supreme Court's opinion reversing the judgment and rendering a take-nothing judgment in favor of VHSC. More information about the case can be found here.

Jones v. Kirkstall Road Enterprises, Inc., Cause No. 05-18-00592-CV, 2020 WL 2059910 (Tex. App.—Dallas Apr. 29, 2020, no pet.)

Affirming the grant of summary judgment in a lawsuit claiming negligence and brought by the plaintiff against a production company for its blurring of his image in an episode of *The First 48*.

Zodiac Seats US, LLC v. Synergy Aerospace Corp., 2020 WL 1703572 (E.D. Tex. Apr. 8, 2020)

Secured a multi-million dollar judgement representing Safran Seats in the Eastern District of Texas against a South American airline conglomerate.

Concepcion Acosta v. Shell Western Expl. & Prod., Inc. (5th Dist. Ct., Lea Cnty., N.M. 2020)

Successfully represented a major energy company in a five-week jury trial of environmental contamination claims. Plaintiffs claimed personal injury and property damage from an alleged neighborhood cluster of asthma, lupus and autoimmune diseases. Plaintiffs' counsel sought multi-million dollar damages, including punitive damages. The jury returned a verdict for the company on all claims.

Universal Truckload, Inc. v. Dalton Logistics, Inc., 946 F.3d 689 (5th Cir. 2020)

On behalf of Hess Corp., obtained summary judgment in the trial court and affirmance on appeal, defeating claims seeking more than $1.5 million for the transportation of rig equipment under alleged contracts and North Dakota law.

Karamooz v. Karamooz, 2019 WL 4786958 (Cal. Ct. App. Oct. 1, 2019), *review denied* (Dec. 18, 2019)

Secured a rare stay pending appeal on a writ of supersedeas, and persuaded the California Court of Appeal to reverse a judgment of over $4.4 million in a probate case on the ground that the judgment was not supported by substantial evidence. Then successfully opposed California Supreme Court review of the Court of Appeal's decision.

Ryder v. Union Pac. R.R. Co., 945 F.3d 194 (5th Cir. 2019)

In a triple-fatality case arising from a collision at a railroad crossing, obtained affirmance of summary judgments in favor of the railroad on all claims.

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Center for Auto Safety v. Goodyear Tire & Rubber Co., 254 P.3d 183 (Ariz. Ct. App. 2019)

Provided *amicus* support to The Goodyear Tire & Rubber Company in the Arizona Court of Appeals, which reversed a trial court order requiring the disclosure of Goodyear's valuable trade secret information.

Reyes v. D Magazine Partners, LP, 571 S.W.3d 753 (Tex. 2019)

Successfully defended defamation claim on behalf of magazine client, resulting in dismissal of all claims with prejudice. After the trial court enter partial summary judgment in favor of D Magazine, we appealed to the Dallas Court of Appeals, which dismissed all claims. After briefing and oral argument, the Texas Supreme Court affirmed the dismissal of all claims asserted against our client.

Gannon v. Walgreen Co. (127th Dist. Ct., Harris Cnty., Tex. 2019)

Prepared and argued jury charge and worked with trial counsel on strategy in false imprisonment and malicious prosecution case, resulting in a defense verdict and take-nothing judgment.

Prado v. Union Pac. R.R. Co. (81st Dist. Ct., LaSalle Cnty., Tex. Sept. 16, 2019)

Appearing for the first time at the final pretrial conference in a case arising from a fatal railroad crossing accident, persuaded the court to reconsider an earlier ruling and grant summary judgment, thereby avoiding a jury trial.

Appellate Pro Bono Child Custody Case

Co-counsel with Family Violence Appellate Project for appellant, who challenged a child custody award in favor of someone whom the trial court found had perpetrated domestic violence. On appeal, Haynes Boone argued that the trial court awarded joint physical custody of the parties' child without applying California Family Code section 3044, which establishes a mandatory rebuttable presumption that it is detrimental to a child's best interests for the court to place the child in the custody of a domestic violence perpetrator. We also argued on appeal that the trial court altered a final custody order even though the defendant never met his burden of establishing that there had been a significant change of circumstances that would warrant such a change.

The Court of Appeal reversed the de facto joint custody order. It agreed on both of the grounds for reversal that were raised on appeal. The Court also remanded to the trial court with instructions that it apply the rebuttable presumption under section 3044, and that it not alter the parties' custody arrangement unless defendant can show a significant change of circumstances. Marco Pulido argued the case before the Fifth District Court of Appeal in August 2019.

Russell House Appellate Arbitration

Represented client injured on the job in a unique appellate arbitration" proceeding arising from a $15 million arbitration award in our client's favor. After the defendant-employer appealed the initial award to a second arbitrator (per the parties' arbitration agreement)

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City of Pensacola v. Kondrat'yev, No. 18-351 (U.S. 2019)

Filed amicus brief with the US Supreme Court regarding the constitutional impact of the religious expression of private parties on government property, resulting in the appellate court judgment being vacated and reversal of the adverse district court judgment.

GEOMC Co., Ltd. v. Calmare Therapeutics Inc., 918 F.3d 92; 768 F. App'x 1 (2d Cir. 2019)

Retained after district court entered a $10.4 million judgment in breach of contract and replevin action. Before the Second Circuit, won a unanimous decision vacating the final judgment and remanding the case for further proceedings.

Fan Expo v. National Football League, 2019 WL 2211084 (Tex. App.—Dallas May 22, 2019, no pet.) (*Fan Expo II*)

Successfully represented the NFL in affirming a take-nothing summary judgment in the second of several lawsuits filed by a fantasy football convention co-owned by former Dallas Cowboys quarterback Tony Romo. The Dallas Court of Appeals found that there was no evidence the NFL tortiously interfered with a sponsorship contract between the convention and EA Sports.

In re TAH Investments, LLC, 2019 WL 2062923 (Tex. App.—Houston [14th Dist.] May 9, 2019, orig. proceeding)

Persuaded the Houston Fourteenth Court of Appeals grant a petition for writ of mandamus and hold that the trial court abused its discretion in entering death penalty sanctions against a defendant.

Fentress v. Exxon Mobil Corp., 2019 WL 426147 (S.D. Tex. Feb. 4, 2019)

In this ERISA stock drop case, persuaded the district court to dismiss the plaintiffs' second amended class action complaint for failure to state a claim under the Supreme Court's heightened pleading standard for ERISA breach of fiduciary actions.

Sweet People Apparel, Inc. v. Phoenix Fibers, Inc., 748 F. App'x 123 (9th Cir. 2019)

Persuaded the Ninth Circuit to affirm a summary judgment order dismissing trademark infringement and breach of contract claims that two clothing manufacturers filed against Phoenix Fibers, Inc.

T&T Offshore, Inc. v. Lightering LLC, No. 3:18-cv-265 (S.D. Tex. 2019)

Obtained multi-million dollar settlement of client's indemnity claims against primary and excess insurers arising out of personal injury settlements paid out by our client. Our client's hand was significantly strengthened by obtaining the dismissal of the insurers' declaratory judgment claims for lack of subject-matter jurisdiction and through rounds of summary judgment briefing in support of our client's own claims.

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Curtis v. Baker, 2018 WL 6684263 (Tex. App.—Houston [14th Dist.] Dec. 20, 2018, no pet.)

In the appeal of a property dispute, persuaded the appellate court to reverse summary judgment and vacate an order voiding property ownership.

Lightering LLC v. Teichman Group, LLC, No. H-17-3374 (S.D. Tex. July 16, 2018)

Persuaded a federal district court to grant our client's motion to dismiss the plaintiffs' lawsuit for lack of subject matter jurisdiction. The plaintiff had brought the lawsuit seeking a declaration that it owed no indemnity for personal injury settlements paid out by our client because the contract containing the indemnity had terminated. The motion to dismiss centered on whether the underlying contract was a maritime contract giving rise to the court's admiralty jurisdiction. In a 30-page opinion, the district court agreed with our client that the contract was not maritime, and thus that it had no admiralty jurisdiction over the dispute.

E.I. DuPont de Nemours & Co. v. Hood, 2018 WL 2126935 (Tex. App.—Dallas May 8, 2018, no pet.)

Overturned a $7 million judgment in the Fifth Court of Appeals in Dallas of alleged damages resulting from exposure to paint products made by E.I. DuPont de Nemours and Co. Our team represented DuPont on appeal, including filing briefs and handling oral arguments. The appellate court concluded that the experts offered by plaintiff did not meet the Texas Supreme Court's reliability standards for proof of general causation in a toxic exposure case and, thus, there was no evidence to support the verdict on liability.

GEOMC Co., Ltd. v. Calmare Therapeutics Inc., No. 17-3502-CV (2d Cir. 2018)

Obtaining a seldom-granted remedy, persuaded the Second Circuit to stay a $10.4 million final judgment pending appeal, which ultimately was successful.

Kaul v. Mentor Graphics Corp., 730 F. App'x 437 (9th Cir. 2018)

Persuaded the Ninth Circuit to affirm a judgment dismissing breach of fiduciary claims against a majority shareholder without leave to amend.

In re Jarod Johnson, 548 S.W.3d 95 (Tex. App.—Beaumont 2018, orig. proceeding)

Persuaded the Beaumont Court of Appeals to grant a petition for writ of mandamus and hold that the trial court abused its discretion by severing a wrongful death case into three separate actions and sending the severed causes to three different Texas counties.

ExxonMobil Corp. v. Starr Indem. & Liab. Ins. Co., 716 F. App'x 349 (5th Cir. 2018)

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Obtained dismissal of an appeal for want of jurisdiction after the defendant insurance carriers sought to appeal a remand of a suit in which ExxonMobil sought coverage arising from personal injury claims.

Ridgeway v. Nabors Completion & Prod. Services Co., 725 F. App'x 472 (9th Cir. 2018)

Persuaded the Ninth Circuit to reverse a district court's order denying a motion to compel arbitration. The Ninth Circuit held that the arbitration agreement was enforceable and that claims brought under the Private Attorneys General Act (PAGA") can be arbitrated.

ExxonMobil Pipeline Co. v. Coleman, 512 S.W.3d 895 (Tex. 2017)

Defended ExxonMobil Pipeline Company in defamation suit by former employee. After persuading the Texas Supreme Court that the Texas Citizens Participation Act (anti-SLAPP statute) applied to the case, obtained dismissal of all claims asserted on remand to the district court.

CBIF Ltd. P'ship v. TGI Friday's Inc., 2017 WL 1455407 (Tex. App.—Dallas Apr. 21, 2017, pet. denied)

Convinced a jury, after a six-week trial, to find in favor of dissolving a deadlocked partnership and to award TGI Friday's and its partners millions in damages and attorneys' fees. On appeal, successfully defended the judicial dissolution and damages awards as well as affirming the take-nothing judgment on the opposing parties' claims.

Van Der Linden v. Khan, 535 S.W.3d 179 (Tex. App.-Fort Worth 2017, pet. denied)

Obtained dismissal of tortious interference with business claims pursuant to the Texas Citizens Participation Act.

City of Bloomfield v. Felix, No. 17-60 (U.S. 2017)

Filed amicus brief advocating for free speech rights of private citizens on government property.

Roe v. Baylor Research Institute, Inc., No. DC-15-08178 (68th Dist. Ct., Dallas Cnty., Tex. 2017)

Obtained an order vacating the final judgment and setting aside unfavorable jury findings pursuant to a favorable postjudgment settlement.

Stouffer v. Union Pac. R.R. Co., 530 S.W.3d 782 (Tex. App.—Eastland 2017, pet. denied)

In a case arising from a railroad crossing accident involving a parade float, obtained affirmance of a summary judgment in favor of the railroad on multiple federal preemption grounds.

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Helix Energy Solutions Grp., Inc. v. Kelvin Gold, 522 S.W.3d 427 (Tex. 2017)

Persuaded the Texas Supreme Court to reverse the court of appeals' opinion, reinstate the trial court's summary judgment, and hold that a plaintiff could not recover for personal injuries under the Jones Act when his work was on a ship undergoing a major reconstruction.

View the oral argument.

Town of Dish v. Atmos Energy Corp., 519 S.W.3d 605 (Tex. 2017)

Obtained summary judgment on nuisance and trespass claims by nineteen plaintiffs against an energy company—seeking damages for diminution in property values and mental anguish based on alleged emissions from a compressor station—based on preemption and statute of limitations grounds. The Supreme Court of Texas affirmed the summary judgment based on the statute of limitations and reinstated the trial court's take-nothing judgment in favor of the energy company.

Abbott v. BP Expl. & Prod., Inc., 851 F.3d 384 (5th Cir. 2017)

Persuaded the Fifth Circuit to affirm a take-nothing summary judgment on plaintiffs' False Claims Act and Outer Continental Shelf Lands Act (OCSLA) claims, through which plaintiffs had sought a multi-billion dollar recovery and an injunction shutting down an offshore production facility.

View a copy of our appellee's brief in the case.

Board of Regents of the Univ. of Houston Sys. v. South Texas College of Law Houston, No. 4:16-CV-01839 (S.D. Tex. Mar. 15, 2017)

Defended South Texas College of Law Houston in trademark infringement, dilution, and unfair competition case brought by the University of Houston related to the law school's name change. The case settled on favorable terms.

Aruba Petroleum, Inc. v. Parr, 2017 WL 462340 (Tex. App.—Dallas Feb. 1, 2017, no pet.)

Persuaded the court of appeals to reverse a $2.9 million verdict and render of a take-nothing judgment in a nuisance case alleging that natural gas operations caused the plaintiffs personal injuries, mental anguish, and property damages.

Union Pac. R.R. Co. v. Nami, 498 S.W.3d 890 (Tex. 2016)

Persuaded the Texas Supreme Court to reverse a $752,000 judgment on a jury verdict and hold that under the doctrine of *ferae naturae*, a railroad had no duty to prevent its employee from contracting a mosquito-borne illness.

Tanguy v. West, 516 S.W.3d 13 (Tex. App.—Houston [1st Dist.] 2016, pet. denied)

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Retained after the court of appeals issued an opinion that reversed the trial court's orders appointing a receiver and limited the authority of receivers under the Texas turnover statute. Persuaded the court of appeals to grant a motion to dismiss, vacate its prior opinion, and affirm the trial court's appointment of the receiver.

Spirit Master Funding III, LLC v. El Chico Restaurants of America, Inc., No. 3:13-CV-04343 (N.D. Tex. Oct. 31, 2016)

Obtained denial of adverse summary judgment motion, leading to a favorable settlement of breach of lease claims.

Donnelly v. Southwestern Bell Telephone Co. d/b/a AT&T Texas, No. DC-14-01332 (101st Dist. Ct., Dallas Cnty., Tex. 2016)

Prepared a mandamus petition that led to a favorable settlement in a personal injury case.

State Fair of Texas v. Riggs & Ray, P.C., 2016 WL 4131824 (Tex. App.—Dallas Aug. 2, 2016, no pet.)

Obtained reversal of dismissal of a suit for declaratory judgment on behalf of the State Fair of Texas. The State Fair seeks a determination as to whether it is a “government body” subject to the Texas Public Information Act. The appellate court reversed on the basis that the Texas Anti-SLAPP statute did not apply to the lawsuit.

Entravision Commc'ns Corp. v. Salinas, 487 S.W.3d 276 (Tex. App.—Corpus Christi-Edinburg 2016, pet. denied)

Reversing the denial of dismissal by operation of law under the Texas Citizens Participation Act a defamation claim brought against Entravision for a Facebook post discussing rumors of a father’s detention at the border with a large sum of money. The son, a public official, sued, arguing the post defamed him by mentioning the familial relationship. The trial court failed to rule on the TCPA motion, resulting its dismissal by operation of law, and the 13th Court of Appeals reversed the denial finding the statements were not defamatory as to the son.

Medical Ctr. at Elizabeth Place, LLC v. Atrium Health Sys., 817 F.3d 934 (6th Cir. 2016)

Convinced the Sixth Circuit to reverse summary judgment and remand antitrust case based on a holding that evidence was sufficient to raise the possibility of concerted action by defendant hospitals.

Superior Energy Services, LLC v. Cabinda Gulf Oil Co. Ltd., 635 F. App'x 375 (9th Cir. 2016)

Persuaded the Ninth Circuit to unanimously reverse the district court's order denying our client's petition to compel arbitration. The case arose out of a dispute over unpaid invoices for subsea work that our client performed to assist with oil exploration off the Angolan coast. The Ninth Circuit

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concluded that our client was a third party beneficiary of the relevant contract and thus could invoke that contract's arbitration clause. View the oral argument.

Serafine v. Branaman, 810 F.3d 354 (5th Cir. 2016)

After being retained just weeks before oral argument, persuaded the Fifth Circuit to strike down two provisions of a Texas statute governing the licensing of psychologists as unconstitutional on First Amendment grounds.

Davis v. Union Pac. R.R. Co., 2015 WL 11070337 (S.D. Tex. Dec. 8, 2015) (Verdict, Agreement and Settlement)

Served as appellate counsel on a trial team that obtained a complete take-nothing verdict on plaintiffs' negligence claims involving a collision at a railroad crossing in which the plaintiffs alleged more than $1 million in property damages and lost profits. Obtained partial summary judgment based on federal preemption, successfully excluded key expert testimony, drafted the jury charge, and presented arguments at the pretrial conference and jury charge conference.

Meyer v. Engebretson, 2015 N.D. 242 (N.D. 2015)

Prevailed on summary judgment on title dispute over mineral interests in North Dakota. Won direct appeal to the North Dakota Supreme Court on oral argument. The North Dakota Supreme Court summarily affirmed the trial court's judgment in favor of our client, Hess, and other Defendants.

Watson v. City of Allen, No. 15-90068 (5th Cir. 2015)

Persuaded the Fifth Circuit to deny the plaintiff’s petition for permission to appeal a district court order that denied a motion to remand under the Class Action Fairness Act.

Davis v. Union Pac. R.R. Co., No. 2012-68500 (80th Dist. Ct., Harris Cnty., Tex. July 2015)

Served as appellate counsel on a trial team that achieved a complete take-nothing victory against a plaintiff who sought damages for alleged post traumatic stress disorder. Assisted with preservation of error and presented arguments concerning admissibility of evidence, the motion for directed verdict, and the jury charge.

Greater Houston Partnership v. Paxton, 468 S.W.3d 51 (Tex. 2015)

Won reversal and rendition for Houston's chamber of commerce in an appeal that set out the criteria to determine whether a business or other organization is subject to the disclosure requirements of the Texas Public Information Act (TPIA). The court determined that the Greater Houston Partnership was not a government entity and thus did not have to turn over its private records to a requestor.

RSUI Indem. Co. v. Lynd Co., 466 S.W.3d 113 (Tex. 2015)

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Won Texas Supreme Court ruling affirming a $7.5 million judgment for real estate client The Lynd Company against insurance carrier to cover property damage arising out of Hurricane Rita.

Woodfill v. Parker, No. 2014-44974 (152nd Dist. Ct., Harris Cnty., Tex. Apr. 17, 2015)

Provided procedural counsel as part of the trial team and served as lead counsel in all appellate proceedings in defense of Houston's Equal Rights Ordinance (HERO). Following a jury trial, the court found that opponents of the ordinance failed to gather the necessary number of valid signatures to force a repeal referendum.

In re Union Pac. R.R. Co., 459 S.W.3d 127 (Tex. App.—El Paso 2015, orig. proceeding)

Persuaded the court of appeals to grant mandamus relief and vacate an order requiring production of a railroad engineer's privileged medical records.

Stouffer v. Union Pac. R.R. Co., No. CV50285 (441st Dist. Ct., Midland Cnty., Tex. Feb. 10, 2015)

Successfully argued multiple summary judgment motions, resulting in a take-nothing judgment in favor of a railroad on all claims arising from a crossing accident involving a parade float.

BNSF Ry. Co. v. United States, 775 F.3d 743 (5th Cir. 2015)

Submitted amicus curiae brief in support of a petition for rehearing on behalf of the Cato Institute, three law professors, and a tax professional regarding the appropriate application of the *Chevron* doctrine governing deference to administrative agencies.

National Prop. Holdings, L.P. v. Westergren, 453 S.W.3d 419 (Tex. 2015)

Persuaded the Texas Supreme Court to unanimously reverse the court of appeals' judgment and reinstate a trial court's take-nothing judgment in favor of our client, notwithstanding the existence of a multi-million dollar jury verdict. The case arose from a real estate dispute involving the Port Crossing Commerce Center, a large logistics and industrial park that serves the Port of Houston. Our client, the developer of Port Crossing, faced claims of fraudulent inducement, breach of contract, and breach of partnership duties.

Structural Metals, Inc. v. S & C Elec. Co., 590 F. App'x 298 (5th Cir. 2014)

Successfully defended an award of damages and attorneys' fees in connection with claims for breach of express and implied warranties in the sale of industrial equipment that never performed properly.

Matador Prod. Co. v. Weatherford Artificial Lift Sys., Inc., 450 S.W.3d 580 (Tex. App.—Texarkana 2014, pet. denied)

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In this fracking dispute, the court of appeals reversed an adverse judgment and held internet disclaimers unenforceable.

ExxonMobil Corp. v. Drennen, 452 S.W.3d 319 (Tex. 2014)

Upheld a choice of law clause, permitting enforcement of forfeiture-for-competition clause in non-contributory profit sharing plan.

In re Fort Worth Star-Telegram, 441 S.W.3d 847 (Tex. App.—Fort Worth 2014, orig. proceeding)

Represented daily newspaper and three television stations in successful mandamus challenging juvenile court order excluding press and public from hearings in high-profile murder case. In case of first impression, the court of appeals held that Texas statute imposes a duty on juvenile court to open hearings to the public, in cases in which the accused juvenile is at least 14 years old, unless evidence in the record establishes good cause to close a proceeding. The court also held that the press and public have standing to challenge a closure order and that conclusion of the juvenile case in which the closed proceedings occurred did not render the media challenge moot.

Aguilar v. Heckmann Water Resources, No. 12-06-11697 (293rd Dist. Ct., Dimmit Cnty., Tex. Mar. 19, 2014)

Obtained a remittitur of $105 million and ultimately a full settlement after being hired post-verdict following the largest jury verdict in Texas in 2013. The underlying personal injury lawsuit arose from a vehicle and truck accident and lead to an initial $281 million jury verdict. The case involved intense negotiations with the carrier, a parallel declaratory judgment action, supersedeas bond disputes and post-trial discovery.

Heckmann Water Resources v. Aguilar, 2014 WL 3930198 (Tex. App.—San Antonio Aug. 13, 2014, no pet.)

Handled the post-trial and appellate matters arising from the largest verdict in Texas in 2013. Following intense post-trial proceedings and negotiations, the company fully settled all claims arising from this personal injury lawsuit relating to a vehicle and truck accident in the Eagle Ford Shale. The jury initially awarded $281 million in damages, which were later reduced as a result of post-trial motions, including a remittitur of $105 million.

Stouffer v. Union Pac. R.R. Co., 420 S.W.3d 233 (Tex. App.—Dallas 2014, pet. dism'd)

In an interlocutory appeal in a case involving an accident at a railroad crossing, won the reversal of the trial court“s order denying the defendants” motion to transfer venue and obtained the issuance of the appellate mandate before the venue issue was appealed to the Texas Supreme Court, resulting in the case being transferred to a proper venue.

Darby v. New York Times Co., No. 07-12-00193-CV, 2014 WL 818614 (Tex. App.—Amarillo 2014, pet. denied)

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Affirming the grant of summary judgment in favor of *The New York Times* and its reporter, James McKinley, in a defamation lawsuit brought by plaintiff, a former activist over an article mentioning his involvement as an FBI informant in a plot to firebomb police cars outside the 2008 Republican National Convention ("RNC").

FPL Energy, LLC v. TXU Portfolio Mgmt. Co., LP, 426 S.W.3d 59 (Tex. 2014)

Represented wind energy providers in contract dispute and convinced the Supreme Court of Texas to invalidate a contractual liquidated damages provision as an unenforceable penalty, resulting in reversal of claimed damages of approximately $29 million.

Slayden v. Union Pac. Corp., No. 4117-394 (394th Dist. Ct., Hudspeth Cnty., Tex. Nov. 2013)

In a personal injury case, served as appellate counsel on a trial team that obtained a complete take-nothing victory against plaintiffs who sought more than $3 million in damages. Drafted the jury charge, argued the charge conference and motion for directed verdict, and assisted with error preservation.

WIKA Instrument, LP v. Ashcroft, Inc., No. 1:13-CV-00043-CAP (N.D. Ga. Jan. 4, 2013)

After an intense two-week jury trial, obtained unanimous jury verdict on all claims asserted by WIKA Instruments against its competitor, Ashcroft, for violations of false advertising under the Lanham Act, the Georgia Uniform Deceptive Trade Practices Act, the Connecticut Unfair Trade Practices Act, and tortious interference under Georgia law.

Lone Star Transmission, LLC v. Wilks Ranch Texas, Ltd., Nos. CV1242567, CV1242568, CV1242569 (91st Dist. Ct., Eastland Cnty., Tex.)

Represented electricity transmission provider in proceedings in the trial court, mandamus and accelerated appellate proceedings in the Eastland and Austin Courts of Appeals, and mandamus proceedings at the Supreme Court of Texas, resulting in a favorable settlement that allowed the client to complete transmission lines stretching more than 300 miles as part of a larger, 2,300-mile transmission project throughout Texas.

In re Woodfill, 2014 WL 4088704 (Tex. App.—Houston [14th Dist.] Aug. 15, 2014, orig. proceeding)

Defeated a petition for writ of mandamus in the Houston court of appeals that sought to rescind the Houston Equal Rights Ordinance.

McBride v. Estis Well Service, LLC, 768 F.3d 382 (5th Cir. 2014)

Submitted amicus curiae briefs on behalf of the Offshore Marine Service Association, the International Association of Drilling Contractors and the American Waterways Operators in support of petition for rehearing en banc regarding availability of punitive damages for claims of

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unseaworthiness brought by Jones Act seamen and, upon the granting of the petition for rehearing en banc. Amicus brief at 2014 WL 2158714.

Halliburton Energy Services, Inc. v. Axis Technologies, LLC, 444 S.W.3d 251 (Tex. App.—Dallas 2014, no pet.)

After a two-week jury trial, secured a judgment awarding Halliburton all its requested damages for trade secret, contract, and fiduciary duty claims based on an employee's taking and misuse of confidential information. On appeal, strengthened the judgment by obtaining a permanent injunction protecting Halliburton's trade secrets.

Belehu v. Lawniczak, 437 S.W.3d 913 (Tex. App.—Houston [14th Dist.] 2014, pet. denied)

Obtained a permissive appeal from the trial court and court of appeals following a denial of a summary judgment concerning interpretation of liability under the Texas Tort Claims Act as applied to a driver for an independent contractor for a transit authority. The Supreme Court requested full briefs on the merits but ultimately denied the petition.

In re F.H.B., Nos. A205364279, A205364280, A205364281 (Immig. Ct. 2013)

Obtained withholding of removal by agreed decree in contested proceedings before the Immigration Court for a family of Ethiopian refugees seeking asylum from politically-motivated oppression.

Jesco Operating, L.P. v. Hess Corp., 402 S.W.3d 320 (Tex. App.—Houston [14th Dist.] 2013, no pet.)

Successfully defended a take-nothing judgment following a jury trial that defeated a multi-million dollar claim for breach of contract arising out of a pipeline construction dispute.

General Capital Group Beteiligungsberatung GmbH v. AT&T Inc., 407 S.W.3d 507 (Tex. App.—Dallas 2013, pet. denied)

Haynes Boone represented AT&T against claims of breach of contract, fraud and quantum meruit brought by a German investment bank (GCG). GCG alleged that AT&T orally promised to pay GCG a 2 percent success fee (approximately $780 million) if A&T successfully acquired T-Mobile. The trial court granted summary judgment for AT&T on the pleadings, dismissing all of GCG's claims. The Dallas Court of Appeals affirmed the take-nothing judgment in favor of AT&T.

Kimble v. Marvel Enterprises, Inc., 727 F.3d 856 (9th Cir. 2013)

In a case involving the right to produce a Spider-Man role play toy, obtained affirmance of a summary judgment holding that a royalty obligation under a hybrid agreement covering both patent and non-patent claims terminated upon the expiration of the patent.

KTRK Television, Inc. v. Robinson, 409 S.W.3d 682 (Tex. App.—Houston [1st Dist.] 2013, pet. denied)

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Reversing denial of a motion to dismiss under the Texas Citizens Participation Act in a lawsuit brought by plaintiff against local broadcaster, KTRK, for its investigative reporting on the closing of a local charter school due to lack of adequate funds and allegations of financial mismanagement and failure to properly account for state funds. On remand, the trial court awarded all attorney's fees incurred at the trial and appellate court level.

***Robinson v. Cason*, 2013 WL 3354651 (Tex. App.—Houston [1st Dist.] July 2, 2013, no pet.)**

Persuaded the court of appeals to affirm a summary judgment enforcing a favorable settlement agreement, which the opposing party had attempted to disavow.

***Moody Nat'l Buffalo Speedway MT, L.P. v. Sirius Solutions, LLLP*, 2013 WL 3155932 (Tex. App.—Houston [1st Dist.] June 29, 2013, no pet.)**

Successfully defended a judgment awarding damages and attorneys' fees to a commercial tenant whose landlord failed to restore its offices and refused to return its deposits following Hurricane Ike.

***Castillo v. Union Pac. R.R. Co.*, No. 2008-2084 (327th Dist. Ct., El Paso Cnty., Tex.)**

Served as appellate counsel on a trial team that achieved a complete take-nothing victory in a personal injury case brought by an independent contractor who alleged more than $3 million in damages. As appellate counsel, drafted the jury charge, argued the charge conference, assisted with error preservation throughout trial, and drafted the final judgment.

***Fazio v. Cypress-GR Houston I, LP*, 403 S.W.3d 390 (Tex. App.—Houston [1st Dist.] 2013, pet. denied) (en banc)**

Persuaded an en banc court to reverse a panel opinion and affirm a take-nothing judgment in favor of a defendant accused of fraudulently inducing the plaintiff to purchase commercial real estate by allegedly failing to disclose material facts regarding the economic condition of the property.

***Maersk Drilling USA, Inc. v. Transocean Offshore Deepwater Drilling, Inc.*, No. 13-43 (U.S. 2013)**

Submitted amicus curiae brief in U.S. Supreme Court on behalf of a leading offshore deepwater drilling company in support of petition for writ of certiorari regarding the scope of infringement liability under Section 271(a) of the Patent Act.

***Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.* (Fed. Cir. 2013)**

Submitted amicus curiae brief in Federal Circuit Court of Appeals on behalf of a leading offshore deepwater drilling company seeking clarification of the scope of infringement liability under Section 271(a) of the Patent Act.

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Anti-Lothian Bankruptcy Fraud Comm. v. Lothian Oil, Inc., 508 F. App'x 352 (5th Cir. 2013)

Represented a group of Chapter 11 debtors in a post-confirmation challenge to the debtors' plan of reorganization and a related claim for disgorgement of fees paid to the debtors' professionals. Successfully defended the plan and professional payments against claims of fraud and professional negligence and obtained complete appellate victories in the U.S. District Court for the Western District of Texas and U.S. Court of Appeals for the Fifth Circuit.

Houston Unlimited, Inc. Metal Processing v. Mel Acres Ranch, No. 13-0084 (Tex. 2013)

Submitted amicus curiae brief and presented oral argument on behalf of the Texas Oil & Gas Association in support of a petition for review dealing with the appropriate remedy for harm due to environmental contamination that is subsequently remediated to state agency standards.

Baisden v. I'm Ready Productions, Inc., 693 F.3d 491 (5th Cir. 2012), *cert. denied*, 568 U.S. 1229 (2013)

In a copyright infringement case, assisted with error preservation and legal briefing, and prepared and argued the jury charge, in a trial that resulted in a take-nothing verdict on all of a novelist's multi-million dollar claims against a group of stage play producers. Prepared briefing in response to appeal to the Fifth Circuit and obtained full affirmance of trial court's verdict. Prepared response to Petition for Writ of Certiorari to United States Supreme Court and obtained denial of Petition.

Raylon v. Complus Data Innovations Inc., 700 F.3d 1361 (Fed. Cir. 2012)

We represented Complus Data Innovations Inc. in this patent-infringement case filed in the Eastern District of Texas (Davis, C.J.). After winning summary judgment of noninfringement, we appealed the trial court's denial of Rule 11 and Section 285 sanctions to the Federal Circuit, which reversed and remanded to determine attorneys' fees under Rule 11 and to reconsider sanctions under Section 285.

ASARCO, L.L.C. v. Barclays Capital, Inc., 702 F.3d 250 (5th Cir. 2012)

Successfully represented an international copper mining company in Fifth Circuit appeal challenging multi-million bonus claim of debtor's financial advisor.

Apple, Inc. v. Motorola, Inc., No. 12-1548 (Fed. Cir. 2012)

Submitted amicus curiae brief on behalf of industry leaders in a broad cross-section of American industry urging the Federal Circuit to revisit the reasonable royalty measure of damages in patent infringement cases.

Argo Data Res. Corp. v. Shagrithaya, 380 S.W.3d 249 (Tex. App.—Dallas 2012, pet. denied)

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Obtained reversal and rendition of take-nothing judgment in favor of corporate client on appeal of alleged shareholder oppression claim in which trial court had ordered that corporation be caused to issue an $85 million dividend.

Securities & Exchange Comm'n v. Bartek, 484 F. App'x 949 (5th Cir. 2012)

Defended client Douglas Bartek, the former chairman and CEO of Microtune, Inc. in a stock options backdating case in Federal District Court and the Fifth Circuit Court of Appeals.

RT Jedburg v. American LaFrance LLC (D. Del. 2012)

On appeal to federal district court in Delaware, obtained ruling striking liquidated damages provision resulting in take-nothing judgment on $8 million post-confirmation bankruptcy claim related to lease dispute.

Freedom Communications, Inc. v. Coronado, 372 S.W.3d 621 (Tex. 2012)

Participated on team that, on appeal from the denial of a motion for summary judgment in a defamation case against a newspaper, persuaded the Texas Supreme Court to declare an adverse trial court order void and vacate a court of appeals judgment based on the trial judge's admitted acceptance of a bribe.

Poston v. Wachovia Mortgage Corp., 2012 WL 1606340 (Tex. App.—Houston [14th Dist.] May 8, 2012, pet. denied)

Successfully defended on appeal a summary judgment awarding more than $500,000 in damages for breach of a promissory note.

McCoy v. Adams, No. 048-252036-11 (48th Dist. Ct., Tarrant Cnty., Tex. Apr. 30, 2012)

Won summary judgment in favor individual defendants on ex-CEO's claims of breach of fiduciary duty, common law and statutory fraud, and negligent misrepresentation with multi-million-dollar damage allegations; the judgment was not appealed.

TimeGate Studios, Inc. v. SouthPeak Interactive, LLC, 860 F. Supp. 2d 350 (S.D. Tex. 2012)

Persuaded a federal district court to vacate a more than $9 million arbitration award entered against a video game developer under the Federal Arbitration Act because the award violated the essence of the publishing agreement that was the subject of the parties' dispute.

Lyondell Chemical Co. v. Albemarle Corp., 464 F. App'x 295 (5th Cir. 2012)

In a Fifth Circuit appeal that ended almost two decades of litigation, successfully defended a district court's allocation under CERCLA of millions of dollars in costs incurred to remediate the 'Turtle Bayou' Superfund site in Liberty County, Texas.

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Texas Rice Land Partners, Ltd. v. Denbury Green Pipeline-Texas, LLC, 363 S.W.3d 192 (Tex. 2012)

Represented carbon dioxide pipeline in the Texas Supreme Court in eminent domain case that drew state and national attention for its pronouncements on the requirements for a pipeline to become a common carrier.

ITL Int'l, Inc. v. Café Soluble, S.A., No. 11-60360 (5th Cir. 2012)

An American manufacturer sued an international firm client in district court in Mississippi, seeking a declaratory judgment that the parties' distribution agreement had terminated, and an anti-suit injunction to prevent our client from suing the manufacturer in Latin America. Persuaded the Fifth Circuit to affirm the dismissal of the case on jurisdictional grounds.

Davey v. First Command Financial Services, Inc., No. 3:11-cv-01510-G (N.D. Tex. 2012)

Persuaded federal district court to vacate all punitive damages awarded by an arbitration panel on the grounds that the arbitrators exceeded their powers.

Mars, Inc. v. Constenla, S.A., 669 F.3d 493 (5th Cir. 2012)

In a case involving jurisdictional issues as to whether an American manufacturer can sue a foreign distributor in a U.S. court, persuaded the Fifth Circuit to affirm the dismissal of a lawsuit against a Costa Rican distributor brought by Mars, Inc. seeking damages and a foreign anti-suit injunction.

Anland North, L.P., Anland North Commercial, L.P., Anland 10, L.P., and Anland South, L.P. v. Center Operating Co., 2012 WL 2045371 (Tex. App.—Dallas June 7, 2012, no pet.)

Opponent dismissed its lawsuit after we succeeded in reversing a temporary injunction on the grounds that agreements concerning parking lot rights were not enforceable as a matter of law.

i2 Technologies, Inc. v. Dillard's, 2011 WL 6250787 (Tex. App.—Dallas Dec. 14, 2011, no pet.)

After opening appellate briefs were filed, obtained a settlement of a commercial dispute in which the opposing party agreed to accept almost $200 million less than its judgment.

Lee v. Marvel Enterprises, Inc., 471 F. App'x 14 (2d Cir. 2012), *aff'g* 765 F. Supp. 2d 440 (S.D.N.Y. 2011)

Represented appellee Marvel Entertainment, LLC in successfully opposing appeal from denial of a non-party's motion to vacate judgment dismissing claims with prejudice, intervene as real party in interest and unseal certain documents.

SEC v. Microtune, 783 F. Supp. 2d 867 (N.D. Tex. 2011)

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In a stock option backdating case, won summary judgment and dismissal of all claims in action brought by the SEC against a former CEO.

Rouse v. Texas Capital Bank, N.A., 394 S.W.3d 1 (Tex. App.—Dallas 2011, no pet.)

Obtained $7 million summary judgment for client bank on guaranty claim.

Rockwall Commons Assocs., Ltd. v. MRC Mortgage Grantor Trust I, 331 S.W.3d 500 (Tex. App.—El Paso 2011, no pet.)

Persuaded the El Paso Court of Appeals to affirm a multi-million dollar judgment in a commercial dispute involving the refinance of a $22 million construction loan.

HMC Hotel Properties II, LP v. Keystone-Texas Prop. Holding Corp., 2011 WL 5869608 (Tex. App.—San Antonio Nov. 23, 2011, pet. denied)

In an appeal arising out of a commercial real estate dispute, persuaded the San Antonio Court of Appeals (1) to affirm an approximately $50 million judgment in favor of our client, and (2) in a cross-appeal, to reinstate the jury's $7.5 million punitive damages award that the trial court had declined to incorporate into the judgment. Also persuaded the Texas Supreme Court to deny HMC's petition for review.

LHC Nashua P'ship, Ltd. v. PDNED Sagamore Nashua, LLC, 659 F.3d 450 (5th Cir. 2011)

Won reversal of a $25.5 million jury award in which the Fifth Circuit vacated the damages for alleged lost profits arising out of a contract concerning the transfer of rights to purchase shopping mall property.

Lentz Engineering, L.C. v. Brown, 2011 WL 4449655 (Tex. App.—Houston [14th Dist.] Sept. 27, 2011, no pet.)

Successfully defended on appeal a judgment that a plaintiff take nothing from a real estate investor on plaintiff's breach of contract claim.

Southwestern Bell Telephone L.P. v. Edwards, 2011 WL 3672288 (Tex. App.—Dallas Aug. 23, 2011, no pet.)

Persuaded the Dallas Court of Appeals to (1) reverse a jury verdict on race discrimination claims and (2) on cross-appeal, affirm a judgment notwithstanding the verdict on retaliation and hostile work environment claims.

Grossman v. Lothian Oil Inc. (In re Lothian Oil, Inc.), 650 F.3d 539 (5th Cir. 2011)

In a case of first impression, persuaded the Fifth Circuit to reverse the district court's finding that a non-insider creditor's claims could not be recharacterized as equity, and instead affirm the

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bankruptcy court's recharacterization decision.

Main v. Royall, 348 S.W.3d 381 (Tex. App.—Dallas 2011, no pet.)

Represented amicus curiae in an interlocutory appeal obtaining reversal of the trial court's order denying summary judgment on defamation claims against two media defendants regarding the book, *Bulldozed: 'Kelo,' Eminent Domain and the American Lust for Land*.

Coble v. Texas, No. 10-1271 (U.S. 2011)

Submitted amicus curiae brief in U.S. Supreme Court on behalf of multiple non-profit advocacy associations interested in preserving the integrity of psychiatric testimony on future dangerousness in death penalty cases.

Chevron Phillips Chemical Co., LP v. Kingwood CrossRoads, LP, 346 S.W.3d 37 (Tex. App.—Houston [14th Dist.] 2011, pet. denied)

In a real estate appeal following a six-week jury trial, obtained reversal of a trial court judgment that had required client to convey a valuable tract of commercial real estate and to pay $2.9 million in fraud damages to a commercial real estate developer.

Jesco v. Hess, No. 2009-45089 (165th Dist. Ct., Harris Cnty., Tex. May 2011)

Assisted trial team in preparing and arguing a jury charge, directed verdict motion, and all post-verdict briefing in the trial of a pipeline construction dispute that resulted in a favorable defense verdict on all claims.

Minnis v. Citrin Holdings, No. 2006-78939 (133rd Dist. Ct., Harris Cnty., Tex.)

In a real estate partnership dispute, assisted plaintiff's trial counsel with post-trial briefing and formation of judgment issues in connection with the entry of $54.6 million judgment in favor of our client.

Midland Cent. Appraisal Dist. v. BP America Prod. Co., 282 S.W.3d 215 (Tex. App.—Eastland 2009, pet. denied), *cert. denied*, 563 U.S. 936 (2011)

In the leading case on taxability of crude oil, persuaded the court to construe the Commerce Clause of the U.S. Constitution to hold that oil moving through a tank farm remains in interstate commerce and therefore is not subject to ad valorem taxation. This appellate decision controls the outcome in numerous pending cases in which an appraisal district seeks to tax oil in transit through a pipeline system.

Heritage Gulf Coast Properties, Ltd. v. Sandalwood Apartments, Inc., No. 2008-64342 (11th Dist. Ct., Harris Cnty., Tex.)

In a lawsuit alleging multi-million dollar claims arising from commercial real estate disputes, assisted trial team with strategy, prepared and argued successful motions for directed verdict, and

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prepared and argued the jury charge. The trial resulted in a favorable defense verdict that rejected the opponents' claims for breach of fiduciary duties and fraud by non-disclosure.

Torster v. Panda Energy Mgmt., 2011 WL 780522 (Tex. App.—Amarillo Mar. 7, 2011, pet. denied)

Persuaded the court of appeals to affirm the trial court's refusal to compel arbitration where none of the litigants were signatories to the contract containing the arbitration provision and plaintiffs' tort claims arose from conduct that occurred prior to the execution of the contract. Convinced the Texas Supreme Court to deny review after full briefing.

Homolka v. Clark, 416 F. App'x 408 (5th Cir. 2011)

Persuaded the Fifth Circuit to affirm a take-nothing summary judgment that defeated multi-million dollar claims for breach of fiduciary duty and breach of contract based on allegations of a joint venture between the parties.

Barnes v. Stone Way Ltd. P'ship, 330 S.W.3d 925 (Tex. App.—Beaumont 2011, no pet.)

In a *pro bono* representation, obtained reversal of a default judgment evicting a low-income tenant from her apartment by persuading the court of appeals that the trial court abused its discretion in denying the tenant's motion for a new trial.

Westergren v. National Prop. Holdings, L.P., No. 2008-36847 (269th Dist. Ct., Harris Cnty., Tex.)

Argued jury charge and persuaded the trial court, through a motion for judgment notwithstanding the verdict (JNOV), to set aside the jury's multi-million dollar verdict and enter a take nothing judgment in a real estate dispute involving claims for breach of contract, fraud and breach of partnership duties.

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