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Summation of Litigation

Representative Sample of Trial, Appellate, & Administrative Experience

ELECTIONS

***Selma, City of** 2000 U. S. Dist. Ct. (W. Dist. TX)
Handled pleadings, discovery, and shared argument in voting rights case.

Judgment for City

Dr. Robert Fitzgerald, MD 2004 Supreme Court of Texas
Emergency Petition for Writ of Mandamus compelling County Judge to order election for
incorporation of the community of Quihi, in Medina County.

Relief granted, Mandamus issued, Election ordered

West Lake Hills, City of 2007 Travis Co. District Court
Election Contest brought by losing city council candidate.

Election results upheld

OPEN RECORDS

Georgetown, City of 2001 Supreme Court of Texas
Appeal of Open Records Decision favorable to Austin American-Statesman involving engineer's
report that was privileged and confidential.

A.G. & Trial Court overturned / Records deemed confidential

***Bastrop, City of** 2007 Travis County District Court
Obtained summary judgment against Attorney General on appeal of open records decision on
attorney client privilege.

Summary judgment for City

CONTRACTS

Brady, City of 2006 McCulloch County District Court
Represented City of Brady in action against Johnson Controls related to utilities upgrade.

Pending

Bartlett, City of 2007 Williamson County District Court
Represented City of Bartlett in action seeking to overturn payments made to contractor for road
repair work.

Obtained dismissal

**Indicates work that was performed by staff attorneys for other law firms/government agencies
prior to joining the firm.*

Brenham, City of 2007 Washington County District Court
Filed suit on behalf of Brenham Community Development Corporation seeking to exercise right of repurchase.

Settled

San Saba, City of 2007 San Saba County District Court
Filed suit on behalf of City against company over purchase of water-park equipment.

Pending

Georgetown, City of 2007 Williamson County District Court
Handled initial pleadings, discovery and negotiations for special counsel in suit by drilling contractor against City of Georgetown for payment on additional work due to allegedly unusual subsurface conditions.

Case settled

Client Name Withheld 2008 Bell County District Court
Obtained settlement for corporate living centers client sued by contractor for payment on cancelled contract.

Case settled

Georgetown, City of 2008 Travis County District Court
Handled initial pleadings, discovery, negotiations for City of Georgetown in bank's suit to recover funds allegedly paid to contractor after assignment to bank.

Remained with previous firm

EMPLOYMENT

San Antonio, City of 1995 Texas Equal Opportunity Commission
Represented City of San Antonio in Civil Service proceedings and EEOC matters.

Client Name Withheld 1998 Fourth Court of Appeals of Texas
Assisted lead counsel with briefing and responses for university client sued by student; won appeal.

Decision for client

San Antonio, City of 2000 U. S. Dist. Ct. (W. Dist. TX)
Obtained dismissal by plaintiff parks employee with Lupus in ADA suit.

Suit dismissed by Plaintiff

San Antonio, City of 2001 U. S. Dist. Ct. (W. Dist. TX)
Following unsuccessful motion by previous counsel, argued and obtained partial summary judgment on Title VII and other claims; shared jury argument on remaining sexual harassment claim; verdict and judgment of no liability w/fees.

Judgment for City

Client Name Withheld 2006 EEOC Matter

Obtained EEOC decision in favor of County client on retaliation claim filed by employee.
Decision for client

Client Name Withheld 2006 Appeal Tribunal, TWC
Obtained decision in favor of client where employee claimed terminated for improper reasons.
Decision for client

Glenn Heights, City of 2006 State Office of Administrative Hearings
Defended City of Glenn Heights in action brought by former police chief challenging
termination.
Settled

Client Name Withheld 2007 EEOC Matter
Obtained settlement of claim by former employee of health center claiming wrongful
termination.
Case settled

Teague, City of 2007 State Office of Administrative Hearings
Defended City of Teague in action brought by former officer challenging F-5 designation.
Successfully defended F-5

Troy, City of 2007 State Office of Administrative Hearings
Represented City in challenge to F-5 designation by former police officer (*successfully defended
F-5*); also represented City in action before Texas Workforce commission brought by same
employee.
City not required to pay unemployment benefits

Client Name Withheld 2008 EEOC Matter
Negotiated quick settlement for City in sex discrimination claim of terminated employee.
Case settled, EEOC approval pending

Client Name Withheld 2008 Housing Authority Employment Matter
Obtained settlement of claim by former employee claiming wrongful termination.
Case settled

Client Name Withheld 2008 State Licensing Board
Obtained dismissal of charges against therapist client.
Decision for client

Client Name Withheld 2008 State Licensing Board
Client therapist accused of improper diagnosis; argued before committee's on both boards.
Favorable outcome for client

Travis County 2008 Travis County District Court

Served as lead defense counsel for County in alleged whistleblower's suit for being fired by Sheriff he reported.

Case settled

Client Name Withheld 2009 McLennan County District Court
Obtained abatement of suit for client Retirement Center sued by employee who fell.

Case pending

Client Name Withheld 2009 EEOC Matter
County client; whistleblower claim relating to former law enforcement employee.

Case pending

ENVIRONMENT / UTILITIES

Grandview, City of 2006 Texas Railroad Commission
Represented City of Grandview in action before Texas Railroad Commission related to application for deep-water injection permit.

Settled

TCEQ 2008 State Office of Administrative Hearings
Monarch Utilities I-LP rate appeal against TCEQ. Second chair attorney for the Executive Director of the TCEQ.

Resulted in a mediated rate settlement

Client Name Withheld 2008 Williamson County District Court
Handled initial pleadings and discovery in water well lease dispute.

Remained with previous firm

Client Name Withheld 2008 Travis County District Court
Handled initial pleadings and discovery for dry-cleaning client sued for chemical seepage.

Case remained with previous firm

TCEQ 2009 State Office of Administrative Hearings
TCEQ enforcement against TYNAN Water Supply Corporation; Lead attorney for the Executive Director; Summary Disposition granted at SOAH under TWC 13.004 converting a non-profit to be treated as an investor owned utility.

Summary disposition granted

INTERGOVERNMENTAL RELATIONS

Llano, City of 2006 Llano County District Court
Brought suit on behalf of City in action involving location and funding of Llano County Memorial Hospital System.

Settled

LAND USE PLANNING

Schulenburg, City of 2003 Fayette County District Court
Handled pleadings, discovery, motions in challenge against City of Schulenburg by developer.
Case settled

San Antonio, City of 2004 Fourth Court of Appeals of Texas
Briefed for City appellee, obtaining affirmation of summary judgment in City's favor in appeal by landowners and neighborhood association on claim that City should have followed neighborhood plan.
Decision in favor of City

Eules, City of 2004 U. S. Dist. Ct. (N. Dist. TX)
Drafted pleadings and discovery in suit filed by church claiming right to expand under RLUIPA; settled; church moved to another location.
Case settled

Eules, City of 2005 U. S. Dist. Ct. (N. Dist. TX)
Filed pleadings and motions, conducted discovery, shared argument of motion to court obtaining partial summary judgment dismissing Section 1983 claims against City which terminated non-conforming apartment use; case remained with firm when moved in September 2005.
Partial summary judgment for City

Eules, City of 2005 Tarrant County District Court
Handled pleadings and discovery; shared argument in trial; obtained judgment for City which had terminated non-conforming use and ordered demolition of apartment complex office.
Judgment for City

San Antonio, City of 2005 U. S. Dist. Ct. (W. Dist. TX)
Handled issues on remand from the Fifth Circuit following previous decision; prepared briefing to the Court for the City relating to the City's ordinance regulating stores selling sexually oriented videos for off-site viewing.
Case settled

San Antonio, City of 2005 U. S. Dist. Ct. (W. Dist. TX)
Handled pleadings and discovery; shared argument in hearings; obtained partial summary judgment for City in suit by sexually oriented business alleging violation of rights relating to ticketing of business for operating in violation of City Code.
Partial summary judgment for City; settled remainder

San Antonio, City of 2005 U. S. Dist. Ct. (W. Dist. TX)
Handled pleadings and discovery; shared participation in negotiations and hearings; Plaintiffs and intervenors, owners of nude and semi-nude dance clubs alleged City's ordinance regulating and licensing clubs had chilling effect on free speech; case settled favorably for City.
Case settled

San Marcos, City of 2005 U. S. Dist. Ct. (W. Dist. TX)
Handled motions, discovery and argued motion obtaining dismissal of takings claim in suit by landowner denied permits for multi-family use; summary judgment for City on remaining constitutional claims; related State cases below.

Summary judgment for City

San Marcos, City of 2005 County Courts of Hays County
Shared argument of two cases to court related to the City's efforts to enforce its ordinances for the property in question.

Two cases, judgment for City in one case

Salado, Village of 2007 Third Court of Appeals of Texas
Defended Village of Salado in action challenging voluntary annexation; represented Village in appeal before Third Court of Appeals.

Successfully overturned District Court's Summary Judgment

West Lake Hills, City of 2007
Represented City of West Lake Hills in action related to employee's resignation/termination by former police officer.

Settled

Woodcreek, City of 2007 Hays County District Court
Filed suit on behalf of City against water provider for attempted sale of property covered by right of first refusal.

Obtained injunctive relief; settled with one Defendant, pending

Brady, City of 2008
Defended City of Brady in action brought by property owner seeking to overturn demolition order.

Successfully excluded 8 of 10 witnesses at T.I. hearing; successfully obtained Plea to Jurisdiction

Eminent Domain

Canton, City of 2008
Filed suit on behalf of City of Canton seeking to exercise eminent domain authority related to street widening project.

Settled

Lometa, City of 2008
Defended City of Lometa in breach of contract action.

Successful Plea to the Jurisdiction, obtained dismissal; plaintiff's appeal pending

Mart, City of 2008

Represented City of Mart in action brought by multiple Plaintiffs seeking to prevent sale of City-owned land.

Defeated injunction attempt; settled

Dripping Springs, City of 2008 State Office of Administrative Hearings
Represented City of Dripping Springs in action before Texas Commission on Environmental
Quality related to wastewater discharge permit.

Settled

Llano, City of 2008
Defended City of Llano in action brought by landowners challenging building permit given by
City.

Defeated injunction attempt, awarded attorney fees; settled

Navasota, City of 2008
Defendant City of Navasota in action brought by mortgage company seeking to overturn
demolition order.

Plaintiff non-suited when Defendant's SJ motion pending; obtained \$10k+ settlement

Salado, Village of 2008
Represented Village of Salado in action before Texas Public Utilities Commission related to
placement of high-capacity power lines.

Obtained Order requiring use of low-impact poles within village limits and ETJ boundaries

Webberville, Village of 2008
Defended Village of Webberville in action brought by sand & gravel company seeking to begin
mining operations within Village limits.

Pending

West Lake Hills, City of 2008
Represented City of WLH in suit by neighboring resident over drainage concerns associated with
City's granting of abatement.

Pending

West Lake Hills, City of 2008
Represented City as Plaintiff in action related to tree removal in violation of City Ordinances.
Obtained injunction, settlement discussions proceeding

Woodcreek, City of 2008
Represented City of Woodcreek in action brought by developer challenging City's water quality
and site development ordinances.

Pending

Woodcreek, City of 2008
Represented City of Woodcreek in action brought by developer seeking mandamus related to site
development application.

Pending

Seguin, City of

2009

Represented City of Seguin in dispute with contractor and surety over performance on lead-abatement/rehabilitation project.

Pending

GENERAL CIVIL LITIGATION MATTERS FOR CITIES AND COUNTIES

San Antonio, City of

1994

Bexar County District Court

Pursued various civil cases and appeals as lead counsel against code violators (served as Code Prosecutor for 2 years).

Castroville, City of

2002

County Court of Medina County

Judgment for City against non-paying airport tenant upheld in County appeal by default judgment with attorney's fees.

Judgment for City

Castroville, City of

2002

Medina County District Court

Convinced plaintiff's attorney to dismiss suit for injunction against animal control for seizing animals.

Plaintiff dismissed suit

Schertz, City of

2003

Fourth Court of Appeals of Texas

Filed appellate brief for City which held that immunity applied; summary judgment should have been granted.

Decision for City

Laredo, City of

2004

Fourth Court of Appeals of Texas

Briefing attorney for City; assisted lead attorney in negotiations with appellant to obtain dismissal.

Dismissed by appellant

Fredericksburg, City of

2004

Fourth Court of Appeals of Texas

Briefing attorney for City in sign case appeal.

Decision for Appellee

Georgetown, City of

2007

U. S. Dist. Ct. (W. Dist. TX)

Obtained dismissal on motions as lead counsel for City of Georgetown in civil rights suit by criminal defendant.

Case dismissed

Georgetown, City of

2007

Georgetown Municipal Court

Drafted and argued motions protecting city from discovery relating to challenge to sign ordinance.

OTHER LITIGATION MATTERS

Client Name Withheld 1999 Bexar County District Court
Obtained settlement for apartment complex client in premises liability case by sexually assaulted teen.

Case settled

Client Name Withheld 1999 Bexar County District Court
Engineer client non-suited in drainage case involving municipal drainage project.

Client non-suited

Client Name Withheld 1999 Bexar County District Court
Food products client non-suited in case involving personal injury and contract issues.

Client non-suited

Client Name Withheld 1999 Nueces County District Court
Obtained settlement for insurance defense client in case involving back injury when luggage fell out of airplane overhead compartment.

Case settled

Client Name Withheld 1999 Bexar County District Court
Obtained settlement for insurance defense client where individual tripped in municipal airport.

Case settled

Client Name Withheld 2000 Bexar and Travis County Courts
Handled pleadings, discovery and trial in first or second chair capacity in several cases for insurance company clients in car accident, fire and bad faith cases.

Defense counsel

Client Name Withheld 2001 Bexar County District Court
Lead defense counsel in Car accident case, reported in Texas Reporter.

Jury trial, defense verdict, no negligence

Client Name Withheld 2001 Bexar County District Court
Car accident case; stipulated to liability; verdict amount below settlement offer.

Jury trial, favorable outcome

Client Name Withheld 2006 Bexar County District Court
Obtained settlement in suit against corporate relocation client sued by home purchaser for non-disclosure.

Case settled

Client Name Withheld 2007 County Court of Dallas County

Handled pleadings and motions for special counsel in fraud suit against corporate relocation client by bank.

Summary judgment, dismissed from suit

Client Name Withheld

2007

Harris County District Court

Handled pleadings and discovery for special counsel in real estate suit against corporate relocation client.

Remained with prior firm

Client Name Withheld

2008

Bexar County District Court

Obtained settlement for corporate relocation client sued by homeowner who lost home to foreclosure.

Case settled