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**PRACTICE AREAS**

- Commercial Litigation
- Construction
- Intellectual Property
- Pharmaceuticals and Medical Devices

**BAR AND COURT ADMISSIONS**

- State Court: Texas, Washington State
- U.S. Court of Appeals: Fifth Circuit, Federal Circuit
- U.S. District Court: Northern, Southern, Eastern and Western Districts of Texas

**EDUCATION**

- University of Texas School of Law, J.D., with honors, 2001; Notes Editor, The Review of Litigation
- University of Texas at Dallas, B.A., Government & Politics, magna cum laude, 1998

Jimmy represents insurers, corporate clients, and executive-level employees in a broad range of complex litigation matters. He has experience in all aspects of litigation including pre-suit investigation, liability evaluation, mediation, pre-trial hearings, and trial.

**REPRESENTATIVE MATTERS****Insurance Coverage Disputes**

Jimmy routinely represents liability and commercial property insurers in coverage disputes and “bad faith” litigation. His representative experience in the insurance arena includes:

- Defending commercial property insurers and claims adjusters in several multi-million dollar coverage and “bad faith” lawsuits arising out of Hurricanes Katrina and Ike;
- Obtaining take-nothing judgment on insured’s breach of contract and extra-contractual claims against insurance carrier; and
- Successfully prosecuting claim for breach insurance contract on behalf of insurance carrier, securing judgment in full amount of client’s claim.

**Pharmaceuticals and Medical Devices**

Jimmy also represents pharmaceutical companies and medical device manufacturers in a wide variety of products liability, commercial litigation, and intellectual property disputes. Among other representative matters, Jimmy has:

- Represented pharmaceutical manufacturers in products liability lawsuits involving alleged injuries from prescription drugs;
- Served as monitoring counsel in medical malpractice suits stemming from physician’s allegedly improper prescription of thrombolytic medicines;
- Successfully defended medical device manufacturer against claims of patent infringement, theft of trade secrets, and tortious interference; defeated application for injunctive relief and obtained dismissal of lawsuits in exchange for nothing from client;
- Defended pharmaceutical company against claims for breach of licensing

agreement involving exclusive right to manufacture, sell, and distribute over-the-counter drug; and

- Defeated multi-million dollar business tort claims against international biopharmaceutical company; obtained summary dismissal of claims ninety (90) days after lawsuit was served.

### **Industrial Catastrophes**

In addition, Jimmy represents plaintiffs and defendants in products liability and tort cases stemming from industrial catastrophes, including the following representative matters:

- Represented steel foundry in suit to recover more than \$6 million in damage sustained in propane tank BLEVE;
- Represented major petrochemical company in suit to recover more than \$40 million in damages resulting from compressor failure and fire;
- Successfully defended manufacturer of prefabricated fireplace systems against multi-million dollar products liability claim, obtaining non-suit from plaintiff in exchange for nothing from client; and
- Assisted foreign automobile manufacturer in successful defense against multi-million dollar products liability claim, securing favorable settlement for client in advance of trial.

### **Intellectual Property**

Jimmy also represents corporate clients and management-level employees in matters involving the protection of trade secrets and other intellectual property. Among other representative experience, Jimmy has:

- Assisted automotive products manufacturer in successful prosecution of misappropriation of trade secret and Computer Fraud and Abuse Act claims;
- Assisted financial services provider (and related entities) in successful prosecution of several theft of trade secret claims against departing employees; obtained a judicial decrees and/or preliminary injunctions enforcing terms of non-competition and non-disclosure agreements;
- Represented auto parts retailers in declaratory judgment actions concerning

clients' alleged misuse of protected marks; obtained favorable settlements for clients in advance of trial;

- Successfully assisted Fortune 1000 company in combating misuse of trademark and disclosure of trade secrets in publicly-available Internet fora; offending parties agreed to remove offending statements and materials without necessity of suit; and
- Successfully enforced trademark rights of marketing consulting firm; offending party agreed to remove offending statements and materials from Internet website without necessity of suit.

### **Commercial Litigation**

Jimmy also has significant experience in complex commercial disputes involving breach of contract, business torts, professional negligence, and deceptive trade practices. His representative experience in the commercial litigation arena includes:

- Successfully defending home healthcare organization against breach of contract and conversion claims, obtaining non-suit from plaintiff at no out-of-pocket expense to client;
- Securing summary judgment on claims for breach of contract arising out of real estate transaction (including award of all attorney's fees and costs);
- Assisting Fortune 100 company in successful defense of multi-million dollar breach of contract and business tort suit, obtaining summary judgment in favor of client and protecting judgment on appeal;
- Representing petrochemical company in arbitration of dispute regarding limitation of damages provision in long-term supply contract; and
- Representing franchisee in appeal of \$454 million jury verdict on franchisee's breach of contract and business tort claims.

### **ARTICLES & PRESENTATIONS**

"A Reprieve from the Deluge of Hail Litigation in Texas," *Texas Law360*, February 21, 2017, co-author

"Weather Damage Claims – What the Hail™ is the Fuss All About," "Myths

and Realities of Bad Faith Claims in the United States," and "Ethical Considerations When Adjusting and Handling Weather Damage Claims," Texas Association of Mutual Insurance Companies (TAMIC) Annual Convention, Round Rock, TX, October 24-25, 2016, co-presenter

"*Graber v. State Farm* is a Texas Prompt Payment Outlier," *Texas Law360*, August 10, 2015, co-author

"LLCs Not Subject To Texas Attorney Fee Statute ... For Now," *Texas Law360*, May 15, 2015, author

"Fracking Bans Don't Trigger Civil Authority Coverage," *Texas Law360*, January 7, 2015, co-author

"2014 Hail-Related Insurance Litigation Year In Review," *Insurance Law360*, December 23, 2014, author

"*AMJ Investments* May Not Alter Texas Claims Landscape," *Texas Law360*, September 24, 2014, author

"Texas' Atty Fee Statute — Elevating Form Over Substance?," *Texas Law360*, April 23, 2014, author

#### **PROFESSIONAL AFFILIATIONS**

State Bar of Texas; Litigation Section, Insurance Section

Dallas Bar Association; Publications Committee, Minority Participation Committee

Dallas Association of Young Lawyers

American Bar Association; American Bar Association INS Detention Standards Project

Dallas Volunteer Attorney Program

Tacoma-Pierce County Bar Association

**COMMUNITY SERVICE**

Board of Trustees, Westwood Beach Property Owners Association

Member, The Children's Trust – Children's Medical Center

**PAST PROFESSIONAL EXPERIENCE**

Hughes & Luce, L.L.P., Associate, Complex Commercial Litigation, 2001-2006