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**PRACTICE AREAS**

- General Liability
- Professional Liability
- Property Insurance

**BAR AND COURT ADMISSIONS**

- State Court: Texas
- Supreme Court Texas, 2004
- United States District Court  
Northern, Southern,  
Western and Eastern  
Districts of Texas
- United States District Court  
Western District of  
Oklahoma
- United States Court of  
Appeals Fifth Circuit

**EDUCATION**

- The University of Texas  
School of Law
- Texas A&M University

Eric is a coverage litigator who has spent his career defending insurers and pursuing their subrogation interests. His experience spans a broad range of risks, including commercial property insurance, commercial general and auto liability, homeowners, claims-made, builder's risk, professional liability (E&O), employer's liability, and excess and umbrella liability. Eric achieves favorable results by leveraging factual and legal defenses early in the case, while developing the right relationships with clients, experts, opposing counsel, judges and mediators. Strategy, planning and execution are the mainstays of Eric's practice.

Subrogation and loss recovery are one of Eric's favorite pursuits as a lawyer. A chemistry major in college, Eric is adept at probing the technical nuances of a property loss with opposing experts and working with his own experts to develop the case. He has multiple seven-figure recoveries for his insurance carrier clients and their insureds, and he has won subrogation cases at all stages: summary judgment, jury trial verdict, and on appeal. His loss recovery experience includes an oil well blowout in the Texas panhandle, a structural collapse in Eastern Europe, and prolonged damage to a luxury residential structure built on a central Texas cliff.

Eric is also experienced at navigating the complexities of trans-border disputes, including currency exchange issues, evidentiary competence, language complications, and cultural awareness. He speaks and writes Spanish fluently and has represented one of the largest companies in Latin America.

**REPRESENTATIVE MATTERS****Insurance Coverage – First Party**

Won bench trial defense judgment on Houston residential policyholder's breach of contract and extra-contractual claims based on insurer's refusal to pay insurance appraisal award. Key issues were mistake in the appraisal award and causation for the damages encompassed by the award. The court found evidence to support mistake in the award, and that the insured plaintiff did not satisfy her burden of proving that Hurricane Harvey winds caused her claimed damage.

Aggressively defended homeowners insurers and commercial property insurers in hundreds of cases alleging hail, wind and water damage.

Negotiated favorable settlement for Builder's Risk insurer on claim by fracking sand manufacturer for property damage, delay and business interruption damages arising out of industrial equipment damaged while in route from Canada.

Won full summary judgment in Utah federal court for commercial property insurer on claims for alleged hail damage to condominium complex.

Defended commercial property insurer against improper payment claim by mortgagee arising out of initial emergency payment for Galveston apartment complex damaged by Hurricane Ike.

### **Subrogation**

Represented a world-leading concrete producer and its property insurer in a subrogation action against a structural engineering firm arising out of structural collapse in Latvia.

Secured U.S. Fifth Circuit affirmation of money judgment in subrogation action against CGL carrier involving underlying settlement allocation and the applicability of defendant carrier's continuous-and-progressive-damage exclusion and subsidence exclusion.

Won full summary judgment for drilling contractor and its liability insurers in subrogation action against oil-and-gas well operator for contractual indemnity.

Won jury verdict and money judgment for CGL carrier in subrogation action against subsequent insurer of mutual insured to recover settlement payment and defense costs arising out of underlying construction-defect lawsuit.

### **Insurance Coverage - Liability**

Won full summary judgment for CGL carrier seeking contribution from co-insurer for defense costs paid on behalf of mutual insured.

Served as coverage counsel to commercial liability insurers in multiple cases

involving construction defect and oil well blowouts, including the *Deepwater Horizon*.

#### PUBLISHED CASES

*Maryland Cas. Co. v. Acceptance Indem. Ins. Co.*, 639 F.3d 701 (5th Cir. 2011)

*DeGrate v. Executive Imprints, Inc.*, 261 S.W.3d 402 (Tex. App. – Tyler 2008, no pet.)

#### ARTICLES & PRESENTATIONS

"DRI Insurance Coverage and Claims Institute," Chicago, IL, April 3-5, 2019, Program Chair

"Weather Damage Claims - What the HAIL is all the Fuss About?" Dallas CPCU Society Chapter's All Industry Day, Dallas, TX, August 28, 2018, co-presenter

"Property Claims, Fraud & Litigation," IASA Texas Chapter Summer Conference, San Antonio, TX, July 26-27, 2018, presenter

"Foiling the Expert Battle in First-Party Property Cases," *Texas Law360*, May 11, 2018, co-author

"Sword and Shield: The Use of Expert Witnesses," DRI Insurance Coverage and Claims Institute, Chicago, IL, March 21-23, 2018, co-presenter

"Texas Property Claims Update: New Rules for Nature-Related Claims and Further Clarification on the Effect of Appraisal Payments," *DRI Covered Events*, November 2017, author

"Professional Liability Risks and Coverage Issues in the Construction Industry," Thompson Coe's 14th Annual Texas Insurance Law Update, Dallas, October 16, 2015

"Contractor Settlements and The Voluntary Payments Condition," *DRI Covered Events*, December 2014, author

"A Survey of Professional Liability Risks and Coverage Issues in the

Construction Industry," DRI Insurance Coverage and Claims Institute, Chicago, March 27, 2015

"Texas Liability Insurance Law Overview" In-house client seminar and webinar, New York, January 10, 2013

**PROFESSIONAL AFFILIATIONS**

Defense Research Institute (DRI) Insurance Law Committee - Membership Chair (2016-2017); Steering Committee (2014-2019); Chair, Construction Law Group (2014-2016)

Dallas Bar Association Tort & Insurance Practice Section - Chair (2016); Director (2009-2017)

**NOTEWORTHY**

Eric was named a Super Lawyer - Rising Star by *Law & Politics* published in *Texas Monthly* magazine every year from 2012-2016.