



## Gino J. Rossini

Partner, Appellate Vice Chair

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Gino's practice is devoted primarily to handling post-trial and appellate matters in state and federal courts, as well as providing related support at all stages of litigation including default judgments, dispositive motions, jury charges, and judgment formation.

Gino is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization and has been named the the "Super Lawyer" list, a Thompson Reuters company, in the area of appellate law.

### Representative Experience

- Drafted and argued Defendant's proposed jury charge and drafted objections to the Plaintiff's and Court's jury charges in an insurance coverage dispute concerning handling of a homeowner's claim of hail damage to a metal roof; defense verdict and take-nothing judgment. *Dragoo v. Allstate Vehicle & Prop. Ins. Co.*, Case No. 4:16-CV-984-O, U.S. District Court, N.D. Texas, Sept. 18, 2018.
- Drafted and argued Defendant/Garnishee's successful Motion to Set Aside Default Judgment and for New Trial following entry of large-dollar pre-answer default judgment. *The Sparkman Living Trust v. Scottrade, Inc.*, Cause No. 2017DCV-5409-E, In the District Court of Nueces County, Texas, 148th Judicial District, June 5, 2018.
- Successfully represented Defendant/Appellee in a commercial dispute concerning alleged misrepresentations about construction materials; appeal dismissed post-briefing. *Pelletier v. Weyerhaeuser Co.*, Case No. 18-40397, 2018 WL 5291939 (5th Cir. Oct. 1, 2018).
- Represented Defendant after an adverse jury verdict and judgment, drafted Motion for New Trial and successfully negotiated settlement. *Harmon v. Tull*, Cause No. C2016197, In the District Court of Hood County, Texas, 355th Judicial District, November 2018.
- Lead appellate counsel through briefing and oral argument, representing Defendant/Appellee restaurant on successful appeal of a take-nothing

### Services & Industries

- Appellate
- Insurance Litigation
- Weather-Related  
Catastrophe Litigation
- Insurance Coverage

summary judgment on Plaintiff's Dram Shop Act claim; judgment in favor of Defendant/Appellee affirmed. *Faircloth v. Borderlands*, Case No. 11-14-00239-CV, 2017 WL 3923669 (Tex. App.—Eastland Aug. 31, 2017, pet. denied).

- Lead appellate counsel representing Defendant product manufacturer on seven related appeals of orders denying motions to compel arbitration, practicing before Texas' First, Second, Fifth, Seventh, and Ninth Courts of Appeals and including three Petitions for Review pending before the Texas Supreme Court. See, e.g., *Watts Regulator Co. v. Texas Farmers Ins. Co. a/s/o David Martinez*, No. 02-16-00025-CV, 2016 WL 3569423 (Tex. App.—Fort Worth June 30, 2016, pet. filed, Case No. 16-0605); *Watts Regulator Co. v. Texas Farmers Ins. Co. a/s/o Kadrey Semo*, No. 02-16-00039-CV, 2016 WL 3569423 (Tex. App.—Fort Worth June 30, 2016, pet. filed, Case No. 16-0606); *Watts Regulator Co. v. Foremost County Mut. Ins. Co. a/s/o Kevin McCann*, No. 09-16-00033-CV, 2016 WL 4045502 (Tex. App.—Beaumont July 28, 2016, pet. for review filed, Case No. 16-0707).
- Represented Defendant/Appellee residential health care facility on appeal in a negligence action, successfully contending that Plaintiff's cause of action was a health care liability claim and obtaining affirmance of dismissal based on Plaintiff's failure to provide an expert report. *Bain v. Capital Senior Living Corp.*, Case No. 05-14-00255-CV, 2015 WL 3958714 (Tex. App.—Dallas June 30, 2015, pet. denied).
- Successfully represented a truck owner and operator in a mandamus proceeding to transfer venue by applying the Texas Tort Claims Act's mandatory venue provision when the truck owner and operator were not governmental entities but a co-defendant was. *In re Hubbard*, No. 05-14-00608-CV, 2014 WL 4090131 (Tex. App.—Dallas Aug. 19, 2014), mandamus denied (Oct. 10, 2014).
- Successfully represented a hospital district in a medical liability case on appeal of a plea to the jurisdiction based on governmental immunity, where immunity from suit was not waived by the Texas Tort Claims Act. *Cervantes v. McKellar*, 424 S.W.3d 226 (Tex. App.—Texarkana 2014, no pet.).
- Successfully represented relator insurer and insurance agent in a mandamus proceeding compelling enforcement of an insurance-policy appraisal clause. *In re Public Service Mutual Ins. Co.*, No. 03-13-3-CV, 2013 WL 692441 (Tex. App.—Austin Feb 21, 2013, no pet.).

## Education

- The University of Texas School of Law (J.D., 1998)
  - Order of the Coif
  - Texas Law Review, Article Editor
  - Internship, Justice Raul A. Gonzalez, Jr., Supreme Court of Texas (pre-graduation)
- Georgetown University (B.S., 1992)
  - cum laude
  - Thomas J. Watson Scholar
  - School of Foreign Service
  - concentration in International Politics

## Bar Admissions

- Texas, 1998

### **Court Admissions**

- United States Court of Appeals, Fifth Circuit, Texas
- United States District Court, Northern District of Texas
- United States District Court, Southern District of Texas
- United States District Court, Eastern District of Texas
- United States District Court, Western District of Texas

### **Professional and Community Activities**

- Member, State Bar of Texas, Appellate Law Section
- Member, Dallas Bar Association, Appellate Law Section
- The Pines Catholic Camp, Big Sandy, Texas - Board Member (2014-present)
- Housing Crisis Center, Dallas, Texas - Board President (2008-2009), Executive Committee (2004-2010), Board Member (2003-2012)
- St. Thomas More Society, Dallas, Texas - Member (1999-present)
- Eagle Scout

### **Speeches and Presentations**

- 2021, Thompson Coe CE/CLE: Changes to the Texas Rules of Civil Procedure (with R. Higgins)
- 2019, Thompson Coe CE/CLE: Update on Storm Litigation: Hurricane Harvey and Chapter 542A, and Current Challenges to the Appraisal Process (with R. Higgins)
- 2019, Dallas Bar Association TIPS CLE, An Update On Texas Insurance Code Chapter 542A (panel)
- 2019, Thompson Coe CE, *First Party Insurance Claims in Federal Court*
- 2018, Thompson Coe CE/CLE: What Will Be Different with Hurricane Harvey? (with R. Higgins)
- 2017, Hermes Law CE: Dram Shop Liability
- 2012, Hermes Sargent Bates CLE: Do You Have and Appealable Texas Order or Judgment?
- 2011 State Bar Appellate Section-Corporate Counsel Seminar, CLE: Role of Appellate Counsel Outside the Appeal: Case Evaluation, Motions Practice, Error Preservation and the Jury Charge
- 2005 DRI Asbestos Medicine Seminar, CLE: Daubert—Today Versus Yesterday

### **Professional Recognition**

- *Texas Super Lawyers* list
  - Appellate, Civil Litigation: Defense; 2017-2021
- Board Certified, Civil Appellate Law, Texas Board of Legal Specialization