



Heather H. Phelps

Partner

hphelps@thompsoncoe.com | 214-871-8249

Heather Phelps' litigation practice focuses on premises liability, dram shop, products liability, automobile/trucking accident, and construction cases.

Heather has represented product manufacturers, premises owners, grocery stores, hospitals, apartment complexes, movie theaters, security companies, general contractors, subcontractors, property management companies, real estate agents, trucking companies, road construction companies, and flooring distributors and installers in personal injury, wrongful death, breach of contract, fire, and property damage cases.

Heather's work with general contractors and subcontractors has involved issues including structural, flooding, HVAC, plumbing, electrical, stucco, road construction, electrical, and safety, including fall protection and shoring. Her work for product manufacturers and retailers has included products such as doors, seatbelts, paving machines, feed supplements, chain assemblies, and manufactured homes.

Representative Experience

- Obtained summary judgment in a sexual assault case against an apartment complex in Dallas county.
- Obtained summary judgment for a subcontractor in a personal injury case arising from a construction site accident in Tarrant County.
- Convinced the plaintiffs in a wrongful death case to nonsuit their claims against the property owner where an independent contractor fell through a skylight on a roof and sustained fatal injuries.
- Obtained defense verdict representing a grocery store in a personal injury suit arising from a slip and fall accident in Dallas County, Texas.
- Obtained defense verdict in Dallas County, Texas in a premises liability suit against a grocery store owner.
- Obtained favorable jury verdict in a premises liability case where the total damages awarded were significantly less than the plaintiff's last settlement

Services & Industries

- General Liability
- Products Liability
- Restaurants, Retail & Hospitality
- Transportation
- Construction

demand and the jury placed 50% responsibility on the plaintiff for the accident in Dallas County, Texas.

- Obtained summary judgment for a waste management company in a products liability suit involving a tire explosion in Dallas County, Texas.
- Obtained summary judgment for a product manufacturer on a contractual indemnity claim in the United States District Court, Eastern District of Texas, Sherman Division.
- Obtained summary judgment on a plaintiff's negligence and premises liability claims against a grocery store owner in Dallas County, Texas.
- Obtained summary judgment on behalf of a top movie theater chain in a premises liability case in Tarrant County, Texas.
- Obtained summary judgment on a plaintiff's premises liability claim against a movie theater in Dallas County, Texas.
- Obtained favorable resolution for a property owner during trial in a lawsuit involving an elevator accident in Kaufman County, Texas.
- Obtained defense verdict in Hunt County for manufactured home manufacturer in a negligence/products liability action arising from a trucking accident.
- Obtained a defense verdict on behalf of a movie theatre in a premises liability case in Dallas County.
- Obtained summary judgment on behalf of a movie theatre in a premises liability case in Dallas County.
- Convinced the Dallas Court of Appeals to overturn a default judgment taken against a Fortune 500 company.
- Obtained summary judgment for a temporary employment agency in a premises liability case where the plaintiff claimed several hundred thousand dollars in damages.
- Obtained summary judgment for an international union in South Texas on a negligence claim arising from a motor vehicle accident.
- Defended a door manufacturer in a products liability case arising from the kidnapping, sexual assault, and attempted murder of the plaintiff.
- Obtained a take nothing judgment for a Fortune 500 company in a negligent installation case.
- Resolved a products liability claim where the plaintiff was seeking several hundred thousand dollars in damages against a product manufacturer for a nominal amount.

Education

- Southern Methodist University Dedman School of Law (J.D., 2003)
 - SMU Law Review, Associate Editor
 - Corporate Counsel Symposium
 - Phi Delta Phi
- The University of Texas at Austin (B.A. Sociology, 1999)

Bar Admissions

- Texas, 2003

Court Admissions

- United States District Court, Northern, Eastern, and Western Districts of Texas

Professional and Community Activities

- Dallas Bar Association
- Dallas Association of Young Lawyers
- Texas Young Lawyers Association
- Member DRI Product Liability Committee
- Member DRI Construction Law Committee
- Member DRI Restaurants, Hotels, & Hospitality

Speeches and Presentations

- *Premises Liability and Chapter 95*, Thompson Coe's Texas Litigation Update, October 9, 2014, Dallas, Texas
- *Premises Liability*, PLRB Regional Conferences 2013 (Orange County, California; Des Moines, Iowa; Concord, North Carolina).
- *Liability for Construction Defects and Failures*, Halfmoon Seminars, September 25, 2013 in Arlington, Texas.

Professional Recognition

- Named a Super Lawyer - Rising Star by *Law & Politics* magazine in 2010, 2011, 2012, 2014, 2015, and 2016.
- "AV" Peer Review Rated by Martindale Hubbell.