



## Michael S. Cedillo

Partner

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Michael Cedillo handles complex litigation matters relating to professional liability claims and commercial disputes. He has tried cases to verdict at trial and arbitration.

Michael represents a range of professionals, including insurance agents, attorneys, design professionals (construction defect), property management companies, and mortgage field service providers. He also represents companies sued for alleged personal injury claims, including catastrophic injuries and alleged traumatic brain injury.

Michael handles complex commercial litigation matters as well. This includes contractual disputes, quantum meruit claims, indemnity claims, fraud, and alter ego claims. Most recently, Michael handled a complex commercial dispute and the arbitrator awarded nothing to the claimant.

### Representative Experience

- Obtained dismissal and awarded attorneys' fees in a lawsuit filed against an insurance agent—Plaintiff alleged damages in excess of \$2 million.
- Obtained several voluntary nonsuits on behalf of insurance agents—with no settlement contribution—after filing a dispositive motion. Most recently, Plaintiff filed a nonsuit with prejudice after the filing of a Rule 91a Motion to Dismiss and, Alternatively, Plea to the Jurisdiction (Plaintiff alleged damages in excess of \$3 million).
- Nonsuit filed by Plaintiffs after moving for summary judgment on behalf of an insurance agent sued for allegedly having a duty to verify that signatures on an application for a loan against a whole life insurance policy were the authentic signatures of the assignees that had the sole right to collect the net proceeds on the life insurance policy.
- Obtained several dismissals of lawsuits in favor of mortgage field service providers, including for Plaintiffs' failure to state a claim and lack of personal jurisdiction.

### Services & Industries

- Professional Liability
- Commercial Litigation
- Mass Torts

- Obtained dismissal in favor of a mortgage field service provider based upon lack of subject matter jurisdiction—Plaintiff failed to first exhaust his claims through the FDIC administrative process as provided under the Financial Institutions Reform, Recovery and Enforcement Act of 1989, which deals with failed banks.
- Obtained summary judgment for an attorney sued for an alleged mishandling of a decedent's probate estate.
- Obtained summary judgment for an attorney sued for an alleged breach of fiduciary duty (allegedly disclosed privileged attorney-client communications).
- Obtained summary judgment on behalf of a law firm sued on an alleged contribution claim (\$2 million claim).
- Obtained 91a dismissal and awarded attorneys' fees on behalf of a law firm sued for alleged legal malpractice.
- Successfully represented attorney client regarding a show cause order as to why sanctions should not be issued against him—the Court decided not to issue sanctions after our briefing.
- Obtained summary judgment for client sued for alleged violations of the Texas Deceptive Trade Practices Act, the Texas Debt Collection Act and the Federal Fair Debt Collection Practices Act.
- Obtained dismissal of Plaintiff's claims for alleged violation of the Fair Debt Collection Practices Act and Fair Credit Reporting Act.
- Negotiated a zero-dollar settlement on behalf of a homeowners' association sued for alleged defamation and business disparagement after filing a motion to dismiss pursuant to the Texas Anti-SLAPP Statute, which protects free speech and right of association.
- Obtained dismissal of numerous claims, including with prejudice, against design professionals under Chapter 150 of the Texas Civil Practice & Remedies Code.
- Negotiated several voluntary nonsuits of multiple professionals that required no consideration on behalf of the clients, including numerous nonsuits of multiple insurance agents, a property management company, a real estate agent and attorneys.

## **Education**

- University of Arkansas at Little Rock (J.D., 2009)
  - Moot Court Board and Moot Court Travel Team
  - Received several scholarships, including Pre-Enrollment Academic Merit Scholarships and the Brian McMillan Scholarship for Future Litigators of Tomorrow
- University of Texas at Austin (B.A. Psychology, 2005)
  - Graduated with Special Honors

## **Bar Admissions**

- Texas

## **Court Admissions**

- 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**

- Dallas Bar Association
- Hispanic National Bar Association

### **Speeches and Presentations**

- *The Impact of COVID-19 on Professional Liability Claims: A Focus on Real Estate Brokers and Insurance Agents*, Fall 2020
- *Mortgage Field Services: A Perspective from the Litigation Trenches*, Fall 2018
- *Navigating Through the Service Member Civil Relief Act*, Fall 2018
- *Avoiding Imputed Disqualification*, Southern Academy of Legal Studies in Business Annual Seminar, Spring 2016

### **Professional Recognition**

- Named to *Texas Super Lawyers® - Rising Star* list, a Thompson Reuters Business: 2021

## **Publications**

November 16, 2016

**Michael S. Cedillo, et al., Avoiding Imputed Disqualification, 8 Southern Journal of Business and Ethics (2016)**

*Written by: Michael S. Cedillo, Laura Sullivan, Diana Brown*