



Michael W. Eady

Partner

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Michael Eady has the unique experience of representing clients during the most challenging litigation environments. Since 1995, he has been teamed with national and local counsel to assist in the trial and appeal, if necessary, of cases in Texas, Mississippi, Illinois, Nevada, Georgia, and Louisiana. Since 2005, he and other members of his team have logged over 600 days in trial in over 65 cases.

Services & Industries

- Appellate
- Products Liability
- Mass Torts

Representative Experience

Representative Embedded Appellant Counsel Cases:

- Cause No. C-2625-02-1; *Aaron Cardenas, et al. v. Angel's Auto Mart, et al.*; In the 398th Judicial District Court of Hidalgo County, Texas
- Cause No. DC; 04-254; *Danny Roy Lopez, et al. v. Pool Company of Texas, Ltd, et al.*; In the 229th Judicial District Court of Starr County, Texas
- Cause No. 03-H-0089-C; *Kenneth Wayne Mead, Jr., et al vs. Ford Motor Company, et al*; In the 23rd Judicial District Court of Matagorda County, Texas
- Cause No. 04-10-00098-CVL; *Rosalinda S. Zamora, et al. vs. Ford Motor Company, et al.*; In the 218th Judicial District Court of La Salle County, Texas
- Cause No. 2013-CCL-1045; *Robert Castillo v. Ford Motor Company*; In the Texas County Court at Law No. 3, Cameron County, Texas.
- Cause No. 11-08-50394-CV; *Jesus De Los Santos v. Ford Motor Company, et al.*; In the 79th Judicial District Court, Jim Wells County, Texas
- Case No.: A-11-641059-C; *Teresa Garcia Trejo, et al. v. Alan Koransky, Ford Motor Company, et al.*; In the District Court of Clark County, Nevada
- Docket No. 2008-6506; *Christine Morvant, et al. v. Ford Motor Company, et al.*; In the 14th Judicial District Court for the Parish of Calcasieu, Louisiana
- Docket No. 39092 B; *Sunday Brumfield, et al. v. Ford Motor Company, et al.*; in the 20th Judicial District Court for the Parish of East Feliciana, Louisiana

Representative Appeals:

- *Nester v. Textron, Inc.*, 888 F.3d 151, 162 (5th Cir. 2018).
- *Wackenhut Corp. v. Gutierrez*, 453 S.W.3d 917 (Tex. 2015).
- *In re Ford Motor Co.*, 427 S.W.3d 396 (Tex 2014)
- *Garza v. Ford Motor Co.*, 423 S.W.3d 442 (Tex. App. 2013)
- *Ford Motor Co. v. Stewart, Cox, and Hatcher*, 390 S.W.3d 294 (Tex. 2013)
- *Ford Motor Co. v. Garcia*, 363 S.W.3d 573 (Tex. 2012)
- *Ford Motor Co. v. Villanueva*, 302 S.W.3d 476 (Tex. App. 2009)
- *Ford Motor Co. v. Ledesma*, 242 S.W.3d 32 (Tex. 2007)
- *Parker v. Cumming*, 216 S.W.3d 905 (Tex. App.-Eastland 2007, pet. denied)
- *CMMC v. Salinas*, 929 S.W.2d 435 (Tex.1996)

Professional Recognition

- International Association of Defense Counsel, Member
- Board Certified—Civil Appellate Law, Texas Board of Legal Specialization, 1995 to present
- Texas *Super Lawyers*® - *Super Lawyer* for Appellate – 2007-2019

Education

- Texas Tech University School of Law (J.D., 1986)
 - Texas Tech Law Review
 - Board of Barristers
- Texas Tech University (B.A. Psychology, 1983)
 - summa cum laude

Bar Admissions

- Texas, 1986
- Colorado, 1997

Court Admissions

- United States Supreme Court
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Seventh Circuit
- United States District Court, Northern, Southern, Western and Eastern Districts of Texas

Professional and Community Activities

- Texas Association of Defense Counsel Amicus Committee, 2000 to the present
- Pattern Jury Charges—Malpractice, Premises and Products Committee, member 2007 to present
- Defense Research Institute

Speeches and Presentations

- *Legal Malpractice and Breach of Fiduciary Duty: Andy Attorney, Mother Teresa, and the Politics of the PJC*, UTLAW 27th Annual Conference on State and Federal Appeals, June 1 – 2, 2017, Austin, TX

- *And Now the Law*, ABA 2016 Emerging Issues in Motor Vehicle Product Liability Litigation, April 6 – 8, 2016, Phoenix, AZ
- Presentation of *General PJC Update and Tips in Product Cases*, TADC 2015 Summer Seminar, July 10, 2015, Jackson Hole, Wyoming
- *Preservation of Error: Pre-Trial and Trial*, State Bar of Texas, *Nuts and Bolts of Appellate Practice*, September 9, 2009, Austin, Texas (paper only)
- *Federal Pretrial Practice*, State Bar of Texas, Pre-Trial Practice, May 15, 2009, Austin, Texas
- *Preservation of Error: Appellate Considerations for Trial Lawyers*, 30th Annual Page Keeton Civil Litigation Conference, October 26-27, 2006, Austin, Texas (paper only)
- *Punitive Damages: ONE YEAR AFTER STATE FARM MUT. AUTO. INS. CO. v. CAMPBELL*, 538 U.S. 408 (2003), 2004 Texas Association of Defense Counsel Summer Seminar

PUBLICATIONS

- *Does One Size Fit All—Breach of Fiduciary Pattern Jury Questions*, The Advocate - Fiduciary Duties, Fall 2014, by Scott Link and Michael W. Eady
- *A Practitioner's Guide For the Use of Protective Orders and Confidentiality Agreements*, State Bar Litigation Section Report, The Advocate, Vol. 27 Summer 2004

Civil Appellate

Overview

Michael Eady is a civil appellate attorney with an extensive background representing clients at trial for the purpose of anticipated appeals. He is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization. His practice consists of appearing before the Texas Supreme Court and intermediate Appellate Courts of Texas.

Representative Experience

- *Ford Motor Co. v. Ledesma*, 242 S.W.3d 32, 51 Tex. Sup. Ct. J. 250 (Tex. 2007). Successfully changed over 100 years of law pertaining to the submission of certain jury charge definitions. This opinion culminated the error preservation strategy for multiple cases developed years before this case was tried.
- *Fortis Benefits v. Cantu*, 234 S.W.3d 642, 50 Tex. Sup. Ct. J. 965 (Tex. 2007). Successfully obtained an affirmance of lower court's judgment interpreting an agreement between counsels.
- *In re Ford Motor Co.*, 211 S.W.3d 295, 50 Tex. Sup. Ct. J. 291 (Tex. 2006). Successfully protected confidentiality of Volvo Car documents, overturning contrary rulings by the trial and intermediate appellate court.
- *Land Rover U.K., Ltd. v. Hinojosa*, 210 S.W.3d 604, 50 Tex. Sup. Ct. J. 236 (Tex. 2006). Successfully overturned both trial court and intermediate appellate court's decision allowing a \$100,000 ad litem fee.

- In re Ford Motor Co., 165 S.W.3d 315, 48 Tex. Sup. Ct. J. 808 (Tex. 2005). Successfully overturned both the trial court and intermediate appellate court's decision denying a mandatory legislative trial continuance.
- Ford Motor Co. v. Ridgway, 135 S.W.3d 598, 47 Tex. Sup. Ct. J. 266 (Tex. 2004). Successfully overturned intermediate appellate court's holdings on circumstantial proof in product liability fire loss case.
- Dallas Cnty. Mental Health & Mental Retardation v. Bossley, 968 S.W.2d 339, 41 Tex. Sup. Ct. J. 653 (Tex. 1998), cert. denied, 118 S. Ct. 541 (1998). Successfully upheld lower court's rulings protecting psychiatrists from liability in excess of the tort claims act limits.
- CMMC v. Salinas, 929 S.W.2d 435, 39 Tex. Sup. Ct. J. 1043 (Tex.1996). Successfully overturned intermediate appellate court's holdings concerning personal jurisdiction of Texas courts over a French Wine press manufacturer.
- American Gen. Fire & Cas. Co. v. Vandewater, 907 S.W.2d 491, 38 Tex. Sup. Ct. J. 877 (Tex. 1995). Successfully overturned intermediate appellate court's holdings on the scope of a guardian ad litem's role.
- State v. Pruet, 900 S.W.2d 335, 38 Tex. Sup. Ct. J. 874 (Tex.1995). Successfully interpretation of a novel issue of Texas law interpreting a statute indemnifying health care professionals whose practice includes providing indigent care.
- Parker v. Cumming, 216 S.W.3d 905 (Tex. App.—Eastland 2007, pet. denied), cert. denied, 128 S. Ct. 1671 (2008). Successfully obtained a favorable construction of a limitations tolling provision.
- North Am. Van Lines, Inc. v. Emmons, 50 S.W.3d 103 (Tex. App.—Beaumont, 2001, pet. denied). Successfully upheld favorable jury verdict.
- Mares v. Ford Motor Co., 53 S.W.3d 416 (Tex. App.—San Antonio 2001, no pet.). Successfully upheld favorable jury verdict following an appeal from the second trial of the same case.
- Melton v. Teachers Ins. & Annuity Ass'n of Am., 114 F.3d 557, 79 A.F.T.R.2d 97-3012, 97-2 USTC P 50,492, (5th Cir. 1997)
- Muth v. Ford Motor Co., 461 F.3d 557 (5th Cir. 2006). Unsuccessful attempt to overturn an adverse jury verdict.
- Wright v. Ford Motor Co., 508 F.3d 263 (5th Cir. 2007). Successful appeal construing recent 2003 Texas Tort Reform statutes creating a presumption of no liability based upon compliance with governmental standards.
- In re Ford Motor Co., 591 F.3d 406 (5th Cir. 2009), cert. denied, 130 S. Ct. 3467 (2010)
- Ford Motor Co. v. Villanueva, 302 S.W.3d 476 (Tex. App.—Eastland 2009, no pet.) (successfully overturned conditions imposed by trial court in dismissing a case under the doctrine of forum non conveniens)
- Ford Motor Co. v. Castillo, 279 S.W.3d 656 (Tex. 2009) (created new law in situations setting aside a settlement premised upon notes from the jury foreperson which appear to have been the result of a rogue juror or outside influence)