



William L. Mennucci

Partner

bmennucci@thompsoncoe.com

512-703-5085

Bill Mennucci is a seasoned trial appellate lawyer who litigates complex, high-exposure cases in difficult Texas and nationwide venues. He is regional trial counsel for one of the largest automobile manufacturers in the nation and routinely tries product liability cases involving death and serious personal injury.

Bill has also served as trial appellate counsel in many commercial, negligence, premises liability, and toxic tort cases during his 25-plus year career. Through his advanced knowledge of procedure, evidence, and substantive law, he helps his clients succeed at trial, while simultaneously ensuring that the record is set up in the best possible posture in the event of an appeal.

Bill's litigation experience and expertise is not limited to trial work. He has handled numerous cases from 'cradle to grave,' from initial pleadings through the conclusion of appeal. His insight into how an entire case comes together in the crucible of a trial increases his effectiveness in handling all phases of litigation.

Trial Appellate Experience

During the last 15 years, Bill has logged more than 200 trial days serving as lead trial appellate counsel, in over 20 multi-week death and serious personal injury trials. A detailed list of these trials can be found below. The vast majority of those trials have resulted in wins. On those rare occasions when the trials have been lost, Bill has positioned the case for reversal on appeal.

Appellate Experience

Bill has been lead appellate attorney on many appeals, including over 15 reported decisions. A detailed list of Bill's appeals can be found below.

Civil Litigation Experience

Bill has been attorney-in-charge on hundreds of civil litigation matters in his career, in automotive products liability, commercial, negligence, premises liability, toxic tort, and environmental cases. Bill has taken over 500 depositions working up these cases for his clients. Bill has successfully disposed of many cases through motion practice, before trial.

Representative Experience

TRIAL APPELLATE

Alleged unsafe parking space caused injury to sidewalk shopper: I represented defendant Dollar General Corporation and its wholly-owned subsidiary, Dolgencorp of Texas, Inc., as trial appellate counsel in this premises liability trial. Plaintiff was shopping a sidewalk sale outside of a Dollar General store when an elderly driver sped through the handicapped parking space in front of the sidewalk sale and crushed plaintiff against the outside wall of the store, causing severe personal injuries. Damages were stipulated at \$2.3 million. I obtained directed verdict for Dollar General Corporation during trial and also got the landlord designated as a "responsible third party" even though it had been dismissed on summary judgment before trial. The jury returned a complete defense verdict for store lessee and operator Dolgencorp of Texas, attributing 100 percent responsibility to the driver of the vehicle.

Nicole McKenna v. Dollar General Corporation, et al., Cause No. 19-1291-C26, in the 480th Judicial District Court of Williamson County, Texas (4/24/23—4/28/23, 5 trial days)

Vehicle battery components ejected in multi-vehicle accident caused acid burns: I represented defendant Ford Motor Company as lead trial appellate counsel. Plaintiff's counsel was Dave Wenzholz, Wenzholz Dow, Austin, Texas. Plaintiff alleged that the battery retention system in a Ford F-150 involved in a multi-vehicle accident was defectively designed, resulting in battery components being ejected out of the F-150 and into the Plaintiff's vehicle, severely burning Plaintiff's body and eyes with battery acid. I obtained a mid-trial judgment as a matter of law on Plaintiff's entire case; the trial court agreed that Plaintiff had failed to show the battery was properly secured at the time of the accident, and that Plaintiff's expert failed to demonstrate a safer alternative design and causation evidence.

Staci Hix-Hernandez v. Ford Motor Company, Civil Action No. 1:20-CV-29-RP, in the United States District Court for the Western District of Texas, Austin Division (3/24/23—3/28/23, 3 trial days)

Traumatic brain injury caused by refrigerated trailer door: I represented defendants Swift Transportation Co. and Walmart as lead trial appellate counsel. Plaintiff's counsel were Maxey Scherr of El Paso, Texas, John Camillus of Columbus, Ohio and Robert Collins of Houston, Texas. Plaintiff, a truck driver employed by Swift, suffered a traumatic brain injury when the door of the refrigerated trailer she was hauling fell down on her head during a delivery to a Walmart store. I was able to obtain directed verdict for Walmart and directed verdict on exemplary damages for Swift during trial. The jury returned a verdict for Plaintiff, and an appeal is pending.

Lilia Favela v. Swift Transportation Co. of Arizona, LLC and Walmart, Inc., Cause No. 2018-DCV-4882, in the 41st Judicial District Court of El Paso County, Texas (2/24/23—3/7/23, 8 trial days)

Traumatic brain injury allegedly caused by seatbelt defect: I represented Ford Motor Company as lead trial appellate counsel. Plaintiff's lead trial attorney was Joe Ritch, Elliott Ritch, Corpus Christi, Texas. Plaintiff suffered a traumatic brain injury in a rollover accident and alleged that the vehicle was not crashworthy because it lacked a seat-integrated restraint system. Plaintiff sought over \$50 million in damages. The jury determined the design of the Ford vehicle and its restraint system was not unreasonably dangerous, and returned a complete defense verdict.

Madison Garraway v. Ford Motor Company, Cause No. 631,668, in the 19th Judicial District Court for the Parish of East Baton Rouge, Louisiana, Section 24 (8/1/22-8/12/22, 10 trial days)

Passenger knee airbag injured elderly occupant's legs: I represented Ford Motor Company as lead trial appellate counsel. Plaintiff's lead attorney was Frank Guerra, Watts Guerra LLP, San Antonio, Texas. Plaintiff, an elderly passenger in a Ford vehicle, suffered severe leg injuries that rendered her wheelchair-bound when the passenger knee airbag in the vehicle deployed in a relatively low-speed accident. Ford conceded Plaintiff would have suffered no injuries had the airbag not deployed. The jury found for Plaintiff, but the judgment was below Ford's assessed value of the case. The case was settled before judgment was entered.

Donna Wilson Yudesis v. Ford Motor Company, et al., Cause No. 2020-DCC-00822, in the 103d Judicial District Court of Cameron County, Texas (5/2/22—5/6/22, 5 trial days)

Infant's traumatic brain injury allegedly caused by child car seat insert: I represented defendant Summer Infant (USA), Inc., the manufacturer and seller of a child seat insert called a "Snuzzler," as lead trial appellate counsel. Plaintiffs' lead counsel was Leon Russell of Dallas, Texas. Plaintiffs were the parents of a 10-week old infant who suffered a severe TBI as a result of a vehicle accident. Plaintiffs claimed that the Snuzzler lifted the infant's head above the side wings on the child car seat, allowing him to strike his head on the intruding door. Plaintiffs sued Summer for products liability and misrepresentation, seeking over \$50 million in damages. The jury returned a no-liability verdict in favor of Summer, but the trial court declared a mistrial due to a supposed conflict in the jury verdict. Summer petitioned for a writ of mandamus seeking an order requiring the trial court judge to accept the original defense verdict, and to rescind her order of mistrial. I served as lead appellate counsel for Summer, in the Dallas Court of Appeals and then in the Texas Supreme Court.

Jordan Stalnaker, et al. v. Summer Infant (USA), Inc., Cause No. CC-14-02235, in the County Court at Law No. 3, Dallas County, Texas (2/5/20—2/27/20, 14 trial days)

Triple-fatality pickup truck accident allegedly caused by road defect: I represented CEMEX Construction Materials Pacific, LLC, one of the world's largest cement companies, as lead trial appellate counsel. Lead plaintiffs' attorney was Enrique Moreno, Law Office of Enrique Moreno, El Paso, Texas. This case arose from a pickup truck rollover accident in which three of the occupants were killed and two more were injured. Plaintiffs were the surviving parents, spouses, and children of the three decedents, and the two injured occupants. The accident occurred on an unmarked 90-degree curve on a private road owned by CEMEX. Plaintiffs alleged that the curve was an "unreasonably dangerous condition" and they sued CEMEX under theories of premises liability, negligence, and gross negligence. The jury returned a verdict attributing some liability to CEMEX and some to the driver. The amount of damages against CEMEX was far below the plaintiffs' pre-suit settlement demand.

Christine Borrego, et al., v. CEMEX Construction Materials, LLC, Cause No. 2017-DCV1047, in the 327th Judicial District Court of El Paso County, Texas (4/9/19—4/22/19, 9 trial days)

Country club allegedly negligent for allowing 12-year-olds to drive golf carts: I represented defendant Center Country Club as lead trial appellate counsel. Plaintiff's lead trial counsel was Carl David Adams, Law Office of Carl David Adams, Dallas, Texas. Minor plaintiff Kamren Bowden suffered a severe leg fracture on the premises of Center Country Club when a golf cart in which he was riding overturned. He sued Center Country Club for unreasonably dangerous cart paths and for allowing 12 year-olds to drive golf carts at the Club, under theories of premises liability, negligence, and gross negligence. The jury returned a defense verdict, and the court entered a take-nothing judgment in favor of Center Country Club.

Kevin Bowden v. Center Country Club, Inc., Cause No. 342-288728-16, in the 342d Judicial District Court of Tarrant County, Texas (3/18/19—3/26/19, 6 trial days)

Teenage girl died in vehicle accident on defendant's premises: I represented CEMEX Construction Materials Pacific, LLC, one of the world's largest cement companies, as lead trial appellate counsel. Lead plaintiffs' attorney was Humberto Enriquez, El Paso, Texas. Plaintiffs, the surviving parents of a teenage girl who died in a one-vehicle accident that occurred on a private road owned by CEMEX, sued CEMEX for wrongful death under a premises liability theory, alleging that a 90-degree turn in the road was an "unreasonably dangerous condition." The case settled after two days of trial.

Javier Ochoa, et al. v. CEMEX Construction Materials Pacific, LLC, et al., Cause No. 2016-DCV-4685, in the 384th Judicial District Court of El Paso County, Texas (1/7/19-1/8/19, 2 trial days)

Two-fatality pickup truck rollover allegedly caused by lack of electronic stability control: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial counsel was Ricardo Garcia, McAllen, Texas. This case arose out of a double fatality rollover accident. Plaintiffs, the surviving family members of the decedents, claimed that the vehicle was defective in its handling and stability characteristics, and because it lacked Electronic Stability Control. The jury returned a defense verdict, and the court entered a take-nothing judgment in favor of Ford.

Maria Guadalupe Duren de Yopez, et al. v. Ford Motor Company, Cause No. C-3505-14-F, in the 332nd Judicial District Court of Hidalgo County, Texas (11/13/17-11/21/17, 7 trial days)

Negligent hiring and supervision case arising from auto-truck accident: I represented defendant Viking Construction, Inc. as lead trial appellate counsel. Plaintiffs' lead trial attorney was Hayden Briggie, Briggie & Pollan, Austin, Texas. Plaintiff was injured when a street sweeper driven by Viking's employee hit plaintiff's vehicle. Plaintiff sued Viking the driver for negligence, and Viking for negligent hiring, training and supervision. The jury returned a defense verdict, and the court entered a take nothing judgment for Viking.

James Mullins v. Viking Construction, Inc., et al., Cause No. D-1-GN-15-004009, in the 98th Judicial District Court of Travis County, Texas (11/6/17-11/9/17, 4 trial days)

Company's inadequate cell phone policy allegedly caused death of young woman: I represented defendant Dynamic Industries, Inc. as lead trial appellate counsel. Plaintiffs' lead trial attorney was Tom Rhodes, Tom Rhodes Law Firm, San Antonio, Texas. Plaintiffs were the surviving daughter and parents of a young woman who was killed when the driver of a Dynamic Industries work truck struck her vehicle while he was talking on

a cell phone. In addition to suing Dynamic under respondeat superior for the driver's negligence, Plaintiffs contended that Dynamic was guilty of negligence and gross negligence for having a lax cell phone use policy for its drivers. A high-low settlement agreement was reached during jury deliberations, and the jury verdict came in below the floor of the agreement.

Rosie Poy Gonzales, et al. v. Dynamic Industries, Inc., et al., Cause No. 2014-DCL-07648, in the 444th Judicial District Court of Cameron County, Texas (5/31/16-6/10/16, 9 trial days)

Automotive company refused to approve transfer of automotive dealership to buyers: I represented Ford as lead trial appellate counsel. Plaintiff's lead trial attorney was Rodney Wiseman, Lake Jackson, Texas. Plaintiff was a limited partnership that had been created to purchase and operate a struggling Ford dealership. Ford refused to approve the purchase and transfer of the dealership, and Plaintiff sued Ford for intentional interference with its purchase contract, and for breach of the duty of good faith and fair dealing. The jury returned a defense verdict, and the court entered a take-nothing judgment for Ford. Plaintiff appealed the judgment. I served as lead appellate counsel for Ford. The judgment for Ford was affirmed on appeal.

Brazoria County Ford, L.P., et al. v. Ford Motor Company, Cause No. 30601, in the 23rd Judicial District Court of Brazoria County, Texas (5/9/16-5/17/16, 7 trial days) Brannan v. Ford Motor Company, 2018 WL 1057434 (Tex. App.—Houston [14th Dist.] 2018, no pet.)

Injured woman claimed that pickup truck slipped into reverse and backed over her: I represented Ford as lead trial appellate counsel. Plaintiff's lead trial counsel was Philip Werner, Werner Ayers, Houston, Texas. Plaintiff was severely injured when her truck rolled over her after she exited to change drivers. Plaintiffs alleged that the vehicle self-shifted to powered reverse due a defectively designed transmission. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

Peggy Chatelain v. Ford Motor Company, Cause No. 11-04-19861-CVR, in the 143rd Judicial District Court of Reeves County, Texas (4/7/14-4/10/14, 4 trial days)

Fatality case involving sudden acceleration claims and alleged seatbelt defects: This case was brought by the surviving wife, children, and parents of a man killed in a single-vehicle accident. Plaintiffs alleged that the accident was caused by a defectively designed transmission that caused sudden acceleration, and that decedent did not survive the crash due to defectively designed restraints. The jury returned a \$5 million verdict for plaintiffs, and the court entered judgment for plaintiffs. Ford appealed the judgment, and the case settled while the appeal was pending.

Mary Tarango, et al. v. Ford Motor Company, et al., Cause No. 12-07-20190-CVR, in the 143rd Judicial District Court of Reeves County, Texas (2/3/14-2/10/14, 7 trial days)

Traumatic brain injury allegedly caused by collapse of driver's seat in rear-end collision: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial attorney was Paul "Chip" Ferguson, Provost Umphrey, Beaumont, Texas. Plaintiff suffered severe brain and orthopedic injuries when his truck was struck from behind at high speed and his seat collapsed rearward. Plaintiffs alleged that the seat and the vehicle's restraints were defectively designed. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

Pedro Cortes, et al. v. Ford Motor Company, Cause No. D-08-0476, in the 260th Judicial District Court of Orange County, Texas (11/4/13-11/19/13, 10 trial days)

Teenage girl died due to alleged defect with vehicle's side window glass: I represented Ford Motor Company as lead trial appellate counsel. Plaintiff's lead trial counsel was Tab Turner, Turner and Associates, North Little Rock, Arkansas. This case arose from a rollover accident in which a minor seated in the cargo area was ejected through a side window and died. Plaintiffs alleged that the vehicle was defectively designed in its handling and stability, and in its side window glass. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

Lee Thompson, et al. v. Ford Motor Company, Cause No. 10-CI-02872, in the Jefferson County, Kentucky Circuit Court, Division 13 (3/12/13-3/25/13; 10 trial-days)

Man killed when automobile he was servicing fell onto him due to allegedly defective tire-changing jack: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial counsel was Geoff Henley, Henley and Henley, Dallas, Texas. Plaintiffs were the surviving wife and children of a man who died after his vehicle fell on top of him while he was working underneath it. The decedent was using the Ford-supplied tire-changing jack to support the vehicle when it fell on him. Plaintiffs alleged that the jack was defective in its design, manufacture and warnings. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

Teresa Hendricks, et al. v. Ford Motor Company, Civil Action No. 4:12-CV-00071, in the United States District Court for the Eastern District of Texas, Sherman Division (10/22/12-11/1/12, 7 trial days)

Rental van rolled backwards and killed man allegedly due to poorly-maintained parking brake: I represented U-Haul as lead trial appellate counsel. Plaintiffs' lead trial counsel was Patrick O'Hara, Lanier Law Firm, Houston, Texas. Plaintiff was the surviving wife of a man who was killed after a U-Haul rental van rolled over him after he exited the van. Plaintiffs alleged that the accident was caused by a faulty parking brake, and that U-Haul had negligently failed to maintain the parking brake and had failed to install a backup alarm on the van. The jury returned a defense verdict for U-Haul, and the court entered a take-nothing judgment.

Ruth Moore, et al. v. U-Haul Company of Texas, Cause No. 2009-73631, in the 133rd Judicial District Court of Harris County, Texas (2/8/12-2/16/12, 6 trial days)

Pickup truck rolled backwards and killed elderly lady, due to allegedly defective transmission: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead counsel was Scott Nealey, Lieff Cabraser, San Francisco, California. Plaintiffs were the surviving adult children of a woman who was killed when her truck rolled backwards over her after she had exited the vehicle. The plaintiffs alleged that the vehicle rolled due to a defectively designed transmission that allowed the vehicle to self-shift into powered reverse. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment. Plaintiffs appealed the judgment. I served as lead appellate counsel for Ford. The judgment for Ford was affirmed on appeal.

Estate of Carolina Muniz v. Ford Motor Company, Cause No. 10-07-20143-CV, in the 38th Judicial District Court of Medina County, Texas (11/28/11-12/9/11, 8 trial days) Muniz v. Ford Motor Company, 2013 WL 2645284 (Tex. App.—San Antonio 2013, no pet.)

Elderly man's traumatic brain injuries allegedly caused by collapse of defectively weak driver's seat after rear-end collision: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial counsel was Paul "Chip" Ferguson, Provost Umphrey, Beaumont, Texas. This case involved a rear end collision in which the driver's seat collapsed rearward and the driver suffered a traumatic brain injury and severe orthopedic injuries. Plaintiffs alleged that the seat of the vehicle was defectively designed. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

John Holmes et al. v. Ford Motor Company, Cause No. D-173482, in the 136th Judicial District Court of Jefferson County, Texas (10/18/10-11/23/10, 26 trial days)

Wrongful death of woman allegedly due to multiple defects with vehicle, including handling, stability, window glass, and seatbelt: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial counsel was Ted Lyons, Ted Lyons & Associates, Mesquite, Texas. This case arose from a single-vehicle rollover accident precipitated by a tire failure. Plaintiffs alleged that the vehicle was defectively designed in its handling and stability, and that the vehicle also had defectively designed restraints and side window glass that caused personal injuries to a front passenger, and the ejection and death of the rear passenger. The jury returned a verdict for plaintiffs, and the court entered an \$8.6 million judgment against Ford. Ford appealed the judgment, and the Dallas Court of Appeals reversed the judgment and rendered judgment for Ford.

James Wiles, et al. v. Ford Motor Company, et al., Cause No. CC-03-10376-D, in the County Court at Law No. 4, Dallas County, Texas (3/23/09-5/7/09, 31 trial days) Ford Motor Company v. Wiles, 353 S.W.3d 198 (Tex. App.—Dallas 2011, pet. denied)

Vehicle occupant ejected and killed allegedly due to lack of a side curtain rollover airbag: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial attorney was Mikal Watts, Watts Law Firm, Corpus Christi, Texas. This case arose from a single-vehicle rollover accident in Mexico. Plaintiffs alleged that the subject vehicle was defectively designed because it lacked a side curtain rollover-activated airbag, allowing the driver to be ejected and killed. The jury returned a defense verdict for Ford, and the court entered a take-nothing judgment.

Etelvina Ortiz de Valdez, et al. v. Ford Motor Company, Civil Action No. DR-06-CA-087, in the United States District Court for the Western District of Texas, Del Rio Division (10/20/08-10/24/08, 5 trial days)

Teenage girl paralyzed in rollover accident, allegedly due to multiple vehicle defects: I represented Ford Motor Company as lead trial appellate counsel. Plaintiffs' lead trial counsel was Robert Ammons, Ammons Law Firm, Houston, Texas. Plaintiffs alleged in a single-vehicle rollover accident that the subject vehicle was defectively designed in its handling and stability, restraints, side window glass, and roof structure. Plaintiffs alleged that these defects caused the rollover and the paraplegia of the minor driver. The case settled after 5 days of trial.

Willie Mason, et al. v. Ford Motor Company, et al., Cause No. 36,188, in the 82nd Judicial District Court of Falls County, Texas (2/5/08-2/13/08, 5 trial days)

Wrongful death of driver from post-collision fire allegedly caused by defective fuel system: I represented Ford Motor Company as lead trial appellate counsel. Plaintiff's lead trial counsel was Tracy Johnson, Johnson LLP, Kingwood, Texas. Plaintiffs alleged that a defectively designed fuel system in the subject pickup truck led to a

post-collision fire that burned the driver to death. Ford received a unanimous defense verdict, and the court entered a take-nothing judgment. Plaintiffs appealed the judgment. I served as lead appellate counsel for Ford. The judgment for Ford was affirmed on appeal.

Debbie Hunter, et al. v. Ford Motor Company, Cause No. 2001-179-4, in the 170th Judicial District Court of McLennan County, Texas (10/29/07-11/9/07, 10 trial days) *Hunter v. Ford Motor Company*, 305 S.W.3d 202 (Tex. App.—Waco 2009, no pet.)

Young boy partially ejected and killed due to vehicle's allegedly defective handling, stability, window glass, seatbelt, and roof: I represented Ford Motor Company as assistant trial appellate counsel. Plaintiffs' lead trial counsel was Mikal Watts, Watts Law Firm, Corpus Christi, Texas. Plaintiffs alleged that the vehicle's defectively designed handling and stability, restraints, side window glass, and roof caused the death of a minor passenger when the vehicle rolled over. Plaintiffs obtained a jury verdict, and the court entered a \$24.8 million judgment against Ford, including both actual and exemplary damages. The case settled post-verdict. *Carlos Marroquin, et al. v. Ford Motor Company, et al.*, Cause No. 04-61218-1, in the County Court at Law No. 1, Nueces County, Texas (8/22/05-9/13/05, 16 trial days)

APPELLATE

Overreaching discovery order: I represented Swift Transportation Company, seeking a writ of mandamus directing the trial court to vacate an order compelling Swift to respond to numerous requests for production, even though Swift had objected to the requests and plaintiffs never sought a hearing on the objections.

In re Swift Transportation Co. of Arizona, S.W.3d (Tex. App.—San Antonio, orig. proceeding)

"Apex" depositions of corporate officers: I represented CP Dreamworks, owner of several Domino's Pizza franchises, seeking a petition for writ of mandamus on the trial court's order granting Plaintiff's motion to compel the depositions of Dreamworks' president and vice president in a personal injury action involving a collision of a Dreamworks' delivery driver.

In re CP Dreamworks, LLC, S.W.3d (Tex. App.—Austin, orig. proceeding)

Texas products liability statute of repose: I represented appellee Ford Motor Company in the appeal of a summary judgment for Ford based on the Texas products liability statute of repose. Plaintiffs argued a fact issue existed on the "date of sale of the product" by Ford. I argued the case before the Dallas Court of Appeals on October 25, 2022. I filed a petition for review with the Texas Supreme Court. The Court granted Ford's petition for review, and I am set for oral argument before the Texas Supreme Court on February 21, 2024.

Parks v. Ford Motor Company, S.W.3d (Tex. App.—Dallas)

Appeal of "Death Penalty" Sanctions Order: I represented Ferrellgas, LP on appeal after a jury trial, arguing the trial court abused its discretion by striking Ferrellgas's lone liability expert during trial as a discovery sanction, based on Ferrellgas's inadvertent failure to produce a document to Plaintiff in discovery. I argued the case to the Tyler Court of Appeals on November 17, 2022.

Ferrellgas, LP v. Marvel Reese, S.W.3d (Tex. App.—Tyler, orig. proceeding)

Supervisory writ during trial on plaintiff's failure to wear seat belt: I represented defendant Ford Motor Company as lead trial appellate counsel in a severe personal injury case alleging vehicle design defects. The

trial court granted plaintiff's motion to exclude evidence that plaintiff was not wearing her seatbelt at the time of the accident. I filed a mid-trial application for supervisory writ in the court of appeals, and the court reversed the trial court's ruling, allowing the evidence of plaintiff's failure to wear her seatbelt into the trial (win).

Madison Garraway v. Ford Motor Company, 2022 WL 3041776 (La. App., 1st Cir., 2/2/22)

Contractual indemnity: I represented appellant CEMEX Construction Materials, LLC. In this appeal of a summary judgment. The trial court determined Ranchos Real was entitled to contractual indemnity from CEMEX as a matter of law for its attorney's fees and costs of defense of a wrongful death lawsuit in which both CEMEX and Ranchos were defendants. CEMEX argued on appeal that under the two contracts involved, it was CEMEX, not Ranchos, that was entitled to summary judgment on Ranchos' indemnity claim. Summary judgment for Ranchos reversed, and judgment rendered for my client, CEMEX.

CEMEX Const. Materials, LLC v. Ranchos Real Land Holdings, LLC, S.W.3d (Tex. App.—El Paso 2022, no pet.)

Self-Authentication of documents: In a case of first impression under Texas law, I represented Ford Motor Company, arguing that plaintiff's blanket notice regarding self-authentication of documents produced by Ford in discovery was insufficient to invoke Texas Rule of Civil Procedure 193.7. The court of appeals agreed with Ford, holding the trial court abused its discretion by finding plaintiff's purported 193.7 notice sufficient.

In re Ford Motor Company, 2022 WL 3704628 (Tex. App.—Corpus Christi 2022, orig. proceeding)

Mandamus of a mistrial order: I represented petitioner Summer Infant in this Texas Supreme Court mandamus action, arguing that the trial court abused its discretion in failing to accept the jury's defense verdict, and in then declaring a mistrial. The Texas Supreme Court, after asking for full briefs on the merits, denied Summer Infant's petition. The Dallas Court of Appeals had earlier denied Summer Infant's petition for mandamus relief, 2020 WL 6110816.

In re Summer Infant (USA), Inc., Case No. 20-1018 (Tex., 10/15/21, orig. proceeding)

Texas products liability statute of repose: I represented appellee Ford Motor Company in the appeal of a summary judgment for Ford based on Texas' products liability statute of repose. Plaintiffs argued the trial court had used an incorrect date for starting the repose period, and that the statute of repose was tolled for minors. I argued the case before the Fifth Circuit in New Orleans on February 3, 2020. Summary judgment affirmed.

Camacho v. Ford Motor Company, 993 F.3d 308 (5th Cir. 2021)

Governmental immunity for subcontractor: I represented appellee Iteris, Inc. in plaintiff's appeal of the trial court's dismissal of claims against Iteris based on governmental immunity. Plaintiff claimed Iteris, a subcontractor for the City of Killeen, negligently reprogrammed city traffic lights, resulting in a fatality motorcycle accident. Judgment reversed, and case remanded back to trial court.

Cheney v. Iteris, Inc., 2020 WL 6265656 (Tex. App.—Austin 2020, no pet.)

Statute of limitations/discovery rule: I represented defendants Boris Serebro and Serebro Law in plaintiff's appeal of summary judgment based on limitations on plaintiff's claims of fraudulent concealment. Summary judgment affirmed.

Sky Station Holdings v. Fidelity Nat'l Title Ins. Co., et al., 2019 WL 3786569 (Tex. App.—Austin 2019, no pet.)

Tortious interference with contract: I represented Ford Motor Company in plaintiff's appeal of an adverse jury verdict and judgment. Plaintiff claimed that trial court erred in charging the jury and in granting Ford partial summary judgment on one of plaintiff's claims. Judgment affirmed.

Brannan v. Ford Motor Company, 2018 WL 1057434 (Tex. App.—Houston [14th Dist.] 2018, no pet.)

"Other similar incidents" evidence: I represented Ford Motor Company in plaintiffs' appeal of an adverse jury verdict and judgment. Plaintiffs claimed that the trial court erred in excluding numerous alleged "other similar incidents" from evidence, among other appellate complaints. I argued the appeal before the San Antonio Court of Appeals. Judgment affirmed.

Estate of Muniz v. Ford Motor Company, 2013 WL 2645284 (Tex. App.—San Antonio 2013, no pet.)

Exclusion of expert and legal sufficiency of evidence: I represented gravel pit owner and operator in plaintiff truck operator's appeal of defense verdict and judgment, challenging sufficiency of evidence and trial court's evidentiary rulings. Judgment affirmed, and petition for review in the Texas Supreme Court denied.

Brinker v. Jimmy Evans Co., Ltd., 370 S.W.3d 416 (Tex. App.—Amarillo 2012, pet. denied)

Exhaustion of administrative remedies: I represented insurance company in original mandamus proceeding challenging trial court's refusal to dismiss case for failure to exhaust administrative remedies. Petition for mandamus relief denied.

In re New Hampshire Ins. Co., 360 S.W.3d 597 (Tex. App.—Corpus Christi 2011, orig. proceeding)

Duty of security company to protect patron: I represented security company in appeal of adverse jury verdict and multi-million-dollar judgment in parking garage rape case. Appeal settled at mediation after briefing.

IPC Int'l Corp. v. Stockdale, No. 01-08-00192-CV (Tex. App.—Houston [1st Dist.] 2011)

Alleged juror misconduct: I represented Ford Motor Company in plaintiffs' appeal of an adverse jury verdict and judgment, based on lack of evidentiary sufficiency and alleged juror misconduct. Judgment affirmed.

Hunter v. Ford Motor Company, 305 S.W.3d 202 (Tex. App.—Waco 2009, no pet.)

Economic loss doctrine: I represented Ford Motor Company in plaintiff's appeal of summary judgment based on the "economic loss doctrine." I argued the appeal before the Dallas Court of Appeals. Judgment affirmed.

Murray v. Ford Motor Company, 97 S.W.3d 888 (Tex. App.—Dallas 2003, no pet.)

Propriety of no-evidence motion for summary judgment: I represented Ford Motor Company in plaintiff's appeal of no-evidence summary judgment based on lack of expert testimony in support of claims. Judgment affirmed, and petition for review in the Texas Supreme Court denied.

Parsons v. Ford Motor Company, 85 S.W.3d 323 (Tex. App.—Austin 2002, pet. denied)

Exclusion of expert witness due to unreliability of opinions: I represented Ford Motor Company in plaintiff's appeal of trial court order excluding plaintiff's liability expert based on lack of reliability of his opinions. I argued the appeal before the San Antonio Court of Appeals. Judgment affirmed.

Valero v. Ford Motor Company, 2001 WL 1617181 (Tex. App.—San Antonio 2001, no pet.)

Insufficient evidence of causation: I represented Ford Motor Company in appeal of jury verdict and multi-million dollar judgment in favor of plaintiffs. I argued the appeal before the San Antonio Court of Appeals. Judgment affirmed.

Ford Motor Company v. Gonzalez, 9 S.W.3d 195 (Tex. App.—San Antonio 1999, no pet.)

Summary judgment on a bank note: I represented bank in plaintiff's appeal of summary judgment in favor of bank on note. Judgment reversed.

Priesmeyer v. Pacific Southwest Bank, F.S.B., 917 S.W.2d 937 (Tex. App.—Austin 1996, no writ)

Related Services

Appellate Litigation

Products Liability & Mass Torts

Education, Admissions & Activities

EDUCATION

The University of Texas School of Law

J.D., 1993

Law Review Associate Editor

Environmental Law Note Award

Arizona State University

M.A., 1991

Geography, Energy concentration

The University of Texas at Austin

B.A., 1988

Geography w/ a minor in Economics, high honors

Phi Beta Kappa

BAR ADMISSIONS

New Mexico

2021

Texas

1993

COURT ADMISSIONS

United States Court of Appeals, Fifth Circuit

United States District Court of Texas

Northern, Southern, Eastern, Western

PROFESSIONAL AND COMMUNITY ACTIVITIES

Texas Bar College

Member