

## **Gino J. Rossini**

Partner

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Gino Rossini specializes in civil appeals in Texas State and Federal courts. His practice includes appeals and original proceedings, and Gino serves as trial-appellate counsel on pretrial matters, at trial, judgment formation, and post-judgment.

### **Representative Experience**

On appeal, successfully represented ERISA plan in a life-insurance coverage dispute.

*LeBron v. National Union Fire Ins. Co.*, Case No. 20-20165, 849 Fed. App'x 484 (5th Cir. Apr. 13, 2021)

On appeal, successfully represented condominium owners' association in a dispute with certain owners regarding operation of a rental pool.

*Bargnesi v. Pelican Condo. Counsel of Co-Owners Ass'n, Inc.*, 13-19-00613-CV, 2021 WL 3556668 (Tex. App.—Corpus Christi Aug. 12, 2021, no pet. h.)

On appeal, represented assisted living community in enforcing an arbitration agreement regarding a personal-injury dispute; the matter settled on appeal with an agreed motion to arbitrate filed in the trial court.

*CSL S Longview, LLC v. Walling*, 06-21-00033-CV, 2021 WL 3669605, at \*1 (Tex. App.—Texarkana Aug. 19, 2021, no pet. h.)

In the trial court, successfully moved to set aside a wrongful-death default judgment.

*Wright v. Horace*, Cause No. 067-321878-20, In the District Court of Tarrant Co., Judicial District, February 2021

As trial-appellate counsel, prepared pretrial briefing, defendant's proposed jury charge, and defendant's charge objections in a legal-malpractice action.

*Henry S. Miller Commercial Co., et al. v. Newsom, Terry & Newsom, L.L.P. et al.*, Cause No. 09-01306-E, In the District Court of Dallas County, Texas, 101st Judicial District, November 2019

As trial-appellate counsel, prepared pretrial briefing, Defendant's proposed jury charge, and Defendant's charge objections in an oilfield-services dispute.

McBride Operating, L.L.C. v. East Texas Oilfield Prod. Servs., Inc., Cause No. 2018-175, In the District Court of Rusk County, Texas, 4th Judicial District, October 2019

As trial-appellate counsel, attended trial and argued Defendant's proposed jury charge and charge objections in a personal-injury product liability matter; defense verdict and take-nothing judgment.

Kevin Bowden v. Center Country Club, Inc., Cause No. 342-288728-16, In the District Court of Tarrant County, Texas, 342nd Judicial District, March 2019

As trial-appellate counsel, prepared pretrial briefing, Defendant's proposed jury charge, and Defendant's charge objections in a commercial insurance coverage dispute; settlement post-verdict.

Altona, Inc. v. Covington Specialty Ins. Co., Cause No. DC-15-06278, In the District Court of Dallas County, Texas, 160th Judicial District, February 2019

In the District Court and on appeal, successfully removed homeowner's insurance claim with dismissal of the non-diverse party joined to defeat diversity jurisdiction.

Mauldin v. Allstate Ins. Co., 757 Fed. App'x 304 (5th Cir. 2018)

As trial-appellate counsel, attended trial and argued Defendant's proposed jury charge and charge objections 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

Post-judgment, 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

On appeal, 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)

Post-judgment, 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

On appeal, represented Defendant/Appellee restaurant on successful appeal of a take-nothing summary judgment on Plaintiff's Dram Shop Act claim; judgment in favor of Defendant/Appellee affirmed after briefing and oral argument.

Faircloth v. Borderlands, Case No. 11-14-00239-CV, 2017 WL 3923669 (Tex. App.—Eastland Aug. 31, 2017, pet. denied)

On appeal, represented 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 before the Texas Supreme Court.

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); 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); 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).

On appeal, represented Defendant/Appellee residential health care facility in a catastrophic personal-injury negligence action, successfully contending that Plaintiff's cause of action was a health care liability claim and obtaining affirmance of dismissal.

Bain v. Capital Senior Living Corp., Case No. 05-14-00255-CV, 2015 WL 3958714 (Tex. App.—Dallas June 30, 2015, pet. denied)

On original proceeding, represented a truck owner and operator in a successful mandamus 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)

On appeal, represented a hospital district on a successful plea to the jurisdiction in a medical-liability action. Cervantes v. McKellar, 424 S.W.3d 226 (Tex. App.—Texarkana 2014, no pet.)

On original proceeding, represented relator insurer and insurance agent in a successful mandamus 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.)

## **Awards & Recognition**

### TEXAS SUPER LAWYERS

Listed for Appellate, Civil Litigation: Defense  
2017-2022

### TEXAS BOARD OF LEGAL SPECIALIZATION

Board Certified in Civil Appellate Law

## **Related Services**

Appellate Litigation

Business and Commercial

General Liability/Catastrophic Injury

Insurance

Labor & Employment

Professional Liability

## **Publications & Speaking Engagements**

Constitutional Limits on Punitive Damage Awards

Texas State Bar Annual Meeting

2022

Developing Texas Insurance Law in the Appellate Courts

Thompson Coe webinar

2022

Exclusion to accidental death policy applies to patient's self-treatment – 5th Circuit

Westlaw Today

Apr 14, 2021

Changes to the Texas Rules of Civil Procedure

Thompson Coe webinar

2021

Texas Supreme Court and Fifth Circuit Update

Thompson Coe webinar

2021

An Update On Texas Insurance Code Chapter 542A

Dallas Bar Association TIPS CLE

2019

First Party Insurance Claims in Federal Court

Thompson Coe webinar

2019

Update on Storm Litigation: Hurricane Harvey and Chapter 542A," and "Current Challenges to the Appraisal Process

Thompson Coe webinar

2019

What Will Be Different with Hurricane Harvey?

Thompson Coe webinar

2018

**Dram Shop Liability**

Hermes Law CE

2017

## **Education, Admissions & Activities**

### **EDUCATION**

**The University of Texas School of Law**

J.D., with honors, 1998

Order of the Coif

Texas Law Review, Articles Editor

**Georgetown University**

B.S.F.S., cum laude, 1992

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**

**United States District Court of Texas**

Northern, Southern, Eastern, Western

### **PROFESSIONAL AND COMMUNITY ACTIVITIES**

**U.S. District Judge George P. Kazen**

Clerk, 1998-1999

**State Bar of Texas**

Appellate Law Section

**Dallas Bar Association**

Appellate Law Section

**Texas Bar College**

**Great Hearts Irving**

Academy Advisory Council, 2016-present

**The Pines Catholic Camp**

Board Member, 2014-present

**Housing Crisis Center**

Board President, 2008-2009; Executive Committee, 2004-2010; Board Member, 2003-2012

**St. Thomas More Society**

Member, 1998-present

**Supreme Court of Texas, Justice Raul A. Gonzalez, Jr.,**

Internship, 1997

**Boy Scouts of America**

Eagle Scout