



## William Ken Tapscott Jr.

Partner

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Former Judge Ken Tapscott has over 25 years of experience in civil litigation, including the 12 years he presided over Dallas County Court at Law #4, a court of unlimited monetary jurisdiction in Dallas County, Texas. In his time as a judge, he delivered nearly 430 civil lawsuits to jury verdict and adjudicated over 2,500 non-jury cases covering commercial litigation, product liability, premises liability, casualty, and real estate.

His career in private practice has focused on both the prosecution and defense of product liability cases or general liability claims related to premises liability or casualty. Ken joined Thompson Coe in 2019 and has been aggressively defending companies and individuals in product liability, premises liability, and casualty since joining the firm.

Experienced and knowledgeable from his time working as a litigator and judge in civil litigation, he values close relationships with his clients and their representatives to give them the results they desire and deserve. He believes hard work in representation of client interests should be expected by all his clients, and he continuously strives to get the best end-result possible under case circumstances.

### Representative Experience

Vehicular accident with defense of defendant driver . Defense verdict after two-day trial employing use of accident reconstruction expert.

June 2023 jury trial, Collin County, Texas. *Amirah v. Catalano*

Defense of Tennessee product manufacturer in Alabama product liability case.

Defense of Utah vehicle manufacturer in Texas product liability case.

Defense of major American insurance company and hundreds its insureds.

### 2020 SIGNIFICANT DECISIONS

Regarding estoppel, release, and res judicata, and failure to challenge all independent grounds supporting the judgment.

Jessica Lane v. Paul Manfre; 05-18-01305-CV (CC 18 00566-D)

## 2019 SIGNIFICANT DECISIONS

Regarding constitutional use of eminent domain power.

KMS Retail Rowlett, LP f/k/a KMS Retail Huntsville, LP v. City of Rowlett, Texas; 17-0850 (Texas Supreme Court)

Regarding landlord/tenant and eviction.

Isidro Rosas and Maria Martinez v. Chih Ting Wang; 05-18-01013-CV (CC 18 03072-D)

Regarding the denial of a motion to compel arbitration.

Daniel Hagood, P.C. and Fitzpatrick Hagood Smith and Uhl, LLP v. Kunal Kapai; 05-18-01485-CV (CC 18 04027 D)

Regarding governmental immunity and pleas to the jurisdiction.

Barbara Stegall, Individually and on behalf of the Estate of Joe Stegall v. TML Multistate Intergovernmental Employee Benefits Pool, Inc., and UMR, Inc.; 05-18-00239-CV (CC 16-05440-D)

Regarding attorney's fees.

Buck Porter v. A-1 Parts; 05-17-01468-CV (CC 16 02644 D)

## 2018 SIGNIFICANT DECISIONS

Regarding landlord/tenant and eviction.

Gabriel Isaac v. Villas Del Zocalo 3; 05-16-01338-CV (cc 16 05241 D)

Regarding sufficiency of a Motion to Continue Summary Judgment hearing.

Hertice Stephens v. Wal-Mart Stores Texas, LLC; 05-17-00434-CV (CC 16 05851 D)

Regarding DTPA claims barred by the statute of limitations.

Alberta Jackson v. Gainsco, Inc./Gainsco Auto Insurance and MGA Insurance Company, Inc.; 05-16-01190-CV (cc 15 02629 D)

Reversed in part, affirmed regarding individual liability under contract.

Phoneternet, LLC and Adam Alfia v. Drawbridge Design; 05-17-00890-CV (cc 16 04591 D)

Regarding waiver of appellate issue and attorney's fees.

Creditplex Auto Sales, LLC d/b/a Greenville Mitsubishi and Larry Jackson v. Christin Bishop; 05-17-00461-CV (cc 13 01838 D)

Regarding the striking of Plaintiff's expert on causation and the granting of summary judgment in a medical malpractice case.

Michael Miller v. Lone Star HMA, L.P. and Mesquite HMA General, LLC; 05-17-00954-CV (cc 15 04020 D)

Regarding duty and control of general contractors on the worksite and summary judgment.

Jose Hernandez v. Sun Crane and Hoist, Inc, JLB Partners, L.P., JLB Builders, LLC, Augur Drilling, Inc., and D'Ambra Construction Corporation: 05-17-00719-CV (CC 15 00715 D)

Regarding eminent domain and whether taking was for public use, evidentiary rulings, and attorney's fees.  
KMS Retail Rowlett, LP F/K/A KMS Retail Huntsville, LP v. The City of Rowlett: 05-16-00402-CV (cc 15 01323 D)

Regarding a declaration being sufficient to support a sworn petition for eviction and absence of reporter's record.

Karen M. Stephens-Butler v. The Bank of New York Mellon, et al: 05-16-00315-CV (CC 15 5354 D)

Regarding sufficiency of evidence in forcible detainer action.  
Michelle Smith v. Betty Connor: 05-16-00873-CV (cc 16 2992 D)

Regarding dismissal under Chapter 27 of the Texas Civil Practice and Remedies Code (anti-SLAAP) and sanctions/attorney's fees.  
Mark Mills v. David Carlock, Blaise Gormley, and Jackie Milander: 05-16-01027-CV (CC 16 02498 D)

Regarding summary judgment in a premises liability case, denial of a motion for new trial, and refusing to take testimony at a hearing on a motion for new trial.  
Selene Martinez v. ABC Supply Co.: 05-16-00157-CV (cc 14 03290 D)

Regarding landlord-tenant dispute and allegations of retaliation, breach of contract, discrimination, and failure to return security deposit.  
Shaneka Busby Baker v. Forrest Reggie Carr: 05-16-00341-CV (cc 15 04681 D)

Regarding summary judgment in a fraudulent inducement claim after denying two discovery motions, overruling objections to summary judgment evidence, and finding lack of subject matter jurisdiction.  
Steven Lau, et al v James Reeder and Eddie Corbitt: 05-14-01459-CV (cc 98-00869-D)

Regarding issue of first impression and whether the Texas Constitution's Open Courts Clause prevents the running of limitations against otherwise untimely filed survival and wrongful-death claims against her health-care providers. Additionally, no genuine fact issues regarding fraudulent concealment. Summary Judgment affirmed.  
Sheri Durham and Denise Jenkins, et al v. Children's Medical Center of Dallas: 05-14-01464-CV (cc 11 01231 D)

Regarding (non) waiver of right to arbitrate under allegations of substantially invoking the judicial process.  
Barbara Sipriano v. Regional Finance Corporation of Texas and Abel Garcia: 05-15-00397-CV (CC 13 02841-D)

Regarding right to possession under claims of a void deed and lack of subject matter jurisdiction.  
Cynthia M. Garza v. Wells Fargo Bank, N.A.: 05-14-01578-CV (CC 14 04563 D)

Regarding summary judgment, statute of limitations, and fraudulent concealment.  
Lazo Technologies, Inc., et al v. Hewlett-Packard Company, et al: 05-14-01060-CV (CC 12 06786 D)

Regarding due process, notice of trial, and failure to appear.

Gwendolyn Byars v. Otho D. Dilworth, III: 05-14-01405-CV (CC 14 04374 D)

Regarding statute of limitations and failure to use due diligence in service as a matter of law.

Tarnesha Taylor and Denise Jackson v. Brittani Hill: 05-15-00385 CV (cc 13 05970 D)

Regarding summary judgment in a premises liability case with a licensee and timing of a No-Evidence Motion for Summary Judgment.

Dena Burch v Texas Health Presbyterian Hospital Dallas: 05-16-00003 CV (CC 13 06083 D)

Regarding granting of summary judgment in DTPA, fraud, negligent misrepresentation, and successor liability for breach of contract and breach of warranty causes of action.

Bill Moore v. Panini America, Inc.: 05-15-01555-CV (CC 15 03079-D)

Regarding appeal of final judgment after jury trial for breach of contract and quantum meruit claims. Additionally, appeal of directed verdict on counterclaims of DTPA, fraudulent inducement, and fraud. Finally, appeal of attorney's fee award and lack of segregation.

Hejin Hong v. Nations Renovations, LLC: 05-15-01036-CV (CC 14 00212 D)

Regarding the striking of Plaintiff's medical expert, the denial of a continuance, and the directing of a verdict in favor of Defendants in a medical malpractice case in which Plaintiff's counsel announced "ready," when they really were not.

Elizabeth Jane Burks, et al v. John J. Duncan, PH.D, et al

Regarding the interlocutory appeal of a denial of a Motion to Dismiss under TPRC Chapter 74 and the finding that no report was required.

Dena Burch v. Texas Health Presbyterian Hospital Dallas: 05-14-00665-CV (CC 13 06083 D)

Regarding summary judgment after the filing of a bill of review and the failure to hold a hearing in a motion for new trial.

Arthur Carson and Jewellen Moore v. El Capitan Apartments: 05-13-01481-CV (CC 13 02017D)

Regarding the granting of summary judgment in a "Dram Shop" case.

Marco Calvillo v. William Frazier a/k/a Bill Frazier: 05-14-00013-CV (CC 12 00566 D)

Regarding a defamation case, a default judgment, and submitted jury questions.

Lazarus Iroh, et al. v. Emmanuel Igwe, et al: 05-13-00027-CV (CC 11 07596 D)

Regarding a suit for forcible detainer for commercial property (a Burger King) and whether the breach of lease was material.

Fritz Management, LLC v. Huge American Real Estate, Inc.: 05-14-00681-CV (CC 14 00657 D)

Regarding a forcible entry and detainer suit and issues regarding subject matter jurisdiction.

Robert Perry II v., Federal National Mortgage Association: 05-14-00022-CV (CC 13 05355 D)

Affirmed in part; Regarding sufficiency of medical malpractice expert reports under Chapter 74 CPRC

Motion to Dismiss.

Sharlet O. Mitchell, et al v. Nuggehali Satyu, et al: 05-14-00479-CV (CC 13-03855 D)

Regarding an appeal of final judgment after jury trial involving issues of statute of frauds, breach of contract, promissory estoppel, and improper measure of damages.

Blackstone Medical, Inc. v. Phoenix Surgicals, LLC: 05-13-00870-CV (CC 11 00902 D)

Regarding a court reporting company's ability to recover against a lawyer who fails to pay for a deposition.

Robert R. Cole v. Gwendolyn Parker, Inc.: 05-13-01655-CV (CC 13 00513-D)

Regarding summary judgment rejecting a request for a declaratory judgment setting aside a receivership sale under a turnover order in another lawsuit.

Sun Tec Computer, Inc., et al v. The Recovar Group, LLC., et al: 05-14-00257-CV (CC 13-00745 D)

Regarding directed verdict, breach of contract/lease, and failure to preserve issues for appeal.

Lucky Merk, LLC, et al v., Greenville Landmark Venture, et al: 05-12-00848-CV (CC 10 02411 D)

Affirmed in part; Regarding motion to compel arbitration.

Seven Hills Commercial, LLC, et al v. Mirabal Custom Homes, et al: 05-13-01306-CV (CC 12 06312 D)

Decision from the 6th District Court of Appeals after appeal transferred for docket equalization; Regarding monetary and death penalty sanctions.

Chris Gilbert and Glenn Janik v. Kate M. Moseley: 06-13-00081-CV (CC 13 02405 D)

Regarding alleged breach of contract and negligence against a labor union and summary judgment.

Luisa Alonso v. Alliance AFT: 05-13-01240-CV (CC 12 06040 D)

Regarding the denial of a new trial based on allegations of newly discovered evidence.

Masoud Kahrobaie, et al v. Wilshire State Bank: 05-13-01233-CV (CC 11 07903 D)

Regarding summary judgment granted in a "Timberwalk" premises liability case.

Chan Park v. Exxon Mobil Corporation: 05-12-00856-CV (CC 11 02026 D)

Regarding interlocutory appeal challenging court's refusal to dismiss case under Chapter 74 of CPRC and the failure of plaintiff to have an expert report in a case alleging general premises liability.

Methodist Hospitals of Dallas, et l v. Deborah Searcy: 05-14-00375-CV (CC 13 05112 D)

Affirmed in part; Regarding evidentiary rulings in summary judgment, the granting of summary judgment, joint and several liability under Texas Tax Code 171.255, and attorney's fees.

Woodhaven Partners, Ltd, et al v. Shamoun & Norman, LLP: 05-11-01718-CV (CC 10 00907 D)

Regarding summary judgment with claims of unilateral contract, third-party beneficiary, and DTPA violations.

Maryam Parviz-Khyavi v. Alcon Laboratories and Aetna Life Ins. Co.: 05-11-00752-CV (CC 10 03942 D)

Regarding confirmation of an arbitration award and the refusal of the arbitrators to allow discovery.

Beryl Goldman v. Russell Buchanan: 05-12-00050-CV (CC 10 01038-D)

Regarding dismissal of a case involving a forum selection clause.

CKH Family Limited Partnership, et al v. MGD/CCP Acquisition, LLC, et al: 05-12-00573-CV (CC 11 00382 D)

## Awards & Recognition

### DALLAS BAR ASSOCIATION

Listed for Best Civil Judges

2009, 2011, 2013, 2015, 2017

## Related Services

Business and Commercial

General Liability/Catastrophic Injury

Products Liability & Mass Torts

## Education, Admissions & Activities

### EDUCATION

University of Miami School of Law

J.D., 1995

University of Alabama-Huntsville

B.S., magna cum laude, 1992

Business Administration

### BAR ADMISSIONS

Indiana

1997

Texas

1997

Alabama

1995

### COURT ADMISSIONS

United States District Court of Texas

Northern and Eastern

United States District Court of Indiana

Northern and Southern

United States District Court of Alabama

Middle District

#### PROFESSIONAL AND COMMUNITY ACTIVITIES

Dallas Bar Association

High School Mock Trial Competition, Volunteer, 2007-2018; 2014 Judge Merrill Hartman Support Award Winner

Dallas Area Habitat for Humanity

Volunteer

Courthouse Committee

Co-Chair, 2009

Meadowlake Homeowner's Association

Vice President, 2019-present