

Relevant Texas And Other Employment Law Results

Won trial in 2019 resulting in a final “take nothing” judgment for our client, the employer-defendant, in *Miles Hyman v. KD Resources, LLC*, No. 2021-32430, in the 157th Judicial District Court of Harris County, Texas, a breach of contract case brought by an ex-employee claiming that the employer had breached a severance agreement under which he was entitled to \$1 million (Judge Michael Gomez).

Won ruling from district court for our client, the Plaintiff, denying defendant’s motion for summary judgment in an Family and Medical Leave Act case, *Borton v. Lowe’s Home Ctrs., LLC*, Civil Action No. H-17-2209, 2018 WL 6696701 (S.D. Tex., Dec. 20, 2018) (Miller, J.) (Judge Gray Miller).

Won ruling from the district court for our client, the Plaintiff, denying defendant’s motion for summary judgment, in *Pierce v. Fondren Orthopedic Grp., LLP*, No. H-18-1686, 2018 WL 6200049 (S.D. Tex. Nov. 28, 2018), a breach of employment related contract case (Judge Sim Lake).

Won appeal in the U.S. Court of Appeals for the Fifth Circuit reversing the trial court’s judgment and rendering judgment in our client, the Plaintiff’s, favor, for \$255,000 plus \$18,970 in attorneys’ fees, in *William Langley v. Howard Hughes Management Co., L.L.C., Separation Benefits Plan, Director of Human Resources, Howard Hughes Management Co., L.L.C., as Plan Administrator*, Case No. 16-0724, 2017 WL 2390609 (June 1, 2017), an ERISA severance benefits denial case.

Won ruling from district court for our client, the Plaintiff, denying defendant’s motion for summary judgment in an Americans with Disabilities Act disability discrimination case involving a former police officer in *Frank Erimias v. City of Jasper*, Civil Action No. 1:16-cv-00312-RC (E.D. Tex. Apr. 10, 2017) (Judge Ron Clark).

Won two-day jury trial and trial court entered judgement in our client, the Plaintiff’s, favor, for \$168,644.22, in *Robert Fleming v. The Momenta Group LLC d/b/a Momentum Fitness Solutions and Grant Moyer*, Civil Action No. 4:15-cv-00075, 2016 WL 7742788 (S.D. Tex. June 27, 2016), a FLSA retaliation case (Judge David Hittner).

Won defense summary judgment in *Arthards v. Becon Construction Company, Inc.*, No. 2015-34439, in the 157th Judicial District Court of Harris County, Texas, a TCHRA race discrimination, national original discrimination, and retaliation case (Judge Randy Wilson).

Won defense summary judgment and appeal in *Jurach v. Safety Vision, LLC*, 72 F. Supp. 3d 698 (S.D. Tex. 2014), a disability discrimination, retaliation, and ERISA Section 510 case (Judge Lee Rosenthal), *aff’d*, 2016 WL 1055698 (5th Cir., Mar. 15, 2016).

Won defense summary judgment in *Johnny Garcia v. U.S. Logistics, Inc.*, et al. NO. CIV.A. H-13-3299, 2014 WL 2050275 (S.D. Tex. May 19, 2014), a breach of employment contract case (Judge Lee Rosenthal).

Won five-day jury trial for our client, the Plaintiff, and the trial court entered final judgment for \$650,241.00, in *Nancy Robertson v. Williams-Sonoma Stores, Inc. et al.*, No. 4:11-cv-04299, an age discrimination case (Judge Vanessa Gilmore).

Won defense summary judgment in *Irma Azuara v. First Source Electrical, LLC*, No. 2011-70575, in the 61st District Court of Harris County, Texas, a breach of employment contract, breach of stock agreements, and breach of the duty of good faith and fair dealing case (Judge Al Bennett).

Won defense summary judgment in *James Balderaz v. BJ Services Company, U.S.A.*, No. 2009-76279, in the 129th Judicial District Court Of Harris County, Texas, a workers' compensation retaliation and tortious interference case (Judge Michael Gomez).

Won defense summary judgment in *Karl Wawarosky v. FAST Group Houston, Inc.*, No. 2011-62792, in the 157th Judicial District Court Of Harris County, Texas, a TCHRA age and race discrimination case (Judge Randy Wilson), *aff'd*, NO. 01-13-00466-CV, 2015 WL 730819 (Tex. App.-Houston [1st Dist.] Feb. 17, 2015, no pet.).

Won summary judgment and appeal in the amount of \$144,657.45 for our client, the Plaintiff, in *Douglas v. Smith Intern. Corp.*, No. 4:11-CV-1924 (S.D. Tex. Sept. 30, 2011), a severance pay case brought under Saudi Arabian labor law (Judge Lynn Hughes), *aff'd*, 481 Fed. Appx. 917, 2012 WL 2801672 (5th Cir. July 10, 2012).

Won decision from trial court granting our clients, the Plaintiffs', motion for conditional certification in the FLSA case of *Walker v. Honghua America, LLC*, 870 F. Supp. 2d 462 (S.D. Tex. 2012) (Judge Keith Ellison).

Won appeal and the court of appeals reversed a jury verdict for the plaintiff and rendered a take-nothing final judgment for the employer-defendant in *Baker Hughes Oilfield Operations, Inc. v. Williams*, 360 S.W.3d 15 (Tex. App.-Houston [1st Dist.] 2011, pet. denied), a race discrimination case.

Won defense summary judgment in *Marc Bauman v. United Healthcare Services, Inc., UnitedHealth Group, Incorporated and United Behavioral Health*, No. 4:08-cv-02882, 2009 WL 5178022 (S.D. Tex., Dec. 30, 2009), in the United States District Court for the Southern District of Texas, Houston Division, an ADEA failure to hire case (Judge Ewing Werlein, Jr.).

Won defense summary judgment and appeal in *Hobbs v. Baker Hughes Oilfield Operations*, No. V-06-97, 2007 WL 4223666 (S.D. Tex., Nov. 28, 2007), an ERISA breach of fiduciary duty case, in the Southern District of Texas, Victoria Division (Judge John D. Rainey), *aff'd*, 294 Fed. Appx. 156, 2008 WL 4411521 (5th Cir., Sept. 29, 2008).

Won defense summary judgment in *Mayo F. Brown v. Baker Hughes Oilfield Operations, Inc.*, No. 449-04, a TCHRA disability discrimination case, in the 115th Judicial District, Upshur County, Texas (Judge Lauren Parish).

Won defense summary judgment in *Rodney Cooley v. Baker Hughes Oilfield Operations, Inc.*, Rodney Mahagan and John Trahan, No. A017177, in the 58th Judicial District, Jefferson County, a TCHRA race discrimination, racial harassment, civil conspiracy, and intentional infliction of emotional distress case (Judge James W. Mehaffy).

Won defense summary judgment and appeal in *Juanita DeHart v. Baker Hughes Oilfield Operations, Inc.*, No. H-04-2233, 2005 WL 3005641, in the Southern District of Texas, Houston Division, a Title VII retaliation case (Judge Lynn Hughes), *aff'd*, 214 Fed. Appx. 437, 2007 WL 126081 (5th Cir., Jan. 19, 2007).

Won defense summary judgment and appeal in *Diane Esparza v. Telerx Marketing, Inc.*, No. EP-04-CA-241 FM, 2005 WL 1514046, in the Western District of Texas, El Paso Division, a TCHRA sex discrimination, retaliation, and same-sex sexual harassment case (Judge Frank Montalvo), *aff'd*, 174 Fed. Appx. 806, 2006 WL 906081 (5th Cir., Apr. 03, 2006).

Won defense summary judgment in *Tekste Simagne v. W. Tom Arnold and Standard Parking Corp.*, No. 2005-26595, in the 190th Judicial District, Harris County, a Sabine Pilot wrongful termination case (Judge Jennifer W. Elrod).

Won defense jury verdict after a three-day jury trial, and won the appeal, in *Brian James Johnsen v. Baker Hughes Inc.*, No. MO-04-068, in the Western District of Texas, Midland-Odessa Division, an Americans with Disabilities Act disability discrimination case (Judge Robert Junell), *aff'd*, 178 Fed. Appx. 386, 2006 WL 1209388 (5th Cir., May 02, 2006).

Won defense summary judgment in *Eugene Perrard v. Fluor Enterprises, Inc.*, No. H-04-4265, in the Southern District of Texas, Houston Division, a Family and Medical Leave Act job restoration case (Judge Lee Rosenthal).

Won defense summary judgment in *Amalia Perez v. Sears, Roebuck & Co.*, No. B-04-068, in the District Court for the Southern District of Texas, Brownsville Division, a Title VII sex discrimination, ADEA, and workers' compensation retaliation case (Judge Andrew S. Hanen).

Won defense summary judgment in *Jasper Omokaro v. Sears, Roebuck & Co.*, No. H-03-3513, in the District Court for the Southern District of Texas, Houston Division, a race discrimination case under 42 U.S.C. § 1981 (Judge Ewing Werlein, Jr.).

Won defense summary judgment against named plaintiffs and denial of class certification after a three-day hearing in *Linda D. Webb and Erica L. Sanders, Individually and on Behalf of Others Similarly Situated v. Barnes Group Inc.*, No. 3-02CV2716-R, in the District Court for the Northern District of Texas, Dallas Division, a Title VII sex discrimination and Equal Pay Act case (Judge Jerry Buchmeyer) (part of a team of lawyers that obtained this result).

Won defense summary judgment in *Christopher J. St. Armour v. Suntory Water Group, Inc.*, No. '02-2295-PHX-SRB, in the District Court for the District of Arizona, a Title VII same-sex sexual harassment case (Judge Susan R. Bolton).

Won defense summary judgment in *Ray C. McNeal v. Sears, Roebuck & Co.*, No. SA03CA0506OG, in the District Court for the Western District of Texas, San Antonio Division, a Title VII race discrimination, retaliation, and Americans with Disabilities Act disability discrimination case (Judge Orlando L. Garcia).

Won defense summary judgment in *Rebecca Nesmith v. FedEx Ground Package System, Inc.*, No. C-03-207, in the District Court for the Southern District of Texas, Corpus Christi Division, a Title VII and TCHRA sexual harassment case (Judge Janis Graham Jack).

Won defense summary judgment in *Charlzetta Lyons v. Sky Chefs, Inc.*, No. 03CV-307EA(M), in the United States District Court for the Northern District of Oklahoma, a race discrimination and ERISA Section 510 retaliation case (Judge Claire Eagan).

Won defense summary judgment in *Odell Niblett v. Baker Hughes Inc.*, No. M0-02-CA-168, in the United States District Court for the Western District of Texas, Midland-Odessa Division, a Title VII race discrimination case (Judge Robert Junell).

Won defense summary judgment in *Kermit C. Woods v. Accenture L.L.P.*, No. H-02-2989, in the United States District Court for the Southern District of Texas, Houston Division, a Title VII racial harassment and retaliation case (Judge Nancy Atlas).

Won defense summary judgment in *James S. Byrom v. Accenture, Ltd.*, No. 3-02CV0124-N, in the Northern District of Texas, Dallas Division, an age discrimination case (Judge David Godbey).

Won defense summary judgment in *Thomas Wilson v. Suntory Water Group Beverage, Inc.*, No. E-165089, in the District Court of Jefferson County, Texas, 172nd Judicial District, a workers' compensation retaliation case (Judge Donald J. Floyd).

Won defense summary judgment in *James M. Lawrence v. United Airlines, Inc.*, No. 3:01-CV-0809-H, 2002 U.S. Dist. LEXIS 12559, in the Northern District of Texas, Dallas Division, a race discrimination case (Judge Barefoot Sanders).

Won defense jury verdict for defendant after a four-day jury trial in *James Brown v. Sears, Roebuck & Co.*, No. H-00-3260, in the United States District Court for the Southern District of Texas, Houston Division, a race discrimination case (Judge Marcia Crone).

Won defense summary judgment and appeal in *Lynette Bradford v. Giessel, Barker & Lyman, Inc. and Steve Arnold*, No. H-00-4055, in the United States District Court for the Southern District of Texas, Houston Division, a sexual harassment, sex discrimination, retaliation, and assault case (Judge Sim Lake), *aff'd*, No. 02-20477 (5th Cir., Jan. 22, 2003).

Won defense summary judgment and appeal in *Newsom v. Brod et al.*, No. 01-CV-119047, in the District Court of Fort Bend County, Texas, 400th Judicial District, a defamation and civil conspiracy case (Judge Bradley Smith), *aff'd*, 89 S.W.3d 732 (Tex. App.—Houston [1st Dist.] 2002, no pet.).

Won defense summary judgment in *Mary West & Joe Gayton v. Sears, Roebuck and Co.*, No. H-00-3837, in the United States District Court for the Southern District of Texas, Houston Division, an ERISA severance benefits denial case (Judge Melinda Harmon).

Won defense summary judgment in *Robert Terrell v. Allied Systems*, No. H-99-4437, in the United States District Court for the Southern District of Texas, Houston Division, a Title VII and Section 1981 race discrimination case (Judge Calvin Botley).

Won defense summary judgment in *Patrick Dominguez v. Unocal Oil Company of California, et. al.*, No. H-00-1976, in the United States District Court for the Southern District of Texas, Houston Division, an ERISA Section 502(a)(1)(b), ERISA Section 510, and national origin discrimination case (Judge Nancy Atlas).

Won defense summary judgment in *Clarence Richard v. Minolta Business System, Inc.*, No. H-99-1093, in the United States District Court for the Southern District of Texas, Houston Division, a Title VII retaliation case (Judge Ewing Werlein, Jr.).

Won defense summary judgment in *Robert Mason v. United Airlines*, No. 3:99-CV-1512-M, in the United States District Court for the Northern District of Texas, Dallas Division, an Americans with Disabilities Act and race discrimination case (Judge Barbara Lynn), *aff'd*, 274 F.3d 314 (5th Cir. 2001).

Won defense summary judgment in *Dennis Morrison v. Fluor Daniel, Inc.*, No. H-99-2369, in the United States District Court for the Southern District of Texas, Houston Division, a sexual harassment and retaliation case (Judge Nancy Atlas).

Won defense summary judgment in *Equal Employment Opportunity Commission v. Cooper Cameron Corporation*, No. H-99-1419, 10 Am. Disabilities Cas. (BNA) 734 (S.D. Tex. 2000), an Americans with Disabilities Act case (Judge Kenneth Hoyt).

Won defense summary judgment in *Marianne O'Keefe v. Kaiser-Permanente*, No. DV 98-06446, in the 298th Judicial District of Dallas County, Texas, a national origin discrimination, age discrimination, and defamation case (Judge Hoffman).

Won defense summary judgment and appeal in *Patricia Godwin v. United Airlines, Inc.* No. H-98-0285, in the United States District Court for the Southern District of Texas, Houston Division, a sexual harassment, sex discrimination, and workers' compensation retaliation case (Judge Lee Rosenthal), *aff'd*, No. 99-21123 (5th Cir., Jun. 1, 2000).

Won defense summary judgment and appeal in *Paula Thompson v. Merck-Medco Rx Services of Texas, LLC*, No. 98-00193A, in the County Civil Court at Law No. 1 of Dallas County, Texas, a workers' compensation retaliation case (Judge David Gibson), *aff'd*, No. 08-99-00378-CV, 2000 WL 995257 (Tex. App.—El Paso, July 20, 2000), *pet. denied*, No. 00-1111 (Tex. Dec. 29, 2000).

Won defense summary judgment in *Nancy M. Glover v. The Prudential Insurance Company of America*, No. SA98CA0333HG, in the United States District Court for the Western District of Texas, San Antonio Division, an Americans with Disabilities Act and retaliation case (Judge H.F. Garcia).

Won defense summary judgment in *Albert Charles Thielemann v. The Dow Chemical Company*, No. H-98-1304, in the United States District Court for the Southern District of Texas, Houston Division, an ERISA pension benefits case (Judge Vanessa Gilmore).

Won defense summary judgment in *Patricia A. Perez v. Houston Cellular Telephone Co.*, No. H-96-4211, in the United States District Court for the Southern District, Houston, an Americans with Disabilities Act, race discrimination, and retaliation case (Judge Lee Rosenthal).

Won defense summary judgment in *Kim Gamble v. Wadley Regional Medical Center*, No. 5: 97CV91, in the United States District Court for the Eastern District of Texas, Texarkana Division, a Family and Medical Leave Act case (Judge Robert Faulkner).

Won defense summary judgment in *Gregory Seebaldt, on behalf of himself, and all other similarly situated employees, a class v. Digital Consulting & Software Services, Inc.*, No. H-96-3894, in the United States District Court for the Southern District of Texas, Houston Division, a Fair Labor Standards Act case (Judge Lynn Hughes).

Won defense summary judgment in *Daniel Smith v. Sat-tel Services, Inc.*, No. 96-CI-08839, 166th Judicial District, Bexar County, Texas, a workers' compensation retaliation case (Judge Charles Barrow).