MUNSCH HARDT

Dallas
Austin
Houston

Attorneys & Counselors



Jamil N. Alibhai

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Education

J.D. from Southern Methodist University, Dedman School of Law

- Order of the Barristers

B.A. (Economics) from New York University

B.A. (Political Science) from New York University

Bar Admissions

Texas

United States Court of Appeals for the Federal and Fifth Circuits

United States District Courts for the Eastern, Northern, Southern and Western Districts of Texas

United States Supreme Court

Related Practices

Intellectual Property
Intellectual Property Litigation
Litigation
Appellate
Insolvency Litigation
Intellectual Property Litigation
Trade Secrets

Overview

Jamil focuses his practice on complex commercial litigation, intellectual property disputes, insolvency litigation, noncompetition and trade secret litigation, and appellate matters, serving clients throughout Texas and the rest of the country. He has expertise across various industries, including energy, financial services, health care, real estate and technology and telecommunications. Jamil currently serves as leader of Munsch Hardt's Intellectual Property practice group.

Jamil takes on challenging cases that result in remarkable wins for his clients. Throughout his more than 25 year legal career, he has served as lead trial counsel in cases involving some of the largest businesses in America in state and federal courts nationwide. Notably, he served as lead counsel for Electric Reliability Council of Texas, Inc. (ERCOT) in connection with multiple disputes following Texas's historic Winter Storm Uri, one of which was considered to be the largest bankruptcy trial in the country in 2022 and led to a recovery of over $1.9 B for ERCOT. He was also lead trial and appellate counsel in the adversary proceeding filed against ERCOT by the largest independent retail energy provider in the State of Texas for $335 MM, which led to an appellate victory in the U.S. Court of Appeals for the Fifth Circuit.

In 2015, Jamil was honored as one of National Law Journal's winning litigators for his work on a patent infringement and trade secret misappropriation case that was tried to a jury. Jamil was lead counsel on the case that resulted in an $88 MM verdict, which was ranked the 16th Largest Verdict of 2015 by The National Law Journal and VerdictSearch.

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Related Industries

Financial Services
Energy
Health Care
Real Estate
Technology & Telecommunications

Achievements

American Bar Foundation – Fellow

D Magazine – The Best Lawyers in Dallas (2014, 2019)

Dallas Bar Foundation – Life Patron Fellow

Dallas Business Journal – Top Business-Defense Lawyers in Dallas (2009)

Dallas Regional Chamber – Leadership Dallas (Class of 2013)

IAM Patent 1000 – Recommended Professionals (2020-2023)

Lawdragon - Lawdragon 500 Leading Litigators in America (2022-2024)

Litigation Counsel of America – Senior Fellow

Martindale-Hubbell® AV Preeminent®, Peer Review Rated™

National Law Journal – Winning Litigator (2015)

Texas Bar Foundation (Fellow)

Texas Lawyer – Litigator of the Week (2015)

Thomson Reuters – Texas Super Lawyers (2012-2023); Texas Rising Stars (2008-2011)

Woodward/White, Inc. – Best Lawyers in America, Litigation – Intellectual Property (2020-2024); Best Lawyers in America, Litigation – Labor & Employment (2020-2024)

Memberships

American Bar Association

American Intellectual Property Law Association

Dallas Bar Association

Federal Circuit Bar Association

Honorable Patrick E. Higginbotham American Inn of Court (Master of the Bench)

Make-A-Wish North Texas (Board Member, 2017-present)

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Experience

Bankruptcy Litigation

Lead counsel for Electric Reliability Council of Texas, Inc. ("ERCOT") in defending an adversary proceeding brought in the U.S. Bankruptcy Court for the Southern District of Texas by Brazos Electric Power Cooperative, Inc. ("Brazos"). Brazos sought to avoid approximately $1.9 B it owed for energy charges incurred during Texas' historic Winter Storm Uri. The trial began February 21, 2022 and proceeded for two weeks before the parties agreed to submit to mediation. In November 2022, the bankruptcy court approved a Chapter 11 plan for Brazos. This proceeding was considered to be the largest bankruptcy trial in the country in 2022.

Commercial Litigation & Appeal

Represented a gold-mining company in a decade-long dispute. The district court refused to recognize a $48 MM judgement from Mexico and instead found the judgement (i) is repugnant to the public policy of the State of Texas and the United States; (ii) conflicts with another final and conclusive judgment, and (iii) was not compatible with the requirements of due process of law. The losing party appealed, and Munsch Hardt served as lead counsel on the appeal to the Fifth Court of Appeals, where the appeal was dismissed.

Patent Infringement

Represented an international pharmaceutical company in patent infringement cases against generic drug manufacturers.

Bankruptcy Litigation

Represented Electric Reliability Council of Texas, Inc. ("ERCOT") in connection to the Chapter 15 bankruptcy proceeding commenced by Just Energy Group, Inc. ("Just Energy") in the U.S. Bankruptcy Court for the Southern District of Texas. Just Energy, the largest independent retail energy provider in the State of Texas, was invoiced more than $280 MM by ERCOT following Winter Storm Uri. Just Energy filed a complaint against ERCOT seeking to void payment for electricity purchased. ERCOT successfully moved to have certain causes of action dismissed and was granted a motion for direct appeal to the U.S. Court of Appeals for the Fifth Circuit. Just Energy's petitions for rehearing were denied and the adversary proceeding in the bankruptcy case is stayed.

Breach of Contract

Represented an investment management company against a seller that was in breach of a purchase agreement for failing to properly construct buildings. The case included an arbitration, federal court case and state court case to resolve the issue. Munsch Hardt was involved in finalizing the termination of the Purchase Agreement and negotiating another real estate transaction among the parties as a part of a settlement.

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Patent Infringement

Defending a lighting company in a patent infringement case involving six patents related to LED driver/dimmer technology. The Court ordered the plaintiff to reduce the number of asserted claims and inter partes reviews for the six patents are currently pending.

Bankruptcy Litigation

Representing a sublessee against an owner/landlord after the entity who arranged the sublease filed for bankruptcy, which led to our client's lease being rejected. Munsch Hardt exposed improprieties in the case and our client sued the owner/landlord parties for conspiracy, tortious interference, attempting wrongful eviction and seeking declaratory relief with respect to its rights under the lease and sublease. After failing to get these charges dismissed, the owner/landlord parties counterclaimed. The counterclaims were initially dismissed, but have since been amended and discovery is now ongoing.

Patent Infringement + Trade Secrets

Defended a diabetes treatment company sued for patent infringement and misappropriation of trade secrets. Our team filed an interlocutory appeal and emergency motion to stay the district court's injunction with the United States Court of Appeals for the Federal Circuit. The emergency stay was granted so that patient treatment could continue and the Court concluded that the plaintiff failed to meet the burden of proof in their case, and the district court's injunction was reversed and remanded.

Intellectual Property

Represented a software company in the rights to a payroll tax processing software purchased in 2015. Following the purchase of the software, a company that previously held interest in a Transfer Agreement with our client filed a suit seeking declaration of rights to the software. Our client filed a counterclaim and the district court granted summary judgment in favor of our client and against the plaintiff on two counts of the Complaint. The case went to trial regarding the parties' rights, and ended in a judgment in favor of our client.

Breach of Contract

Representing a global technology company in a breach of contract case stemming from a project to provide prison inmates with access to digital media for the Texas Department of Criminal Justice. After our client completed installation, the defendant defaulted on $22 MM in invoices for the work our client did. The case in ongoing.

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Breach of Fiduciary Duty

Represented plaintiffs in a lawsuit arising from investments made by our clients in a limited partnership founded and managed by the Defendant, who solicited investments from our clients by means of untrue statements and failed to disclose material information in connection with the solicitation of those funds. After obtaining a final judgment in our favor for more than $8 MM after a motion for summary judgment for violations of the Texas Securities Act and breach of fiduciary duty, Defendant filed a motion for new trial. The motion was denied and Defendant appealed to the Dallas Court of Appeals. On February 7, 2024, the Court of Appeals affirmed the judgment of the trial court.

Newsroom

Press Release: Dr. Chad Ray Joins Munsch Hardt's Growing Intellectual Property Litigation Practice

In The News: DENIED: No New Trial as Munsch Hardt Lawyers Preserve $8.25M Award

Press Release: Munsch Hardt Secures $8+ Million Win for Clients

In The News: Munsch Hardt Beats Back Injunction for Insulin Therapy Client

Press Release: 14 Munsch Hardt Attorneys Recognized in 2023 Texas Super Lawyers® Directory

Press Release: 'Best Lawyers in America®' Names 54 Munsch Hardt Attorneys to its 2024 List and Two as 'Lawyers of the Year'

Press Release: IAM Patent 1000 Ranks Munsch Hardt and Two IP Shareholders in 2023 List

In The News: Irving-Based Mining Co. Can't Recover $48M Mexican Judgment

In The News: Forum Shopping? Dallas Appeals Court Rejects $48.3M Foreign Judgment

In The News: 5th Circ. Won't Budge From Ch. 15 Power Price Suit Remand

In The News: Fifth Circuit: Bankruptcy Court Cannot Decide Validity of ERCOT, PUC Pricing During Winter Storm Uri

In The News: 5th Circ. Remands Just Energy Ch. 15 Suit Over Power Prices

Press Release: 2022 Texas Super Lawyers® Recognizes 13 Munsch Hardt Attorneys

In The News: Brazos Gets Nod On Ch. 11 Plan Docs With ERCOT Deal

In The News: Brazos Electric Bankruptcy Heads to Finish Line

Press Release: Munsch Hardt Attorneys Honored as 2023 'Best Lawyers in America®,' 'Ones to Watch', and 'Lawyer of the Year'

In The News: Brazos Wants To Set Trial Date On ERCOT $1.9B Ch. 11 Claim

In The News: Three Middle-Market Law Firms, One Record-Setting Year in Texas Revenues

In The News: Brazos Trial Over $1.9B ERCOT Bill Paused For Mediation

In The News: CEO: Brazos in Great Shape Until Crippling Uri Bills

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In The News: Brazos Execs Knew Electric Prices Would Soar Even Before Winter Storm Uri Hit

In The News: Brazos Bankruptcy Trial: Ex-ERCOT CEO Knew 'Financial Storm Was Brewing' After Winter Storm Uri

In The News: Brazos Calls ERCOT Billing Unreasonable In Ch. 11 Trial

In The News: Texas Bankruptcy Trial Begins Over $2 Billion Energy Bill After 2021 Winter Storm

In The News: Texas Grid Operator in Bankruptcy Showdown Over $2 Billion Charge

Press Release: Twelve Munsch Hardt Attorneys Named to 2021 Texas Super Lawyers List

Press Release: Munsch Hardt Attorneys Honored as 2022 'Best Lawyers in America', 'Ones to Watch' and 'Lawyer of the Year'

In The News: Foes Battling Over Mexican Gold Mine Discover Rich Vein of — Litigation

In The News: Dallas Lawyer's Focus on Litigation Fundamentals Helps Client Dodge $48M Judgment

In The News: Violate My Patents? See you in Texas

Press Release: Fifteen Munsch Hardt Attorneys Named to 2020 Texas Super Lawyers List

Press Release: Notable Trial Attorney and Intellectual Property Litigator Joins Munsch Hardt's Dallas Office

In The News: Trial Pros Q-and-A with Jamil Alibhai

In The News: Top Litigators Share Winning Strategies

In The News: New patent infringement lawsuits in East Texas shatter records

In The News: Litigator of the Week: TAOS' Win in Trade Secrets Case Hinged on Detailed Timeline

In The News: Plano-based TAOS wins $58.7 million judgment

In The News: T-Mobile to AT&T's Aio Wireless: Give me back my magenta!

Article: Zealous Advocacy and the Search for the Truth

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