

## Mark Deaton



Shareholder [Houston](#)  
700 Milam Street, Suite 800  
Houston, Texas 77002  
O: 713.222.1470 D: 713.222.4054  
[mdeaton@munsch.com](mailto:mdeaton@munsch.com)

### Education

J.D. from University of Houston Law Center *magna cum laude*

- *Houston Law Review* (Publishing Editor)
- Order of the Barons
- Order of the Coif

B.A. from Boston University *cum laude*

- Trustee Scholar

### Bar Admissions

Texas

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

### Related Practices

Litigation

- Construction Litigation
- Energy Litigation
- Personal Injury & Wrongful Death
- Products Liability

### Related Industries

Construction

## Overview

Mark routinely represents clients in complex litigation involving commercial disputes and product liability in both state and federal courts. His litigation experience covers a broad group of industries, including oil and gas, transportation, construction, manufacturing, premises liability and brick-and-mortar retail.

Mark counsels owners, contractors and other stakeholders in contract disputes and construction defect matters. Recent matters include the AstroWorld concert disaster, commercial landlord-tenant litigation, electrical and mechanical issues in state university dormitories and welding issues in agricultural products handling facilities. Mark also has extensive experience representing a wide range of upstream and midstream oil and gas entities in commercial, title and personal injury disputes, including Winter Storm Uri natural gas contractual disputes and natural gas facility construction and contamination disputes, from both defense and plaintiff sides. For his entire career, Mark has represented both heavy-equipment and commercial appliance manufacturers on a variety of product design, manufacturing, warning defect and negligence-related claims.

Prior to becoming a lawyer, Mark spent more than 15 years in commercial aviation managing airline crews and designing and delivering onboard security and safety curricula. He is committed to achieving practical business solutions with integrity while maintaining open and authentic communication with clients and colleagues. Mark recognizes corporate clients face many pressures in litigation, be they economic, governance, or public perception, and he strives to provide thoughtful, creative counsel that exceeds the client's expectations in order to build lasting relationships.

Energy  
Manufacturing  
Transportation

## Achievements

*Thomson Reuters* – Texas Rising Stars (2018-2020)

## Memberships

American Bar Association  
Houston Bar Association  
State Bar of Texas

Mark currently serves as a member of Munsch Hardt's Diversity Committee and is formerly the co-chair of the Firm's Summer Associate Program. He also serves on the Board of Trustees of Houston's Council on Recovery and is an inaugural member of the Greater Houston LGBTQ+ Chamber of Commerce.

## Experience

### Negligence + Premises Liability Defense

Successfully defended concert-services provider in AstroWorld concert disaster, deposing dozens of codefendant entities and drafting summary judgment motion that resulted in Munsch Hardt obtaining complete judgment in favor of client on claims by more than 5,000 death and injury plaintiffs

### Energy Litigation

Successfully defended claims of breach of contract, negligence and negligent misrepresentation resulting from failed natural gas transaction due to Winter Storm Uri. The dispute implicated the Natural Gas Act, force majeure issues and the distinction of multifarious contractual responsibilities within the context of the Economic Loss Rule.

### Construction Litigation

Successfully defended an interstate pipeline company in a construction defect dispute arising from the expansion of a Houston Ship Channel 100+ oil tank farm.

### Landlord – Tenant + Product Liability Litigation

Obtained a million dollar settlement for a landlord related to the tenant's surrender of a 600,000+ square foot manufacturing warehouse with dozens of inoperable commercial rooftop HVAC units; the tenant was itself an HVAC manufacturer who failed to properly maintain its own equipment

## Construction Litigation

Obtained a multimillion dollar settlement in favor of client in an oil tank floating roof construction defect dispute.

## Products Liability Defense

Assisted in successfully defending a leading manufacturer of personnel lifts in a products liability and construction case in which, after a three-week trial, the jury held the general contractor for the Baylor football stadium 100% responsible for negligence and ordered to pay \$17 MM in a death case.

## Workers' Compensation + Negligence Defense

Successfully defended non-subscribing electronics retailer from employee's negligence and premises liability claims arising from pallet jack misuse that resulted in amputation. After fully-litigated arbitrated proceeding, judgment granted for employer on multiple bases.

## Products Liability Defense

Successfully defended a leading manufacturer of warehouse overhead cranes from a catastrophic injury claim resulting from operator misuse and intervening negligent repair service resulting in favorable settlement.

## Products Liability Defense

Successfully defended a leading manufacturer of construction lighting equipment in a products liability case, in which, after moving for summary judgment on all design and manufacturing claims, Plaintiff settled for zero dollars from the client while obtaining an almost \$700,000 settlement from a co-defendant which negligently operated the manufacturer's equipment.

## Construction Litigation

Successfully defended an HVAC subcontractor in a condominium tower construction dispute by obtaining summary judgment that the plaintiff homeowners were bound to waiver provisions in the original prime construction contract by virtue of their representations and actions taken in an earlier unrelated dispute.

## Energy Litigation

Assisted in representing a leading provider of mud pulse measurement-while-drilling equipment in a dispute with a large customer, in which the Firm's client had a judgment against the customer. As a part of the collection effort, Munsch Hardt obtained a receiver to collect and liquidate the debtor/customer's assets. This led to fraudulent transfer suits against ten organizations and individuals that received funds from the customer.

## Energy Litigation

Successfully defended a leading oil and gas exploration company in a rights dispute with mineral interest owner and, after the interest owner trespassed, destroyed equipment and interfered with well operation, obtained permanent injunction against the interest owner's representatives from interfering with proper operation of gas well.

## Energy Litigation

Assisted in defending a midstream condensate processor from claims by a Mexican state oil company that the client had knowingly resold allegedly-stolen Mexican petroleum products in large multi-party federal litigation. After the filing of motions for summary judgment by multiple parties, client obtained satisfactory settlement and release with no admission of liability.

## Negligence + Personal Injury

Defended a large waste disposal company whose driver backed his waste truck into another vehicle, resulting in injuries to the other driver. The other driver sued, alleging damages for a multiple spinal fusions, a complete inability to work and in excess of \$3 MM in damages. The jury found that the plaintiff was partially at fault but also found that his alleged injuries were not caused by the accident.

## Construction Litigation

Assisted in successfully defending nationwide HVAC company in a construction defect case, in which the university asserted defective construction claims on student dormitory complex almost ten years after construction was complete. Munsch Hardt obtained summary judgment on contract and negligence-based claims based upon proving general contractor waiver and release of claims related to earlier payment dispute.

## Contract Dispute

Successfully asserted client's breach of contract claims against the estate of decedent related to various loans, in which summary judgment was obtained based upon the court finding a valid contract existed based upon multiple correspondence exchanged between the decedent and client.

## Construction Litigation

Successfully leveraged nationwide fast-food restaurant chain against its franchisees in multiple disputes arising from franchisees' non-payment of remediation costs related to Hurricane Sandy storm damage in New York and New Jersey outlets.

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## Newsroom

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**Speech:** Emerging Legal Issues in COVID-19 Era

**Press Release:** Eight Munsch Hardt Attorneys Named on the Super Lawyers 2019 Rising Stars List

**Press Release:** Munsch Hardt Announces 2018 Promotions to Equity Shareholder and Shareholder

**Press Release:** Seven Munsch Hardt Attorneys Named to 2018 Texas Rising Stars List

**Press Release:** Munsch Hardt Wins Defense Verdict in Baylor University Bridge Wrongful Death Case

**Press Release:** Munsch Hardt Welcomes Five Attorneys from Harrison Bettis McFarland to Houston Office

**Press Release:** Munsch Hardt, Harrison Bettis McFarland Join Forces to Propel Strategic Growth in Texas