

Nolan C. Knight



Shareholder [Dallas](#)
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Education

J.D. from Loyola University New Orleans School of Law
B.S. from Xavier University of Louisiana *cum laude*

Bar Admissions

Texas

United States Supreme Court

United States Courts of Appeals for the Third, Fifth, Sixth, Eighth and Tenth Circuits

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

United States District Court for the Western District of Michigan

Related Practices

Environmental

Condemnation & Eminent Domain
Environmental Litigation

Litigation

Appellate
Energy Litigation
Insurance Litigation
Real Estate Litigation

Overview

Nolan focuses his practice on litigating disputes and counseling clients regarding compliance with environmental laws and regulations, appellate matters and general business disputes.

His experience includes:

- Litigating civil and administrative disputes under, or counseling clients regarding, the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act; Endangered Species Act; Federal Rivers and Harbors Appropriations Act; National Environmental Policy Act; Resource Conservation and Recovery Act; and equivalent laws of various states.
- Serving as briefing counsel or presenting oral argument in well over twenty-four appeals, involving varied substantive issues, throughout Texas state intermediate appellate courts, the Texas Supreme Court, United States appellate courts throughout the country and the United States Supreme Court.
- Litigating business disputes involving matters as far ranging as 28 U.S.C. § 1782 actions to obtain discovery for use in foreign proceedings, asset recovery litigation, trademark disputes, insurance coverage disputes, business tort claims, corporate tax litigation, breach of contract claims, landlord/tenant disputes, discrimination claims based on state and federal laws and claims based on the Employee Retirement Income Security Act.

Nolan also benefits from a unique perspective and appreciation for civil and criminal practice in the federal court system, as he spent a year as a judicial law clerk for United States District Judge Sam A. Lindsay of the

Related Industries

Admiralty & Maritime
Energy
Insurance
Manufacturing
Real Estate
Technology & Telecommunications
Transportation

Achievements

Texas Bar Foundation – Fellow
Thomson Reuters – Texas Rising Stars (2008-2015)
Woodward/White, Inc. – Best Lawyers in America, Texas' Best Lawyers, Appellate Practice (2021); Best Lawyers in America, Texas' Best Lawyers, Commercial Litigation (2021)

Memberships

Honorable Patrick E. Higginbotham American Inn of Court (Barrister, 2010 – 2013)
Northern District of Texas Judicial Advisory Committee (Chairman, 2018)
State Bar of Texas, Environmental and Natural Resources Section
Dallas Bar Association

Northern District of Texas.

Nolan currently serves as Co-Chair of Munsch Hardt's Diversity Committee.

Experience

Environmental Litigation

Represented a railcar manufacturer initially in an enforcement action brought by the Commonwealth of Pennsylvania, then in derivative civil litigation against a predecessor owner of a manufacturing facility located in western Pennsylvania. The enforcement action was resolved on terms whereby the Commonwealth dismissed several felony counts against Nolan's client for alleged violation of Commonwealth environmental laws, and entered a consent agreement authorizing the client to pursue civil litigation against entities responsible for environmental contamination. In an ensuing civil trial in the United States District Court for the Western District of Pennsylvania, Nolan's litigation team obtained a \$5.27 MM judgment against a predecessor owner, with interest, costs and percentage allocation of all future costs for an ongoing environmental response.

Appellate Victory

Obtained appellate ruling in favor of a mobile phone manufacturer, against allegations the client's technology led to the death of a 9-1-1 caller. A team of Munsch Hardt attorneys obtained Rule 12(b)(6) dismissal of the underlying claims in litigation before a federal district court, because the plaintiffs could not establish a causal link between the operation of the mobile phone and the caller's death. The litigation team established on the face of the pleadings, it was evident emergency responders could have reached the 9-1-1 caller in time to assist if they timely had used information relayed by a 9-1-1 dispatcher. Nolan briefed and presented oral argument in the subsequent appeal to the United States Court of Appeals for the Fifth Circuit, which affirmed the lack of a causal relationship to the 9-1-1 caller's death and further ruled mobile phone manufacturers, as well as data service providers, are beneficiaries of a Texas "Immunity" statute that applies to equipment or services used for 9-1-1 calls.

Appellate Victory

Obtained appellate ruling preventing the offshore transfer of more than \$20 MM in avoidance of a judgment debt. During the second Gulf War, Nolan's eventual client participated in a contract to transport fuel to U.S. troops in Iraq, but was defrauded by other participants who funneled approximately \$28 MM out of the enterprise to avoid sharing profits. The eventual client filed suit in Florida state court, and his trial team obtained a \$28 MM award of damages, \$85,000 in costs, and prejudgment interest of \$3.5 MM. Those judgments were domesticated in Texas by a team of Munsch Hardt attorneys, who thereafter obtained a temporary injunction to prevent the judgment debtor and his "alter ego" from transferring \$21.8 MM offshore to avoid collection efforts in Texas. The judgment debtor sought mandamus relief and simultaneously sought interlocutory appellate review from the Texas Thirteenth Court of Appeals, seeking to reverse the temporary injunction and transfer the funds beyond the jurisdictional reach of United States courts. Nolan briefed and presented oral argument to the Thirteenth Court of Appeals, which denied the judgment debtor's request for mandamus relief and affirmed the temporary injunction forbidding transfer of the funds.

Appellate Victory

Represented client in a malicious prosecution claim against the United States to remedy a wrongful prosecution initiated fourteen years prior. In 1999, Nolan's eventual client and various co-defendants were wrongfully indicted for allegedly handling or transporting hazardous waste in violation of federal laws. The United States eventually dismissed the charges approximately four years later, when a federal district court excluded the testimony of a "confidential informant" who would have served as the United States' key witness. Shortly thereafter, a co-defendant from the criminal prosecution initiated a civil claim against the United States for malicious prosecution, premised on the United States' decision to pursue the charges based on accounts from the unreliable informant. Nolan's eventual client declined to join that malicious prosecution suit, because legal principles made it evident there was no good faith basis to do so. That action nonetheless drug on for years, when a series of fortuitous events revealed criminal investigative agents for the United States had manipulated evidence and misled other United States representatives to procure the indictment in 1999. On behalf of his by-then client, Nolan filed a malicious prosecution claim against the United States in August 2013—approximately ten years after the criminal charges had been dismissed. A federal district court dismissed the claims as time barred. Nolan appealed the ruling to the United States Court of Appeals for the Fifth Circuit, where he briefed and presented oral argument to persuade the court the United States fraudulently concealed key facts necessary for the malicious prosecution claim to have accrued. The Fifth Circuit reversed the district court's dismissal and remanded the case, reviving the malicious prosecution claim.

Appellate Victory

Represented client in action to recover enhanced attorneys' fees to remedy the United States' inappropriate attempts to enforce the Fair Labor Standards Act (FLSA). Munsch Hardt's client was the target of a Department of Labor (DOL) investigation and eventual civil enforcement action, wherein the DOL alleged the client mischaracterized workers under the FLSA. The DOL initially sought civil penalties against the client, which were roughly equivalent to the Company's entire net worth. A team of Munsch Hardt attorneys obtained summary judgment dismissal of the DOL's enforcement action, then sought to recover attorneys' fees under provisions of the Equal Access to Justice Act. The district court awarded fees under a provision that caps recoverable fees, but declined to award fees under a provision reserved for situations in which the United States acts in "bad faith." The United States appealed the fee award made against it, and Nolan cross-appealed on behalf of the client requesting the United States Court of Appeals for the Fifth Circuit rule the more punitive bad faith provision had been triggered. The Fifth Circuit agreed and ruled the United States indeed had conducted the investigation and enforcement action in bad faith, reversing the district court.

IP Litigation

Represented a 107-year old, national civil rights organization in federal lawsuit to enjoin unauthorized use of its service marks. Nolan's client authorizes public service organizations serving local communities to represent affiliation with the national entity only subject to contractual terms of affiliation. Absent the contractual agreement, the local entities have no rights to use the national entity's service marks. Notwithstanding this prohibition, a local entity that had been "disaffiliated" from Nolan's client refused to accede to its disaffiliation and discontinue use of the client's service marks. This prompted the client to seek preliminary injunctive relief from a federal district court. Nolan's litigation team secured the relief—enforcing the disaffiliation and prohibiting further service mark infringement pending final resolution on the merits.

Newsroom

Press Release: Munsch Hardt Attorneys Honored as '2021 Best Lawyers in America' and 'Ones to Watch'

In The News: Texas Justices Refuse To Weaken Insurance Defense Rule

Oral Argument: Edwards, et al v. 4JLJ, L.L.C., et al; Case No 19-40553

In The News: Texas Justices Wary Of Exception To Insurance Defense Rule

Oral Argument: State Farm Lloyds v. Janet Richards, et al.; Case No. 19-0802

In The News: Exceptions To '8 Corners Rule' Are Invalid, Texas Justices Told

Press Release: Munsch Hardt Leads the Way with Kanarys By Signing-On As Early Adopter

Oral Argument: State Farm Lloyds v. Janet Richards; Case No. 18-10721

Oral Argument: Life Partners Creditors' Trust v. Cowley; Case Nos. 17-11477, 17-11480, 17-11488, 18-10051, and 18-10056

In The News: Legal Malpractice Insurers Looking Earlier To Sue Their Attys

Speech: Michael Huddleston and Nolan Knight Present at Advanced Insurance Law Conference

Speech: Strategic Use of Stowers Demands

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

Speech: Trial Advocacy Skills

Press Release: Munsch Hardt Appoints Nolan Knight, Michael Krywucki as Leaders of Firm's Diversity Committee

Oral Argument: Trinity Industries, Inc. v. Greenlease Holding Co; Case Nos. 16-1994 & 16-2244

Oral Argument: Vickie Cook v. City of Dallas; Case No. 16-10105

Oral Argument: Ted L. Kubala, Jr. v. Supreme Production Services, Incorporated; Case No. 15-41507

Speech: J.L. Turner Legal Association Trial Advocacy Series

Speech: The Farce of Fed. R. Civ. P. 8 (or Why You Should Plead Everything)

In The News: Trinity Industries pursues \$4.4 MM claim after EPA-FBI agents' extramarital affair

Oral Argument: Trinity Marine Products, Inc. v. United States of America; Case No. 14-31130

Oral Argument: BTB Refining LLC v. Mohammad Anwar Farid Al-Saleh; Cause Nos. 13-15-00327-CV & 13-15-00395-CV

Speech: Spoliation of Evidence & Document Retention Practices – All You Need to Know

Oral Argument: Gate Guard Services, L.P. v. Perez; Case No. 14-40585

Press Release: Munsch Hardt Attorneys Recognized by Super Lawyers as 2015 Rising Stars

Press Release: Munsch Hardt Attorneys Recognized as 2014 Rising Stars by Super Lawyers

Press Release: Thomson Reuters Names Munsch Hardt Attorneys 2013 Rising Stars

Press Release: Four Munsch Hardt Attorneys Named Texas Rising Stars

Press Release: Munsch Hardt Attorneys are Named Rising Stars

Press Release: Five Munsch Hardt Attorneys Named Texas Rising Stars 2010

Press Release: Five Munsch Hardt Attorneys Achieve Texas Rising Stars Honors