

Litigation

Overview

We believe there are three distinct features that set apart Munsch Hardt's Litigation practice – our abilities, our rate structure and how we staff cases.

First and foremost, we are a team of intensely focused attorneys who represent clients in the most intricate business disputes throughout the U.S. While going to trial is not our goal, it is a distinct advantage for opposing counsel to know we are willing and able to do so if necessary. Second, our rate structure for complex business disputes is the starting point of efficiency. Third, we begin with the fundamental belief that we want each client to be a client for life. Therefore, our goal is simple – find the most efficient possible solution to each problem.

Equally comfortable in a courtroom or boardroom, or before an arbitration panel, our lawyers bring a wealth of experience and depth of commitment to the following areas:

- Admiralty & Maritime Litigation
- Antitrust
- Appellate
- Arbitration
- Condemnation & Eminent Domain
- Construction Litigation
- Director & Officer Litigation
- Employment Litigation
- Energy Litigation
- Environmental Litigation
- Financial Institution Litigation
- Health Care Litigation
- Insurance Litigation
- Insolvency Litigation
- Intellectual Property Litigation
- Lawyer & Law Firm Litigation
- Personal Injury & Wrongful Death
- Products Liability
- Real Estate Litigation
- Tax Controversy
- TCPA
- Trade Secrets
- Warranty

Why We're Different

When you hire a Munsch Hardt attorney, you hire a seasoned trial attorney who will personally manage every pivotal component of your case – from assembling the ideal team, developing strategy, navigating discovery and securing the right expert witnesses to conducting important depositions, arguing motions and more. And, when the trial date arrives, our attorneys will be fully prepared to put on your best case. Our hands on approach and willingness to try cases makes us comfortable in nearly every Texas courthouse.

Experience

Energy Representation

Represented a client in an action to recover enhanced attorneys' fees to remedy the United States' inappropriate attempt 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 client'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 Munsch Hardt cross-appealed on behalf of the client requesting the appellate court rule the more punitive bad faith provision had been triggered. The court agreed and ruled the United States indeed had conducted the investigation and enforcement action in bad faith, reversing the lower court.

Manufacturing Representation

Obtained an 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 a Rule 12(b)(6) dismissal of the underlying claims before a 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. Munsch Hardt briefed and presented oral argument in the subsequent appeal, where the court 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.

Trustee Litigation

Representing a trustee in litigation against the former brokers and officers and directors of a failed life settlement company that was engaged in a massive fraud selling fractional interests in life insurance policies.

Telecommunications Representation

Defended one of the largest mobile communications companies in the world in a warranty class action involving more than three million products.

Equal Employment Opportunity

Represented two large owner/operators of fitness clubs in connection with claims of race discrimination and retaliation by a former employee. Guided clients through the Equal Employment Opportunity Commission charge process, then defended clients in a lawsuit filed by the former employee. Obtained a quick dismissal for one client and a favorable settlement for the other client after filing a motion for summary judgment based on a complex statute of limitations argument.

Financial Institution Representation

Defense of a financial institution for lending practices resulting from the alleged misuse of collateral owned by a third party and claims for damages of \$1.5 MM resulting in a summary judgment that the plaintiff take nothing.

Manufacturer Representation

Successfully defended a leading manufacturer of personnel lifts in a products liability case in which, after a three week jury trial, the general contractor for the Baylor football stadium was charged with negligence and ordered to pay \$17 MM in a death case while our client, the lift manufacturer, was exonerated.

Practice Leaders



Gregory Noschese

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Related People

Frederick Addison
Huma Ali
Jamil Alibhai
Toni Anderson
Phil Appenzeller
Thomas Barber
Bayley Estep
Connor Best
James Bettis
Claire Carroll
Casey Carter

John Cornwell
Eddy De Los Santos
Patrick Dean
Mark Deaton
William Zac Duffy
William Finegan
Todd Frank
Erica Garcia-Jasso
Stephen Gibson
Robert Hancock
Steven Harr
Craig Harris
Clifford Harrison
Tiffany Harrod
Michael Harvey
Mason Hester
Matt Holley
Michael Huddleston
Winston Huff
Earl Ingle
Christopher Jordan
James Jordan
Sameer Karim
Amber Karns
Teia Kelly
Nolan Knight
Mary Koks
Michael Lee
Brenna Lermon
David Mattka
G. Carson May
Keith McDole
D. Mitchell McFarland
James McGee
Tiffany Minks
Pooneh Momeni
Rebecca Mower
Gregory Noschese
Ross Parker
Daniel Pipitone
Justin Ratley
James Ray
D. Ronald Reneker
Adam Richie
Dennis Roossien
Amando Ruiz
Susan Sample
Courtney Sauer
Carrie Schadle
Richard Schwartz
Natalie Sears

Devon Sharp
Dennis Siaw-Lathey
Matthew Talley
Caleb Trotter
Fred Wahrlich
B. Lee Wertz
Steven Williams
Timothy Word
Aynsley Young

Related Practices

Litigation
Antitrust
Appellate
Arbitration
Director & Officer Litigation
Financial Institution Litigation
Insolvency Litigation
Lawyer & Law Firm Litigation
Personal Injury & Wrongful Death
Products Liability
Warranty
Environmental Litigation
Intellectual Property Litigation
Employment Litigation
Trade Secrets
Tax Controversy
Condemnation & Eminent Domain
Admiralty & Maritime Litigation
Construction Litigation
Energy Litigation
Health Care Litigation
Insurance Litigation
Real Estate Litigation
TCPA + Consumer Litigation

Related Industries

Admiralty & Maritime
Financial Services
Construction
Energy
Health Care
Hospitality
Insurance
Manufacturing
Real Estate
Retail
Technology & Telecommunications
Transportation
Restaurants

Newsroom

Speech: Cross Examination of Plaintiff's Black Box and Accident Reconstruction

Speech: Direct Examination of Plaintiff's Product Defect

Article: Don't Set Sail In A Leaky Ship — D&O Insurance: How To Negotiate Your Policy To Plug The Holes In Coverage

Speech: Legal Issues in Arbitration

Newsletter: Federal Court Rules on Residential Eviction Moratorium

Article: Use and Abuse of Claims Experts in Bad Faith Litigation

Oral Argument: Bryan, et al v. White, et al; Case No 19-11309

Press Release: Munsch Hardt Welcomes 2020 First-Year Associates

Newsletter: Texas Supreme Court Update

Speech: Business Interruption and Related Coverages in A Pandemic

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2021 "Best Law Firms" List by U.S. News - Best Lawyers®

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Speech: Internal Investigations and Ethics in Emergencies

Press Release: Strategic Growth Remains a Major Focus for Munsch Hardt in 2020

Newsletter: Texas Supreme Court Update

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

In The News: Is factoring the right move to help finance a construction project?

In The News: Business Interruption Lawsuits Are Not Going Tenants' Way

Speech: FTC Regulation of Non-Compete Provisions in Employment Agreements

Speech: Legal Education: Getting the Most Bang for Your Buck in Litigation Strategy

Speech: Construction Supervision Fundamentals

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Oral Argument: Construction Cost Data, et al v. Gordian Group, et al; Case No 19-20482

Speech: Business Interruption—Going Viral: The Latest Developments In The Pandemic Coverage Fights

In The News: Coronavirus-Rattled Insurance Industry Faces Onslaught Of Riot Damage Claims

Speech: The Business Interruption Insurance Maze In the Wake Of Coronavirus

Speech: Getting Paid: Lien and Bond Claims in Texas, the COVID-19 Edition

Speech: Sorting Out the Rules & Responsibilities of Primary and Excess Carriers in the Defense of Bet the Company's Litigation

Press Release: Munsch Hardt Announces 2020 Shareholder Promotions

Newsletter: Texas Supreme Court Update

Article: Litigation Financing: The New Litigation Asset

Newsletter: Texas Supreme Court Update

In The News: Lawmakers Jump Into Business Interruption Debate As Fate Of CRE, Insurers Hang In The Balance

Newsletter: COVID-19: Insurance Resources

In The News: Why Litigation Fears Mean Firms' Phones Are Still Ringing

Newsletter: COVID-19: Construction Owner Lien Notices Due to Economic Downturn

Speech: Hotel Owners + The Novel Coronavirus Webinars

Newsletter: COVID-19: Insurance Concerns For Businesses

Article: Three Things Litigation Must Do During COVID-19

Article: The Families First Coronavirus Response Act

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

In The News: Construction Is Mostly Continuing Nationwide, But Firms Need To Beware Of Hidden Liabilities

In The News: CRE Tenants, Landlords Worry They Could Be Sued Over Coronavirus Infections

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

Newsletter: Texas Supreme Court Update

Speech: Richie Speaks at Engineering Law & Ethics Seminar

Newsletter: Texas Supreme Court Update

Press Release: Clifford Harrison Selected as Fellow of The Litigation Counsel of America

Newsletter: Texas Supreme Court Update

In The News: Leo India Films Order of Dismissal

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

Article: 2019 Year in Review: Insurance Law

Newsletter: Texas Supreme Court Update

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In The News: Apartments Seller Wins Toss Of 'Bogus' Overpayment Suit

Speech: Contracts From the Owner's Perspective

Speech: Insurance Basics for the Construction Lawyer

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®

Article: Texas Tackles the TCPA

In The News: Jury sides with company in industrial death of employee

Article: Tornado Relief Tips for Commercial Property Owners/Interests/Managers and Homeowners

In The News: Trial begins in wrongful death lawsuit of man crushed by hydraulic lift

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

In The News: Texas Justices Told Emails Can't Support Breach Claims

In The News: Huddleston Named Tort & Insurance Texas Trial Legend

Article: It Pays To Be Prepared: SSA No-Match Letters, Form I-9 Compliance & Immigration Clauses In Construction Contracts

In The News: Talking TCPA: What is the Best-Case Scenario for Mitigating Illegal Robocalls?

In The News: The final chapter of a \$50 million Ponzi scheme that caught many high-profile coaches

Speech: 10 Key Insurance Issues for Corporate Counsel

Speech: Protecting the Project with Bonds and Insurance

Press Release: Munsch Hardt Adds Seasoned Investment Management Partner in Dallas, Litigation Associates in Houston

Article: Telemarketers, and Scammers and Robocallers, Oh My!

Newsletter: Texas Supreme Court Update

In The News: Former Conn's In-House Lawyer Booted From Case 'Substantially Related' to Her Old Job

Speech: Richie Speaks at Construction Law Seminar

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Speech: Ethically Handling FCA Investigations, Litigation and Whistleblowers

In The News: Retailer Conn's Says Ex-Counsel's New TCPA Suit Improper

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Speech: Contracts, Tariffs and Rising Material Costs: Strategies for Risk Allocation

Speech: Duty to Defend: The Eight-Corners Rule and Extrinsic Evidence

In The News: Munsch Hardt Adds Ex-Coats Rose Construction Atty In Texas

In The News: Commercial General Liability Insurance Guide: Everything You Need to Know

Newsletter: Texas Supreme Court Update

Press Release: Munsch Hardt Welcomes Experienced Construction Attorney Matthew Talley, Expanding Austin Office

Article: Does Your Trade Secret Attorney Know Patents?

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Newsletter: Texas Supreme Court Update

Press Release: 13 Munsch Hardt Attorneys Named on the Super Lawyers 2019 Rising Stars List

Newsletter: Texas Supreme Court Update

Speech: What's It Worth? Evaluating Risk and Exposure in Complex Damage Cases

Newsletter: Texas Supreme Court Update

In The News: Munsch Hardt Adds Former Shell Tax Advisor, 2 Energy Attys

Press Release: Munsch Hardt's Growing Houston Office Adds Two Energy Litigation Shareholders, One Tax Shareholder

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

Newsletter: Texas Supreme Court Update

Article: Government Shutdown Could Undercut Stability in the Multifamily Market

Newsletter: Texas Supreme Court Update

Article: The Top Blockchain Patents of 2018

Newsletter: Texas Supreme Court Update

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

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

Speech: Appenzeller Sits on TAGLaw International Conference Panel Focused on Diversity

Press Release: Munsch Hardt Expands Real Estate and Litigation Practices with Three New Hires

Article: Jim Jordan Offers Tips on Drafting Autonomous Vehicle Contracts in Law360

In The News: Munsch Hardt To Absorb Dallas Trial And IP Boutique

In The News: Munsch Hardt Doubles IP Litigation Practice through Acquisition

Speech: Strategic Use of Stowers Demands

In The News: Law360 Covers Addition of Craig Harris in Dallas Office

Press Release: Experienced Trial Lawyer Craig Harris Joins Munsch Hardt's Growing Litigation Practice

Press Release: Munsch Hardt Expands Houston Office Due to Continued Growth

In The News: Firms Add Construction Lawyers As Cities See More Cranes

Speech: Trial Advocacy Skills

Newsletter: Texas Supreme Court Update

Article: Who's Liable For A Crash When It's The Car Driving?

Press Release: NACHA – The Electronic Payments Association Appoints Munsch Hardt Attorney as Arbitration Board Member

Speech: Lost Profits in Commercial Litigation: Proving and Defending Damages

Press Release: Munsch Hardt Grows Litigation and Real Estate Practices with Addition of Three Attorneys

Press Release: Munsch Hardt's Construction Practice Experiences Significant Growth

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

Speech: What We Have Learned From Menchaca

Press Release: Introducing Munsch Hardt's Newest Shareholders

Speech: Settling Complex Cases

Speech: Perspectives & Implications: Confidently Taking Extended Self Care Leave & Returning to the Practice of Law

Speech: Careers in Ethics & Compliance

Speech: The Duty to Settle in Texas

Speech: On Land and Sea: A Practical Guide to Indemnity in the Energy Sector

Speech: All Good Things Must End: Decommissioning Oil and Gas Facilities

Press Release: Karim Completes Board Certification from the TBLS

Speech: Prejudgment Processes and Procedures to Level the Playing Field – Tricks, Traps and Opportunities From a Litigator and Judicial Perspective

Speech: The Changing Face of the Jury Trial

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

Article: Ninth Circuit Invalidates Class Action Waivers Paired With Mandatory Arbitration Agreements

Speech: 2016 Employment Law and Construction Law Updates

Press Release: Munsch Hardt Obtains \$10 MM Jury Verdict for Two Student Loan Servicing Companies

Press Release: Munsch Hardt Expands Litigation and Real Estate Practices with Addition of Three Attorneys

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

Article: Turnover Orders and Special Proceedings

Speech: Prejudgment Processes and Procedures to Level the Playing Field – Tricks, Traps and Opportunities From a Litigator and Judicial Perspective

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

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

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

Speech: Lost Profits in Commercial Litigation: Proving and Defending Damages

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: Trial Strategy, Tactics, and Technology in a \$7 Billion Case

Speech: Risk Shifting in the Oil Patch

Speech: Legal Issues in the Texas Hospitality Industry

Press Release: Munsch Hardt Congratulates Its Associate on Passing the Texas Bar

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

In The News: T-Mobile, Samsung Escape Texas Suit Over 911 Death

Press Release: Thirteen Munsch Hardt Attorneys Recognized as 2015 Texas Super Lawyers

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

Press Release: Munsch Hardt Shareholders Biskamp, Koks and Wahrlich Recognized as Houston's Top Lawyers

Article: Fifth Circuit Overrules NLRB on Collective Action Waivers

Article: Millennium Will Pay SEC \$76 MM To Settle Ponzi Scheme Suit

Speech: Trial Techniques: How to Bring a Boring Breach of Contract Case to Life

Press Release: Munsch Hardt Litigation Attorney Promoted to Shareholder

In The News: Chamberlain Hrdlicka Accused of Exploiting Client Info

In The News: Texas Justices Say Court Misread Gas Contract Ruling

Press Release: Munsch Hardt Earns 2015 Top-Rankings from U.S. News-Best Lawyers® Best Law Firms

Press Release: Munsch Hardt Expands Real Estate, Litigation and Corporate Practices

Press Release: Munsch Hardt Attorneys Recognized as 2014 Super Lawyers

In The News: Bid Lawsuit Just Got Bigger

Press Release: Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2015'

Press Release: Munsch Hardt Attorneys Recognized as Houston's Top Lawyers 2014

Press Release: Munsch Hardt Shareholders Recognized as Frontrunners in 2014 Chambers USA

Article: Successfully Defending a Minor Impact, Operated Back Case

Press Release: Munsch Hardt Announces Three Promotions

Press Release: Munsch Hardt Expands Energy and Maritime Practice Through Addition of Attorney in Houston Office

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

In The News: Dallas Law Firm Moves Into New Houston Digs

Press Release: Munsch Hardt Expands Dallas Presence

In The News: Memo Could Be Catalyst In Audit Battle

Press Release: Huddleston Elected to American College of Coverage and Extracontractual Counsel

Press Release: Munsch Hardt Candidates Pass the State Bar of Texas and Join Associate Ranks

Press Release: Munsch Hardt Ranks Among U.S. News – Best Lawyers 2014 “Best Law Firms”

Press Release: Munsch Hardt Attorneys Selected As 2013 Super Lawyers

Press Release: Best Lawyers 2014 Recognizes Munsch Hardt Attorneys

Press Release: Munsch Hardt Attorneys Named Top Lawyers in 2013 By H Texas Magazine

Press Release: Munsch Hardt Welcomes Dallas Additions

Press Release: Skilled Insurance Attorney Michael W. Huddleston Joins Munsch Hardt

In The News: Worker Deaths Not 'Occurrence' Under Okla. Law, Insurers Say

Press Release: Munsch Hardt Announces 2013 Attorney Promotions

Press Release: U.S. News Best Lawyers Announces 2013 Spring Best Lawyers

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- Press Release:** U.S. News Best Lawyers Recognizes Munsch Hardt Attorneys as Texas' Best
- Press Release:** Thomson Reuters Names Munsch Hardt Attorneys 2013 Rising Stars
- Press Release:** U.S. News - Best Lawyers Best Law Firms Features Munsch Hardt
- Speech:** Basic Receivership Law/Concepts
- Press Release:** U.S. News - Best Lawyers Recognizes Munsch Hardt Attorneys
- Press Release:** Munsch Hardt Attorneys Recognized by Thomson Reuters Super Lawyers 2012
- Press Release:** International Who's Who of Asset Recovery Lawyers Adds Munsch Hardt Attorneys to Membership
- Press Release:** Best Lawyers Recognizes Munsch Hardt Attorneys
- Press Release:** D Magazine Names Two Munsch Hardt Best Lawyers in Dallas
- Press Release:** Four Munsch Hardt Attorneys Named Texas Rising Stars
- Press Release:** Munsch Hardt Ranks High in US News & World Report/Best Lawyers 2011-2012 Best Law Firms Survey
- Press Release:** Munsch Hardt Attorneys Named Business Litigation Super Lawyers 2010
- Press Release:** Munsch Hardt Grows Business Litigation Group in Houston
- Press Release:** Five Munsch Hardt Attorneys Achieve Texas Rising Stars Honors
- Press Release:** Munsch Hardt Shareholders Named Among Super Lawyers
- Press Release:** Munsch Hardt Attorneys Persuade Federal Judge to Declare State Statute Unconstitutional
- Press Release:** Munsch Hardt Attorney Recognized as Top Defense Lawyer
- Press Release:** Phil Appenzeller Named Section Head of Firm's Litigation Practice