

### Casey Dobson

Casey represents individuals, business entities, professionals, insurers and governmental entities in complex commercial litigation. His areas of emphasis include securities fraud, construction law, governmental entity litigation, professional malpractice defense and litigation related to real estate development. He is hired frequently to take over representation of a client in a case when it is only months or even weeks before trial, and also as a negotiator to instigate or take over settlement negotiations in complex matters in and out of litigation. Casey litigates in state and federal courts all over the country, and has tried jury and bench trials all over Texas and won dozens of summary judgment hearings for both plaintiffs and defendants.

Casey was inducted as a Fellow of the American College of Trial Lawyers in the Spring of 2019.

### Recognitions & Awards

Fellow, American College of Trial Lawyers

Member, American Board of Trial Advocates — former National Board Member

Selected for The Best Lawyers in America, Lawyer of the Year, Austin, 2020

Selected for The Best Lawyers in America in Bet-The-Company Litigation and Commercial Litigation, a Woodward/White, Inc. publication, 2007 - 2020

Texas Super Lawyer, a Thomson Reuters business, Business Litigation, 2005 - 2019

Former adjunct professor of trial and pre-trial advocacy at the University of Texas School of Law



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#### RELATED PRACTICE AREAS:

- Commercial Litigation
- Governmental Entity Litigation
- Professional Malpractice Defense
- Professional Malpractice, Licensing and Regulation
- Securities and Complex Financial Litigation



Hiring Partner of the firm since 2005

## **Representative Matters**

### Commercial Litigation

Representation of publically and privately held investment companies, as well as government entities, in securities cases, mainly seeking recovery for fraud.

Represented Austin's municipally-owned utility, Austin Energy, in a complex contractual dispute over electric transmission congestion in association with a West Texas wind farm. Jury verdict in favor of Austin Energy upheld on appeal.

Represented plaintiff owner of small software company in a contractual dispute over earn-out provisions in contract where owner had sold his business to one of the largest software companies in the world. Case settled after a trial in federal court to a jury that sent out a note asking if they could award even more damages than plaintiff had requested.

Along with Becky Miller, obtained jury verdict for defendant oil and gas operator charged with violating an area of mutual interest agreement.

Representation of landowners, developers, general and limited partners, landlords and tenants in all types of disputes related to real estate development, including contract actions, breach of fiduciary duty, fraud, and commercial lease disputes.

Retained by special committees of boards of public and private companies as investigative counsel to investigate and report on allegations of D&O misconduct.

Frequent representation of owners of family and other closely held businesses in litigation with one another.

### Professional Malpractice Defense

Has represented large and small law firms in legal malpractice cases arising out of estate and income taxation, estate planning, personal injury and commercial litigation, and financial institution representation.

Obtained many complete or partial summary judgments for lawyer and law firm clients.

Has tried many professional malpractice cases to jury verdict for defendants — all defense verdicts.

Has also represented healthcare providers, architects and engineers.

#### Construction Litigation

Representation of Owner against multiple defendants in case concerning raw water transmission line that collapsed shortly after its construction. Defendants included the performance bond surety, design engineers and various subcontractors and material suppliers. Case settled successfully at mediation after court denied various defense motions for summary judgment.

Obtained favorable settlement for owner of sewage pipeline damaged by installation of fiber-optic cable.

Represented architectural firm in \$40 million claim brought by general contractor of a large downtown hotel project. Case settled while defendant's dispositive motion for summary judgment was under advisement.

Obtained favorable settlement on behalf of owner of water treatment plant against equipment manufacturer.

Obtained favorable settlement against performance bond surety for owner of a wastewater treatment plant; case concerned defective protective coating.

Obtained favorable settlement for owner of water treatment

plant in \$20 million claim by a general contractor for unpaid retainage, increased general conditions, labor inefficiency, work hindrance, etc.

Obtained summary judgment for general contractor in delay claim litigation with subcontractor arising out of \$20 million-plus residential construction project.

### Governmental Entity Litigation

Casey litigates for and against various types of governmental entities, including Cities, Municipal Utility Districts, groundwater and surface water special districts and state and federal regulatory agencies.

The City of Austin has retained Casey on a wide variety of matters going back to the 1980s. He has led teams of SDM lawyers that have won many significant trial and summary judgment victories for the City in high profile cases.

Casey has represented Austin and other large and small Texas cities in construction, land use and contract actions. Examples include:

- Along with Chris Sileo and Sara Clark, successful representation of the City of Austin in bench trial concerning City's controversial approval of the redevelopment of Northcross Mall.
- Led a team of SDM lawyers representing San Antonio's municipal utility, CPS Energy, in a series of different challenges to the installation of a 345 kv power line.
- Led a team of SDM lawyers in obtaining a series of complete or partial summary judgments in favor of the City of San Antonio in over a dozen lawsuits filed by the same developer alleging multiple causes of action against the City in connection with many different projects.
- Successfully defended landowner's multi-million dollar claim under the Texas Water Code against the City of San Antonio arising out of the City's flood control measures. Obtained favorable settlement in a related

declaratory judgment suit in which the City recovered significant attorneys' fees from the plaintiffs.

- Lead negotiator for the City of Austin in resolving some of the most complex, long-running land use disputes in the City's history.

Much of Casey's work that is adverse to governmental entities is for development industry clients, and often concerns the entitlement process.

### **Bar Admissions & Activities**

Admitted to the State Bar of Texas, the U.S. District Courts for the Northern, Eastern and Western Districts of Texas, the U.S. Court of Appeals, Fifth Circuit, and the United States Supreme Court.

Member, Litigation and Construction Law Sections, State Bar of Texas

### **Community and Charitable Organizations**

Vice-Chair, Board of Directors, Greater Austin Economic Development Corporation

Former Chair, Dell Children's Hospital Foundation

Former Board Member, Hill Country Conservancy

### **Education**

B.A., honors 1983, University of Texas

J.D., honors 1986, University of Texas

### **Selected Reported Cases**

*Xtreme Power Plan Trust v. Walter Schindler; H. Henry Habicht; Lee Tashjian; Alan Gotcher; Umesh Padval; Pat Wood III; Foster Duncan; and SAIL Capital Partners, LLC*, 563 B.R. 614 (Bkrtcy.W.D.Tex. 2016)

*Fath v. Texas Department of Transportation*, 924 F. 3d 132  
(5th Cir. 2018)

*Total Clean, LLC v. Cox Smith Matthews, Inc.*, 330 S.W.3d  
657 (Tex App. – San Antonio 2010, pet. den'd.)

*Vinewood capital, LLC v. Sheppard Mullin Richter &  
Hampton, LLP*, 735 F. Supp. 2d 503 (N.D. Tex. 2010)

*Smith v. O'Donnell*, 288 S.W.3d 417 (Tex. 2009)

*Aquifer Guardians in Urban Areas v. U.S. Fish and Wildlife  
Services*, 555 F. Supp. 2d 740 (W.D. Tex. 2008)

*FPL Energy Upton Wind I, L.P. v. City of Austin*, 240 S.W.3d  
456 (Tex. App.—Amarillo 2007, no pet.)

*City of San Antonio v. En Seguido, Ltd.*, 227 S.W.3d 237  
(Tex. App.—San Antonio 2007, no pet.)

*Save Our Springs Alliance v. City of Austin*, 149 S.W.3d 674  
(Tex. App. – Austin 2004, no pet.)

*Jackson v. West Telemarketing Corp.*, 245 F.3d 518 (5th Cir.  
2001), cert. denied, 122 S.Ct. 394 (2001)

*FM Properties Operating Co. v. City of Austin*, 22 S.W.3d 868  
(Tex. 2000)

*AMNEX, Inc. v. Rowland*, 25 F.Supp.2d 238 (1998)