

### Cindy Saiter

Cindy's practice includes a wide range of complex commercial litigation with an emphasis in technology litigation, products liability defense, fiduciary duty litigation, probate and estate litigation, officer and director liability and legal malpractice defense. Cindy has extensive experience representing individuals and companies in Austin's technology and emerging growth markets. These cases typically involve claims of fraud, breach of licensing agreements, breach of non-disclosure agreements, misappropriation of trade secrets and violations of covenants not to compete. Cindy has also defended attorneys in cases arising from underlying patent infringement litigation, personal injury litigation, commercial litigation, airplane leases, probate and estate work, bridge loan financing and other transactional matters.

### Recognitions & Awards

Kristi Couvillon Pro Bono Award, 2014

Texas Super Lawyer, a Thomson Reuters business, 2014 - 2017

President, Travis County Women Lawyers' Association, 2011 - 2012

Texas Rising Star, a Thomson Reuters business, 2005

### Representative Matters

Representation of hedge fund in defending against allegations of fraud, breach of contract, and breach of fiduciary duty brought by former investor.

Won jury trial in property rights dispute, including award of all attorneys' fees requested for client.



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#### RELATED PRACTICE AREAS:

- Business Torts
- Civil Litigation
- Commercial Litigation
- Fiduciary Litigation
- Insurance Insolvency and Bankruptcy
- Pharmaceutical and Medical Device
- Professional Licensing and Regulation
- Professional Malpractice Defense

Negotiated settlement of multi-million dollar fraud and breach of contract claims arising out of supply contract dispute.

Won summary judgment against damages claim in commercial arbitration, leading to favorable settlement.

Won summary judgment declaring that a private corporate entity operating Texas prisons is subject to the Texas Public Information Act.

Won summary judgment dismissing breach of contract claim seeking \$1 million in liquidated damages.

Prevailed in bench trial awarding judgment for full amount of accelerated rent and penalties available in landlord-tenant dispute.

Obtained new trial after 4 week jury trial on stockholder oppression and breach of fiduciary duty claims arising from family business dispute.

Obtained injunction against real property lease and appointment of agent to negotiate for company involved in shareholder dispute.

Won summary judgment in case involving land use restrictions, allowing development of marina on Lake Travis.

Represented client in suit to recover family ranch lands arising from probate of family member's multi-million dollar estate. Defended against claims of incapacity, undue influence and fraudulent inducement.

Obtained summary judgment in favor of attorney clients sued for malpractice arising from underlying patent infringement litigation valued at over \$1 billion. Case involved claims of patent invalidity under on sale bar rule due to prior lease of invention.

Defended attorneys in malpractice suit arising from lease of airplanes to company in Mexico. Case involved issues of



Texas and Mexican legal malpractice, contract, property and aviation law.

Represented entrepreneur in pursuing claims of breach of contract and fraud against product development company.

Defended foreign individual sued by former employer for claims of misappropriation of trade secrets, breach of non-disclosure agreement and covenant not to compete.

Represented family-owned insurance company in pursuing claims of fraud, theft and federal RICO violations against retail insurance agency arising from the sale of physical damage insurance to trucking companies.

Successfully defended out-of-state insurance agent in suit by former employer for breach of covenant not to compete.

Represented software development company to pursue claims against customer for breach of services agreements and misappropriation of trade secrets.

Represented on-line education company in suit against former employee for business disparagement, misappropriation of trade secrets and breach of contract. Obtained injunctive relief to restrain employee from internet postings revealing confidential company information and defamatory statements regarding company business practices.

Successfully represented locally-owned insurance company in claims against AIG and its third party administrator for fraud and unfair insurance practices arising from automobile extended warranty contracts.

Defended claims of negligence and breach of fiduciary duties against attorneys arising from probate of client's estate in Williamson County.

Prosecuted claims for violations of the Texas Insurance Code in connection with the formation and operation of a fraudulent

health insurance program against insurance agents, professional employee organizations, preferred provider organizations, and third-party administrators on behalf of a Special Deputy Receiver appointed by the Texas Commissioner of Insurance.

### **Bar Admissions & Activities**

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

Chair, Civil Litigation Section, Austin Bar Association, 2009 – 2010

Treasurer, Civil Litigation Section, Austin Bar Association, 2008 - 2009

Council Member, Civil Litigation Section, Austin Bar Association, 2008-2010

Board Member, Travis County Women Lawyer's Association, 2008 - 2012

Board Member, Travis County Women Lawyer's Foundation, 2010 – present

Board Member, Austin Bar Association, 2012 - present

Fellow, Travis County Women Lawyers' Foundation

Member, Texas Bar Foundation District 9 Nominating Committee

Fellow, Texas Bar Foundation

Fellow, Austin Bar Foundation

Faculty, 2014 & 2015 Women In Law Institute

## **Education**

Duke University, AB, cum laude, 1993

University of Texas School of Law, J.D., 1996

## **Articles & Presentations**

"Ethical Issues In Contract Negotiations" Panelist at the Texas State Bar Advanced In House Counsel Course, August 2017.

"Liability Risks in Trust and Estate Planning and Administration" Presented at Annual Estate Planning and Probate Section CLE, Austin Bar Association, May 2017.

"Litigation Strategies for In-House Counsel," Corporate Counsel Review—volume XXXVI – May 2017, Number 1.

"Ethical Rules Every Lawyer Should Know: Advertising and Barratry" Presented at the Austin Bar Association Holiday Ethics CLE, December 2, 2016

"Taking Depositions in Business Cases" Presented at The University of Texas School of Law Winning at Depositions, August 26, 2016

"Litigation Strategies for In-House Counsel" Presented at the State Bar of Texas Advanced In-House Counsel, August 11-12, 2016

"State Bar Advertising Rules: Can You Say That?" Presented with Paige Amstutz at the Austin Bar Association Civil Litigation Section Summer Party and Ethics CLE, June 20, 2016

"Dismissal Procedures Under Texas Rule of Civil Procedure 91a" presented by Kennon L. Wooten at the 26th Annual Conference on State and Federal Appeals, June 9-10, 2016

"Ethical Challenges for In-House Counsel" Presented with



Asher Griffin at the State Bar of Texas Corporate Counsel Section, March 31, 2016

"What Remains of Shareholder Oppression in Texas?" Presented at the State Bar of Texas Business Disputes 2014, September 11-12, 2014

"Shareholder Oppression" Presented at the State Bar of Texas Business Disputes 2013, September 12-13, 2013

"Tribal Wars: Shareholder Oppression" Presented at the South Texas College of Law 27th Annual Wills and Probate Institute, September 20-21, 2012

"Shareholder Oppression Actions" Presented at the Austin Bar Association Estate Planning & Probate Section, May 18, 2012

"Shareholder Oppression Actions" Presented at the State Bar of Texas Fiduciary Litigation Seminar, December 1-2, 2011

### **Selected Reported Cases**

Minton v. Gunn, 301 S.W.3d 702 (Tex. App.—Fort Worth 2009), reversed, 355 S.W.3d 634 (Tex. 2011), reversed, 133 S.Ct. 1059 (2013).

In Re Graham, 251 S.W.3d 844 (Tex. App.—Austin 2008, orig. proceeding)

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

Lyn-Lea Travel Corp. v. American Airlines, Inc., 283 F.3d 282 (5th Cir. 2002), cert. denied, 123 S.Ct. 659 (2002)