

### Paige Arnette Amstutz

Paige represents individuals, business entities, professionals and governmental entities in a wide variety of complex commercial litigation matters involving contract disputes, partnership issues, fiduciary litigation, professional malpractice defense, business torts, real estate disputes, premises liability claims, and technology litigation.

Paige is committed to serving the Austin community, which currently involves serving on the Community Advisory Board for Caritas of Austin.

### Recognitions & Awards

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

Texas Rising Star, a Thomson Reuters business, 2011

### Representative Matters

#### Commercial Litigation

Representing the owner of a hospital under construction in Lake Travis, prevailed after a two-week long jury trial in a breach-of-contract case. In its verdict, the jury found defendants breached their confidentiality agreement and caused damages to SDM's client. The court also awarded attorneys' fees to SDM's client.

Represented a jewelry store in claims against an alarm-monitoring company following a burglary of the jewelry store. Jury verdict in favor of SDM's client.

Successfully defended a large national hotel chain in premises liability and dram shop cases.

Successfully defended a large national retail chain against



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#### RELATED PRACTICE AREAS:

- Commercial Litigation
- Governmental Entity Litigation
- Pharmaceutical and Medical Device
- Professional Malpractice Defense
- Professional Malpractice, Licensing and Regulation
- Technology Litigation

claims for discovery sanctions made in premises liability cases filed all over the country.

Obtained numerous summary judgments and dismissals for clients in employment-related litigation involving claims of age discrimination, race discrimination and defamation.

Advised a Texas university on evidentiary issues arising in a hotly-contested tenure revocation proceeding.

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

#### Governmental Entity Representation

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.

Obtained a voluntary, non-settlement-related dismissal of all claims based on a developer's allegations that the City of Austin breached a prior settlement agreement and made a taking of the property at issue.

#### Professional Malpractice Defense

Representing one of the largest law firms in San Antonio, prevailed after more than a week-long jury trial in a breach-of-fiduciary-duty case. Plaintiff, a former client of the San Antonio firm, sued alleging legal malpractice and breach of fiduciary duty and sought damages in excess of \$40 million. After defeating plaintiff's legal malpractice claims and establishing the client had suffered no damages, as a matter of law, the jury trial proceeded solely on the issue of whether defendants breached their fiduciary duties. In its verdict, the jury unanimously found in favor of SDM's client. The court then entered a final judgment that the plaintiff take nothing and imposed costs on the

plaintiff. Plaintiff did not appeal the judgment.

Defended attorneys and law firms in legal malpractice and breach of fiduciary duty cases arising out of various areas of underlying substantive law, including commercial litigation and probate work.

### Technology Litigation

Assisted as local counsel in technology litigation involving claims of trademark, copyright, and patent infringement, and misappropriation of trade secrets.

Along with attorneys from Kilpatrick Townsend, successfully defended Motorola Mobility in a jury trial against patent infringement claims related to wireless earpiece technology in the Western District of Texas. The jury returned a verdict of non-infringement and invalidity against all claims that were at issue.

Along with lead counsel from Latham & Watkins, won dismissal of a patent infringement lawsuit when our Motion to Disqualify opposing counsel was granted. SDM represented a large, publicly-traded energy company in defense of claims brought by a publicly-traded non-practicing entity. SDM filed a motion to disqualify plaintiff's in-house general counsel, plaintiff's entire legal department, and plaintiff's outside counsel. In addition, SDM requested that the court dismiss the lawsuit. The court granted SDM's motion, disqualified all of plaintiff's counsel, and dismissed the lawsuit.

### **Bar Admissions & Activities**

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

Fellow, Texas Bar Foundation

Fellow, Travis County Women Lawyers' Foundation



Member, Civil Litigation Section, Austin Bar Association

Sustaining Member, Austin Young Lawyers Association

### **Community and Charitable Organizations**

Community Advisory Board, Caritas of Austin

Community Advisory Board, Wonders & Worries (2012-2014)

### **Education**

Texas A&M University, B.B.A., Management, cum laude with Foundation Honors, 1993

University of Houston Law Center, J.D., 1996

### **Articles & Presentations**

Co-Author, "Survey of Selected Evidentiary Issues in Employment Law Litigation," 50 Baylor Law Review 415 (1998).

### **Selected Reported Cases**

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

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

*Dynamic 3D Geosolutions, LLC v. Schlumberger Limited (Schlumberger N.V.), Schlumberger Holdings Corporation and Schlumberger Technology Corporation*, Cause No. A-14-CV-112-LV, 2015 WL 4578681 (W.D. Tex. March 31, 2015)