

### Steve Wingard

Steve litigates complex business disputes and defends lawyers and other professionals in malpractice and professional licensing cases. Steve's business litigation experience includes lawsuits involving claims of patent infringement, copyright infringement, theft of trade secrets, pharmaceutical pricing, securities fraud, insurance coverage, breach of contract, business torts, state taxes, and product liability. Steve's malpractice defense practice is similarly diverse. Steve has represented large and small firms in legal malpractice cases arising out of patent litigation, mass toxic tort lawsuits, estate planning, product liability lawsuits, securities law advice, probate work, and general commercial litigation. Steve has also represented lawyers, doctors, psychologists, and other professionals in licensing matters.

### Recognitions & Awards

National Merit Scholar

Texas International Law Journal, 1992

Order of the Coif, 1993

Texas Rising Star, a Thomson Reuters business, multiple occasions

Martindale-Hubbell rating AV Preeminent 5.0 out of 5, since 2003

### Representative Matters

Representing the owner of a hospital under construction in Lake Travis, along with Abe Kuczaj and Paige Amstutz, 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



✉ [swingard@scottdoug.com](mailto:swingard@scottdoug.com)

Main Line: (512) 495-6300

Fax: (512) 495-6399

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#### RELATED PRACTICE AREAS:

- Business Torts
- Civil Litigation
- Commercial Litigation
- Insurance Coverage
- Personal Injury and Products Liability
- Professional Licensing and Regulation
- Professional Malpractice Defense
- Technology Litigation

attorneys' fees to SDM's client.

After winning a final judgment against defendants Lakeway Regional Medical Center and Surgical Development Partners, along with Abe Kuczaj and Paige Amstutz, filed an application for an injunction to preclude one of the defendants from dissipating or transferring assets to avoid satisfaction of the judgment pending appeal of the final judgment. Finding that SDM presented evidence establishing that the defendant was likely to dissipate or transfer assets in the future to avoid satisfaction of the judgment, the Court entered an injunction in favor of SDM's client.

Won a Motion to Dismiss for Lack of Standing and Plea to the Jurisdiction in favor of the general partner and limited partners of a family limited partnership. SDM defended a limited partnership, its general partner, and several individuals who owned limited partnership interest in lawsuit asserting breach of fiduciary duty. The plaintiff was the executor of the estate of a deceased limited partner who claimed the right to bring derivative claims on behalf of the limited partnership. The Court dismissed the lawsuit holding that the plaintiff lacked standing to bring his claims.

Along with Jane Webre and Robyn Hargrove, prevailed in an appeal of summary judgment orders. SDM represented the operator of a well in Reeves County, Texas. After the well suffered a blowout, the insured paid to bring the well under control, to attempt to restore production at the well, and to address pollution cleanup. The insured filed claims with its insurance carriers under well-control and commercial-general-liability policies, but the carriers denied coverage. SDM won summary judgments at the Midland County District Court, which ruled that the well was a "well-insured" under the policies and that the insured incurred damages in excess of the policies' limits. The insurance companies appealed to the Eastland Court of Appeals. Finding no error, the Eastland Court of Appeals affirmed the trial court's summary judgment rulings and taxed all costs against the insurance companies.

Represented 43 employees of a Texas start-up purchased by a large European consortium in several lawsuits claiming wrongful cancellation of option agreements and breach of an employee retention agreement. Tried case and obtained favorable jury verdict on behalf of three employees in one venue. Thereafter, obtained successful settlement on behalf of remaining clients.

Along with Steve McConnico, Paige Amstutz, and lead counsel from Latham & Watkins, won dismissal of a patent infringement lawsuit when their 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.

Represented lawyer and law firm in legal malpractice case arising out of patent prosecution of five related patents and six separate patent infringement lawsuits. Secured favorable settlement prior to trial.

Represented large professional employment organization in appeal of state tax decision imposing liability for unemployment compensation taxes. Secured favorable ruling from hearing examiner for the Texas Employment Commission.

Represented lawyer in disciplinary proceeding arising out of complaint alleging professional misconduct. Secured dismissal of complaint from Summary Disposition Panel for the Grievance Committee.

Represented start-up company in multi-million dollar lawsuit brought by large European corporation alleging breach of contract and theft of trade secrets related to internet protocol router technology. Case settled after company successfully defeated application for temporary injunction.

Represented family-owned company in breach of contract lawsuit arising out of the sale of its assets to a competitor. Secured summary judgment on behalf of clients, which was affirmed on appeal.

Represented drug manufacturing corporation in lawsuit brought by the State of Texas alleging violations of the Texas Medicaid Fraud Prevention Act. Secured favorable settlement on behalf of client.

### **Bar Admissions & Activities**

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

### **Education**

University of Texas, B.A., with high honors, 1989

University of Texas School of Law, J.D., with honors, 1993

### **Selected Reported Cases**

*St. Paul Fire & Marine Ins. Co. v. Petroplex Energy, Inc.*, Cause No. 11-13-000104-CV; In the Court of Appeals of Eastland, 2015 WL 5173035 (August 31, 2015)

*Dynamic 3D Geosolutions, LLC v. Schlumberger Limited, et al.*; Civil Action No. A-14-CV-112-LY, 2015 WL 4578681 (W.D. Tex. March 31, 2015)

*Air Measurement Technologies, Inc. v. Hamilton, et al.*, 2003 WL 22143276 (W.D. Tex. 2003)

*Via Technologies, Inc. v. Intel Corp.*, 2003 WL 25810099 (W.D. Tex. 2003)

*Ace Cash Express, Inc. v. Silverman, et al.*, 2004 WL 101684



(Tex. App.—Austin 2004, no pet.)

*Siemens Corp. v. Bartek, et al.*, 2006 WL 1126291 (Tex. App.—Austin 2006, no pet.)