

# Complex Litigation/ Dispute Resolution

## Practice Areas

Commercial Litigation  
Construction Litigation  
Fiduciary Litigation  
Employment Litigation  
Intellectual Property Litigation  
Large Loss Property Subrogation  
Media and First Amendment Litigation  
Noncompetition and Trade Secrets  
Securities Litigation and Enforcement

### CONTACT

Jamil N. Alibhai  
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Michael C. Wilson  
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Michael A. McCabe  
972.628.3609

## We Know How To Fight.

At Munck Wilson Mandala we have built a strong team of skilled and aggressive trial lawyers. We bring sound business judgment to bear on your case and we tailor litigation strategies to the specific facts of your case.

We represent companies in nearly every industry and have substantial expertise litigating a wide variety of sophisticated commercial disputes. In 2015, we earned one of the largest verdicts nationwide for our client. National Law Journal named us among America's Elite Trial Lawyers and the chair of our litigation section, Jamil Alibhai was honored as an NLJ Winning Litigator. Through tenacious research and strategy, we develop cases that stand against cross-examination and convince judges and juries to award decisions favorable to our clients.

Our trial lawyers have a proven track record of achieving results, with hundreds of cases tried to verdict or arbitration award. We have successfully prosecuted and defended cases in federal and state trial and appellate courts, before arbitration panels, and in administrative actions before federal and state agencies throughout the United States.

## Commercial Litigation

Your commercial litigation practice is as diverse and complicated as the business environment faced by our clients. We represent and defend individuals, emerging companies and established businesses in disputes involving:

- Antitrust & unfair competition
- Appellate matters
- Banking & financial services
- Business disputes
- Business torts (such as fraud, negligent misrepresentation and tortious interference)
- Contract disputes
- Copyright infringement
- Election and voting rights
- First amendment and defamation

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- Government investigations
- Patent infringement
- Product liability and toxic torts
- Trademark, trade dress and domain name disputes
- Trade secrets disputes

## Construction Litigation

Munck Wilson Mandala attorneys are uniquely positioned to assist you with construction related disputes. We have decades of experience and knowledge of the state and federal courts' rules and commercial construction industry practices.

We counsel and represent clients in virtually all construction disputes including:

- Completion and Warranty Issues
- Construction Accident and Tort Claims
- Construction and Design Defects
- Construction Insurance Issues
- Intellectual Property Disputes
- Liquidated Damages Issues

Our representative experience includes a variety of industries, including commercial/industrial, residential, higher education, health care, energy and transportation.

## Employment Litigation

We are aggressive advocates for our clients' rights, whether in state or federal court, in arbitration, mediation, or before administrative agencies such as the Department of Labor (e.g. Occupational Safety and Health Administration, Office of Federal Contract Compliance Programs and Wage & Hour Division), Equal Employment Opportunity Commission, and Texas Workforce Commission.

Our attorneys have extensive experience litigating employment matters through verdict and on appeal, in court or before the myriad

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of governmental agencies with jurisdiction over the employment relationship.

We provide results-oriented representation in all aspects of employment litigation, including disputes concerning:

- Commission (EEOC)
- Discrimination
- Employee Classification
- ERISA
- Family and Medical Leave Act
- First Amendment and Defamatory Claims
- Noncompetition and Trade Secrets
- OSHA and Workplace Disasters
- Wage and Hour
- Whistleblower
- Workers' Compensation
- Workplace Privacy Matters

## Fiduciary Litigation

At Munck Wilson Mandala, we take pride in our experience asserting and defending fiduciary claims. We represent trustees, executors, beneficiaries and others in fiduciary relationships and also advise trustees and money managers prior to litigation in an effort to reduce the likelihood of a lawsuit.

When litigation is necessary, we seek the best possible resolution as quickly as possible. Our extensive experience allows us to provide objective advice so that our clients can swiftly achieve their goals.

## Intellectual Property Litigation

By combining talented IP lawyers with accomplished trial lawyers, we deliver precise, concentrated representation in a wide range of patent, trademark, copyright, trade secret and unfair competition matters.

Our attorneys have diverse and distinguished technical backgrounds. We are fluent in Mandarin Chinese, Korean, Japanese, German, Spanish,

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and other languages. Many of us have been working together for more than 15 years. As a team, we have well over 100 years of combined experience representing clients in patent preparation and prosecution, licensing, and litigation.

While our Dallas headquarters situates our firm in the heart of one of the leading business and technology climates in the country, our office in Marshall, Texas provides us a significant presence in the Eastern District of Texas, one of the country's premier patent litigation venues.

## Large Loss Property Subrogation

### Every Loss Deserves the Most Experienced Attorney on Your Case.

At Munck Wilson Mandala, we assign an attorney to your case with over 21 years of experience. We take pride in our process that involves a senior attorney overseeing your case with a proven track record of successful recoveries under the most difficult circumstances. In the past few years, Munck Wilson lawyers have recovered over \$30 million for our clients in matters involving structural collapses, fire losses and water leaks.

The subrogation attorneys at Munck Wilson Mandala have substantial experience in matters and issues regularly encountered in subrogation, such as:

- Alarm/Security Cases
- Building/Roof/Crane Collapses
- Catastrophe Losses/Hurricanes
- Construction Defects
- Electrical/Mechanical/Sprinkler System Failures
- Fires and Explosions
- Fire Spread Cases
- Geotechnical Failures
- Human Factors/Warnings Cases
- Industrial Accidents
- Industrial Equipment Failures
- Mold Litigation
- Product Liability Matters

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We accept large loss subrogation assignments ranging from \$100,000 and up. We approach your case with early investigation, resourceful evaluation and diligent prosecution. We practice throughout the country and have developed an extensive network of experts and local counsel anywhere you need us.

Our large loss attorneys are groomed and thrive in a contingency fee environment that awards results—not the amount of hours billed. Our contingency fee approach aligns us with your goal of maximizing the recovery in the most efficient manner. Your case will be staffed with our most qualified senior attorney leading the project and other highly skilled associates and support staff whose work is concentrated in this specific area.

We believe our track record and unique experience in large loss property subrogation will make a difference in helping you achieve maximum recovery for your property loss.

## Media and First Amendment Litigation

Our diverse First Amendment experience includes matters involving the Freedom of Information Act, “sunshine” laws, defamation, invasion of privacy, censorship, indecency and obscenity, commercial speech and Internet speech, including message board posts. We represented a television station in a high-profile case where the Texas Supreme Court reversed the Court of Appeals judgement, rejecting a libel claim against our client.

Our trial lawyers have wide-ranging experience in First Amendment litigation, trying cases to verdict in state and federal courts and handling such matters through appeal. We take pride in our ability to utilize our knowledge of First Amendment principles to offer first-rate, efficient representation to our clients.

We assist clients with pre-publication or pre-broadcast defamation review, requests for retraction or correction, newsgathering advice, obtaining access to information, and responses to subpoenas. We also

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represent media clients, such as news organizations and media holding companies, in trademark and copyright cases.

Our attorneys understand the urgency of most First Amendment lawsuits, and our trial lawyers provide fast, responsive advice so media clients can meet their deadlines and so we can quickly petition for or defend against restraining orders and other requests for emergency relief when our clients need us.

## Noncompetition and Trade Secrets

In today's business environment, companies have never been more vulnerable to the loss, misuse or theft of their trade secrets or proprietary information, or to unfair competition targeting their employees or customers.

Clients regularly call on us for guidance in this complex area – where federal law offers limited protection, state laws vary, and the law is constantly changing both from legislative action and court decisions. Recognizing the damage caused when claims of unfair competition arise, we are aggressive in defending you against such allegations, including trade secret misappropriation, breaches of restrictive covenants, breaches of fiduciary duty, employee raiding, tortious interference with business relations and contracts, unfair competition, violation of the Computer Fraud and Abuse Act and similar claims.

Because we bring years of technology experience to each matter, we are particularly well-suited to understand – and explain to the judge or jury – the complex technical issues involved in trade secrets litigation.

Our team also has the knowledge, skill and resources to quickly and aggressively pursue violators or to defend our clients against unfair competition claims, including seeking or defending against temporary restraining orders and other injunctive relief, and prosecuting claims in state or federal court and in alternative dispute resolution forums.

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## Securities Litigation and Enforcement

Munck Wilson Mandala offers a full range of services to issuers, financial institutions, broker-dealers, investment advisors and individuals involved in securities litigation. Whether the matter involves state or federal trial court proceedings, civil appeals, FINRA arbitration, or administrative investigations and enforcement actions by the Securities and Exchange Commission (SEC) or state securities regulators, our team can provide the skilled, responsive, cost-effective counsel our clients need in these sophisticated disputes.

Federal and state securities regulation is constantly changing. To manage litigation risk in that environment, clients require experienced counsel. Munck Wilson Mandala is an ideal choice for clients involved in securities litigation and enforcement matters. We bring to each matter the combined talents of our nationally recognized trial practice and our knowledgeable, seasoned securities and corporate lawyers. Our in-depth understanding of the securities industry enables us to promote our clients' objectives while resolving issues in an efficient and expedient manner.

We advise and represent clients in both informal and formal SEC investigations, as well as in civil litigation filed by the Commission. We have defended proceedings brought by court-appointed receivers. We also provide effective representation to clients in investigations, cease and desist actions and other enforcement proceedings conducted by state securities agencies, and in enforcement or de-listing