



## ERIC WOOD

PARTNER

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BROWN FOX

IN AN ERA WITH FEW, TRUE BUSINESS TRIAL LAWYERS, Eric Wood has tried dozens of cases in both state and federal court and argued appeals in Texas and U.S. Circuit Courts of Appeals. He is a tireless and creative litigator who has represented clients in all kinds of business disputes for more than 15 years, including cases involving breach of contract, misappropriation of trade secrets, enforcement of non-competition agreements, deceptive trade practices (DTPA), fraud, breach of fiduciary duty, copyright infringement, trademark infringement and patent infringement, fair debt collection practices, and employment disputes.

Mr. Wood is an AV-rated litigator and has received many honors for his legal acumen, including accolades as a Top Business and Commercial Litigator, Super Lawyer, and Rising Star in publications such as The American Lawyer, Corporate Counsel, Martindale Hubbell, Texas Monthly, and National Law Journal.

## EXPERIENCE

### LITIGATION

- » Successfully upheld on appeal a trial court's denial of multi-level marketing company's motion to compel arbitration against sales representative because the arbitration clause upon which it relied was illusory and unenforceable. *WorldVentures Mktg., LLC v. Travel to Freedom, LLC*, No. 05-20-00169-CV, 2020 WL 5651657 (Tex. App.—Dallas Sept. 23, 2020, no pet.)
- » Won third appeal to Fifth Circuit in same action, in which the Court conclusively held that Fed. R. Civ. P. 41 stipulation of dismissal does not deprive the trial court of subject matter jurisdiction to rule on a fee request or other ancillary matter, and the Court invited client to seek attorney's fees for appellant's continued frivolous filings. *Automation Support, Inc. v. Humble Design, L.L.C.*, 982 F.3d 392 (5th Cir. 2020)
- » Successfully granted injunction for buyer enjoining seller of consulting business from re-taking ownership of business under force majeure clause applicable to COVID-19 pandemic. *M&A Capability Partners, LLC vs. Managed Growth Services, LLC, et. al.*, No. 219-04166-2020 (219th Judicial District Court of Collin County, Texas, Sept. 28, 2020).
- » Obtained injunction enjoining purchaser of FedEx service routes from transferring same without paying purchase price to seller in asset purchase agreement, and ultimately awarded summary judgment granting judgment for entire purchase price and attorney's fees to seller. *T & TR Transport, Inc. v. Symank Business Systems, inc.*, No. DC-16-14901 (160th Judicial District Court of Dallas County, Texas Sept. 14, 2017).
- » Co-counsel in suit brought by former partner in private equity firm for failure to recognize carried percentage interests in investment funds; case settled for seven figures prior to trial. *Thomas Henley v. Saul M. Meyer, et. al.*, No. DC-14-00731 (44th Judicial District Court of Dallas County, Texas Mar. 2018)

- » Attained summary judgment for debt collector client dismissing all claims arising out of Fair Debt Collection Practices Act with prejudice. *Manning v. Elevate Recoveries*, No. 4:16-CV-942-ALM-CAN, 2017 WL 5586674 (E.D. Tex. Oct. 16, 2017), *report and recommendation adopted sub nom. Manning v. Elevate Recoveries, L.L.C.*, No. 4:16-CV-942, 2017 WL 5569874 (E.D. Tex. Nov. 20, 2017).
- » Co-counsel for insurance carrier in case in which summary judgment was granted dismissing first party insurance claims arising out of flood to real property. *Yanez v. American Strategic Insurance Corporation et al*, Case 4:17-cv-00788-O (N.D. Tex. Jun. 21, 2018).
- » Following filing of Rule 12(b)(6) motion seeking dismissal of RICO claims, plaintiff dismissed client with prejudice for zero recovery. *Baraz, et. al. v. Hatfield, et. al.*, Case 3:18-cv-01790-K (N.D. Tex. Oct. 2018).
- » Awarded complete amount of attorney's fees on behalf of defendant as prevailing party under Texas Theft Liability Act (TTLA) following plaintiff's dismissal of all claims with prejudice for zero recovery. Following appeal and oral argument to the Fifth Circuit, the Court upheld the district court's award in its entirety and remanded for additional attorney's fees incurred on appeal. *Automation Support, Inc. v. Humble Design, L.L.C.*, No. 17-10433, 2018 WL 2139042 (5th Cir. May 9, 2018).
- » Court granted defendant's motion to dismiss under Texas Citizens Participation Act (Anti-SLAPP statute), dismissing plaintiff's defamation and disparagement claims with prejudice and awarding defendant his attorney's fees and costs. *The 4Csons Group LLC d/b/a/ 4Sight Neighborhood Management vs. Matthew Wheaton*, No. 401-03563-2016 (401st District Court, Collin County, Texas, Nov. 8, 2016).
- » Court granted Rule 12(b)(6) motion dismissing plaintiff's unlawful lockout, wrongful eviction, trespass, and invasion of privacy claims with prejudice. Dismissal upheld in its entirety on appeal to the Fifth Circuit. *Warren v. Bank of Am., N.A.*, 717 F. App'x 474 (5th Cir. 2018).
- » Rule 12(b)(6) motion to dismiss granted dismissing plaintiff's Fair Debt Collections Practices Act (FDCPA) complaint with prejudice. *Dittig v. Elevate Recoveries, LLC, et al.*, No. 2:16-CV-01155-AJS, 2016 WL 4447818 (W.D. Pa. Aug. 24, 2016).
- » Defended personal guarantor against bank in appeal of trial court judgment awarding bank zero attorney's fees arising out of breach of loan agreement and personal guaranty. *Matter of Dallas Roadster, Ltd.*, 846 F.3d 112, 116 (5th 2017).
- » Obtained summary judgment in favor of note holder on declaratory judgment claim involving foreclosure of stock as collateral under note. *Annie Nguyen v. Mai Nguyen*, No. DC-16-08066 (193rd District Court, Dallas County, Texas, Jan. 9, 2017).
- » Won jury verdict against local hospital for material breach of services agreement. *Vanguard Resources, Inc. v. Grayson County Physicians Property, LLC d/b/a Heritage Park Surgical Hospital*, No. CV-12-1941 (15th District Court, Grayson County, Texas, Feb. 12, 2015).
- » Won jury verdict on behalf of local dental outsourcing lab against one of the largest dental implant manufacturers in the world for misappropriation of trade secrets and breach of contract. *Dale Dental, Inc. v. Straumann USA, LLC*, No. DC-12-13274 (298th District Court, Dallas County, Texas, Aug. 21, 2014).
- » Reversed on appeal part of temporary injunction that constituted a prior restraint on free speech in violation of the First Amendment. *Miller v. Talley Dunn Gallery, LLC, et al.*, 2016 WL 836775 (Tex. App. – Dallas 2016, no pet.).
- » Overturned on appeal a trial court order improperly dismissing claims against foreign corporation for lack of personal jurisdiction. *Masterguard, L.P. v. EcoTechnologies, LLC d/b/a Yellowblue*, 441 S.W.3d 367 (Tex. App. – Dallas 2013, no pet.).
- » Successfully argued and won reversal on appeal of a trial court order that improperly modified an arbitration award. *White v. Siemens*, 369 S.W.3d 911, 917 (Tex. App. –Dallas 2012, no pet.).
- » Obtained dismissal for lack of personal jurisdiction of 3 separate lawsuits filed by Texas oil and gas companies against California website operator for defamation and business disparagement. *HEI Resources, Inc., et al. v. Venture Research Institute, et al.*, 2009 WL 2634858 (N.D. Tex. Aug. 26, 2009); *Triple Diamond Energy Corp. v. Venture Research Institute, Inc.*, 2008 WL 2620351 (N.D. Tex. July 3, 2008); *Aspen Exploration, Inc. v. Venture Research Institute, Inc., et al.*, No. 3:08-CV-01393 (N.D. Tex. Jan. 23, 2009).
- » Attained judgment at trial against former client of accounting firm for breach of contract. *Elwell Enterprises, Inc., et al. v. Edward Sigmond, et al.*, No. DC-11-07277 (160th District Court, Dallas County, Texas February 27, 2013).

- » Successfully represented business-advising firm in a trial for breach of a brokerage agreement against corporation and its president in his individual capacity. The Fort Worth Court of Appeals affirmed the trial court's judgment in its entirety against both the corporation and its president. *EID Corp. d/b/a Come-N-Go and Mohd S. Alhajeid v. Fort Worth-Tarrant Sunbelt, Inc. d/b/a DFW Sunbelt Business Advisors*, 2006 WL 1562665 (Tex. App. – Ft. Worth 2006, no pet.).
- » Earned dismissal of two separate lawsuits filed by former independent distributors of direct sales nutritional supplement company for breach of contract and unfair trade practices. *Christina Sapp v. FirstFitness International, Inc.*, No. 3:09-CV-1846-N (N.D. Tex. Aug. 11, 2010); *Fredrick Thomas v. FirstFitness International, Inc.*, No. 3:09-CV-324-L (N.D. Tex. June 30, 2010).
- » Obtained judgment on behalf of a Mississippi casino dismissing Texas corporation's claims against casino for want of jurisdiction after hearing on casino's special appearance. *Platinum Air Charters, LLC v. Circus Mississippi, Inc.*, No. 05-35560-3 (County Court at Law No. 3, Tarrant County, Texas Jan. 26, 2006).
- » Obtained summary judgment for president of a New York corporation against allegations of fraud and claims to pierce the corporate veil for acts performed on behalf of the corporation. *Unified Building Sciences, Inc. v. Stephen Gwertzman, et al.*, No. DC-03-07728 (68th District Court, Dallas County, Texas Feb. 2005).
- » Co-chaired jury trial on behalf of insurer in subrogation action against multi-national corporation for property damage to downtown Dallas bar resulting from broken fire sprinkler pipe. *Two Dots, Inc. v. Tyco Fire & Security, et al.*, No. DC-03-12145 (101st District Court, Dallas County, Texas April 2005).
- » Defended large insurance carrier from first-party claims brought by insured resulting in insured's dismissal of all claims before trial for zero recovery. *Roxanne O'Neal v. Allstate Ins. Co., et al.*, No. 348-219228-06 (348th District Court, Tarrant County, Texas August 2007).

## LABOR & EMPLOYMENT

- » Litigated action by former executive officer against real estate advisory firm for breach of severance agreement resulting in favorable six figure settlement. *Clark White v. Mohr Partners, Inc.*, No. DC-18-10269 (44th Judicial District Court of Dallas County, Texas Aug. 2019).
- » Court granted summary judgment in favor of former employee against employer on claims for breach of non-competition agreement, tortious interference, and breach of duty of loyalty and recovered full amount of attorney's fees for employee as a result of defendant's attempt to enforce an unenforceable non-competition agreement. *Martin Fletcher Locums, Inc. v. John Arrambide, et al.*, No. DC-15-06694 (14th District Court, Dallas County, Texas, Oct. 14, 2016).
- » Granted summary judgment on behalf of former employee and independent contractor dismissing all claims by company for misappropriation of trade secrets, tortious interference and civil conspiracy. Affirmed on appeal by the Dallas Court of Appeals. *Expert Tool & Machine, Inc. v. Sean Petras, et al.*, 2015 WL 5093251 (Tex. App. – Dallas 2015, no pet.).
- » Represented popular hotel in defense of former employee's claims of sexual harassment, assault and intentional infliction of emotional distress, resulting in settlement for a nominal amount before trial. *Stacey Summer Carrillo v. American Property Management Corp., et al.*, No. 318186 (County Court at Law No. 10, Bexar County, Texas Oct. 2007).

## INTELLECTUAL PROPERTY LITIGATION

- » Prosecuted trademark infringement action involving trademarks for outdoor hunting products resulting in seven figure settlement prior to trial. *Yukon Advanced Optics Inc v. Sellmark Corporation et al*, Case 3:18-cv-02318-E (N.D. Tex. Oct. 2019).
- » Defended local LED manufacturer from claims by global electronic components provider for claims of breach of distribution agreement and breach of implied warranty of infringement arising out of third party's patent infringement allegations resulting in favorable settlement on the eve of trial. *Arrow Electronics Inc v. Antron Compact Electronics, LLP*, Case 4:18-cv-00010-O (N.D. Tex. Apr. 2019).

- » Defended global networking hardware company in patent infringement action in Eastern District of Texas involving power over internet technology resulting in favorable settlement just prior to trial. *Chrimar Systems, Inc. et. al. v. TRENDnet International, Inc. et. al.*, Case 6:15-cv-00618-JRG-JDL (E.D. Tex. Apr. 2017).
- » Obtained dismissal for lack of personal jurisdiction for client in patent infringement lawsuit involving school traffic safety equipment. *Jones v. RTC Mfg., Inc.*, No. 8:16-CV-1686-T-35JSS, 2017 WL 2322817 (M.D. Fla. Mar. 24, 2017).
- » Defended a Fortune 500 company against plaintiff uninterruptible power supply company's claims of copyright infringement of plaintiff's software, misappropriation of trade secrets, conversion, unfair competition and violation of the RICO statute. *MGE UPS Systems, Inc. v. General Electric Co., et al.*, No. 4:04-CV-929-Y (N.D. Tex.).
- » Defended several real estate developers in two lawsuits alleging copyright infringement, fraud and violation of the RICO statute, resulting in settlement of all claims. *Allen, et al. v. Jooma, et al.*, No. 3:11-CV-0946-K (N.D. Tex.); *Architettura, Inc. v. Lufkin Pioneer Crossing, LP, et al.*, No. 3:10-CV-2611-K (N.D. Tex.).

## PROFESSIONAL LIABILITY

- » Won 12(b)(6) motion to dismiss on behalf of attorney client, whereby court dismissed every claim by plaintiff including securities fraud, legal malpractice and civil conspiracy. *Brian Lehman v. John A. Davis, et al.*, No. 3:06-CV-2035-P (N.D. Tex. July 5, 2007).

## REAL ESTATE LITIGATION

- » Obtained summary judgment on behalf of seller and real estate broker involving allegations of breach of contract, fraud in a real estate transaction and violation of the Texas Deceptive Trade Practices Act (DTPA) arising out of contract for sale of real estate. *Morris Rogers v. Crystal Jordan, et al.*, No. 048-217767-06 (48th District Court, Tarrant County, Texas June 8, 2006).
- » Successfully represented corporate homebuilder in defense and dismissal of invalid and unenforceable mechanic's liens filed by two former officers of corporation. *Whitney Homes, LLC v. Randy Brock*, No. 96-220610-06 (98th District Court, Tarrant County, Texas Feb. 7, 2007).
- » Argued and won summary judgment motion dismissing home buyers' negligence claims against foundation repair company and its agent. *Robert Steven Laboon, et al. v. Structured Foundation Repairs, Inc., et al.*, No. 141-223686-07 (141st District Court, Tarrant County, Texas May 13, 2008).
- » Effectively obtained writ of garnishment against commercial real estate tenant on behalf of landlord and defeated motion to dissolve writ, leading in positive settlement of claims. *Parker Midway, L.P. v. Artfest International, Inc.*, No. DC-10-09597 (44th District Court, Dallas County, Texas Nov. 2, 2010).

## BANKRUPTCY

- » Defeated at trial every element of actual damages sought by debtor in adversary proceeding in bankruptcy court for violation of automatic stay. *Bruner-Halteman v. Educational Credit Management Corp.*, No. 14-03041-hdh, 2016 WL 1427085 (Bankr. N.D. Tex. Apr. 8, 2016).



## ADMISSIONS

- » Texas (2002)
- » United States District Court for the Northern District of Texas (2003)
- » United States District Court for the Eastern District of Texas (2003)
- » United States District Court for the Southern District of Texas (2009)
- » United States District Court for the Western District of Texas (2009)
- » United States Court of Appeals for the Fifth Circuit (2015)
- » United States Supreme Court (2018)



## AFFILIATIONS

- » State Bar of Texas
- » Dallas Bar Association
- » Collin County Bar Association
- » Eldon B. Mahon Inn of Court, (2004 – 2006)



## EDUCATION

- » St. Mary's University School of Law, J.D., *cum laude*, 2002
  - » Phi Delta Phi
  - » John M. Harlan Society
- » Texas Christian University, B.B.A. in Finance, 1999
  - » Minor – Political Science
  - » Studied International Business – Köln, Germany (1998)



## HONORS

- » AV-Rated by Martindale-Hubbell
- » *Texas Super Lawyer*, Texas Monthly and Super Lawyers (2017 – 2020)
- » *Texas Rising Star*, Texas Monthly and Super Lawyers (2009 – 2016)
- » Selected as one of Texas' Top-Rated Lawyers in Business and Commercial Litigation by Legal Leaders Magazine (2014)
- » Recognized as one of the Top Rated Lawyers in Commercial Litigation Law by The American Lawyer, Corporate Counsel, Martindale Hubbell, and National Law Journal (2013)

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## MORE ABOUT ERIC WOOD

Eric has been happily married to his wife, a fellow lawyer, for close to 15 years. He has twin sons and a daughter. On the (increasingly) rare weekend or evening when he is not attending one or more of his children's various sporting events or activities, he likes to read, cycle and play golf.