



## Craig A. Albert

### PARTNER

Craig A. Albert leads the Firm's litigation practice. He earned a B.A. with honors in Plan II from the University of Texas in 1986 and a J.D. from the University of Texas School of Law in 1990. Craig is a member of the State Bar of Texas and the State Bar of North Carolina. He enjoys an AV rating, which is the top rating from Martindale Hubbell. He is Board Certified in Consumer and Commercial Law by the Texas Board of Legal Specialization.

In serving the needs of his clients in complex commercial litigation, real estate litigation and financial services litigation, Craig tries lawsuits to juries and judges with an eye toward best overall outcomes for each client. He works to identify lightning rods in transactions that might lead to litigation down the road. Understanding triggers, he helps clients prevent litigation where possible and enhance a client's position of strength. Craig has also acted as an arbitrator related to commercial lease issues and has been called at trial as an expert witness on attorney fee issues.

During his 30-plus year career as a trial lawyer, Craig has geared his practice to meet the following objectives: every client phone call or email message is returned promptly; the firm's billings are consistently accurate and communicate the value delivered and the progress achieved on the client's case; and his team consistently plans out the "next step" as it wisely conducts litigation on behalf of the client.

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#### PRACTICE AREAS

Complex Commercial & Business Litigation  
Real Estate Litigation  
Financial Services Litigation  
Trade Secrets & Non-Compete Litigation  
Condemnation / Eminent Domain

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#### CREDENTIALS

B.A., University of Texas, with honors in  
Plan II, 1986

J.D., University of Texas, 1990

Admitted to: U.S. District Court for the  
Northern, Southern, Western, and Eastern  
Districts of Texas

Board Certified – Consumer and  
Commercial Law Texas Board of Legal  
Specialization

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## REPRESENTATIVE EXPERIENCE

### *Condemnation / Eminent Domain*

Award at special commissioners' hearing for remainder damage from material impairment of direct access (resulting in award exceeding offer by three times).

\$4.4 million unanimous jury verdict in State's condemnation of frontage of car wash property rendering property non-conforming with code.

Award for taking of frontage of undeveloped shopping center tract based upon pad site potential.

Special commissioners' award for condemnation of parking affecting function of industrial flex space.

Condemnation award for car wash owner-operator impacted by road expansion by highway department.

Successful prosecution of condemnation claim for church related to easement for natural gas pipeline.

Successful prosecution of condemnation claim for owner of undeveloped property bisected by electric transmission line.

Grant of expert witness challenge against State's real estate appraiser for use of non-arm's length leasehold transaction as comparable.

Grant of expert challenge against State's appraisal expert, which ruling contributed to favorable settlement for restaurant property owner impacted by condemnation taking for toll road construction and highway expansion.

Award in excess of \$2 million in condemnation in favor of landowner against high voltage transmission line operator.

Effective prosecution of water supply district's superior rights against condemnation initiated by highway department.

Property owner's jury verdict against gas pipeline operator for damages to Denton County ranchette from easement condemnation, leading to settlement of companion case.

Unanimous jury verdict against gas pipeline company in favor of ranch owner recovering compensation for remainder damage caused by pipeline easement condemnation.

Recovery of \$3.85 million award related to taking of 12,000 square feet of frontage from office tower property for expansion of Interstate 35.

Recovery of \$1.8 million award related to city's taking of retail store site for construction of park.

Settlement of gas pipeline easement condemnation claim after selection of jury hostile to private company use of eminent domain authority.

### *Commercial Litigation*

Prosecution of claim for conversion of company stock accomplished by unilateral amendment of bylaws allowing for involuntary buyout of client's stock (resulting in seven-digit settlement).

Prosecution of partnership dispute related to unfaithful partner's undocumented loans of company funds and resources (resulting in settlement on eve of imminent deposition of non-party).

Defense of claims for interference with lease contract (resulting in modest settlement after productive deposition of plaintiff).

Bench trial awarding attorney's fees for defense of declaratory judgment claim.

Exclusion of appraiser's sales comparison approach (ultimately resulting in favorable jury verdict).

Entry of garnishment order in federal court for \$3.2 million before judgment.

Summary judgment dismissing nuisance claim related to debris said to have caused loss of commercial tenant.

Effective defense of fiduciary claims brought by business partner alleging excess commissions, self-interested transactions, and embezzlement.

Prosecution of fiduciary claims against managing partner, concluding in favorable settlement reallocating ownership percentages and financial obligations.

Final judgment approving receiver-conducted partition sale of Piaggio aircraft which had been subject to fractional ownership.

Jury verdict against insurance broker for malpractice in claim submission and in procuring appropriate coverage.

Effective prosecution of business dispute through receivership to produce new start for construction industry client.

### *Commercial Litigation (Continued)*

Plaintiffs' jury verdict in federal court in Houston on multiple claims of fraud and fiduciary breach against commercial real estate broker.

Successful defense of \$30 million of pooled mortgage repurchase claims asserted in California lawsuit.

Bench trial prosecution of equipment lease claims in bankruptcy court, including defeat of counterclaims for repair costs.

Successful prosecution of indemnity claims against equipment manufacturer in defense of trade secret misappropriation lawsuit.

Prosecution of injunctive claim against trade association to the effect of blocking decertification of client by association.

Prosecution of fraudulent transfer claims in Illinois lawsuit against individual principals in real estate development company related to excess distributions of net proceeds.

Favorable settlement against regional bank of statutory conversion claim related to disloyal employee's theft and deposit of health insurance reimbursement checks.

Defeat of injunction request sought by national restaurant franchisor seeking decharacterization of former franchise store.

Effective defense of multi-million dollar fiduciary claim against former regional vice-president of national automotive dealership company.

### *Commercial Real Estate Litigation*

Defense of claim for breach of retail lease based upon alleged failure of landlord to recognize extension of lease.

Successful prosecution of fraud and deceptive trade practice claims against non-builder seller of residence.

Successful prosecution of landlord's claim against commercial tenant for breach of lease and for personal liability for conversion of furniture, fixtures, and equipment.

Effective defense of commercial landlord's claim for \$700,000 of late fees.

Successful prosecution of eviction claim against church claiming right-of-first-refusal.

Summary judgment dismissing all of commercial tenant's claims (tortious interference and conspiracy) against buyer of Downtown Dallas site for redevelopment.

Entry of summary judgment dismissing all fraud and misrepresentation claims against real estate broker related to agent's alleged actions in selling own property.

Prosecution of claim for real estate developer fee against national bank, concluding in favorable financial settlement.

Prosecution of fiduciary claim (including lis pendens filing) against joint venture manager, concluding case in forfeiture of self-interested real estate conveyance.

Entry of summary judgment dismissing \$2 million lost profit claim alleged as consequential damages from breach of maintenance covenant in commercial lease.

Appellate reversal in favor of tenant client by the Dallas Court of Appeals of a summary judgment related to \$2 million condemnation award.

Full summary judgment for Victory Park entity, dismissing plaintiff's claim to parking revenue for events at American Airlines Center.

Multi-contractor compromise settlement to secure release of mechanic's liens from landlord premises related to tenant default.

Successful defense of claims brought under Interstate Land Sales Act related to condo purchase contracts.

Favorable settlement of claim for wrongful termination of commercial lease allegedly based upon racial discrimination.

Service as arbitrator in commercial lease dispute involving triple net lease.

Effective defense of commercial lessee which abandoned office premises with multi-year term balance and multi-million dollar accelerated rent delinquency.

Prosecution of commercial lessee's claim against landlord related to cap on controllable operating expenses.

Successful defense of mechanic's lien claim and lis pendens related to alleged partnership with real estate developer.

Multi-million dollar jury verdict against railroad which caused collapse of drainage culvert and resulting flood of manufacturing facility.

### *Commercial Real Estate Litigation (Continued)*

Summary judgment for commercial lessee against landlord related to unpaid tenant allowance exceeding \$1 million.

Successful prosecution of commercial subtenant claim stemming from landlord's failure to provide attornment election upon termination of prime lease.

Summary judgment against defaulting lessee by which the court rejected a constructive eviction claim based upon alleged rat infestation.

Jury verdict awarding damages to lessee wrongfully denied trade fixtures upon termination of lease.

### *Real Estate Brokerage Disputes*

Plaintiffs' jury verdict in federal court in Houston on multiple claims of fraud and fiduciary breach against commercial real estate broker.

Dismissal of fiduciary claim against real estate broker of purchaser claim alleging confidentiality of 1031 exchange status.

Defeat of fraud and fiduciary claims asserted against real estate broker related to listing of medical office building for sale lease-back.

Preparation and successful prosecution of broker's lien for full payment of commission for sale of substantially same property to identified purchaser.

### *Residential Construction Liability Litigation*

Summary judgment against condo purchaser on \$2 million claim for alleged reduction in value from construction defects.

Successful defense of developer in action brought by condominium association for construction defects with resolution being achieved through participation of insurers of design professionals.

### *Insurance Policy Litigation*

Representation of insured in dispute over coverage of third-party claim for personal injuries (resulting in settlement of claim with insurance funds).

Effective coordination of defense of malicious prosecution action stemming from no-bill of assault charge, including prosecution of claim against insurance company for coverage of defense.

Summary judgment against insurance company on coverage claim under policy related to construction-based constructive eviction of tenant.

Pre-suit settlement from insurance company for ammonia-based explosion of cold storage plant.

Enforcement against insurance company of appraisal provision in property policy and recovery of fees.

### *Employment Related Claims*

Dismissal of non-compete covenant and compensation claims from federal case asserting supplemental jurisdiction.

Defense of sales commission claims related to security clearance sales out of territory prescribed by company.

Effective defense of nationally syndicated radio personality from injunction suit to enforce non-compete covenant prohibiting particular radio format.

### *Attorney Fee Expert and General Counsel*

Trial testimony as fee expert.

Service as outside counsel for Victory Park.

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### **INVOLVEMENT**

Methodist Health System Foundation Executive Committee

Young Catholic Professionals Mentoring Program