

BARRY BARNETT

LIST OF TRIALS (as of June 2013)

Style of Case	Wichita Land and Cattle Co. v. Roofing Contractor
Court	County Court at Law No. 1 of Harris County, Texas
Nature of Case	Breach of warranty of good workmanship on roofing for horse barns in Brenham
Year of Trial	1986
Disposition	Verdict and judgment for roofing contractor (opposing party)

Style of Case	Interwood Co. v. DeBakey, No. 85-44633
Court	125 th District Court of Harris County, Texas
Nature of Case	Breach of guaranty of commercial real estate loan in north Houston
Year of Trial	1986
Disposition	Verdict for Interwood (client)
Opposing Counsel	Tom Cordell, 713-547-2000

Style of Case	Ex-Pac, Inc. v. Union Bank of Texas, No. 83-41634
Court	125 th District Court of Harris County, Texas
Nature of Case	Wrongful seizure of collateral of expert firm by bank lender in Houston
Year of Trial	1986
Disposition	Verdict and judgment for Ex-Pac (client)
Trial Judge	Honorable Michael O'Brien, 713-222-0088
Opposing Counsel	Bill Bowers, 713-869-0557

Style of Case	England v. Carlisle Outdoor, Inc., No. 87-13192
Court	162 nd District Court of Dallas County, Texas
Nature of Case	Breach of promise to provide stock to key employee of outdoor sign company in Dallas
Year of Trial	1989
Disposition	Settlement
Trial Judge	Honorable Catherine Crier, n/a
Opposing Counsel	Ernie Figari, 214-939-2001 Don Colleluori, 214-939-2007

Style of Case	Wagner & Brown v. Dow Chemical Co., No. 7:1988-cv-00259
Court	U.S. District Court for the Western District of Texas
Nature of Case	Fraud inducing oil producer to use “junk cement” to fix casing in Permian Basin oilfield
Year of Trial	1989
Disposition	Verdict for Wagner & Brown (client)
Trial Judge	Honorable Lucius Bunton, III (deceased)
Opposing Counsel	Martin Beirne, 713-960-7301 Blake Tartt, 713-960-7331

Style of Case	Computer Associates Int’l, Inc. v. Altai, Inc., No. CV 89-0811
Court	U.S. District Court for the Eastern District of New York
	Copyright infringement and trade secrets misappropriation relating to mainframe software
Year of Trial	1991
Disposition	Judgment for Computer Associates (opposing party) for small fraction (about \$350,000) of CA’s demand
Trial Judge	Honorable George C. Pratt, 516-227-0604
Opposing Counsel	Stephen Kahn, 212-310-8820

Style of Case	HMG/Courtland Property, Inc. v. Norwest Mortgage Co., No. 3:88-cv-1735
Court	U.S. District Court for the Northern District of Texas, Dallas Division
Nature of Case	Fraud and negligent misrepresentation leading to loss of second-lien mortgage on commercial office building in Mesquite
Year of Trial	1991
Disposition	Mistrial and partial verdict for Norwest (opposing party)
Trial Judge	Honorable Sidney Fitzwater, 214-753-2333
Opposing Counsel	Ralph Miller, 202-682-7133

Style of Case	HMG/Courtland Property, Inc. v. Norwest Mortgage Co., No. 3:88-cv-1735
Court	U.S. District Court for the Northern District of Texas, Dallas Division
Nature of Case	Negligent misrepresentation leading to loss of second-lien mortgage on commercial office building in Mesquite
Year of Trial	1991
Disposition	Verdict and judgment for HMG (client)
Trial Judge	Honorable Sidney Fitzwater, 214-753-2333
Opposing Counsel	Ralph Miller, 202-682-7133

Style of Case	Woodward v. E. F. Hutton & Co., No. 90-00619
Tribunal	Nat'l Ass'n of Securities Dealers
Nature of Case	Wrongful liquidation of brokerage account of investor from Odessa
Year of Hearing	1991
Disposition	Award for Mr. Woodward (client)

Style of Case	Lombardi's of Las Vegas v. Lombardi, No. CS-S-0433
Court	U.S. District Court for the District of Nevada
Nature of Case	Breach of restaurant management and purchase agreement and restaurant trade dress infringement in Las Vegas Forum Shops
Year of Trial	1995
Disposition	Settlement
Trial Judge	Honorable Lloyd George, 702-464-5500

Style of Case	Bramalea Texas Inc. v. PIC Realty Corp., No. 93-05822
Court	298 th District Court of Dallas County, Texas
Nature of Case	Breach of joint venture agreement between owners of 901 Main Street (Bank of America Plaza) in Dallas, Texas
Year of Trial	1995
Disposition	Settlement
Trial Judge	Honorable Adolph Canales, 214-653-6779
Opposing Counsel	Ed DeYoung, 214-740-8500
	Ray LaDriere, 214-740-8681

Style of Case	Michaelian & Kohlberg Inc. v. Feizy Import & Export Co., No. 3:94-cv-01937
Court	U.S. District Court for the Northern District of Texas
Nature of Case	Copyright infringement relating to designs of high-end rugs
Year of Trial	1995
Disposition	Settlement
Trial Judge	Honorable Joe Fish
Opposing Counsel	John Cone, 214-880-7002

Style of Case	SHH v. Ehlinger, No. 296-1152-95
Court	296 th District Court of Collin County, Texas
Nature of Case	Peeping Tom
Year of Trial	1996
Disposition	Verdict for SHH (minor client)
Trial Judge	Honorable Verla Sue Holland, 214-457-4349
Opposing Counsel	Brian Fant, 214-220-3268

Style of Case	Samsung Electronics Co. v. Texas Instruments Inc., No. 94890
Court	268 th District Court of Fort Bend County, Texas
Nature of Case	Fraudulent inducement of licensing agreement relating to computer memory chips
Year of Trial	1996
Disposition	Settlement with cross-licensing agreement worth over \$1 billion to TI (client)
Trial Judge	Honorable Brady Elliott, 281-341-8610
Opposing Counsel	David Berg, 713-529-5622

Style of Case	Tucker v. Interstate Brands Corp., Inc., No. 249-18-97
Court	294 th District Court of Johnson County, Texas
Nature of Case	Antitrust (price fixing) class action
Year of Trial	1998
Disposition	Verdict and judgment for Interstate Brands (opposing party)
Trial Judge	Honorable Wayne Bridewell, 817-556-6825
Opposing Counsel	Jerry Beane, 214-659-4520

Style of Case	Zacson Corp. v. GTE Communication Systems Corp., No. 71 181 00402 98
Tribunal	American Arbitration Association
Nature of Case	Breach of contract for telemarketing services
Year of Hearing	1999
Disposition	Award and judgment (\$2.7 million) for Zacson (client)
Arbitrator	Honorable Robert Wood, 214-549-2242
Opposing Counsel	Robert Jordan, +971 4 436 3670 (Dubai) Van Beckwith, 214-953-6505

Style of Case	Three Birds Property Co. v. Texas Instruments Inc., 96-13374
Court	162 nd District Court of Dallas County, Texas
Nature of Case	Groundwater contamination with toxic solvents
Year of Trial	1999
Disposition	Settlement
Trial Judge	Honorable Bill Rhea, +85 501 773 4614 (Cambodia)
Opposing Counsel	Brian Melton, 214-780-1450 Mark Werbner, 214-939-8711

Style of Case	Carbonic Designs, Inc. v. Minnesota Valley Eng'g, Inc., No. 249-220-96
Court	249 th District Court of Johnson County, Texas
Nature of Case	Antitrust (boycott) in market for mini-bulk carbon dioxide refilling devices
Year of Trial	2000
Disposition	Settlement
Trial Judge	Honorable Wayne Bridewell, 817-556-6825
Opposing Counsel	Richard Caldwell, 813-223-4253

Style of Case	Federal Trade Commission v. Equinox Int'l Corp., No. 2:99-cv-00969
Court	U.S. District Court for the District of Nevada
Nature of Case	Ponzi scheme by multi-level marketing company class action in Las Vegas
Year of Trial	2000
Disposition	Settlement
Trial Judge	Honorable Johnnie B. Rawlinson, 702-464-5670
Opposing Counsel	Dan Katz, 202-434-5143
	Phil Sechler, 202-434-5459

Style of Case	New Century Mortg. Corp. v. Positive Software Solutions, Inc., No. 71 117 00181 03
Tribunal	American Arbitration Association
Nature of Case	Digital Millennium Copyright Act and trade secrets misappropriation relating to copying of database software
Year of Hearing	2004
Disposition	Award and judgment for New Century (client) on fraud claim (\$10,000) and counter-claims (more than \$500 million)
Arbitrator	Honorable Peter Shurn, 281-496-0865
Opposing Counsel	Ralph Canada, 817-329-2003
	Michael Shore, 214-593-9110

Style of Case	Lollipop Guild, Inc. v. Southwestern Bell Telephone, L.P., No. 1-02-661
Court	382 nd District Court of Rockwall County, Texas
Nature of Case	Breach of duty to distribute yellow pages to class of advertisers class action
Year of Trial	2004
Disposition	Verdict for Southwestern Bell (opposing party)
Trial Judge	Honorable Brett Hall, 972-882-0271
Opposing Counsel	Michael Schonberg, 214-969-1304

Style of Case	In re Universal Service Fund Telephone Billing Practices Litigation, No.2:02-md-01468
Court	U.S. District Court for the District of Kansas
Nature of Case	Antitrust (price-fixing) and breach of long-distance subscribers' contract against AT&T class action
Year of Trial	2008
Disposition	Verdict and judgment (\$16 million) for California sub-class (client) on breach of contract and verdict and judgment for AT&T on antitrust
Trial Judge	Honorable John Lungstrum, 913-735-2320
Opposing Counsel	Chuck Douglas, 312-853-7706

Style of Case	Alcoa, Inc. v. Luminant Generation Co., LLC, No. 32,540
Court	20 th District Court of Milam County, Texas
Year of Trial	2010
Nature of Case	Breach of long-term contract for supply of power to aluminum smelter in Milan County
Disposition	Verdict and judgment against Alcoa (opposing party) claims (\$500 million) and for Luminant (client) on counterclaim (\$10 million)
Trial Judge	Honorable Ed Magre, 254-697-3602
Opposing Counsel	Shannon Ratliff, 512-493-9601

Style of Case	Alcoa, Inc. v. Luminant Generation Co., LLC, No. 32,540
Court	20 th District Court of Milam County, Texas
Nature of Case	Breach of contract mining agreement (lignite coal) for two power plants in Milam County
Year of Trial	2010
Disposition	Judgment against Alcoa (opposing party) claims (\$50 million) and for Luminant (client) on counterclaim (\$2 million)
Trial Judge	Honorable Ed Magre, 254-697-3602
Opposing Counsel	Shannon Ratliff, 512-493-9601

Style of Case	Olympia Minerals, LLC v. HS Resources, Inc., No. C 2005-0927
Court	36 th District Court of Beauregard Parish, Louisiana
Nature of Case	Breach of oil and gas project agreement and misappropriation of trade secrets (seismic data)
Year of Trial	2011
Disposition	Judgment for Olympia (client) on claims against Aspect (\$14.2 million) and on claims against Olympia (\$76 million)
Trial Judge	Honorable Ward Fontenot, 337-493-7241
Opposing Counsel	Barry Wertz, 713-615-8500 Jonathan Baughman, 713-615-8540

Style of Case	Innovative Sonic Limited v. Research in Motion Limited, No. 3:11-cv-00706-K
Court	U.S. District Court for the Northern District of Texas, Dallas Division
Nature of Case	Patent infringement
Year of Trial	2013
Disposition	Settlement after two weeks of testimony
Trial Judge	Honorable Ed Kinkeade
Opposing Counsel	Leon Carter, 214-550-8188