



Gregory N. Ziegler, Shareholder

Greg Ziegler has fifteen years of trial experience aggressively representing businesses and individual professionals in complex litigation throughout the State of Texas. He has successfully handled multi-party lawsuits and arbitrations involving construction law, architects & engineers liability, products liability, medical malpractice and health facility/nursing homes, premises liability, commercial and real estate transactions, and employment law.

Greg also represents design professionals, doctors, and health care facilities and professionals in professional liability actions and grievances before the state licensing boards. He implements a proactive and efficient approach designed to achieve swift, economical and favorable resolution of disputes with an emphasis on close and candid communication with clients, timely providing clear and concise written reports, and offering creative and innovative solutions to our clients' legal challenges.

Representative Experience

Education and Professional Background

University of Oklahoma, Juris Doctor
1994

Texas Tech School of Law, 1993-94

Southern Methodist University,
Bachelors of Arts, 1991

University of Michigan, 1986-87

Admitted to Practice

Texas, 1994

Oklahoma, 2004

U.S. District Court, Northern, Eastern,
Western and Southern Districts of Texas

U.S. Court of Appeals, Fifth Circuit.

- Lead counsel for structural engineering firm in Ocean Tower of South Padre Island, TX case pending in Cameron County.
- Lead counsel for structural engineering firm in Dallas Cowboys Practice Facility Collapse cases pending in Dallas County.
- Lead counsel for architectural engineering firm in cases involving federal projects pending before the Federal Court of Claims.
- Won declaratory judgment and injunction for regional medical imaging firm in trade secret and tortious interference dispute with national competitor in Dallas.
- Won injunction for business client in multi-million dollar partnership dispute in Dallas.
- Won summary judgment for architect sued in Dallas for multiple millions in damages to commercial buildings.
- Won summary judgment for structural engineering firm in million-dollar lawsuit for foundation design defect in North Texas.
- Won summary judgment for geotechnical engineering firm sued for negligent design of commercial building in North Texas.
- Won dismissal of mechanical engineering firm sued in multi-million dollar lawsuit in South Texas for negligent HVAC design of high school.
- Won dismissal for structural engineering firm in foundation design lawsuit in Houston area.
- Secured favorable resolution of claims against mechanical engineering client in multi-million dollar lawsuit by Houston Astros regarding Minute Maid Park.
- Secured favorable resolution of claims against structural engineer in multi-million dollar suit involving high school in Houston area.
- Won summary judgment for health care firm sued in multi-party race discrimination case in Beaumont, Texas.

- Won summary judgment for geotechnical engineering firm in a multi-party lawsuit alleging foundation failure of a commercial building in Denton County, Texas. The summary judgment was based on the economic loss rule and the lack of contractual privity between the plaintiff and the engineering defendant.
- Successfully defended claims against a structural engineering firm in a multi-party suit alleging foundation failure of multi-purpose school athletic complex, resulting in favorable settlement for the engineer well below cost of defense and amounted to no more than 15% of the original demand.
- Successfully defended claims against mechanical engineer in multi-party, complex suit involving professional sports stadium, resulting in favorable settlement for engineer and architectural firm for an amount less than 25% of the original settlement demand.
- Won dismissal of board of engineering complaints against structural engineer. The Texas Board of Professional Engineering dismissed a complaint filed against a structural engineer regarding alleged misrepresentation and negligence in connection with the design of a residential foundation plan.
- Won summary judgment for nursing home company in multi-plaintiff race discrimination case. Three nursing home staff members whose employment was terminated for violation of anti-abuse policy sued their former employer in federal court for race discrimination, defamation and intentional infliction of emotional distress.
- Successfully sought mandamus relief in the Tyler Court of Appeals requiring the trial court to dismiss all claims against the defendant nursing home pursuant to the Texas Healthcare Liability Act.
- Won a summary judgment on behalf of an engineering firm, arguing that a waiver of subrogation clause contained in a design-build contract between a structural engineer and a general contractor precluded the general contractor's insurer from asserting a subrogation right for a property damage claim paid under a commercial general liability policy after construction was completed. The summary judgment also awarded the engineering firm's attorney's fees, expenses, and costs of court per a provision in the contract.
- Won early dismissal for architectural firm based on Texas Certificate of Merit Statute in multi-party construction case.
- Won early dismissal for apartment complex in premises liability case involving child head injury.
- Won defense verdict for nursing home in wrongful death case where Plaintiffs sought damages up to \$1 million.
- Won case of first impression in Texas construction law by securing dismissal for an engineering firm under the recently-enacted Certificate of Merit Statute, March, 2004, affirmed on appeal, *Palladian Building Co. v. Nortex Foundation Designs, Inc.*, 165 S.W.3d 430 (Tex. App.-- Fort Worth 2005, no pet.)
- Achieved favorable resolution of sexual harassment and retaliation claims brought by EEOC; aggressive investigation and discovery for employer resulted in settlement for fraction of initial \$600,000 settlement demand.
- Won jury trial for engineering firm accused of negligent design in residential construction defect case
- Won enforcement of several non-compete agreements and prevention of former employees from unfair competition and misappropriation of trade secrets, Dallas and Tarrant Counties

- Won summary judgment for wheelchair manufacturer in products liability/nursing home negligence case involving the death of a nursing home resident, Cass County, Texas
- Won unanimous defense verdict for orthopedic physician assistant in malpractice suit arising from hip replacement surgery, Dallas, Texas
- Won jury trial in malpractice suit against assisted living facility
- Won several dismissals and summary judgments for doctors, health care facilities and professionals in complex medical malpractice and nursing home negligence lawsuits involving wrongful death, catastrophic personal injury, and physical and sexual assault
- Successfully resolved numerous premises liability, products liability, toxic tort, transportation, non-subscriber, and employment law cases
- Statewide litigation counsel for several national healthcare companies

Professional Affiliations

Dallas Bar Association
 Dallas Association of Defense Counsel
 Collin County Bar Association
 Tarrant County Bar Association
 State Bar of Texas
 Texas Association of Defense Counsel
 Defense Research Institute

Honors and Recognitions

University of Oklahoma College of Law Practice Court Award, 1993
 Southern Methodist University Football Lester Jordan Award High GPA, 1990
 Southern Methodist University Football Alumni Association Award of Recognition for Personal Integrity and Courage, 1990
 Varsity football, University of Michigan, 1986 - 1987; SMU, 1988 - 1990

Selected Publications and Presentations

Designation of Responsible Third Parties and Impact on Statutes of Repose and Limitations, presented at Business and Insurance Litigation Update, October 2009

Speaker at Macdonald Devin Construction Conference, Dallas Texas on *The Economic Loss Rule as a Design Professional's Defense to Owner/Contractor Claims*, September 21, 2007

Speaker, *Defending the Design Professional - Architect and Engineer E&O Claims*, Macdonald Devin Construction Conference, Dallas, Texas, September 29, 2006

Several published state court appellate opinions from the Dallas, Fort Worth and Amarillo Courts of Appeals

How to Protect Your Hotel and Avoid Pitfalls with Conference and Event Contracts, Hotel Association of Greater Dallas Event Contractors Seminar, 2004

What are They Suing About Now? What Health Care Providers and Their Lawyers Should Expect Post Tort Reform, PESI Health Care Liability Seminar, 2004

Herding Cats – Evaluation of the Nursing Home Claim from the Defense Perspective, PESI National Nursing Home Negligence Seminar, 2004

Distinguishing Smoking Guns from Red Herrings – Dissecting the Nursing Home Claim: Techniques for Risk Managers and Defense Counsel to Handle Claims and Suits, PESI Texas Nursing Home Negligence Seminar, 2003

Defense Counsel's Wish List – Preventative Steps for Nursing Homes to Reduce or Avoid Claims, Suits, and Big Verdicts and Settlements, PESI Texas Nursing Home Negligence Seminar, 2002

Practice Areas

Commercial Disputes

Construction

Employment and Labor

Hospitality

Health Law

 Drug and Medical Device Litigation

 Medical Practice Groups

 Nursing Home and Long-Term Care Litigation

Insurance

 Insurance Defense

Personal Injury/Premises Liability

Products Liability

 Products

 Chemical Products

 Electrical Devices and Components

 Mechanical Devices and Machines

Professional Liability/Errors and Omissions

Toxic Tort and Environment

Transportation