

#### Practice Areas

- Professional Liability
- Defense
- Trademark Litigation
- Commercial Litigation
- Intellectual Property
- Construction Law
- Energy Litigation
- Insurance Law
- Product Liability

#### Education

- University of Texas, B.A. History, 2004
- South Texas College of Law Houston, J.D., cum laude, 2007

#### Honors

- Listed, *The Best Lawyers in America* - Litigation - Insurance (2024-2026)
- Listed, *Best Lawyers: Ones to Watch in America* Commercial Litigation (2021)
- Named a "Top Lawyer," Houstonia Magazine (2019-2022)
- Texas Bar Foundation, Fellow
- South Texas Law Review
- Order of the Lytæ

## Jeff C. Wigginton, Jr.

Shareholder

Houston

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By applying a blend of pragmatism and aggressive advocacy to achieve each clients goals, Jeff Wigginton regularly produces outstanding results for businesses, business owners and professionals in contentious and complex civil litigation matters where their reputation, business and assets are at stake. These matters often involve commercial and business litigation, energy litigation, construction litigation, professional malpractice claims, and tort litigation.

Jeff also maintains an active insurance coverage practice which includes representation of his clients across the full array of property and casualty insurance matters they may encounter. Jeff has obtained numerous successful outcomes for his clients involving errors & omissions, directors & officers, commercial general liability, commercial property, commercial auto and garage, and inland marine coverage forms, as well as related excess coverage forms.

Often times, this representation includes litigating bad faith claims and statutory violations of the insurance companies and professionals involved. In addition to directly litigating such insurance disputes, this experience greatly benefits Jeffs clients when he handles the prosecution or defense of a case with complicated insurance issues standing in the way of resolution.

#### Representative Matters

##### Commercial Litigation Matters

- Defended the owners of a privately-held midstream oil & gas company in a post-divestiture dispute against more than \$25 million in alleged economic damages from breaches of a Stock Purchase Agreement involving claims ranging from operational and technical problems with the oil & gas assets purchased, GAAP accounting practices, and timing of various financial closing considerations.
- Represented a high-net worth family in a post-divestiture dispute defending them against more than \$14.5 million in alleged damages from breaches of a Stock Purchase Agreement involving complex and wide-spread allegations of wrongdoing and manipulation leading up to the transaction closing.

**Bar Admissions**

- Texas

**Court Admissions**

- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas
- Fifth Circuit Court of Appeals

**Jeff C. Wigginton, Jr., Continued**

- Successfully defended, in a three-week jury trial, a closely-held company and its owners accused of fraud and breach of fiduciary obligations against minority stakeholder claims in excess of \$10 million, and successfully prevailed on counter-claims for conversion, fraud and breach of fiduciary duty by the company's President. *Charlene May and Greg May v. John M. Floyd & Associates, Inc., et al*, Cause No. 12CV2311, In the District Court of Galveston, Texas; 56th Judicial District.
- Successfully prosecuted claims on behalf of an investor against a privately-held healthcare company for fraudulent conduct in the sale of stock and other financial misdeeds by the controlling owners to divert funds and assets away from the business. Obtained return of complete investment of approximately \$1.9 million, interest and all attorneys' fees after multi-year investigation and litigation.
- After successfully arguing for death penalty sanctions against all defendants for discovery abuse, obtained a default judgment exceeding \$10 million in a complex business fraud case against an investment advisor who stole the clients entire retirement account through a Ponzi scheme. Judge awarded all compensatory damages requested as well as the maximum punitive damages allowed by law.
- Prosecuted claims on behalf of an oilfield services company against the former President who pilfered company accounts for years and then subsequently raided company assets upon termination, in an attempt to set up a competing company. Obtained the return of all company assets, a substantial return of company funds, and enforced non-compete provisions of employment agreement.
- Represented a specialty business-valuation firm concerning a dispute over a valuation performed for a high-profile transaction involving the sale of a hospital in which some of the partners later claimed various breaches of professional duties and securities laws after becoming unhappy with the transaction.
- Defended numerous accountants, lawyers, securities brokers, financial professionals, doctors, real estate professionals, mortgage brokers, and other professionals in a variety of business tort claims arising out of alleged breaches in rendering professional services often involving complex underlying business transactions and financial services.

**Intellectual Property Matters**

## **Jeff C. Wigginton, Jr., Continued**

- After successfully obtaining partial summary judgment and establishing novel causes of action relating to a breach of quiet enjoyment through preliminary motions, successfully negotiated the resolution of a forty-year dispute over the trademark rights to the famous El Arroyo in Austin, Texas. *Susan Ogden, and Robert L. and Mary D. Ogden Limited Partnership v. Cozumel, Inc. (d/b/a El Arroyo)*, 2019 WL 2565277 and 2019 WL 4144324 (W.D.Tex. 2019).
- Defended a law firm against claims of malpractice arising out of a contingency-fee patent infringement litigation in which the underlying matter ended in death penalty sanctions against the client for alleged discovery abuse. The matter was resolved within policy limits and for a fraction of the ultimate exposure.
- Prosecuted claims on behalf of a world-renown musical instrument company against a competitor infringing on numerous trademarks resulting in the complete cessation of the offending use, destruction of offending products, and removal of advertising campaign after prevailing on key preliminary legal motions.

### **Construction and Real Estate Matters**

- Successfully tried a two-week arbitration representing a general contractor contesting overbilling by an electrical subcontractor of approximately \$12 million on an industrial rare-earth mine construction project. Award resulted in dramatic reduction in payments owed and no attorneys' fees or interest to claimant.
- Represented a concert venue in a landlord-tenant dispute involving the wrongful lockout and attempted termination of a thirty-year lease resulting in substantial damages to the business. Recovered \$2.8 million in damages from the Landlord immediately prior to trial.
- Represented an architecture firm against a multi-family developer in a dispute alleging over \$4.3 million in damages resulting from improper design and construction administration.
- Prosecuted claims against a construction finance management firm on behalf of a church for mismanaging the finances of a construction project leading to funding deficits in excess of \$1 million.
- Obtained summary judgment for a parts supplier who provided oil field equipment to a midstream compression facility that exploded, resulting in catastrophic damage. *Crosstex Energy Services, L.P. v. ProPlus, Inc., et al.*, Cause No. 2010-23663
- Defended an air-compressor manufacturer from an industrial explosion claim resulting in property damage and significant business interruption to the plant.
- Prosecuted lender liability claims on behalf of a multi-family developer against a CMBS lender and special servicer relating to an equity stripping scheme to improperly foreclose on a loan in excess of \$7 million.
- Represented an oilfield automation company against a national independent E&P company in a dispute over defective equipment installed at multiple production sites in Pennsylvania and ownership rights to proprietary intellectual property developed by the company.
- Represented a refiner in an international arbitration concerning a dispute under Swiss law with a multi-national parts supplier over defective equipment and design for a processing facility in Kuwait.
- Represented an oil company against multiple homeowners in a dispute over alleged environmental contamination following a well blowout next to a residential area which received extensive media coverage.

## **Jeff C. Wigginton, Jr., Continued**

### **Personal Injury Matters**

- Successfully defended in a jury trial a national restaurant chain and its franchisee from a significant multi-million dollar claim for a personal injury on their premises.
- Obtained summary judgment for a pre-employment screening firm accused of negligence in a wrongful death suit arising out of a high-profile work place shooting involving media exposure for the client. Upheld on appeal. *Kuentz v. Cole Systems Group, Inc.*, 541 S.W.3d 208 (Tex. App. Houston [14th Dist.] 2017, rehearing denied, rehearing en banc denied).
- Obtained summary judgment for a restaurant in a slip-and-fall case involving a serious injury allegedly necessitating a significant life care plan. Case upheld on appeal. *Murray v. Chick-Fil-A*, 626 Fed.Appx. 515 (5th Cir. 2015).
- Obtained partial summary judgment, and then disposed of the remaining claims through a Motion for Death Penalty Sanctions, for an air conditioning company accused by a homeowner of causing her terminal pulmonary disease due to allegedly defective equipment and installation. *Vonnie Lundstrom v. Dependable Comfort A/C & Heating, Inc., et al.*, 2015 WL 4393986 (S.D.Tex. 2015).
- Obtained summary judgment for a restaurant in a trip-and-fall case involving a serious injury requiring surgical intervention. Case upheld on appeal. *Martin v. Chick-Fil-A*, No. 14-13-00025CV, 2014 WL 465851 (Tex. App. Houston [14th Dist.] Feb. 4, 2014, no pet.).
- Obtained summary judgment on behalf of the railroad in a FELA case arising out of a construction accident where a crane dropped a steel piling onto a contract laborer crushing his leg. *Greggory Moravek v. Union Pacific Railroad Co.*, Cause No. 2013-64473 (Tex. Dist. Crt. 2013).

### **Insurance Matters**

- Obtained summary judgment for a national insurance carrier denying coverage to an insured for five lawsuits arising out of a catastrophic industrial crane accident at a nuclear power plant resulting in serious personal injury to numerous workers, and a lengthy disruption in operations. Insurance coverage at risk included \$7 million in indemnity coverage plus potential unlimited cost of defense. Upheld on appeal that the carrier had no duty to defend. *Hartford Cas. Ins. Co., et al. v. DP Engineering, L.L.C.*, et al., 827 F.3d 423 (5th Cir. 2016).
- Successfully recovered damages on behalf of a nursing home against the insurance carrier, insurance agent and producer relating to failure to pay business income losses stemming from catastrophic damage following broken water pipes flooding the property.
- Successfully recovered damages on behalf of a restaurant against the insurance carrier relating to underpayment of business income losses stemming from a catastrophic fire.

### **Firm Committees**

- Diversity and Attorney Development Committee
- E-Discovery Committee