

#### Practice Areas

- Commercial Litigation
- Construction Law

#### Education

- Thomas M. Cooley Law School, J.D., 1999
- Baylor University, B.A. (Political Science), 1987

#### Bar Admissions

- Texas

#### Court Admissions

- United States District Court for the Southern District of Texas
- United States Bankruptcy Court for the Southern District of Texas
- United States District Court for the Eastern District of Texas

## Earl Walker

Senior Counsel

Houston

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Earl Walker is a litigation attorney with over two decades of experience handling complex commercial disputes, arbitration matters, and multi-party litigation. Throughout his career, he has demonstrated particular skill in case preparation, motion practice, and alternative dispute resolution for a variety of industries including residential construction, commercial construction, and oil and gas.

At Chamberlain Hrdlicka, Earl focuses on commercial litigation, where he guides clients through all phases of dispute resolution, from initial case strategy development through trial preparation and settlement negotiations.

Earl has experience handling cases involving contract disputes, fraud claims, wrongful death actions, and construction-related matters. His experience extends to managing large-scale litigation, including multi-plaintiff personal injury cases and extensive document review projects.

#### Notable Representations

##### Major Cases Taken To Trial

- *FINRA Arbitration*; 2014  
In charge of FINRA arbitration in which client sought \$1,400,000 in damages caused by the defamatory remarks made by her former employer on her Form U5.
- *National Commodities Company v. American Seafood Imports, Inc.*; 2013  
(U.S. District Court, Southern District of Texas, Houston Division)  
Sat second chair to attorney-in-charge, Elaine Howard, in this bench trial in which a wholesaler of commodities sued client, American Seafood, an importer and national distributor of frozen shrimp, claiming breach of contract. Client asserted numerous counterclaims. Case settled after two days of trial.

## Earl Walker, Continued

- *IF Management v. Vince Cotroneo*; 2010

(New York arbitration)

Worked closely with and prepared attorney-in-charge, Chip Babcock, for this New York arbitration proceeding in which a sports management company sued client, Vince Cotroneo, the radio broadcaster for the Oakland Athletics, claiming that the management company was entitled to an income stream even after its contract with Cotroneo was terminated. The claim was denied by the arbitrator after a trial.

- *Albemarle Corp. v. MEMC Electronic Materials, Inc.*; 2010

(U.S. District Court, Southern District of Texas, Houston Division)

Sat second chair to attorney-in-charge, Richard Griffin, in this bench trial in which a specialty chemical manufacturing company sued client, MEMC, a manufacturer and seller of polysilicon wafers, for \$6,000,000 claiming breach of a royalty agreement. Case settled after verdict.

- *Metro Properties, LLC, et al. v. Bay Area Blvd., Ltd., et al.*; 2008

(Harris County District Court)

Sat second chair to attorney-in-charge, Lonnie Schooler, in this jury trial in which client, Metro, brought claims for breach of contract and fraud stemming from Metros purchase of an office building from defendant. Case settled at mediation after mistrial.

- *Jefferson v. Holman Street Baptist Church*; 2008

(Harris County District Court)

Sat second chair to attorney-in-charge, Richard Griffin, in this jury trial in which client, Baptist Church, was sued for declaratory judgment and return of stock used as collateral in connection with security agreement and unpaid promissory note executed many years prior by plaintiff. Baptist Church counterclaimed on note pursuant to Tex. Civ. Prac. & Rem. Code 16.069. Jury returned verdict in favor of Baptist Church, judge granted plaintiffs JNOV, and Fourteenth Court of Appeals reversed the trial courts judgment and reinstated jurys verdict. After plaintiff filed bankruptcy and Baptist Church responded by filing an adversary proceeding, all claims were settled.

### Major Cases Resolved Prior To Trial

- *Switch (Assignment for the Benefit of Creditors), LLC v. ixmation, Inc.*; 2016

(U.S. District Court, Northern District of California, San Francisco Division)

Worked alongside attorney-in-charge, Bill Helfand, prosecuting client, Switchs, breach of contract claim and defending counterclaim for breach of contract.

Prepared Mr. Helfand for mediation in San Francisco, after which the case settled.

## Earl Walker, Continued

- *Coote, et al. v. Cone*; 2012

(Harris County District Court)

Worked alongside attorney-in-charge, Richard Griffin, prosecuting client, Cootes, wrongful death, dram shop claim against defendant restaurant/bar. Performed extensive legal research into the safe-harbor provision of the Texas Dram Shop Act. Case settled prior to trial.

- *Deyaar Development Corp. v. Antar & Co., et al.*; 2011

(Harris County District Court)

Worked closely with attorney-in-charge, Elaine Howard, defending client, Antar, against plaintiffs declaratory judgment action and claims to quiet title, while prosecuting Antars cross-claims for fraud and under the Uniform Fraudulent Transfer Act. Case involved the cross-defendants procurement of an \$8,000,000 loan secured by a lien on undeveloped land in the Galleria area of Houston through a series of fraudulent and unauthorized transactions. Took several depositions of plaintiffs officers in Dubai, U.A.E. Prevailed on summary judgment, whereby cross-defendants were ordered to pay in excess of \$9,000,000 to client.

- *Gonzalez, et al. v. MEMC Pasadena, Inc., et al.*; 2011

(Harris County District Court)

Worked alongside attorney-in-charge, Richard Griffin, and researched and drafted no-evidence and traditional motion for summary judgment grounded in Chapter 95 of Tex. Civ. Prac. & Rem. Code in this personal injury lawsuit brought by 18 injured contractors stemming from a ruptured hose at client, MEMCs, industrial facility. Favorable settlement reached with all plaintiffs days before their response to said motion was due. Also performed extensive legal research in connection with MEMCs related claims for indemnification against co-defendant.

- *Cenote Resources Mgmt. Co., L.P., et al. v. IBC Enterprises, Inc., et al.*; 2010

(Nueces County District Court)

In this dispute over oil and gas leases located in an Area of Mutual Interest, worked closely with attorney-in-charge, Peter Hosey, prosecuting client, Cenotes, claims for declaratory judgment, breach of contract, tortious interference and conspiracy against numerous defendants, while defending counterclaims for declaratory judgment, slander of title, tortious interference and fraud. Settlement reached between all parties after five years of protracted litigation.

## Earl Walker, Continued

- *Gray, et al. v. Derderian, et al.*; 2010  
(U.S. District Court, District of Rhode Island, Providence Division)  
Worked closely with attorney-in-charge, Chip Babcock, defending claims against clients (news station cameraman and his employer) in wake of the catastrophic Station nightclub fire in West Warwick, RI. All claims settled at mediation.
- *Laserweld Investments, LP v. Atrium Companies, Inc.*; 2009  
(Tyler County District Court)  
Worked alongside attorney-in-charge, Richard Griffin, defending this breach of contract case involving client, Atriums, lease of a 283,000 square foot building from plaintiff. All claims settled at mediation.
- *Heidelberg Print Finance Americas, Inc. v. Absolute Color, Ltd., et al.*; 2008  
(Harris County District Court)  
Worked closely with attorney-in-charge, Wade Cooper, in this breach of contract case brought by client, Heidelberg, which involved organizing and managing the actual sequestration of a large printing press from defendants place of business. All claims settled at mediation.
- *Martinez v. Marathon Oil Company, et al.*; 2005  
(Jim Wells County District Court)  
Defended client, a manufacturer of industrial markers, in this alleged benzene exposure / wrongful death case. Drafted pleadings, deposed witnesses, argued motions and represented client at mediation. Case settled at mediation.
- *Exterior Insulation Finishing System (EIFS) Litigation*; 2002 to 2007  
(District Courts throughout Texas)  
Worked closely with attorney-in-charge, Lisa Powell, defending clients (manufacturer and distributor of EIFS) named in a dozen residential constructionrelated lawsuits, as well as prosecuting related third-party claims. Deposed numerous plaintiffs and fact witnesses over a 5-year span.
- *Asbestos Litigation*; 2000 to 2012  
(District Courts throughout Texas)  
Worked closely with attorney-in-charge, Lisa Powell, defending multiple clients named in hundreds of asbestos-related lawsuits. Deposed hundreds of plaintiffs and fact witnesses over a 12-year span.