

## Gary E. Zausmer

Member

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Gary Zausmer has over 30 years of experience in litigation and client representation in multiple areas, including fraud, misrepresentation, and contract disputes. His trial, arbitration, and appellate record includes the defense, prosecution, and favorable disposition of contract and tort cases in state and federal courts, including published decisions in favor of his clients. Gary also counsels clients on developing litigation success and litigation prevention strategies.

### Professional Experience

Technology, Privacy, Data Breach, and Trade Secret:

- Represented public technology company headquartered in California in defense of tortious interference with contract and prosecution of theft of trade secrets action brought in the Western District of Texas, Austin Division, and appealed to the United States Court of Appeals for the Fifth Circuit
- Represented Texas governmental entity in claims and litigation involving technology services contracts
- Represented Texas-based identity theft protection and data breach mitigation company in privacy, patent infringement, and contract litigation matters
- Represented Michigan-based company in misappropriation of trade secret and tortious interference with contract litigation

Energy, Environmental, and Real Estate:

- Represented principal in natural gas construction and pipeline company in fiduciary duty litigation and arbitration
- Represented Texas-based public company in multiple real estate, water rights, contract, construction, and regulatory litigation matters
- Represented pipeline company in federal court environmental (National Environmental Policy Act) litigation

### Practice Areas

- Litigation
  - Business
  - Corporate Counsel
  - Employment
  - Energy
  - Environmental
  - Insurance
  - Internal Investigations
  - Real Estate
  - Technology
- Business Strategy & Transactions
- Corporate & Securities/  
Privacy & Data Protection
- Regulatory Litigation

### Awards & Recognitions

- *Texas Super Lawyers*, Litigation, 2008–2019
- *Best Lawyers in America*, Commercial Litigation, 2012–present
- Best of Business Attorneys Award, Commercial Litigation, *Austin Business Journal*, 2004

### Education

- University of Texas School of Law, Austin, Texas
  - J.D.
- University of Michigan, Ann Arbor, Michigan
  - B.A., Political Science, *magna cum laude*

### Admissions

- Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern, Northern, Southern, and Western Districts of Texas



- Represented industry and developer clients in defense of citizen suits under environmental statutes

#### Financial Institution and Financial Services:

- Represented financial services companies in:
  - Commercial litigation
  - Wrongful foreclosure litigation
  - Receivership actions
  - Mortgage litigation
- Represented lenders in contract disputes and litigation
- Represented financial institution in lender liability/alter ego lawsuit tried in the Waco Division of the Western District of Texas and appealed to the United States Court of Appeals for the Fifth Circuit

#### Product Liability:

- Retained by motor vehicle manufacturer to represent distributors in product liability litigation in Texas, including longest reported civil jury trial in Travis County, Texas District Court history

#### Insurance:

- Represented policyholders and carriers in coverage analysis, disputes, and litigation involving:
  - Directors and Officers Liability policies
  - Commercial General Liability policies
  - Property policies
  - Cybersecurity policies
  - Advertising Injury coverage
  - Employment practices liability policies
- Represented policyholders in selection of insurance coverages
- Represented Texas-based employee benefit products insurance provider in litigation involving contract, employment, and tortious interference with contract claims

#### Investigations:

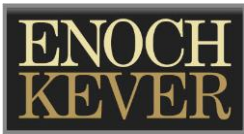
- Represented companies (public and private) and management personnel in investigations, including matters involving:
  - Corporate misconduct, ethics, and compliance investigations
  - Government and law enforcement investigations
  - Management and employment investigations

#### Corporate and Partnership:

- Represented public company and national retailer in dissenters' rights litigation
- Represented clients in multiple matters involving corporate and partnership disputes, dissolution matters, and fiduciary duty litigation

#### Sports:

- Represented National Football League Club in defense of antitrust, employment, and medical malpractice lawsuit



- Represented National Football League Club in bond insurance and contract litigation

#### Class Action:

- Defended national retailer in consumer class-action suit
- Defended national credit card issuer in consumer class-action suit
- Defended mortgage company, governmental entities, and transportation companies in collective actions
- Defended national uniform company in class-action suit

#### Employment:

- Represented public and private companies and entities in claims and litigation involving:
  - Non-compete obligations
  - Misappropriation of trade secrets
  - Fair Labor Standards Act claims

### **Publications & Presentations**

- Trends in Privacy Breach Litigation, State Bar of Texas Convention, June 2011
- Ethical Traps & Considerations in Business Tort Cases, State Bar of Texas Business Torts Institute, October 2009
- Federal Court Removal and Remand Practice Traps, San Antonio Bar Association
- Attorney–Client Privilege and Attorney Work Product Doctrine for In-house Counsel, Client Presentations
- Corporate Representative Depositions, Client Presentation
- Texas and National Litigation Trends
- Sarbanes Oxley Issues for In-house Counsel, Client Presentation
- Drone and Privacy Legal Issues, Inn of Court Continuing Legal Education Presentation
- Federal Court Effective Civil Motion Practice, Travis County Women Lawyers' Association Seminar, Austin, Texas

### **Professional & Community Activities**

- State Bar of Texas
  - Litigation Section
  - Computer & Technology Law Section
  - Corporate Counsel Section
  - Business Law Section
- Austin Bar Association
  - Business, Corporate & Tax Section
  - Civil Litigation Section, Board of Directors
  - Labor & Employment Law Section
  - General Technology Law Section
  - Federal Court Practice and Developments, Program Chair, 2009
  - Ultimate Trial Notebook Seminar, Program Co-chair, October 2009

- Ultimate Trial Notebook, Panelist, November 2014
- Ultimate Trial Notebook, Panelist, November 2019
- American Bar Association
  - Litigation Section
  - Business Law Section
  - Tort Trial & Insurance Practice Section
- Federal Bar Association, Central Texas Chapter, Past President and Past Vice President
- Federal Court Attorney Admissions Committee for the Western District of Texas, Austin Division, Chair, 2004–present
- Western District of Texas Attorney Disciplinary Committee, 2007–present
- Fifth Circuit Bar Association
- Robert W. Calvert Inn of Court, Master, 2004–present
- Anti-Defamation League Austin Region Torch of Liberty Dinner, Co-chair, 2008
- Anti-Defamation League Austin Region Jurisprudence Award Luncheon
  - Chair, 2009
  - Co-chair, 2013
- Anti-Defamation League Austin Region, Chair, 2016–2017
- Make-A-Wish Central & South Texas
  - Governing Board of Directors
  - Director 2014–2015