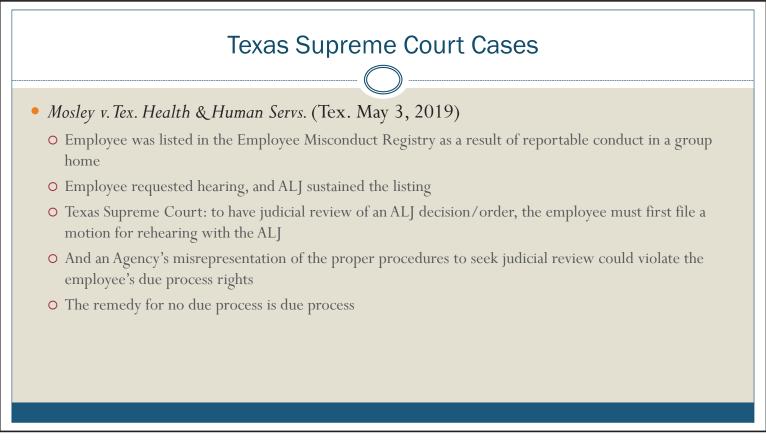


C.B. BURNS KEMP SMITH LLP

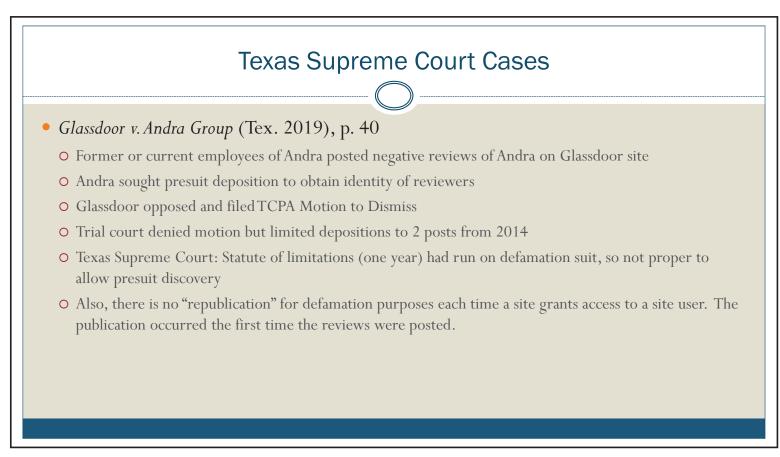
CHRISTOPHER BENOIT THE LAW OFFICE OF LYNN COYLE, PLLC AND TEXAS RIOGRANDE LEGAL AID, INC.

State Law Update: Texas and Beyond



Texas Supreme Court Cases

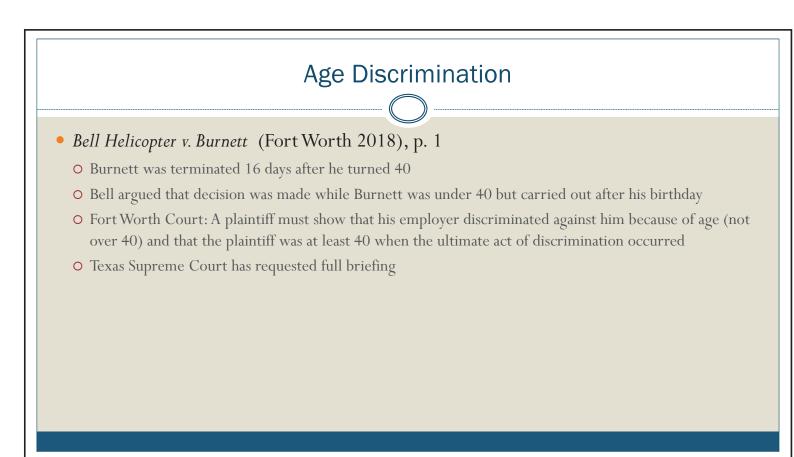
- Mercedes-Benz v. Carduco, Inc. (Tex. Feb. 22, 2019), p.39
 - O Not an employment case; claim of fraudulent inducement
 - Company (Carduco) claimed it was orally promised it could move a Mercedes dealership it wanted to acquire from Harlingen to McAllen
 - O Asset Purchase Agreement signed by Carduco specifically limited operations to Harlingen
 - O Mercedes denied Carduco's request to relocate dealership
 - O Jury awarded Carduco over \$112 million in damages on fraud claims
 - Texas Supreme Court: When oral representations are expressly contradicted by written terms of subsequent agreement, a party cannot justifiedly rely upon the oral representations for purposes of fraud claism



Texas Supreme Court Cases

- Rohrmoos Venture v. UTSW DVA Healthcare (Tex. April 26, 2019)
 - O Not employment case; attorneys' fees
 - A lease agreement between the parties provided for fee-shifting where the prevailing party would be entitled to reasonable attorneys' fees from the nonprevailing party
 - UTSW was the plaintiff and no damages were awarded to it but it obtained a take-nothing judgment on a counterclaim against it
 - The jury awarded UTSW \$800,000 in attorneys' fees for trial work and conditional fees for appeals; amount of dispute was \$300,000
 - Texas Supreme Court: Testimony by UTSW lawyer of his hourly rate, how much a reasonable amount of hours for the case would be, and why his request was so much higher was insufficient because did not detail time actually spent

5



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: State Employment Law Update: Texas and Beyond

Also available as part of the eCourse 2019 Labor and Employment Law eConference

First appeared as part of the conference materials for the 26th Annual Labor and Employment Law Conference session "State Employment Law Update: Texas and Beyond"