

David A. Vanderhider

Member

San Antonio

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Areas Of Practice

Litigation
Construction Law
Privacy and Data Security
Real Estate

Industries

Energy Industry Group

Bar Admissions

Texas, 2009

Court Admissions

U.S. District Court, Southern District of Texas
U.S. District Court, Eastern District of Texas
U.S. District Court, Western District of Texas

Education

- St. Mary's University School of Law, J.D., *summa cum laude*, 2009
- Baylor University, B.A., Honors Program, 2006

David Vanderhider focuses his practice on business litigation and arbitrations related primarily to construction, real estate, products liability, energy and other complex business disputes typically involving contracts and business management.

In addition to representing manufacturers and distributors in products liability cases, David also has extensive experience drafting and negotiating contracts, lien documents and lien releases for clients acting as an owner, general contractor, subcontractor, architect and engineer in both public and private construction projects.

Experience

Construction Litigation

- Successful representation of a Texas municipality acting as owner in multiple construction-related disputes and arbitrations involving issues of breach of contract, delay damages, change orders, cost overruns, consequential damages, and statutory claims specific to governmental entities.
- Successful representation of a subcontractor in litigation against the owner and general contractor of a Dallas County construction project, resulting in settlement of the entire amount invoiced by subcontractor to complete the project at issue.
- Successful representation of a subcontractor in litigation against the owner and general contractor arising out of construction of a South Texas compressor facility, resulting in a favorable settlement to the client.
- Successful representation of a subcontractor in litigation against the general contractor of a Hidalgo County construction project, resulting in settlement of the entire amount demanded by the client.
- Successful representation of a locally-based building owner with extensive national operations in a performance bond dispute with a bonding company, resulting in settlement of the entire amount demanded by the client for all costs and expenses to complete of the project.
- Successful representation of a locally-based building owner with extensive national operations in an arbitration against an architect and two general contractors regarding the design and construction of the project.

Energy Litigation

- Obtained summary judgment for a publicly-traded exploration and production company on all claims asserted by a surface owner in Edwards County, Texas, including claims for trespass, fraud, gross negligence, negligence, and alleged violations of the Texas Business and Commerce Code.
- Obtained a summary judgment for a publicly-traded exploration and production company on five different causes of action asserted by a local landowner, and then obtained a directed verdict at trial on plaintiff's remaining claim.
- Obtained summary judgment in McMullen County on behalf of plaintiff in litigation involving distribution and use of oil and gas royalties and bonus payments.
- Obtained summary judgment on behalf of defendant in Hidalgo County in litigation involving alleged damage to real property, purportedly caused by oil and gas drilling operations.
- Trial counsel to TXCO Resources Inc., a publicly traded exploration and production (E&P) company in successful prosecution of trade secret misappropriation claims against Peregrine Petroleum, LLC. Following a 41-day trial spanning late May through September 2011, the court awarded judgment in favor of Reorganized TXCO, Inc. (reorganized through Chapter 11) on its claims for misappropriation of trade secrets and entered a multi-million dollar damage award. The court found that Peregrine solicited, obtained and misappropriated a substantial amount of TXCO's trade secret information and data, both through its meetings with TXCO under a confidentiality agreement and through additional, improper channels.

Real Estate Litigation

- Successful representation of a tenant plaintiff in contract dispute with landlord defendant, obtaining a favorable settlement following successful pre-trial briefing.
- Obtained summary judgments in Bexar County on behalf of defendants in a complex commercial real estate dispute. Following an eight-figure demand by Plaintiff, the Court dismissed each of Plaintiff's claims, including DTPA violations, breach of fiduciary duty, common law fraud, statutory fraud, negligence, negligent misrepresentation, and Texas Securities Act violations. The Fourth Court of Appeals of Texas upheld the trial court's dismissal of all claims against defendants.

Products Litigation

- Successful representation of a manufacturer with a nationwide presence in multiple litigation matters and disputes with purchasers and distributors involving allegations of negligence, breaches of warranty and DTPA violations, as well as issues related to statutory and contractual indemnity claims.
- Successful representation of a manufacturer defendant in litigation related to personal injuries sustained in an accident, resulting in no net payment by client upon settlement.

Complex Business Litigation

- Obtained favorable settlement for defendant / counter-plaintiff in case pending in the United States District Court for the Western District of Texas. Following a seven-figure demand by plaintiff / counter-defendant, the settlement resulted in payment to the defendant / counter-plaintiff less than one month before trial.
- Successful litigation representation of an aviation industry client, resulting in full recovery of all damages, costs, expenses, attorneys' fees and interest following entry of final judgment.

Publications

"A Marginal Tax: The New Franchise Tax in Texas," Author, David Vanderhider
39 *St. Mary's L.J.* 615

"Constructive Termination and Nonrenewal under the Petroleum Marketing Prices Act," Author David Vanderhider, posted on the American Bar Association Energy Litigation Committee website

"Oil and Gas Case Law Update," Authors Marty Truss and David Vanderhider, San Antonio Association of Professional Landmen 2011 Mid-Winter Seminar
February 12, 2011

David A. Vanderhider (Cont.)

Memberships & Involvement

- San Antonio Young Lawyers Association
- San Antonio Bar Association
- William S. Sessions American Inn of Court, member
- Former Member, Dykema Associates' Committee

Community/Civic Activities

- Baylor Line Foundation (formerly Baylor Alumni Association), Board of Directors
- St. Mary's Law Journal, Editorial Board (2008 – 2009)
- San Antonio North Chamber Leadership Lab

Awards & Recognition

- Recognized as a Texas Rising Star by *Super Lawyers*®, 2018
- *S.A. Scene*, "San Antonio's Best Lawyers," 2014
- *S.A. Scene*, "San Antonio's Rising Stars," 2014
- Recognized as a *Top 10 Graduate* of the last decade by the St. Mary's Young Alumni Council, 2018
- John M. Harlan Society
- Phi Delta Phi, 2007
- Phi Alpha Theta, 2006