

Matthew S. Cire

Shareholder

PRACTICE EMPHASIS:

Commercial & Construction Litigation; Real Estate

EDUCATION:

J.D., South Texas College of Law, 2014
Officer, South Texas Board of Advocates;
Articles Editor, *Texas Journal of Business Law*
B.A., University of Texas at Austin, 2010

ADMITTED:

State Bar of Texas

COURT ADMISSIONS:

U.S. District Court, Eastern and Southern Districts of Texas



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Profile:

Matthew Cire is a commercial litigator whose practice focuses primarily on real estate and construction matters, in addition to various commercial disputes across Texas. Matthew represents a diverse group of clients across several industries, including real estate development, property management, construction, energy and design. He has successfully represented clients in matters related to breach of contract, business-related torts, employment disputes, construction defect claims and enforcement of non-competition agreements.

Prior to joining Andrews Myers, Matthew practiced commercial litigation with a boutique business litigation firm in Houston, Texas. Matthew also served as a judicial intern for the Honorable Lynn N. Hughes in the United States District Court for the Southern District of Texas.

Professional Recognition:

The Best Lawyers in Texas ® by Woodward/White Inc. "Ones to Watch" in Litigation – Construction, 2023
"Texas Rising Star," as presented by Super Lawyers, a Thomson Reuters Business, in *Texas Monthly*, since 2020
Houston's Top Lawyers – Real Estate, *Houstonia Magazine*, since 2020

Affiliations:

Institute of Real Estate Management (IREM), Houston Chapter
Building Owners and Managers Association (BOMA), Houston Chapter
NAIOP Commercial Real Estate Development Association
Houston Apartment Association
National Apartment Association
Houston Realty Business Coalition
Urban Land Institute
State Bar of Texas
Houston Bar Association, *Real Estate, Litigation and Construction Sections*
American Bar Association
Houston Young Lawyers Association

Representative Experience:

- Represented judgement creditor and successfully garnished the main operating account of the judgement debtor in full satisfaction of client's debt
- Prosecuted complex mineral and mechanic's lien claim resulting in client's recovery of a substantial amount of unpaid invoices
- Defended business owner in breach of contract claim, negotiated terms for a consignment agreement that allowed client to recoup large majority of its damages
- Successfully defended real estate management company against resident breach of contract claim resulting in take nothing judgement for residents and full award of client's attorney's fees and costs
- Represented commercial tenant asserting claims against property owner for rent abatement. As part of a favorable settlement, the client received over a year in rent abatement and CAM charges
- Successfully defended residential homebuilder against homeowner's Residential Construction Liability Act (RCLA) claims, resulting in American Arbitration Association awarded partial motion for summary judgement related to homeowner's fraud claims.
- Represented real estate Investment Company against competitor's claim of breach of non-competition agreement. As part of a favorable settlement, client avoided payment of liquidated damages asserted by competitor
- Successfully defended real estate developer against engineering firm's constitutional lien claim, resulting in court awarded motion to dismiss, compensation of attorneys' fees and removal of the lien
- Represented national multifamily management company in a lawsuit involving various breach of contract violations, which resulted in a unanimous jury verdict
- Obtained summary judgment on behalf of purchaser of a multifamily apartment complex community in a lawsuit involving seller's refusal to pay ad valorem taxes
- Defended national multifamily owners and management companies against a non-profit in several disputes filed before the Texas Workforce Commission, which resulted in dismissal of all complaints after successfully arguing non-profit lacked standing
- Successfully represented national multifamily management company in an administrative action against a city water utility for reimbursement of improper overcharges for water usage
- Successfully represented national owners and management companies in bench trials and jury trials across Texas involving residential and commercial disputes
- Defended national owners and management companies in numerous residential and commercial lawsuits involving breach of contract claims, business related tort claims, DTPA claims and discrimination lawsuits
- Represented local construction company in Texas state court involving breach of contract claims and construction defect claims
- Represented utility subcontractor in settlement of claims against homebuilder for unpaid fees in connection with the installation of residential drainage and utility systems

Speeches and Publications:

- "Legislative Update – Texas' Firearm Carry Act of 2021," Houston Institute of Real Estate Management, August 2021
- "Texas Lien Law & Collections," North Texas Roofing Contractors Association, Dallas, Texas, November 2020
- "Before a Lawsuit Happens," Webinar with Institute of Real Estate Management, July 2020
- "Industry Experts on the State of CRE," AM Monthly Law Alert, June 2020
- "The CARES Act and Multifamily," AM Law Alert, April 2020
- "Don't Trash Where you Splash" AM Monthly Law Alert, January 2020
- "Understanding Mineral Liens," AM Monthly Law Alert, October 2019
- "Texas Lien Law & Collections," North Texas Roofing Contractors Association, Dallas, Texas, October 2019

Speeches & Publications (Continued)

Mock Trial educational seminar, Associated Builders and Contractors Leadership Forum, April 2019
(Contributing Author) Recent Court Opinions Concerning Construction Law, *The Change Order*, State Bar of Texas Construction Law Section, March 2019
"Leasing 101," Houston Apartment Association, 2016-2018
"Certified Apartment Manager Legal Responsibility," Houston Apartment Association Seminar, 2017
Mock Trial educational seminar, Houston Apartment Association, 2017