

## Robert A. Plessala

### Senior Counsel

#### **PRACTICE EMPHASIS:**

Trial and appeal

#### **EDUCATION:**

J.D., Texas Tech University School of Law, 1983

B.A., Texas Tech University, 1980

#### **ADMITTED:**

State Bar of Texas

#### **COURT ADMISSIONS:**

U.S. District Court, Eastern, Northern and

Southern Districts of Texas

U.S. Court of Appeals, Fifth Circuit

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#### **Profile:**

For 35 years, Bob Plessala has concentrated his practice in the area of civil trials and appeals. He has represented private and publicly traded corporations, public and private limited partnerships, general partnerships, banks, school districts and individuals. Bob has dealt with a variety of cases including state and federal security laws, deceptive trade practices, fraud, breach of contract, breach of fiduciary duty, shareholder suits, construction claims, real estate cases, partnership disputes, civil conspiracy, tortious inference and claims involving State and Federal constitutional issues.

Bob has handled, tried and/or appealed a wide variety of commercial cases in state and federal courts in Texas as well as 12 other jurisdictions. He has also argued appeals before the Fifth Circuit, the Supreme Courts of Texas, Oklahoma and Georgia, and all but three of the Texas Courts of Appeals. Of the over 75 appeals and original proceedings he has handled and worked on, over 40 have generated published and reported decisions.

#### **Affiliations:**

State Bar of Texas

Houston Bar Association, Appellate, Construction Law and Litigation Sections

Beta Theta Pi

Delta Theta Phi

#### **Professional Recognitions:**

AV® Preeminent™ Peer Review Rating (5.0 out of 5), Martindale-Hubbell

#### **Speeches and Publications:**

"Former Members of an LLC are Entitled to LLC Records," AM Monthly Law Alert, June 2019

"Life's a Breach- First Breach Issues," Houston Bar Association Construction Law Section, May 2018

"A Review of the Impossibility or Impracticability Defense in Texas," Vol. 2, No. 25,  
Construction Law Journal, Winter 2004

"Terminating a Subcontractor," 16th Annual Construction Law Conference, State Bar 2003

"Federal Sign v. TSU, The King Can Still Do No Wrong," Construction Law Newsletter, State Bar Fall 1997

"Proof Requirements for Overhead Damages," 10th Annual Construction Law Conference, State Bar 1997

"The Economic Loss Rule," 10th Annual Construction Law Conference, State Bar 1997

### **Representative Experience:**

- Successfully defended owner of high rise office building, preventing foreclosure by lender after maturity of \$28 million note during a yearlong dispute.
- Successfully obtained confirmation of arbitration award of over \$7 million in federal district court, and obtained affirmance from the Fifth Circuit Court of Appeals over legal challenge.
- Defended and obtained settlement for general contractor in litigation against owner, its lending consortium and builders risk carrier involving the alleged differential settlement of 31-story beach condominium and lost investment claim of \$125 million.
- Defended and obtained settlement for individual guarantor against lender's efforts to collect \$3 million corporate debt before and after corporation filed bankruptcy.
- Arbitrated general contractor's claim against owner to recover contract balance and extra work over owner's claimed back charges.
- Obtained decision from the Court of Appeals on the scope of damages available to a contractor from a municipality under the new limited waiver of governmental immunity statute.
- Represented National Bank to verdict in a multi-million dollar state securities fraud action alleging the bank aided and abetted violator's theft over \$21 million dollars through wiring transactions from investment accounts.
- Represented contractor through the Texas Supreme Court in action against a municipality involving the defense of governmental immunity from suit for breach of contract.
- Represented distributor/supplier to verdict in two multi-million dollar products liability actions involving the alleged defective design of the exterior insulated finish systems (EIFS).
- Represented general contractor against subcontractor in an appeal involving the construction and interpretation of an indemnity agreement under the express negligence doctrine.
- Represented subcontractor in breach of contract litigation against steel supplier for non-delivery for lack of material during steel shortage involving the issue of impossibility of performance.
- Represented general contractor in arbitration against subcontractor over contract to rehabilitate the building envelopes of 21 schools in the Dallas Independent School District.
- Represented contractor in action against municipality challenging the competitive bidding process in a proposed \$35 million renovation and rehabilitation project.
- Represented contractor in a breach of contract action against a state university through the Texas Supreme Court which resulted in the landmark decision (*Federal Sign v. TSU*) on the subject of the State's immunity from suit in breach of contract actions.