

## Emily W. Miller

### Shareholder

#### PRACTICE EMPHASIS:

Business Litigation: Energy, Financial, Real Estate, Insurance, Intellectual Property, Corporate Governance/Shareholder Disputes

#### EDUCATION:

J.D., *cum laude*, Baylor Law School, 2011  
Articles Editor, *Baylor Law Review*  
Order of the Barristers  
Recipient of Dean's Academic Excellence Award  
B.B.A., *summa cum laude*, Baylor University, 2008

#### ADMITTED:

State Bar of Texas

#### COURT ADMISSIONS:

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



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#### Profile:

Emily Miller has experience handling a wide variety of commercial litigation matters, involving securities, financial institutions, energy, real estate, intellectual property, antitrust, insurance, product liability, and general commercial litigation. Emily represents clients in complex business disputes, including contracts, fraud, negligence, trade secret protection, fiduciary duty, and corporate governance in state and federal court and in arbitration proceedings. Her clients span numerous industries, including energy, healthcare, private equity, and manufacturing.

Prior to joining Andrews Myers, Emily was a partner with an international law firm known worldwide for its accomplishments in the energy arena.

#### Professional Recognition:

One to Watch, *The Best Lawyers in America*® by Woodward/White Inc. (Intellectual Property Law); since 2021  
One to Watch, *The Best Lawyers in America*® Texas Edition by Woodward/White Inc. (Intellectual Property Law); 2021  
*Texas Rising Stars*® by Thomson Reuters (Business Litigation); 2016-2020  
Fellow, Texas Bar Foundation

#### Representative Experience:

##### ENERGY LITIGATION

- Represented manufacturer of steel products used in energy sector in federal court in Lanham Act false advertising lawsuit; Fifth Circuit affirmed district court's granting of summary judgment in favor of client
- Represented E&P company in arbitration proceeding against oilfield automation company, resulting in favorable settlement just before final hearing
- Represented an investment group in arbitration proceeding against the buyer of certain oil and gas assets for buyer's improper withholding of multi-million-dollar purchase price adjustment under purchase and sale agreement based on alleged environmental defects, resulting in arbitration award for buyer's full payment to client of the more than \$7 million withheld purchase price funds

Emily Miller

Representative Experience (Cont'd.)

- Defended offshore drilling company against claims seeking return of deposit for failed \$27 million stock transaction in federal court; after grant of partial summary judgment in the client's favor, plaintiff abandoned claims and the client retained \$1 million deposit
- Represented proppant supplier against an oilfield services company in action to prevent foreclosure of real and personal property, which secured a \$20 million promissory note; after obtaining temporary injunction against the oilfield services company, the parties settled amicably
- Represented gas processing midstream company in asserting claims to enforce multi-million-dollar supply contract and defending against counter-claims; while dispositive motions were pending, the parties reached a settlement favorable to the client
- Defended a casing manufacturer in a product liability lawsuit asserting alleged defects involving downhole well failure
- Defended offshore drilling company against breach of contract claim relating to leased equipment
- Represented former lessor of oil and gas lease in state court litigation involving claims arising out of assignment of rights under lease

HEALTHCARE LITIGATION

- Represented out-of-network healthcare providers in lawsuits seeking reimbursement for services rendered to insured patients
- Represented hospital and healthcare providers in managed care disputes with insurance companies
- Represented healthcare providers in corporate governance and shareholder/member disputes

GENERAL BUSINESS AND INTELLECTUAL PROPERTY LITIGATION

- Obtained temporary injunction on behalf of an oil and gas pipe support manufacturer against former employees on claims of misappropriation of trade secrets, which resulted in a favorable settlement for the client
- Represented telecommunications company in dispute involving use of shared fiber optic network, including claims of tortious interference with contracts and breach of fiduciary duty
- Represented commercial tenant plaintiff in action against landlord to enforce option to purchase in commercial lease, which resulted in a favorable settlement and enforcement of tenant's purchase option
- Assisted in representing plaintiff in copyright, trade secret, and trademark litigation involving oil and gas pipe support products in federal court against a former consultant and steel fabrication company
- Defended individual in insurance claim dispute involving allegations of fraud and RICO; after extensive briefing in the pleading stage and dispositive motions, the parties reached a favorable settlement

**Affiliations:**

Member, Women's Business Alliance, Greater Houston Partnership  
Member, Houston Bar Association  
Member, Houston Young Lawyers Association  
Member, Association of Women Attorneys  
Member, Advisory Board, Kid's Meals Inc.

**Recent Speeches and Publications:**

"Fraud in the Pandemic – False Claims Act Risk Under the CARES Act," July 27, 2020  
"The Doctor Will (Virtually) See You Now," July 7, 2020  
"Governor Abbott's GA-14 Executive Order: Can My Employees Go To Work?" Client Alert, April 9, 2020  
"COVID-19: Are You Essential?" Client Alert, March 25, 2020  
"Protecting Your New Business: Email Best Practices and Traps to Avoid," February 27, 2020  
"Recent State and Federal Legislation Regarding 'Surprise Billing'," January 16, 2020  
"Proportionality in Discovery," TADC 2018 Winter Seminar, February 2018