

Fee, Smith & Sharp LLP



Howard J. Klatsky

SENIOR PARTNER



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Howard Klatsky is a seasoned trial attorney who has successfully represented defendants and plaintiffs in a variety of matters in state and federal courts.

Practice Areas & Education

PRACTICE AREAS

- Commercial Litigation
- Commercial Transactions
- Toxic Torts
- Insurance Coverage/Bad Faith
- Premises Liability
- Oil & Gas
- Labor & Employment
- Landlord/Tenant Relations

EDUCATION

- University of Houston, B.A., 1989
- Oklahoma City University School of Law, J.D., 1992

BAR ADMISSIONS

- Texas

About Howard

EXPERIENCE

Head of Firm's Commercial Litigation and Commercial Transactions Sections

Mr. Klatsky is a seasoned trial attorney who has successfully represented defendants and plaintiffs in a variety of matters in state and federal courts. He is also experienced in handling complex commercial transactions. Mr. Klatsky, who was born in Dallas, has significant first and second chair trial experience. He has obtained numerous verdicts and summary judgments for his clients. Mr. Klatsky has represented banks, homebuilders, subdivision developers, commercial and residential landlords, title companies, commercial real estate brokers, and oil and gas companies. He has also represented a wind development company, oilfield services companies, an incineration hazardous waste disposal companies, assisted living facilities, valet parking companies, towing companies, restaurant owners, construction companies, professional athletes, doctors and attorneys.

Mr. Klatsky has tried cases in Texas, California, Nevada and Oklahoma, and has appeared in courts in New York, Oklahoma and Louisiana. He is regularly retained to represent clients in cases filed in courts throughout the state of Texas.

- New York
- California
- Oklahoma

COURT ADMISSIONS

- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Oklahoma

PROFESSIONAL AFFILIATIONS

- State Bar of Texas
- New York State Bar Association
- State Bar of California
- Oklahoma Bar Association
- Dallas Bar Association
- Million Dollar Advocates Forum

Mr. Klatsky also has experience handling appellate matters in both state and federal court. He recently successfully argued an appeal before the United States Court of Appeals for the Fifth Circuit.

Cases that Mr. Klatsky has worked on have been reported in The Wall Street Journal, The National Law Journal, Texas Lawyer, The Dallas Morning News, Fort Worth Star-Telegram, the Blue Sheet, and other national and regional publications.

Mr. Klatsky has served as a member of the Lorman Education Services Continuing Education faculty and the Sterling Education Services Continuing Education faculty. He has also appeared as a featured speaker at his law school alma mater.

REPRESENTATIVE MATTERS

- Julie McCurley, et al v. Texas Motor Speedway, Inc. Obtained summary judgment in favor of client in defense of premises liability claim. (Denton County, 2019).
- Tony Coleman, et al v. Oteese, Ltd. Obtained summary judgment in favor of client in defense of negligence and gross negligence claims. (Tarrant County, 2018).
- Martha Lemus, et al v. Cookscreek 255, LLC, et al. Obtained summary judgment in favor of clients in defense of premises liability, deceptive trade practices, and nuisance claims. (Dallas County, 2017).
- Lisa Bluitt v. Stein Mart, Inc. Obtained summary judgment in favor of client in defense of a malicious criminal prosecution claim, along with a final Judgment awarding all taxable costs of court in favor of client and against Plaintiff. (U.S. District Court, Northern District of Texas, 2016).
- Eric Will, et al v. Cathy Bambenek, et al. Obtained summary judgment in favor of client in this personal injury suit. The claim that was asserted against client was dismissed with prejudice, with costs taxed in favor of client and against Plaintiffs. (Collin County, Texas 2015).
- Higher Power Energy, LLC v. Exergy Development Group of Idaho, LLC, et al. Obtained Final Judgment in favor of client for breach of contract, common law fraud, statutory fraud, and business disparagement in case involving the contemplated sale of a 400MW wind energy project against an out-of-state limited liability company and its Managing Member, in an amount exceeding \$16.7 million. This Final Judgment included an award of \$1 million in exemplary damages, \$217,500 in attorney's fees, and \$13,039.36 in monetary sanctions, and was entered after the Court granted multiple Motions for Partial Summary Judgment and Motions for Sanctions.

- Wood, et al. v. Teris, LLC, et al. Represented Defendant in suit filed for and on behalf of hundreds of claimants seeking damages arising out of explosions, fires and chemical releases that occurred at a hazardous waste storage and treatment facility. The case was settled before significant fees and expenses were incurred. (Union County, Arkansas 2012).
- Hamilton v. XTO Energy Inc., et al. Obtained summary judgment in favor of client in this personal injury suit. Plaintiff claimed that he sustained serious injuries as a result of client's alleged negligence while participating in a snubbing operation on a rig located in Cooke County, Texas. All claims asserted by Plaintiff against client were dismissed with prejudice. (Cooke County, Texas 2011).
- Resource Energy Service Corp d/b/a RENSCO v. Don Jones, Individually and d/b/a Express Oil Company. Lead counsel for Claimant in defense/indemnity arbitration. Client alleged that its agreement with the Respondent obligated the Respondent to defend and indemnify it in an underlying wrongful death suit. The Arbitrator found in favor of client, concluding that the Respondent has a duty to defend and indemnify the client in the underlying suit in an amount up to \$500 million. The Arbitrator also awarded client all reasonable and necessary attorney's fees and costs (2011).
- Barrett v. Keith Song, et al. Obtained summary judgment in favor of clients in negligence/premises liability action four months after suit was filed, before the clients were forced to incur substantial fees/expenses (Dallas County, Texas 2010).
- Rushing v. Jackson, et al. Obtained summary judgment in favor of client in tort action involving a dispute over the contemplated purchase of certain commercial property (Dallas County, Texas 2010).
- Harold Chandler, et al., v. Teris, LLC., et al. Represented Defendant in class action suit (total number of Class members found by court to approximate 3,000 persons) for claims arising out of explosions, fires and chemical releases that occurred at a hazardous waste storage and treatment facility. Class Members were contending that they sustained damages arising out of the explosions, fires and releases at the facility, and evacuated to a defined geographic area as a result of same. The case was settled before significant fees and expenses were incurred. (Union County, Arkansas 2009).
- Wilson v. Philip Services Corporation, et al. Obtained summary judgment in favor of client (Defendant) in a chemical leak/toxic tort case. Plaintiffs were contending that they sustained significant, permanent damages as a result of alleged exposure to hydrochloric acid (Titus County, Texas 2009).

- Sealy S.W. Properties, LP v. AR Textiles, Corp, et al. Represented one of the Defendants in this commercial landlord/tenant dispute. Plaintiff alleged that he was owed hundreds of thousands of dollars. The case was settled favorably before the client was forced to incur substantial fees/expenses (Dallas County, Texas 2009).
- In the Matter of Arbitration Between NFLPA Committee on Agent Regulation and Discipline (CARD) v. Weinberg. Represented Respondent (a former Certified Contract Advisor) in an arbitration proceeding that was conducted in Washington, D.C. The client contended that the discipline that had been imposed by the NFLPA upon him (immediate revocation of his certification for five years) was excessive and unreasonable. The Arbitrator, who was selected and paid for by the NFLPA, concluded that the immediate revocation of certification exceeded reasonable discipline and modified the discipline to a suspension. The Arbitrator also concluded that some of the alleged violations that the NFLPA had unilaterally disciplined the client for were time-barred (pursuant to the NFLPA's Regulations Governing Contract Advisors) and that the NFLPA's delay in revealing information relating to one of the former NFL player's offended "fundamental principles of due process."
- Pasquinelli Portrait Homes, LP – Heritage Hill v. Rodman Excavation, Inc., et al. Obtained a non-suit in favor of client in a construction defect action where the Plaintiff was claiming to have sustained hundreds of thousands of dollars in economic damages (Denton County, Texas 2008).
- Christopher Hebard v. John Keida. Represented Defendant in accounting malpractice action. Plaintiff claimed to have sustained hundreds of thousands of dollars in damages. After months of litigation, the case was settled at mediation and dismissed with no monetary consideration (Dallas County, Texas 2007).
- A. Cal Rossi v. Lankler Siffert & Wohl, LLP. Obtained reversal of trial court's order dismissing action after participating in oral argument before the United States Court of Appeals for the Fifth Circuit, and subsequently obtained an order from the trial court denying the oppositions' dismissal motions at the conclusion of an evidentiary hearing (N.D. Tex. 2007).
- Estate of Cruz Morales v. James Michael Boney. Obtained summary judgment in favor of Defendant in wrongful death suit (Dallas County, Texas 2006).
- Steve Roberts Custom Builders v. Michael Irvin and Sandy Irvin. Served as associate counsel in successful defense of breach of contract/construction defect case resolved by binding arbitration (Dallas County, Texas 2005).

RECENT TRIALS

- Thomas P. Bond v. Knife River Corporation – South. Brazos County, Texas. Sole trial counsel for Defendant in breach of contract action concerning Plaintiff’s alleged entitlement to a bonus payment following resignation from his employment. Obtained a jury verdict in favor of client.
- Classic Americana, LLC v. 2385 Midway Venture, LP, et al. Dallas County, Texas. Lead counsel for two licensed real estate brokers and a commercial brokerage firm that were sued for allegedly committing statutory fraud and negligent misrepresentation in negotiations concerning a commercial lease. The landlord sought to recover damages totaling just under \$300,000, plus exemplary damages and attorney’s fees. The jury unanimously found that no statutory fraud or negligent misrepresentation had been committed, and did not render any findings in favor of the landlord.
- A.M.B.F., L.L.C. v. Anytools.Com, LP. Tarrant County, Texas. Trial counsel for Plaintiff/Counter-Defendant in breach of commercial contract action. Obtained favorable jury verdict in favor of client on its affirmative claim for relief and in response to the affirmative claim for relief that had been asserted against it.
- Garrett Keller and Margaret Keller v. James M. Kevlin. Denton County, Texas. Lead trial counsel for Defendant/Counter-Plaintiff in declaratory judgment action. Obtained directed verdict in favor of client on issue of property ownership.
- Strasser v. S.A. Healy Company. Dallas County, Texas. Lead trial counsel in personal injury suit involving construction of the DART Rail System. Obtained a jury verdict in favor of client.
- Impact Floors of Texas, LP v. Eureka Multifamily Group, LP, et al. Dallas County, Texas. Lead trial counsel for Defendants in breach of contract suit. Jury award was substantially less than amount demanded.
- Blue Planet v. JSD Auto, Inc. Dallas County, Texas. Lead trial counsel for Defendant in breach of contract suit. Obtained defense verdict.
- Kemendo Development Corp. v. Unis. Dallas County, Texas. Associate counsel for Defendant homeowners in breach of contract/construction defect action that was favorably settled during trial.
- Yanal, Inc. v. Coinmach Corp. Tarrant County, Texas. Lead trial counsel for Defendant in commercial property dispute.

ARTICLES & SPEAKING ENGAGEMENTS

- “Responding To A Federal Court Complaint When There Is An Agreement To Arbitrate: Courts Are All Over The Map”, USLAW Magazine, Summer 2021 (co-author).
- Panelist: “Minimizing Exposure Through Corporate Governance- Best Practice Guidelines For Directors, Officers, And Managers”, Fall 2014 USLAW Network Client Conference, San Francisco, CA.
- “Avoiding Personal Liability in Partnerships, LLCs and LLPs” – CLE Seminar.
- “Ethical Issues Facing Attorneys Structuring Limited Liability Companies and Limited Liability Partnerships” – CLE Seminar.
- “Commercial Evictions” – CLE Seminar.
- “Residential Evictions” – CLE Seminar.
- “The Residential Eviction Trial” – CLE Seminar.
- Guest Speaker, Oklahoma City University School of Law “Texas Law” Days.
- Guest Advocate, Tarrant County Young Lawyers Association, Mock Trial Seminar.