

## Lauren Black

Senior Associate, Litigation Group

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Lauren Black, a native Houstonian, joined the Litigation Group in 2015. Lauren is a successful civil trial lawyer, and has favorably resolved cases for clients in the construction, financial, manufacturing, healthcare, and energy industries, in both state and federal courts. She has achieved results for clients facing all aspect of civil litigation, whether the strategic goal be early dispute resolution, favorable settlement, or impactful presentation at trial.

Prior to joining the firm, Lauren spent several years litigating a diverse array of commercial business disputes for large, international law firms in downtown Houston. She is devoted to pro bono practice, and was a member of the Pro Bono College of the State Bar of Texas from 2012 to 2016.

Lauren graduated in 2011 from Georgetown University Law Center in Washington, D.C. At Georgetown, Lauren focused her coursework on trial practice and alternative dispute resolution. While in law school, she clerked for a small law firm in the District, representing clients in a qui tam action against a national health care provider. She also worked as a researcher for two non-profit organizations focused on international human rights.

Lauren earned her undergraduate degree from Duke University, where she received a Bachelor of Arts degree in Political Science, an English minor, and a Latin American Studies certificate. She is an avid Duke basketball fan, and even more passionate about Houston sports teams.

Lauren's practice focuses specifically on:

- Employment disputes—Lauren is frequently retained by both employers and employees facing tricky employment issues. Lauren guides her clients through complex employment issues, such as how to comply or enforce non-competition agreements, non-solicitation agreements, NDAs, and confidentiality agreements. She has substantial experience in securing



and ensuring the return of confidential, trade secret, and proprietary information. She also represents clients in litigation arising out of EEOC retaliation and discrimination complaints, and advises clients on how to manage their workforces while avoiding such litigation.

- Energy litigation—Lauren has either asserted or defended every common law civil litigation claim under the sun—breaches of contract, fraud, defamation, libel, trade secret misappropriation, negligence, deceptive trade practices, and more. Lauren has a particularly high level of familiarity doing this for her energy clients, and has represented E&P companies, private equity funds in the energy space, oilfield services companies, manufacturers in the energy space, and more. She understands the energy industry and the particular issues its players face.
- Pre-litigation strategy—Lauren often gets calls from clients who see a potential dispute on the horizon and just want to make sure they are on the right track. Lauren assesses those clients' risks and exposure, provides legal advice on key substantive issues, and, where necessary, negotiates early resolutions to avoid litigation entirely.



## EDUCATION

- JD, Georgetown University Law Center
- BA, Duke University

## AFFILIATIONS

- Georgetown Club of Houston
- Duke Houston Alumni Association
- Duke Houston Women's Forum
- Houston Association of Women Attorneys
- Houston Young Lawyers' Association
- American Bar Association, Litigation Section
- Houston Bar Association, Appellate Section

## COMMUNITY

- Houston Volunteer Lawyers
- San Jose Clinic

## RELEVANT REPRESENTATIVE MATTERS

### BUSINESS LITIGATION

- Developed and presented a legal training curriculum for the purchasing group of a carbon black manufacturer, focusing on "best practices" in procurement and the "must have" provisions for clients' services agreements, sales agreements, and terms and conditions.
- Represented commercial lender in lawsuit brought by a borrower relating to an allegedly defective mobile home. The lender was dismissed from the lawsuit after BoyarMiller identified and successfully moved to enforce an indemnity agreement between the lender and the mobile home manufacturer.
- Developed, on behalf of financial institution, a strategic roadmap for handling borrowers' requests for information in compliance with the Real Estate Settlement Procedures Act ("RESPA") and other applicable law.

- Represented manufacturer of personal protective equipment in a breach of contract dispute with its client, an oilfield services company, over a large amount owed under the parties' Supplier Agreement. BoyarMiller developed and substantiated an aggressive damages model, managed a successful mediation, and obtained a favorable settlement payment for its client.
- After negotiations for a purchase of a client by a potential buyer fell apart, the buyer threatened to use the confidential and proprietary information it obtained during the due diligence phase against that client. Within two weeks of receiving that threat, Lauren negotiated the destruction and/or return of all such information to my client and obtained assurances that it would not be used in the future.
- Represented major LED designer and manufacturer in dispute with competitor involving claims of misappropriation of trade secrets, patent infringement, and conspiracy.
- Registered trademarks on behalf of a successful barbecue restaurant, providing advice on how to best and most economically protect the restaurant's dining, catering, and product brands.
- On behalf of top banks and mortgage companies, researched and drafted numerous, successful motions for summary judgment disposing of wrongful foreclosure, breach of contract, unfair lending, and deceptive trade practices claims brought by defaulting tenants.
- Represented private equity fund in dispute with majority shareholder over direction and ownership of subject company, a pipe manufacturer. At outset of representation, potential courses of action included litigation and/or a risky buy-out of the majority shareholder's stakes. Through active negotiations and constant pressure, Lauren enabled her client to avoid litigation entirely, instead negotiating a purchase and sale agreement resulting in a profitable, \$1.2 million payment to her client.
- Advised oil and gas producer client in connection with dispute about joint operating agreement, resulting in successful appeal before the Texas Fourteenth Court of Appeals. Critical to the success of the case was a well-reasoned interpretation of the AMI ("Area of Mutual Interest") provision of the parties' Joint Operating Agreement.



### BUSINESS LITIGATION CONTINUED

- When a crude oil production company was threatened with an increased rate in violation of its transportation agreement with a pipeline company, Lauren intervened on its behalf. The pressure she put on the pipeline company, efforts which included seeking injunctive relief restraining the rate hike, triggered a favorable resolution of the dispute. The dispute implicated both Texas contract law and FERC energy regulations.
- Represented manufacturer of oilfield machinery in lawsuit against major software company, where the manufacturer asserted claims for breach of contract and fraud. The dispute arose out of an unsuccessful SAP implementation and the software company's breach of the parties' Statement of Work. Lauren's involvement began with pleadings and discovery, implicated intensive preparation with both fact and expert witnesses for depositions and trial testimony, continued through an aggressive dispositive motions phase, and culminated in a three-week jury trial. Achieved \$29.8 million jury verdict as chair in that trial.

### EMPLOYMENT LITIGATION

- Currently representing a manufacturer of building and roofing systems in dispute brought by former employee, in which the employee alleges employment discrimination and retaliation under the Americans with Disabilities Act ("ADA"), the Family Medical Leave Act ("FMLA"), and common law. Strategy for disposition of the lawsuit is a quick and effective deposition of the plaintiff to disprove key elements of his claims, followed with a request that the court dismiss the claims based on the evidence.
- After a client, a technology developer and implementer, terminated one of its regional managers for performance issues, the employee sent a demand letter for bonus and other severance payments allegedly owed under his employment agreement. Although the employee was initially poised to sue the client, quick action, strong legal strategy, and adept negotiations completely disposed of the demands without the need for settlement or litigation.

- Counseled a former director of a valve manufacturer through his resignation and hiring at a different valve manufacturer. Representation included managing the identification, quarantining, return, and remediation of allegedly confidential information in the director's possession, and advocating against the enforceability of his non-competition agreement.
- Resisted invasive discovery sought from client, now general counsel of a leading waste and recycling company, by his prior employer. The prior employer threatened to sue the client for violation of a non-compete agreement, among other things. Through avid advocacy, both before the court and to opposing counsel, BoyarMiller was able to resolve the discovery dispute—and extricate the client from the proceeding—by producing a reasonable and manageable nucleus of discovery.

### LITIGATION

- Represented a manufacturer of carbon products in a lawsuit relating to injuries that a contract worker sustained while performing electrical work at a Beaumont, Texas, facility. Lauren efficiently and leanly developed the case and secured a favorable settlement with the plaintiff.
- On behalf of oilfield services client, drafted compelling motions for summary judgment in two catastrophic personal injury cases, putting pressure on the opposite side and resulting in a highly favorable settlement with plaintiffs.

### REAL ESTATE LITIGATION

- Representing a real estate trust that owns, develops, and operates shopping malls in various capacities. Representation includes addressing, bonding around, and invalidating materialmen and mechanics' liens and resolving disputes with tenants over fees, leasing payments, nuisance allegations, and more.
- Represented real estate developer in dispute arising from the seller's breach of a contract for the sale of real estate. The seller executed the contract for sale to the developer, but refused to close the sale, claiming the agent that brokered the deal did not have authority to negotiate on its behalf.
- Currently representing a chemical refinery in a dispute with its general contractor over a failed project to expand and renovate the refinery's facility. In addition to allegations of breach of contract and fraud, the dispute has resulted in liens filed by subcontractors against my client, which have been efficiently settled.

**REAL ESTATE LITIGATION CONTINUED**

- Represented oil and gas clients in connection with various actions to quiet title and/or address notices of lis pendens, including suits against groups of mineral royalty owners.
- Advised global manufacturer of steel products on innovative uses of constitutional and statutory mechanic's and materialman's liens, to enable my client to strategically secure payment of outstanding accounts from owners and subcontractors.