

Lee A. Collins Shareholder, Litigation Group

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The goal of Lee Collins' practice is to provide innovative and value-driven solutions to the litigation-related problems facing the client. This objective has been successfully achieved through his direct and open communication with the client, an early and immediate assessment of the issues, strategic evaluation of the problem and its solution, and aggressive representation.

A significant focus of Lee's practice relates to the representation of developers, owners and managers of commercial real estate in state and federal court, including landlord-tenant disputes among all commercial property types, easement and restrictive covenant enforcement, deed restrictions enforcement, condemnation, adverse possession, construction litigation, lien enforcement and landlord-creditor bankruptcy representation. He has lectured to peers in the legal community, including articles in nationally circulated legal and trade publications on various issues affecting commercial landlords and the employment of pre-filing measures calculated to bolster the client's position in the event a tenant files for bankruptcy.

From August 2009-2013, Lee served on the Board of Directors for The Houston Parks Board, a nonprofit organization dedicated to promoting the importance of parks and green space. The organization provides advocacy and services for the preservation, enhancement and expansion of parks in our community.

From 2004 to August 2009, Lee was actively involved with The Park People. In 2009, as Chairman of the Board, Lee facilitated a merger of The Park People into the Houston Parks Board. His commitment to improving the quality of life in Houston through green spaces continues through service as a member of the Board of Directors for Trees for Houston.



EDUCATION

- JD, South Texas College of Law
- BBA, University of Texas

AWARDS & RECOGNITIONS

- Martindale-Hubbell AV® Preeminent™ Peer Review Rating
- Texas Super Lawyers Rising Star (2006-2008)

AFFILIATIONS

- Houston Bar Association
- Texas Bar Association, Fellow
- American Bar Association
- Texas Bar Foundation



COMMUNITY

- Trees for Houston, Board of Directors
- Houston Parks Board, former Board of Directors
- The Park People, former Chairman of the Board of Directors

RELEVANT REPRESENTATIVE MATTERS

BUSINESS LITIGATION

- Pursuing claims on behalf of a supplier of industrial guar for breach of contract against one of the supplier's customers.
- Pursued claims on behalf of the owner of a Houston shopping mall for breach of contract and indemnity. A subcontractor sued the general contractor and owner for non-payment. The owner filed a separate lawsuit against the general contractor for indemnity and breach of contract for failing to pay the subcontractor.
- Pursued claims on behalf of a real estate developer in the Houston Galleria area. The developer was building a 15-story office building next to an apartment complex. The apartment complex complained the tower crane being used to construct the office building was trespassing on the airspace above the complex. The real estate developer filed suit seeking a declaration that the tower crane was not trespassing on the apartment complex's airspace. Obtained a dismissal of all claims against the client without payment of any damages.
- Represented a seller of vocational trade school assets in action brought by students who alleged client had defrauded them and breached educational contracts in connection with the transferred assets. Obtained full dismissal of all students' claims through the litigation.
- Represented the seller/client of nursing home assets in action brought by buyer for fraud and breach of contract alleged to have arisen in connection with asset purchase transaction. Litigation resulted in favorable summary judgment ruling on buyer-plaintiff's claims for fraud and breach of contract.
- Represented the seller of acute care centers in action brought by buyer for fraud and breach of contract alleged to have arisen in connection with asset purchase transaction. Litigation resulted in favorable summary judgment ruling on buyer's claims for breach of contract. At trial on buyer's fraud claims, made successful motion to exclude damages testimony of buyer's expert, resulting in directed verdict on buyer's fraud claims.
- Represented a company in the business of aircraft engine maintenance and repair in the prejudgment seizure of a privately owned Boeing 737 aircraft. Litigation resulted in a favorable settlement, enabling client to receive payment and recovery of attorneys' fees.
- Represented an international supplier of electronic sub-sea equipment against a foreign construction and engineering service support provider. Successfully obtained summary judgment of approximately \$225 thousand against the opposing party in actual damages and attorney fees.
- Represented the owner of co-generation plant in multiple condemnation proceedings brought by pipeline owners exercising power of eminent domain. Litigation resulted in favorable settlements, enabling client to realize several hundred thousand dollars in compensation for the takings.
- Pursued claims on behalf of a Houston business owner for breach of an agreement for the sale of Houston bar. The purchaser failed to amend the name of the company, provide new bonds or financial security for the permits issued by the TABC, and transfer all TABC permits to the new entity as required by the purchase and sale agreement.

REAL ESTATE LITIGATION

- Pursuing claims on behalf of a shopping mall developer in The Woodlands, Texas, for breach of a commercial lease. The unsuccessful tenant abandoned the property and attempted to terminate the lease on the basis that the landlord did not provide sufficient parking.
- Defending a technology managed services firm against claims for breach of a commercial lease. Pursuing counterclaims against the landlord for constructive eviction because the client was forced to abandon the lease as a result of recurring roof leaks. The roof leaks caused mold and mildew to grow and prevented employees from being able to work from the office.

**REAL ESTATE LITIGATION, CONT'D**

- Obtained summary judgment on all claims asserted by commercial landlord following material breach and termination of commercial real estate lease.
- Representing Houston-based real estate developer in Texas state court action involving claims for breach of contract and declaratory judgment related to a retail anchor-tenant's breach of its lease and the resulting delay in funding and construction of a sizeable mixed-use commercial retail development.
- Representing a Texas-based home builder in AAA arbitration against construction defect claims made by a home buyer.
- Representing a regional shopping mall developer in a Landlord/Tenant dispute.
- Represented a regional shopping mall developer in a lawsuit arising from a dispute with its general contractor on the expansion of its retail development; resulting in three (3) separate lawsuits involving claims by client/developer against the contractor for construction chargeback items, delay damages, and deductive change order work.
- 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.
- Won a summary judgment on behalf of a regional shopping mall owner on its breach of contract claims against a delinquent tenant. We were also able to obtain individual liability via summary judgment against the tenant's former President who entered into contractual agreements with our client following the secret dissolution of the company.
- Defeated an application for injunction relief of a tenant in state district court seeking to halt eviction proceedings instituted by landlord/client. Litigation resulted in favorable summary judgment ruling on tenant's claims for constructive eviction, breach of implied warranties, fraud and breach of contract.
- Represented the owner of a shopping mall in connection with lawsuit brought by tenant seeking writ of reentry into the leased premises following repossession by owner. Successfully defended writ and obtained judgment for recovery of attorneys' fees for filing lawsuit in bad faith.
- Represented a commercial office building owner in connection with lawsuit brought by adjoining property owner for failing to maintain common areas of an office park development consistent with operating agreement. Litigation resulted in dismissal of all claims against client.
- Represented a large Real Estate Investment Trust and shopping mall manager in connection with eviction proceedings against tenants in properties located in north, central and southeast Texas.
- Represented the developer of residential master plan community in connection with a lawsuit brought by a contractor for defects in the construction of a faux bridge structure and defending claims for payment by contractor.
- Represented the owner and developer of a 10,000-acre master planned residential community in successfully setting aside and vacating a \$187,000 default judgment obtained against our client on a bill of review.
- Represented a developer of a residential master plan community in connection with multi-million dollar lawsuit brought by grading contractor and counter-claim for liquidated damages against the contractor. Obtained summary judgment on substantially all of the contractor's claims, which resulted in a favorable settlement for the client.