

Robert Arthur Associate, Litigation Group

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Robert Arthur joined BoyarMiller's Litigation Group in November of 2014 after clerking with the firm during law school. Since joining the firm, he has represented clients in a wide variety of business and commercial disputes. Robert is committed to building lasting relationships and providing counsel beyond expectations through his relentless dedication to service.

Robert graduated cum laude from South Texas College of Law and competed on the nationally recognized South Texas College of Law advocacy team as both a brief writer and oral advocate. Robert received the Dean's Student Advocacy Service Award for his achievements as an advocate, the Justice Bud Warren Memorial Award for excellence in brief writing, and was elected to the National Order of the Barristers and National Order of the Scribes. He also clerked for the Honorable Judge William C. Sowder in the 99th District Court of Texas, and served the Texas Journal of Business Law as an Articles Editor.

EDUCATION

- JD, South Texas College of Law Houston (cum laude)
- BBA, Texas Tech University

RELEVANT REPRESENTATIVE MATTERS

BUSINESS LITIGATION

- Pursuing claims on behalf of a Houston-based drilling company for breach of fiduciary duty against its former attorney. The attorney overcharged for its services by marking up third-party expenses and misrepresenting the work performed in its billing statements.



- Pursuing claims on behalf of a Texas-geoscience company against a crime insurance policy carrier. A former employee defrauded the company by stealing more than \$2 million worth of iPhones and Blackberries. The carrier denied coverage under a commercial crime policy.
- Pursued claims on behalf of a metal fabrication and assembly services provider for breach of contract. A home automations systems company refused to remit payment on several purchase orders it submitted for component parts, fabricated parts, and labor. Successfully obtained an early settlement for more than \$500,000.00.
- 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.
- Represented a safety and compliance consulting company in high-exposure automobile death case filed by estate of decedent against multiple involved parties. Obtained a dismissal of the client from the lawsuit without payment of any damages.



BUSINESS LITIGATION, CONT'D

- Defended a Department of Transportation safety and compliance consulting company against claims related to the negligent training of a client's independent contractor driver.
- Pursued claims on behalf of a Houston area restaurant and wine bar for breach of a contract related to an event held at their facility.
- 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.
- Pursued claims on behalf of an Oklahoma-based company that sells and rents frac water transfer equipment. Two former employees solicited the company's customers and used their resources to start a competing business while still employed by the company.
- Defended an LTE cellular network provider in a lawsuit by a California-based wireless broadband network component provider in an action for breach of a contract to purchase component parts necessary to build an LTE network in West Texas.
- Successfully defended a Texas-based drilling rig manufacturer in a lawsuit by a drilling rig purchaser. The purchaser claimed the manufacturer breached a rig construction contract and tortiously interfered with its contract with a drilling operator. The purchaser sought approximately \$25 million for the cost of repairing the rig and lost profits. The case settled for a fraction of that amount on the eve of picking a jury.
- 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.

EMPLOYMENT LITIGATION

- Defended two Montgomery-area physicians against claims by their former employer. The former employer, a Conroe-area hospital, alleged the physicians breached a noncompetition and nonsolicitation agreement when they left to open their own practice. Successfully defended the physicians against the former employer's efforts to obtain an injunction. The case settled soon after the court denied the former employer's request for an injunction.
- Defended two Conroe-area physicians against claims by their former employer. The former employer, a Conroe-area hospital, alleged the physicians breached a noncompetition and nonsolicitation agreement when they started their own family practice. The hospital also claimed the physicians breached fiduciary duties of loyalty by unfairly competing with the hospital. The trial court denied the hospital's request for a temporary injunction, allowing the physicians to continue serving their patients and the Conroe area. The case settled soon after the denial of the temporary injunction.
- Represented a dentist and her practice against claims by another dentistry practice for tortious interference. The plaintiff alleged the defendant tortiously interfered with a noncompetition agreement it had with another local dentist by conspiring to solicit patients in violation of the agreement. Successfully obtained an early dismissal in exchange for a nominal settlement payment.
- Defended two Montgomery-area physicians against claims by their former employer. The former employer, a Conroe-area hospital, alleged the physicians breached a noncompetition and nonsolicitation agreement when they left to work for another hospital. Successfully obtained a summary judgment that the physician noncompetition agreements were not enforceable because they did not contain a clause related to the continuing care of patients with acute illnesses. The case settled soon after the court granted the physicians' motion for summary judgment.
- Pursued claims on behalf of an Oklahoma-based company that sells and rents frac water transfer equipment. Two former employees solicited the company's customers and used their resources to start a competing business while still employed by the company.



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.
- Pursued claims on behalf of a developer for breach of a contract following its attempt to purchase a piece of real estate. The client executed an agreement to purchase the property with an agent for the seller, but was then informed that the property's tenant had exercised its right of first refusal to purchase the property. Our client subsequently learned that the seller backed out of the sale with the tenant and our client sought to enforce its original purchase agreement. The seller argued that the agent who brokered the deal did not have authority to execute the agreement with our client. The parties settled the lawsuit on favorable terms to our client.
- 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.
- 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.