

## People



### Robert E. Weitzel

Partner, Litigation

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vCard

Rob Weitzel has significant experience in all aspects of litigation, including strategy development, fact investigation, taking and defending depositions, discovery (including eDiscovery in complex matters), motion practice, preparing fact and expert witnesses, negotiating favorable settlements, mediation, arbitration, and trial.

Rob represents and counsels clients in litigation involving complex commercial disputes, intellectual property, securities litigation, fraudulent transfers, franchise litigation, probate litigation, entertainment law, professional liability, products liability, non-subscription defense, subrogation, and business torts. He previously served as a senior systems analyst with AT&T.

#### Notable Work

**Commercial Litigation:** Second-chair trial counsel. Obtained total defense judgment after two-week trial defending guarantor against breach of commercial lease guaranty claim, as well as highly favorable judgment (including an award of attorneys' fees) on guarantor's counterclaims for fraud, statutory fraud, and fraud by nondisclosure. Conducted lengthy direct and cross examinations of lead witnesses, including damages expert.

**Securities Litigation:** Represented securities broker client in FINRA arbitration in defense of suitability claims. Second-chair trial counsel. Successfully obtained award zeroing out plaintiff.

**Probate Litigation:** Represented executor applicants in defense of will contest brought by beneficiaries of \$80 million estate including claims of improper execution, lack of testamentary capacity, and undue influence. Successfully negotiated favorable settlement.

**Patent Infringement Litigation:** Represented detention center communications and software systems provider in numerous disputes against competitors for patent infringement, tortious

#### Areas of Experience

Litigation  
Commercial Landlord-Tenant Bankruptcy  
Directors and Officers (D&O) Liability  
eDiscovery Services  
Intellectual Property Litigation  
Preference and Fraudulent Transfer Litigation  
Trusts and Estates  
Broker-Dealer  
Probate and Fiduciary Litigation

#### Education

J.D., Southern Methodist University Dedman School of Law, 2009, cum laude, law review  
B.B.A., Baylor University, Management Information Systems, Minor in Mathematics, 2002

#### Admissions

##### Bars

Texas

##### Courts

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

#### Related Content

172 Akerman Lawyers Across the United States Named to 2020 *Super Lawyers* and *Rising Stars* Lists  
October 28, 2020

197 Akerman Lawyers Across the United States Named to 2019 *Super Lawyers* and *Rising Stars* Lists  
July 02, 2019

Akerman's Recently Promoted Partners Named in *Law360's* Q4 Partner Announcement  
February 11, 2019

interference, business disparagement, breach of contract, fraud, and false advertising.

**Securities Litigation Appeal:** Represented a securities broker client in obtaining confirmation of a FINRA award and dismissal of a motion to vacate the award in Dallas district court on the novel ground that the motion was untimely. The Court of Appeals agreed with Akerman's argument and held for the first time in Texas that a court proceeding to vacate an arbitration award under the Federal Arbitration Act is not timely unless: (1) it is filed, and, (2) service of process is issued on each adverse party in accordance with the Texas Arbitration Act—within the three-month limitations period set by the FAA.

**Commercial Litigation:** Represented national real estate educational seminar company and its employees in highly contentious and complex commercial dispute against competing company in numerous federal and state cases including claims for breach of non-compete, business disparagement, fraud, conversion, breach of fiduciary duty, tortious interference, fraudulent inducement, and theft of services.

**First-Chair Trial Counsel:** Represented physician in litigation involving negligence claim against amusement park defendant. First chair trial counsel - exclusively handled every aspect of three-day jury trial. Successfully obtained jury verdict and damages.

**Commercial Litigation:** Represented professional football team and stadium corporation in multiple lawsuits against suite-holders for breach of lease contracts. Successfully negotiated multiple favorable settlements for clients.

**Entertainment Law:** Represented prominent entertainer, actor, and comedian in lawsuit brought by former talent manager and agent. Successfully negotiated favorable settlement of all claims.

**Fraudulent Transfer:** Represented bankruptcy trustee of major energy company in constructive fraudulent transfer cases.

**Commercial/Construction Litigation:** Represented real estate development company held in receivership in suit against contractor, subcontractor, and geotechnical testing firm for breach of contract, breach of warranty, fraud, negligence, and conspiracy in faulty construction of a 268-acre mixed-used development project.

**Commercial Litigation/Tax Services:** Represented a leading global tax advisory services firm in suit against marketing partner regarding municipal tax incentive agreements by which municipalities share portions of their sales tax receipts with retailers who open sales-processing offices in their towns.

**Products Liability:** Represented major seafood chain in defense of products liability claims regarding raw oysters. Successfully negotiated favorable settlement.

**Franchise Litigation:** Represented restaurant franchisee clients in defense of claims for breach of franchise agreement, trademark infringement, and fraud in Indiana federal court.

**Commercial Litigation:** Represented lender in litigation involving breach of fiduciary duty, negligent hiring and supervision, negligent misrepresentation, and DTPA violations against escrow company

and its officers. Successfully obtained judgment against all defendants. Second chair trial counsel.

**Director & Officer Liability:** Represented municipal chamber of commerce in case involving defense of directors and officers against claims for breach of contract and breach of fiduciary duty. Third-chair trial counsel.

**Trademark Infringement:** Represented jeweler client in regards to client's claims against a major international jeweler for trademark infringement and dilution and claims against advertising agency for contributory trademark infringement. Successfully negotiated favorable settlements for client.

**Copyright Infringement:** Represented corporate client in litigation involving copyright infringement claims made against client by multiple major software companies. Successfully negotiated multiple favorable settlements for client.

**Oil & Gas Products Liability:** Represented oil field equipment manufacturer in defense of products liability claim. Successfully obtained summary judgment, thereby dismissing case.

**Non-Subscriber to Texas Workers' Comp. Defense:** Represented big-box retailer in defense of a non-subscriber to Texas Workers' Compensation negligence claim. Successfully argued for and obtained summary judgment, thereby dismissing case.

**Pro Bono Commercial Litigation:** Successfully obtained summary judgment and was awarded attorneys' fees in defense of needy clients against fraud, conversion, and breach of fiduciary duty claims in reverse mortgage lawsuit.

## Related Professional Experience

- Dallas County District Attorney's Office, Family Violence Division, Volunteer Intern
- AT&T, Inc., Systems Integration and Enterprise Software Testing. Senior Systems Analyst
- U.S. District Court for the Western District of Texas, Judicial Intern for The Honorable Xavier Rodriguez

## Affiliations

- Texas Bar Foundation, Life Fellow
- American Bar Association, Member
- Dallas Bar Association, Business Litigation and Intellectual Property Sections, Member
- Dallas Association of Young Lawyers, Member
- National Eagle Scout Association, Boy Scouts of America
- Dallas Volunteer Attorney Program, Member
- Christian Legal Society, Member

## Honors and Distinctions

- *Super Lawyers* Magazine 2013-2020, Listed in Texas as a "Rising Star" for Business Litigation