akerman

People

Danya W. Blair

Partner, Labor and Employment

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Danya Blair represents clients in a wide variety of civil litigation matters, including the defense of employment claims brought under state and federal statutes, trade secret and non-compete claims, workplace investigations, injunctive proceedings, appeals, commercial litigation, and defense of tort claims. Danya regularly litigates in federal and state courts, and arbitrates before the American Arbitration Association (AAA) and the Financial Industry Regulatory Authority (FINRA). She serves clients in a variety of industries, including healthcare, financial services, product manufacturing, private corrections, real estate, and oilfield services.

Notable Work

Labor & Employment

Employment Counseling: Regularly counsels corporate clients on workplace investigations and EEOC matters, and defends clients against statutory employment claims in federal and state court.

Disability: Represented healthcare corporation in litigation in the Southern District of Texas – Corpus Christi, obtaining complete dismissal on summary judgment of all claims brought by manager of urgent care clinic alleging her disability was not accommodated and that she was fired in violation of the Americans with Disabilities Act.

Family and Medical Leave Act: Defended healthcare corporation in litigation in the Southern District of Texas – Corpus Christi, obtaining complete dismissal on summary judgment of all claims brought by pharmacy informaticist alleging he was fired in retaliation for seeking FMLA leave.

Sexual Harassment: Represented oilfield services client in obtaining complete dismissal on summary judgment of sexual harassment claims brought in state court in Midland, Texas.

Areas of Experience

Labor and Employment
Litigation
Broker-Dealer
Commercial Disputes
Employment Administrative Claims Defense
Employment Litigation
Product Liability and Mass Torts
Economic Sanctions and Export Controls

Education

J.D., University of Texas School of Law, 1994, with honors, *American Journal of Criminal Law*, Staff Member

B.A., University of Texas, Sociology, Government, 1991, *with high honors*

Admissions

Bars

Texas

Courts

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

Related Content

34 Akerman Lawyers Recognized in Benchmark Litigation
October 03, 2023

Akerman Labor and Employment Practice Awarded Top Honors in *Benchmark Litigation*
September 22, 2022

U.S. Supreme Court Holds Healthcare Entities Not Liable for Emotional Injury Damages Under Certain

Title VII: Represented healthcare corporation in litigation in Western District of Texas – San Antonio, obtaining complete dismissal on summary judgment of all claims brought by former security guard alleging ADA and Title VII violations.

Sabine Pilot: Defended oilfield services company facing allegations by former employee of wrongful termination for refusal to commit an illegal act (Sabine Pilot claim) in state court in Harris County, Texas. Obtained complete dismissal of all claims on summary judgment.

Trade Secret and Non-Compete Litigation

Broker Transition Counseling: Regularly counsels financial advisors on trade secret and non-compete issues during employment transitions, and represents advisors and broker dealers in state and federal court injunctive proceedings and FINRA arbitrations alleging misappropriation of trade secrets and client solicitation.

Federal Court and FINRA Arbitration: Represented financial advisor accused of misappropriation of trade secrets and improper client solicitation by his former employer in Nevada federal court TRO proceeding and FINRA arbitration. Obtained dismissal of all claims brought against advisor and large monetary damages and attorneys' fee award for advisor on his counterclaims.

State Court: Represented medical staffing company and its employee in defense of non-compete and trade secrets claims asserted by former employer in state court injunctive proceedings in Bexar County, Texas. Successfully defended claims, resulting in denial of temporary injunction and complete dismissal of proceedings.

Appeals

Healthcare: Represented hospital in expedited appeal of state court judge's denial of Motion to Dismiss healthcare liability claims under Chapter 74 of the Texas Medical Liability Act after Plaintiff filed to serve a timely expert report. Prepared and submitted appellant's brief to the Texas Sixth Court of Appeals in Texarkana, Texas, and obtained opinion reversing state court judge's denial of Motion and dismissing all claims against hospital, including award of hospital's attorneys' fees.

Broker Dealer: Represented national broker dealer in FINRA arbitration brought by former registered representative seeking $4 million for alleged business torts. Sought dismissal under recently enacted FINRA rule allowing summary dismissal on res judicata grounds. Obtained first ever dismissal of an arbitration by a FINRA Panel under this new rule, with an award of attorney's fees to the broker dealer. Defeated representative's subsequent Motion to Vacate in the Northern District of Texas – Dallas, obtaining a second award of attorneys' fees. Briefed opposition to representative's appeal in the Fifth Circuit Court of Appeals, and prevailed on appeal without oral argument. The U.S. Supreme Court denied cert. *Walker v. Ameriprise Fin. Servs., Inc.*, No. 18-11641, 787 Fed. Appx. 211, 2019 WL 5078652 (5th Cir. Oct. 9, 2019), *cert. denied* 140 S.Ct. 2515, 206 L.Ed.2d 467 (Mem., March 23, 2020).

Trade Secrets / Non-Compete: Appealed state court judge's vacatur of FINRA Panel's award of attorneys' fees to financial services client in a non-compete and trade secrets arbitration. Prepared and submitted appellant's brief to the Second Court of Appeals in Fort Worth, Texas, and presented oral argument to a panel of three

appellate justices. Obtained full reversal of state court judge's vacatur of attorneys' fee award, allowing client to collect over $95,000 in attorneys' fees, plus interest. *Miller v. Walker*, 582 S.W.3d 300 (Tex. App. – Fort Worth 2018, no pet.).

Tort Litigation

Premises Liability: Defended private corrections company against claim for sidewalk defect that allegedly caused a pedestrian walking near its offices to fall and suffer injuries. Obtained complete dismissal on summary judgment from Harris County, Texas judge.

Wrongful Death: Represented automotive manufacturer in wrongful death litigation culminating in jury trial in Harris County, Texas. Served as counsel for automotive manufacturer and co-counsel for national rental company facing allegations of warnings and parking brake defects in moving van; claims against manufacturer nonsuited during trial and jury rendered complete defense verdict for rental company following two-week trial.

Personal Injury – Commercial Vehicle: Represented national office supply store and its truck driver against allegations of negligence in connection with rear-end accident. Successfully defended inflated damage claims at bench trial in state court in Fort Worth, Texas.

Workplace Injury: Represented nonsubscriber healthcare corporation in AAA arbitration brought by nurse alleging negligence in connection with workplace back injury. Following final arbitration hearing, Arbitrator denied all claims and awarded no damages.

Commercial Litigation

Texas Uniform Fraudulent Transfer Act (TUFTA): Represented broker dealer and annuity company sued by client's judgment creditor as "transferees" under TUFTA, claiming customer improperly used non-exempt assets to purchase an exempt annuity to place it beyond the creditor's reach. Obtained complete dismissal of claims against broker dealer and annuity company on summary judgment in Texas state court.

Breach of Contract and Fiduciary Duty: Successfully defended claims including breach of contract and breach of fiduciary duty brought by family member of deceased client against broker dealer, obtaining complete dismissal on jurisdictional and standing grounds in the Southern District of Texas – McAllen Division.

Investor Claims in FINRA Arbitration: Represented broker-dealer in customer dispute brought by two high-net-worth couples claiming unsuitable equity trading and "high-risk" alternative investments, seeking damages of $1.8 million plus attorneys' fees and punitive damages. Three-member FINRA panel awarded claimants nothing after a seven-day arbitration, and made favorable rulings for client on attorneys' fees and costs.

Copyright and Trademark Infringement: Represented international radio programming distributor against claims of copyright and trademark infringement in the Northern District of Texas – Dallas. Plaintiff record label sought over $26 million in damages for the allegedly unauthorized distribution of its recordings. Obtained complete dismissal of all claims on summary judgment and substantial attorneys' fee award.

Shareholder Dispute: Represented family-owned corporations and majority shareholder sued by former minority shareholder claiming wrongful divestment of shares, and obtained a defense verdict on all claims after a two-week jury trial in Harris County, Texas.

Published Work and Lectures

- Network of Trial Law Firms Litigation Supercourse, Presenter, "A Preemptive Strike Against Employment Claims," April 2012
- Association of Corporate Counsel, Labor and Employment Section, Presenter, "We're on the Same Team - Partnering with HR to Avoid Employment Litigation," April 2012
- Greater Houston Society for Healthcare Risk Management (GHSHRM) Education Day, Co-Presenter, "It Takes Two to Tango - Partnering with HR to Avoid Costly Employment Claims," March 2012
- DRI Products Liability Conference, Co-Author and Presenter, "Head Games: Coming Out On Top In Your Brain Injury Cases," February 2008
- *Houston Chronicle*, "Seat Belt Defense Deserves a Fair Hearing in Texas," February 2003

Affiliations

- State Bar of Texas, Litigation and Employment Sections
- American Bar Association
- San Antonio Bar Association
- Federal Bar Association, San Antonio Chapter
- Bar Association of the Federal Fifth Circuit
- Defense Research Institute
- Texas Association of Defense Counsel

Honors and Distinctions

- *Benchmark Litigation* 2021-2023, Listed in Texas as a "Labor & Employment Star"
- *H Texas Magazine*, 2008, Named one of Houston's "Top Lawyers"
- Texas Senate Subcommittee on Infrastructure, Development and Security, in Support of Senate Bill 664, April 7, 2003 - Testified as Invited Witness