

**George A. ("Tony") Mallers**  
Shareholder214-672-2133  
tmallers@cowlesthompson.com**Practice Areas**

- Family Law
- Business Litigation
- Construction Law
- Real Estate Litigation & Transactions
- Commercial Landlord – Tenant Litigation
- Corporate and Business
- Probate Litigation

**Practice Emphasis**

George A. (Tony) Mallers is a Shareholder in the Plano office of Cowles & Thompson and he is the Firm's Section Head of the Construction Practice Group and the Family Law Practice Group. His practice is based primarily in the areas of family law, civil litigation, and corporate and real estate transactions and closings. For the past 27 years, Tony has represented individuals and companies in a wide variety of complex cases, including divorce, child custody, property division, child support, post-divorce modification and enforcement, business litigation, probate disputes and litigation, and landlord-tenant cases. His broad based civil practice has included representation from both the Plaintiff's and Defendant's side of the docket. Tony routinely handles matters throughout the Dallas Fort Worth area, including Collin, Denton, Rockwall, Ellis, and Kaufman Counties.

**Family Law**

- Divorce
- Annulment
- Property Division
- Premarital and Post marital agreements
- Alimony
- Child Support
- Child Custody and Visitation
- Paternity
- Post-divorce Modification
- Post-divorce Enforcement

**Business and Real Estate Litigation**

- Breach of Contract
- Breach of Lease
- Fraud
- Negligence
- Deceptive Trade Practices Act
- Commercial Landlord-Tenant
- Eviction
- Employment contracts
- Covenants Not to Compete

**Wills and Probate**

- Preparing Wills and Trusts
- Probating Wills and Representing Executors during Probate
- Contesting or defending Wills in Court
- Healthcare Power of Attorney
- Directive to Physicians

## **Representative Matters**

### *Business/Commercial Litigation*

- Lead counsel in ongoing state court litigation against a commercial landlord in a wrongful eviction suit where our client, a national fast-food franchisee, was wrongfully evicted for an alleged non-monetary breach of lease.
- On-going defense of a health club chain client against a \$500,000 claim for overtime wages made by former employees under the Fair Labor Standards Act. We are opposing an attempt by Plaintiff to obtain class certification.
- Defended client in Dallas federal court litigation arising from a dispute over possession of a cell phone tower, including claims of successor liability to the previous owner of the towers. The matter involved expenses of \$750,000, and our client was ultimately dismissed from the case by the plaintiff.
- Filed suit against a defaulting tenant under a commercial lease in Austin, Texas. The tenant abandoned premises without excuse and the property owner sued for damages valued at \$750,000. The matter settled June 2017.
- Prosecuted and defended separate covenant-not-to-compete claims: one claim by our client, a regional flooring service company, was made against a former employee, while the other claim is against our client for hiring an employee who was covered by a non-compete from a prior employer. Both matters were settled March 2017.
- Tony Mallers filed a Rule 12(b)(6) Motion to Dismiss in the United States Bankruptcy Court seeking dismissal of RICO claims against his clients in a multi-party adversary proceeding. The court granted the motion dismissing those claims. June 2010
- Tony Mallers as lead counsel negotiated a dismissal of federal RICO and state law fraud claims against his client in the United States District Court in Austin, Texas after filing Motions to Dismiss with the Court. November 2009
- After a 3 day non-jury trial in Tarrant County, Texas, a trial team led by Tony Mallers obtained a Judgment for 195,000.00 for their client, an unpaid general contractor which had performed substantial tenant finish out work. The Court ordered foreclosure of the contractor's mechanic's lien. 2009
- Tony Mallers as lead counsel successfully obtained a court order removing a mechanic's lien wrongfully filed against a construction project in the District Court of Denton County, Texas. 2009
- After a one day non-jury trial in Dallas County, Texas, Tony Mallers as lead counsel obtained a Judgment for \$119,000.00 on behalf of his client, an unpaid flooring supplier, against the management company of an apartment complex, overcoming the argument that the management company was merely an agent for a disclosed principal. The Judgment was collected. 2009
- Tony Mallers as lead counsel obtained a final summary judgment in Travis County, Texas dismissing all claims against his client, a shopping center developer from Round Rock, Texas, in a suit brought by a materials supplier against the developer and the general contractor on the project. 2008
- A general contractor represented by Tony Mallers obtained a settlement of its breach of warranty claims against a nationally known paint manufacturer and its local distributor for an amount exceeding \$110,000.00 arising from improper catalyzation of a staining product used on wooden cabinets inside the residence. 2008
- Homeowners in Plano, Texas represented by Tony Mallers as lead counsel settled breach of warranty claims against a nationally known water heater manufacturer for \$1.15 million after the water heater ruptured and flooded the house. 2005
- Tony Mallers successfully brought a Texas Lemon Law Claim against BMW North America on behalf of his client resulting in a brand new vehicle to replace the defective vehicle. 2005

### *Divorce/Family Law*

- After a non-jury trial in Dallas County, Texas, a parent represented by Tony Mallers obtained a judgment awarding his client the exclusive right to designate the primary residence of two children. 2007
- After a jury trial in Collin County, Texas, the jury awarded the parent represented by Tony Mallers the exclusive right to designate the children's primary residence within Collin County. 2002
- After a jury trial in Denton County, Texas, a client represented by Tony Mallers obtained a jury verdict awarding his client the exclusive right to designate the child's primary residence. 1999
- Tony Mallers has represented clients in dozens of family law cases, including divorce, paternity, modifications, enforcement, breach of alimony contracts, and interpretation and enforcement of pre-nuptial and post-nuptial agreements. By far the vast majority of these cases have settled out of court after a few preliminary hearings, depositions, or mediations. Mr. Mallers has demonstrated skill and expertise in guiding his clients through the difficult and many times traumatic emotional and financial experience of divorce. 1987 – present

### **Education**

- Juris Doctor degree, Southern Methodist University School of Law, 1987
- Bachelor of Science degree, Business Administration, cum laude, Indiana University, 1984

### **Admissions**

- Admitted to Practice in Texas, 1987
- U.S. Court of Appeals for the Fifth Circuit, 1991
- U.S. District Court, Northern District of Texas, 1988
- U.S. District Court, Eastern District of Texas, 1994
- U.S. District Court, Western District of Texas, 2009

### **Speaking Engagements and Community Involvement**

- "Fundamentals of Mechanic's Lien Law for Non-Construction Lawyers", speaker, Continuing Legal Education Seminar, Dallas, TX, June 29, 2010
- "Forcible Detainer Actions in Texas," speaker, Landlord and Tenant Law Seminar, Dallas, TX, Sept. 2007
- Legal Aid of Northwest Texas, Volunteer In-take Attorney
- Plano Teen Court Program, Volunteer Judge
- Jackson Walker Moot Court Competition at SMU School of Law, Moot Court Judge

### **Honors**

- Selected for inclusion in *Best Lawyers, Family Law*, by *Best Lawyers*, 2017, 2018.
- Selected for inclusion in Texas Super Lawyers© by Thomson Reuters Super Lawyers®, 2013-2017.

### **Memberships**

- State Bar of Texas
- Dallas Bar Association, member - Family Law and Construction Law sections
- Collin County Bar Association, member - Board of Directors, Family Law section
- Texas Family Law Foundation
- Collin County Bench-Bar Foundation, Lifetime Fellow