

**Eric Yepez**

Associate

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Practice Areas

- Commercial Litigation
- Employment
- Healthcare
- Premises Liability
- Real Estate Litigation
- Tort and Insurance Litigation
- Transportation and Trucking

Practice Emphasis

Eric is an associate in the Tort, Labor & Employment, and Healthcare sections of Cowles & Thompson. He represents clients on a wide range of legal matters including medical malpractice, premises liability, commercial litigation, transportation & trucking litigation, and employer-employee relations.

Memberships

- State Bar of Texas
- Dallas Bar Association
- Dallas Hispanic Bar Association
- J.L. Turner Legal Association
- Dallas Association of Young Lawyers

Education and Court Admissions

- J.D., Texas Wesleyan University School of Law, 2007
 - Notes & Comments Editor for the *Texas Wesleyan Law Review*
 - While in law school, Mr. Yepez interned for the 2nd Court of Appeals in Fort Worth, the 5th Court of Appeals in Dallas and the United States District Court for the North District of Texas
- B.S. in Communications, University of Texas at Austin, 2001
- Admitted to the State Bar, 2007

Recent Accomplishments

- January 5, 2010, Rick Barrett, Paul Dalton, Eric Yepez, and David Oliveros settle a \$30 Million complex construction defect case. The Firm's client, one of 45 subcontractors in a luxury condominium development, was sued by the general contractor in an arbitration proceeding. The Firm was retained only 3½ months before the start of the arbitration hearing. Through its "fast-track" review and analysis of hundreds of thousands of pages of documents produced by the condominium developer/owner, the general contractor, and others, the Firm found and collected previously undiscovered documentary evidence showing that – after the arbitration process started – but before the Firm's client was sued or could make any inspections – the developer/owner and/or the general contractor had removed, destroyed, or replaced the work done by the Firm's client, thereby depriving the client of any ability to mount a factual defense to the claims.

Consequently, the Firm filed and aggressively prosecuted motions for summary judgment and motions for sanctions (death penalty) against the developer/owner and the general contractor for their spoliation of critically important evidence. The Firm's "spoliation of evidence" strategy resulted in the client's very nominal contribution to the multi-million dollar settlement of this complex construction defect case.

- In August 2008, Richard Barrett Cuetara and Eric Yepez represented the purchaser of a retail shopping center that alleged both seller and real estate agent had fraudulently concealed construction defects in the building. The favorable settlement required the seller to enter into a 10

year lease with the owner and to repair the construction defects. The real estate agent's conduct violated TREC Rules.

- In April 2009, Richard Barrett-Cuetara, Eric Yopez and Melissa J. Pegram successfully resolved a \$2 Million investment fraud case on behalf of their clients. The Firm's clients were investors, officers, shareholders and members of the board of directors of the defrauded corporation. The lawsuit alleged the President of the defrauded corporation had misappropriated corporate funds, breached his fiduciary duties, participated in "self-dealing", and conspired with a national banking institution to usurp all ownership rights in the defrauded corporation in a "quid pro quo" arrangement of favorable loans to the President of the defrauded corporation in exchange for alleged bribery payments to the national banking institution. In a favorable settlement, the Firm's clients received the return of more than \$1.5 Million dollars, representing approximately 75% of their initial investment of \$2 Million dollars. Mr. Barrett-Cuetara and Mr. Yopez prosecuted the litigation, while Ms. Pegram analyzed various documents and transactions that were a part of this arrangement and also prepared the settlement documents, including the Settlement Agreement, the Promissory Note, a Pledge Agreement, utilizing stock in several corporations as security for payment of settlement obligations, corporate resolutions and consents, and Deeds of Trust to secure performance of obligations under the terms of the settlement documents.