



Sim Israeloff

Shareholder

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Practice Areas

- Commercial / Business Litigation
- Coverage and Insurance Litigation
- Intellectual Property Litigation
- Professional Liability
- Municipal, Public Law and Land Use
- Real Estate / Real Estate Finance
- Commercial Arbitration
- Appellate



Martindale-Hubbell®



Practice Emphasis

Sim Israeloff is a Senior Shareholder with more than 30 years of trial experience, and is Section Head of the Cowles and Thompson Commercial/Business Litigation Practice Group. His practice is devoted to commercial and complex business litigation in state and federal courts. He represents U.S. and foreign businesses and individuals in litigation and arbitration involving business transactions, real estate, partnerships, franchises, securities, intellectual property, injunctions, and probate matters. Sim is a frequent writer and speaker on business litigation and trial tactics and serves as the firm's legal counsel.

Mr. Israeloff is Board Certified in Civil Trial Law by the Texas Board of Legal Specialization and is a member of the American Board of Trial Advocates (ABOTA). Since 2007, Mr. Israeloff has been listed in The Best Lawyers in America, by Woodward/White, Inc., in the areas of Commercial Litigation, Litigation-Construction, Litigation-Intellectual Property, Litigation-Patent, and Litigation-Real Estate. In 2010 he was named to the Lawdragon 3000 Leading Lawyers in America. He has also been included on the Texas Super Lawyers list, a Thomson Reuters service, since 2003 in the areas of Business Litigation, Class Action/Mass Tort, and Intellectual Property Litigation.

Representative Matters

- Successful creative solution to breach of an arbitration agreement involving defense of prominent restaurant chain regarding a lease, where the net effect of offsetting judgments meant plaintiff was awarded only 25% of the amount sought. Co-counsel with Casey Erick and Bill Siegel. 2021 (See [PDF](#) for more info.)
- Successful defense on appeal in favor of our client, Garland Housing Finance Corporation. The appealed judgment declared that a nonprofit housing finance corporation's property was exempt from property taxes as a matter of law.
- Obtained a \$3.5 million judgment for a publicly traded company against a former CEO for improper self-dealing and issuance of unauthorized stock.
- Successfully represented a landowner in appeal of a condemnation taking, resulting in a jury verdict 75% greater than the award being appealed from.

- Successfully defended an electronics manufacturer against a \$7 million patent infringement claim for anti-shoplifting tags and antennas, winning a unanimous jury verdict finding no infringement. The result was reportedly the first defense jury verdict in a patent case in the Eastern District of Texas.
- Represented Norwegian manufacturer of card-key products in jury trial against \$11 million claim for alleged breach of contract and tortious interference.
- Represented Mexican electric utility and its insurer in suit for damages to failed gas turbine generator in Mexico. Recovered an eight-figure settlement for the client.
- Represented franchisee in arbitration claim under the American Arbitration Association for losses allegedly due to breaches of contract and fiduciary duty.
- Obtained favorable settlement, as well as compensation for services rendered, on behalf of information technology consulting company in defense of a \$4 million claim for alleged misrepresentation.
- Successfully defended municipality at trial against a challenge to a city ordinance. Obtained a judgment upholding the ordinance and ordering the challenger to pay unpaid access fees and attorney's fees.
- Successfully defended insurance company at trial against a \$3.2 million insurance coverage claim arising out of the insured's intentional criminal acts.
- Successfully defended seven doctors in a jury trial for alleged violation of preemptive stock rights.
- Served as arbitrator through the International Centre for Dispute Resolution regarding the application of life insurance proceeds on a business owner in Peru.
- Defended trustee in probate dispute over the validity of Community Property Agreement and proper distribution of trust proceeds.
- Represented commercial pool company in jury trial against claims for misappropriation and violations of the Lanham Act.
- Represented a co-owner of an office building in a AAA arbitration and state court suit. Successfully resisted two injunction attempts seeking to force the client to convey its interest before consideration was determined or paid. Tried the case in arbitration and obtained full relief for the client. The claimant's claims were denied in their entirety and the client was awarded the full compensation requested on each item plus reimbursement for improper charges and attorney fees.
- Defended a national retailer in a putative class action by medical professionals asserting statutory violations in lease agreements. Successfully resisted the request to certify a class action. After jury trial and appeal, obtained a take-nothing judgment for the client.
- Defended a manufacturer of anti-shoplifting devices in a patent infringement action in the Eastern District of Texas as co-lead and trial counsel working with patent counsel. Obtained a jury verdict of non-infringement, reportedly the first defense verdict in a patent case in the Eastern District.
- Represented heirs in probate litigation over claims against the estate. Tried the matter in probate court.
- Represented the owner of a commercial building in a multi-party dispute over defective construction. Tried to a jury verdict in federal court in Mississippi against the architect, geotech engineer, and general contractor. Obtained a seven-figure judgment and settlements in favor of the client.

Contract Disputes

- Partnerships, franchises, co-tenancies
- Business sales, acquisitions, buyouts, dissolutions, successor liability
- Finance, loans, security interests, foreclosures
- Defective performance, warranties, commissions, UCC issues

Business Torts

- Securities, stock fraud, misrepresentation, concealment
- Tortious interference, unfair competition, civil conspiracy
- Alter ego, fiduciary duty, fraudulent transfers
- Preemptive rights, oppression of minority shareholders
- Lender liability, usury

Real Estate Litigation

- Sales, leases, financing, title insurance, property damage, mold
- Investor disputes, mismanagement, self-dealing
- Easements, surveys, boundary disputes
- Condemnation, eminent domain

Intellectual Property Litigation

- Patents, trademarks, copyrights, Lanham Act
- Misappropriation, trade secrets
- Injunctions, accountings, disgorgement, lost profits

Employment Litigation

- FLSA wage and hour, overtime claims
- Discrimination

Class Action Litigation

Arbitration

- Representing parties in AAA commercial arbitrations
- Serving as a party appointed arbitrator

Recent Publications

- [“Some Debts are not Dischargeable in Bankruptcy,”](#) author, Cowles and Thompson *Business and Legal Update*, August 2020
- [“How Attorney Immunity Protects Clients,”](#) author, Cowles and Thompson *Business and Legal Update*, October 2019
- [“Reducing Supersedeas Bonds,”](#) author, Cowles and Thompson, *Business and Legal Update*, September 2019
- [“Supreme Court Limits Forum Shopping in Patent Cases,”](#) author, Cowles and Thompson *Business and Legal Update*, May 2017
- [“Steamroller Litigation – Part 1,”](#) author, Cowles and Thompson, *Business and Legal Update*, March 2017
- [“Dealing with a Vexatious Litigant,”](#) author, Cowles and Thompson, *Business and Legal Update*, October 2016
- [“Supreme Court Clarifies Attorney Immunity,”](#) author, Cowles and Thompson, *Business and Legal Update*, October 2015

Education

- J.D., *with honors*, The University of Texas School of Law, 1983
 - Associate Editor, *Texas Law Review*
- B.B.A., Accounting, *with highest honors*, The University of Texas, 1980
 - Phi Delta Phi, member
 - Beta Alpha Psi, Accounting Honor Society, member

Admissions

- State Bar of Texas
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Federal Claims
- 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

Memberships

- State Bar of Texas, Litigation Section
- American Bar Association, Section of Litigation
- Dallas Bar Association
- Dallas Bar Foundation, Sustaining Life Fellow
- Patrick E. Higginbotham American Inn of Court, Former Barrister

Honors

- AV Peer Review (Pre-eminent), rated by Martindale-Hubbell®
- *Best Lawyers in America*® -- Commercial Litigation, Litigation for Intellectual Property, Patent, and Real Estate, *Best Lawyers*®; selected for inclusion, 2007-2023
- *Super Lawyers*®, Thomson Reuters *Super Lawyers*®; selected for inclusion, 2003-2022
- Elected to the American Board of Trial Advocates (ABOTA), 2016
ABOTA is a national organization of leading trial lawyers and judges dedicated to the preservation of civil jury trials. Membership is by invitation only. Qualifying members must have considerable jury trial experience and a reputation for civility, integrity and professionalism to help younger attorneys achieve a higher level of trial advocacy. ABOTA's members include lawyers from both plaintiff and defense bars as well as judges in all 50 states, the District of Columbia and Puerto Rico.
- Named a Fellow of the Litigation Counsel of America, 2016
The organization is a trial lawyer honorary society composed of less than one-half of one percent of American lawyers. Fellowship is by invitation only. Fellows are selected based upon excellence and accomplishment in litigation, both at the trial and appellate levels, and superior ethical reputation.
- City of Fairview, Texas, Former of Mayor (2003 to 2013)