



**George A. ("Tony") Mallers**  
Shareholder

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#### Practice Areas

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



#### Practice Emphasis

George A. (Tony) Mallers is a Shareholder in the Plano office of Cowles and Thompson. During his 38 years as a licensed attorney in Texas, he has focused primarily in the areas of family law and civil litigation, including construction, employment, and real estate litigation, probate court litigation, and representation of parties in real estate transactions. His broad-based civil practice has included representation from both the Plaintiff's and Defendant's sides of the docket. Tony routinely handles matters throughout the Dallas-Fort Worth area, including Dallas, Collin, Tarrant, Denton, Rockwall, Grayson, Cooke, Ellis, and Kaufman Counties.

#### Family Law

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| <ul style="list-style-type: none"> <li>▪ Divorce</li> <li>▪ Annulment</li> <li>▪ Property Division</li> <li>▪ Premarital and Postmarital agreements</li> <li>▪ Alimony</li> </ul> | <ul style="list-style-type: none"> <li>▪ Child Support</li> <li>▪ Child Custody and Visitation</li> <li>▪ Paternity</li> <li>▪ Post-divorce Modification</li> <li>▪ Post-divorce Enforcement</li> </ul> |
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#### Business and Real Estate Litigation

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| <ul style="list-style-type: none"> <li>▪ Breach of Contract</li> <li>▪ Breach of Lease</li> <li>▪ Fraud</li> <li>▪ Negligence</li> <li>▪ Deceptive Trade Practices Act</li> </ul> | <ul style="list-style-type: none"> <li>▪ Commercial Landlord-Tenant</li> <li>▪ Eviction</li> <li>▪ Employment contracts</li> <li>▪ Covenants Not to Compete</li> </ul> |
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#### Construction Law

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| <ul style="list-style-type: none"> <li>▪ Breach of Construction Contracts</li> <li>▪ Mechanic's Lien Litigation</li> </ul> | <ul style="list-style-type: none"> <li>▪ Drafting and Review of Construction Contracts</li> </ul> |
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#### Wills and Probate

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| <ul style="list-style-type: none"> <li>▪ Preparing Wills and Trusts</li> <li>▪ Probating Wills and Representing Executors during probate</li> </ul> | <ul style="list-style-type: none"> <li>▪ Contesting or defending Wills in Court</li> <li>▪ Healthcare Power of Attorney</li> <li>▪ Directive to Physicians</li> </ul> |
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## **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.
- Obtained dismissal of RICO claims against clients in a multi-party adversary proceeding by filing a Rule 12(b)(6) Motion to Dismiss in U.S. Bankruptcy Court. June 2010
- As lead counsel, negotiated dismissal of federal RICO and state law fraud claims against client in U.S. District Court in Austin, Texas after filing Motions to Dismiss with the Court. November 2009
- Led a trial team in a three-day, non-jury trial in Tarrant County, Texas where we obtained a judgment for \$195,000 for our client – an unpaid, general contractor – who had performed substantial tenant finish-out work. The court ordered foreclosure of the contractor’s mechanic’s lien. 2009
- 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
- As lead counsel in a one-day, non-jury trial in Dallas County, Texas, obtained a judgment for \$119,000.00 on behalf of 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
- As lead counsel, obtained a final summary judgment in Travis County, Texas dismissing all claims against client 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
- Obtained settlement on behalf of client general contractor for his 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
- Lead counsel for Plano, Texas homeowners, settling 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
- 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*

- Obtained judgment in a non-jury trial in Dallas County, Texas, awarding client/parent exclusive right to designate the primary residence of two children. 2007
- Successful Collin County, Texas jury trial, where client/parent was awarded the exclusive right to designate the children's primary residence. 2002
- Successful Denton County, Texas jury trial, where client was awarded the exclusive right to designate the child's primary residence. 1999
- *Tony Mellers 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. Tony has demonstrated skill and expertise in guiding his clients through the difficult and many times traumatic emotional and financial experience of divorce. 1987 – present*

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

- "Receiverships in Texas Family Law Cases," speaker, Advanced Family Law Conference, San Antonio, TX, Aug. 2023
- "Fundamentals of Mechanic's Lien Law for Non-Construction Lawyers", speaker, Continuing Legal Education Seminar, Dallas, TX, Jun. 2010
- "Forcible Detainer Actions in Texas," speaker, Landlord and Tenant Law Seminar, Dallas, TX, Sep. 2007
- Legal Aid of Northwest Texas, Volunteer In-take Attorney
- Plano Teen Court Program, Volunteer Judge
- Jackson Walker Moot Court Competition at SMU Dedman School of Law, Moot Court Judge

### **Recent Publications**

- "[Dallas Residential Real Estate Trends that Don't Favor Buyers](#)," co-author, Cowles Thompson *Business and Legal Update*, May 2021
- "[Family Matters: An Overview of Child-Related Issues in Family Law Cases](#)," co-author, Cowles Thompson *Business and Legal Update*, Feb. 2021
- "[Preparation is the Key to a Successful Family Law Mediation](#)," author, Cowles Thompson *Business and Legal Update*, Jan. 2021
- "[Recovery of Attorney's Fees Against Limited Liability Companies \(LLCs\), Limited Partnerships \(LPs\), or Limited Liability Partnerships \(LLPs\) in Texas](#)," author, Cowles Thompson *Business and Legal Update*, Dec. 2020

### **Education**

- J.D., Southern Methodist University Dedman School of Law, 1987
- B.S., Business Administration, *cum laude*, Indiana University, 1984

### **Admissions**

- State Bar of 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

### **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

### **Honors**

- AV Peer Review (Pre-eminent), rated by Martindale Hubbell®
- *Best Lawyers in America*® -- Commercial Litigation, Construction Litigation, Family Law; *Best Lawyers*®; selected for inclusion, 2017-2025
- *Texas Super Lawyers*®, Thomson Reuters *Super Lawyers*®; selected for inclusion, 2013-2024