

## Janet E. Militello

Counsel

Houston

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Janet brings more than 35 years of extensive domestic and international trial, injunction, and arbitration experience, as well as a track record of securing notable outcomes in high-stakes litigation.

### OVERVIEW

Janet represents a diverse range of clients, including financial institutions, energy companies, automotive distributors, and large retail companies. She prosecutes and defends cases involving breach of contract, fraud and misrepresentation, antitrust, lender liability, trade secrets, unfair competition, federal firearm/PLCAA, and partnership and construction disputes. She also handles fiduciary liability cases, will contests, and other estate and trust litigation matters.

Janet has a comprehensive understanding of clients' unique challenges and is committed to achieving their legal and business objectives. Her legal knowledge and practical solutions make her an asset in navigating complex legal landscapes.

### REPRESENTATIVE MATTERS

#### Breach of Contract, Fraud, and Misrepresentation Litigation

- Obtained a \$15 million payment in the settlement of a dispute arising from a natural gas gathering and processing contract dispute. Defendants increased the offer from \$1 million to \$15 million following the first week of the plaintiff's presentation and case in chief during what was scheduled as a two-week jury trial.
- Representation of one of the world's largest financial institutions against a claim of fraud (more than \$150 million sought). After a three-and-one-half-week jury trial, the jury returned a defense verdict, finding no fraud on the part of the institution. This matter is this bank's largest jury verdict ever.
- Defended a major automotive distributor against claims brought by a public auto group related to alleged claims of employee raiding and breaches of common law and statutory duties. Plaintiffs, who were seeking damages in excess of \$9 million, nonsuited the case during the first week of trial and cross-examination of the plaintiffs' star witness.
- Obtained a \$15 million payment in the settlement of a dispute arising from a natural gas gathering and processing contract dispute.
- Defended the sellers of a multinational wastewater treatment company against breach of representation, warranty, and fraud claims in a two-week jury trial in New York Supreme Court, commercial division. The jury

verdict was limited to amounts that were admittedly owed and that were subject to offset for the defendant sellers.

- Representation of a prominent eye clinic in a breach of contract and breach of fiduciary liability case with a former shareholder. A unanimous jury verdict was returned.
- Representation of a large home design retail company in connection with its defense related to a failed services agreement. No suit was filed, or money paid.
- Representation of energy companies in connection with various matters related to alleged breaches of contract, implied covenants, negligence, and fraud.
- Representation of one of England's largest charter airline companies in a breach of contract and fraud case.
- Obtained early dismissal of human trafficking claims brought against a large sporting goods retailer.

### **Personal Injury Litigation**

- Obtained and negotiated a pre-trial defense settlement of \$20 million premises liability and negligence claim related to a fall that resulted in the plaintiff breaking his spine and spending time in a coma. The settlement obtained was a small fraction of what had been demanded.
- Obtained and negotiated a defense settlement during voir dire of a \$70 million wrongful death claim related to the explosion of a medical-grade oxygen canister.

### **Trade Secret Litigation**

- Obtained a settlement of trade secret litigation, as plaintiff, for an industrial health and safety services and training company. The settlement included an express acknowledgment of the existence and value of the disputed trade secret methodology.
- Representation of a national freight forwarding company in connection with various trade secret and covenant not to compete lawsuits.

### **Class Action Litigation**

- Representation of a group of community banks in class action litigation based upon alleged fraud and statutory violations related to investment vehicles. Summary judgment was granted, and no class was certified.
- Representation of a large mortgage company in class action litigation based upon allegedly improper lending practices.

### **Federal Firearm/PLCAA Litigation**

- Defended a retailer against claims related to the Sutherland Springs mass shooting and helped secure a Texas Supreme Court dismissal of the lawsuit.
- Secured take-nothing settlement in the defense of multimillion-dollar mental anguish and lost opportunity claims against an automotive distributor arising from the alleged theft of sensitive personal photos and information during an automobile finance transaction.

### **AWARDS**

- ACG Houston, Deal of the Year (2023)
- ACG Houston, E&P Upstream Deal of the Year (2023)

### **TOP AREAS OF FOCUS**

- Antitrust
- Class Action
- Construction
- Financial Services Litigation

## ALL AREAS OF FOCUS

- Antitrust
- Class Action
- Construction
- Financial Services Litigation
- Litigation + Trial

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Fellow, Texas Bar Foundation
- Member, State Bar of Texas
- Member, Houston Bar Association Litigation Section – Probate, Trust and Estate Section
- Member, American Bar Association Litigation Section
- Member, Texas Association of Defense Counsel

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Houston Law Center, J.D., *Phi Delta Phi, Order of the Barons, recorder (1984-1985)*
- The University of Texas at Austin, B.F.A., *with highest distinction*

### BAR ADMISSIONS

- Texas
- Illinois

### COURT ADMISSIONS

- Supreme Court of the United States
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas

## SPEAKING ENGAGEMENTS

- Speaker, “Predatory Diligence: Post-Closing Obstacles GCs Can Find & Fix Before the Deal is Done,” Texas General Counsel Forum’s Statewide Virtual CLE Program, July 14, 2020.

- Speaker, “Commercial Contract Pitfalls,” Locke Lord, June 4, 2020.