Jonathan Pelayo

Partner

Houston Austin

jonathan.pelayo@troutman.com

D 713.226.1359



Jonathan represents a diverse array of clients, including developers, real estate investors and managers, publicly traded companies, nonprofits, contractors, investors, and entrepreneurs in a myriad of disputes, both in court and in arbitration.

OVERVIEW

Jonathan's practice focuses on construction, energy, and commercial disputes. As part of his construction practice, he represents owners, general contractors, subcontractors, and suppliers. Jonathan handles a wide range of construction disputes, including arbitrations and lawsuits concerning the breach of engineering, procurement, and construction (EPC) contracts, joint venture contracts, design defect claims, delay claims, and mechanic lien foreclosure claims.

In the area of energy litigation, Jonathan represents energy companies in disputes concerning joint operating agreements, gas processing agreements, production handling agreements, asset purchase agreements, oil and gas leases, and other contracts common in the energy industry.

As part of his commercial litigation practice, Jonathan represents plaintiffs and defendants in cases involving claims as common as breach of contract to more nuanced claims, including wrongful foreclosure, pre-suit garnishments, and a host of other matters where his creative, outside-the-box approach helps clients attain their objectives in an efficient manner.

REPRESENTATIVE MATTERS

Construction

- Represents a publicly traded real estate developer in litigation against a landowner arising from a nuisance caused by an adjoining high-rise development.
- Represents a real estate developer in a series of mechanics' lien foreclosure lawsuits arising from general contractor's contract defaults.
- Acted for a real estate private equity firm in arbitration against an architect arising from the design of a high-rise multifamily project in Houston, Texas; case settled for an amount in excess of the architect's policy limit.
- Advised a New York-based investor, owner, developer, and manager of infrastructure assets in connection with the development of a complex in the Texas Medical Center area.

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- Defended a subcontractor in claims related to a former employee's alleged breach of fiduciary duties.
- Counseled a global engineering and construction company in a dispute arising from the construction of the world's largest PTA/PET plant.
- Advises a developer of industrial, commercial, and residential construction projects in the negotiation of design and construction contracts.
- Represents a commercial concrete subcontractor in various construction and contract-related matters.
- Defended a commercial real estate developer in a dispute with a contractor that attempted to terminate the contract; case resulted in a settlement for the client.
- Represented the owner of gas processing plants with claims against a Korean supplier of defective valves; summary judgment was granted for the client.
- Acted for a commercial insulation company in a lawsuit concerning renovations and repairs made to Minute Maid Park's chilled water insulation system. After the conclusion of discovery, the plaintiff voluntarily dismissed all claims against the client.
- Defended an EPC contractor in breach of contract claims against the owner of a gas processing plant in Colorado; case resulted in a settlement for the client.

Energy

- Represents a publicly traded midstream company in claims related to the construction of a gas processing facility in Weld County, Colorado.
- Represents a publicly traded midstream company in claims related to the construction of a pipeline in South Texas.
- Counseled a major North American energy company in a dispute concerning deliveries of gas under the Gas Processing Agreement.
- Defended a working interest owner in a joint operating agreement dispute.
- Represented a global provider of specialized energy personnel in indemnification disputes with several of its independent contractors.
- Defended an oil and gas exploration company in breach of contract claims against a lessor in North Dakota; court granted summary judgment dismissing all claims against the client.
- Counseled an energy trading company in litigation involving contractual, fiduciary, and trade secret misappropriation claims.
- Acted for the owner of offshore oil and gas interests in claims against the operator of Gulf of Mexico platforms and wells; arbitration resulted in a settlement for the client.
- Represented a royalty interest owner in litigation involving the interpretation of oil and gas deeds; case settled for the client.
- Represented a subsidiary of a Chinese energy company in litigation concerning the sale of blowout preventers; case resulted in a settlement.

Other Civil Litigation

- Counseled a secured lender in a bankruptcy proceeding concerning construction development sites in Austin, Texas. After the court lifted the bankruptcy automatic stay, the secured lender foreclosed on the development sites and was later granted summary judgment on the debtors' wrongful foreclosure claim.
- Represented a lender in litigation against a loan guarantor; final judgment entered against the guarantor for more than $6 million.
- Defended a nonprofit owner of an affordable housing project in San Antonio, Texas, against claims related to a surplus cash note. Following a bench trial, a verdict was rendered for the nonprofit on all claims, and the client was awarded nearly $1,000,000 in attorneys' fees.

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- Advised the seller in the purchase and sale agreement in arbitration concerning the interpretation of the agreement's "earn-out" provisions.
- Represented the owner of affordable housing properties against a claim that the owner breached an informal fiduciary duty to the lender.
- Defended an accounting firm against claims of breach of fiduciary duty and conspiracy. All claims were dismissed on summary judgment.
- Represented a Chinese energy company in litigation concerning an alleged joint venture agreement with more than $1 billion in controversy. All claims were dismissed on summary judgment.
- Represented a multinational energy company in a lawsuit involving fraud, breach of contract, negligent misrepresentation, and "alter-ego" claims against a publicly traded engineering, procurement, and construction contractor who claimed to be owed more than $10 million. The case resulted in a significant settlement for the client, for a multiple of the amount claimed by the contractor.
- Defended affiliates of a Netherlands-based oil and gas services company in heavily contested post-judgment garnishment matters; case resulted in settlement.
- Acted for a media installation and home integration business in breach of contract action against a fiber optics company and its directors. Summary judgment was granted against the company and directors, individually.

AWARDS

- *Best Lawyers in America®:* Commercial Litigation (2021-2027), Litigation – Construction (2027)
- *Super Lawyers*®, Business Litigation, Texas (2023)
- *Super Lawyers*® Texas Rising Star, Business Litigation (2017-2021)

TOP AREAS OF FOCUS

- Business Litigation
- Construction
- Energy
- Litigation + Trial
- Real Estate Litigation

ALL AREAS OF FOCUS

- Business Litigation
- Construction
- Energy
- Litigation + Trial
- Real Estate
- Real Estate Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- The Children's Fund
  - Member (2021-Present)
  - Co-chair, Corporate Committee (2022-Present)
- Member, Texas Rules Committee (2016-2018)

- Member, Chartered Institute of Arbitrators (2014-Present)
- Member, State Bar of Texas Construction Litigation Section (2014-Present)
- Member, Houston Young Lawyers Association
- Houston Bar Association
  - Member (2007-Present)
  - Member, Communities in School Committee (2018-2021)
  - Chair, Enrichment Subcommittee, Communities in School Committee (2020-2021)
- Member, University of Texas School of Law Houston Steering Committee (2019-Present)
- Member, University of Texas School of Law Alumni Association Executive Committee (2021-Present)
- Member, Texas Exes, Houston Chapter
- Member, University of Texas School of Law, 2007 Reunion Committee
- Volunteer, Houston Volunteer Lawyers Program
- Participant, Suited For Success Scholarship Program, University of Texas School of Law

EDUCATION AND CERTIFICATIONS

EDUCATION

- The University of Texas School of Law, J.D., *with honors, 2007, Texas Review of Litigation*
- The University of Texas at Austin, B.S., *Mechanical Engineering, with honors*, 2003

CERTIFICATIONS AND MEMBERSHIPS

- The University of Texas at Austin, Certificate of Business Foundations

BAR ADMISSIONS

- Texas

SPEAKING ENGAGEMENTS

- Speaker, Locke Lord Houston Litigation Breakfast Briefing, October 2, 2024.
- Speaker, Locke Lord Houston Litigation Breakfast Briefing, September 21, 2023.