

Elizabeth A. Wyman

SENIOR COUNSEL

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Credentials

- New York University School of Law
J.D., *magna cum laude*
Order of the Coif
Executive Articles Editor, *Annual Survey of American Law*
- Rice University
B.A., *magna cum laude*
Honors Program
Phi Beta Kappa
- Admitted to Practice:
Texas
New York

Elizabeth's practice is focused on complex commercial litigation.

Prior to joining Yetter Coleman, she was an Assistant District Attorney with the New York County District Attorney's office in New York City, where she tried eleven trials as first-chair, including bench and jury trials, and prosecuted approximately 1,000 cases from arraignment to disposition.

Elizabeth serves as Co-Hiring Attorney for the firm.

Experience

- **GHP Nail Systems, LLC v. Benelux Cosmetics B.V.** Part of the trial team that obtained a \$2.7 million jury verdict on counterclaims while defending Benelux, a Netherlands-based cosmetic distributor in a trial involving poor-quality gel nail polish manufactured by the plaintiff. We were hired four months before a three-week trial, after discovery and expert selection. We prevailed on all counterclaims and successfully defeated seven claims by GHP. The final award for our client included actual damages, penalty damages, and attorney fees.
- *iPic v. Regal* Won a landmark injunction against the nation's largest movie theater chain for predatory conduct against our boutique theater client under the Texas antitrust act; affirmed on appeal.
- **FDNM Inc. v. DTM Assets, LP and David T. McDonald** Represented local business in state court jury trial, securing a complete plaintiff's victory, including punitive damages, in a business trespass case. As second-chair, successfully argued for exclusion of defense expert and conducted direct examination of plaintiff's expert witness.
- **South Tilden II, LLC, et al. v. Petrohawk Properties, LP, et al.** Representing BHP Petroleum in Texas state court, prevailed on summary judgment on a multi-million dollar claim for breach of a term assignment arising from working interest revisions in the Eagle Ford Shale and successfully settled a related dispute over the term of a waiver of overriding royalty interests and claims for trespass and breach of contract

- **Business Logic Holding Corp. v. Morningstar et al.** Part of trial team representing Business Logic in breach of contract and trade secrets case related to retirement advice software. Worked with expert witness on damages model presentation. The firm secured several key pre-trial rulings, including dismissal on summary judgment of defendants' counterclaim. One business day before trial, defendants agreed to pay Business Logic \$61 million to settle the case, which represented a recovery of 95% of the maximum claimed damages. The settlement is reported to be the 9th largest disclosed trade secrets settlement in U.S. history.
- Represented a major Indonesian palm oil conglomerate in a dispute with a Texas-based energy company alleging fiduciary, fraud, and other claims arising out of a failed venture to market biodiesel in the U.S. Our client faced counterclaim liability in the hundreds of millions based on allegations that it had breached an unwritten agreement to provide palm oil feedstock for marketing as biodiesel. The case settled favorably on the eve of trial, with no money being paid by our client.

Professional Honors & Affiliations

- "Houston Top Lawyer" in Business & Commercial Litigation, *H Texas Magazine*, 2015
- Board of Directors: Houston Area Women's Center
- Member: Women's Energy Network
- Member: Texas Bar Foundation
- Member: Houston Bar Association, Lawyers for Literacy Committee

Presentations & Publications

- "Which Deposition Costs Are Recoverable in Texas?" *Law360*, June 22, 2018 (co-author)
- "Trends in Commercial Litigation," Texas Center for the Judiciary, Civil Justice Conference (co-author), April 2016
- "6 Tips for Leveraging Gender Stereotypes in Negotiations," *The Texas Lawyer*, April 6, 2015 (co-author)
- "Business Torts Update: Recent Trends and Developments in Eight Litigation Topics," State Bar of Texas, 37th Annual Advanced Civil Trial Course, 2014 (co-author)
- "Approaching Gender Differences in Negotiations," CLE presentation to the Association of Women Attorneys, Houston, May 28, 2014
- "Organized Crime Control in the United States of America," *Oxford Handbook*, 2014 (co-author)
- Note, United States v. International Longshoremen's Association: *Analyzing the Civil RICO Suit and Its Implications for the Future*, 65 N.Y.U. Ann. Surv. Am. L. 795, 2010