

AIB Adkerson,
Hauder & Bezney, P.C.
ATTORNEYS AND COUNSELORS

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ADKERSON HAUDER & BEZNEY, P.C. is an aggressive firm providing its clients high quality legal services in an efficient and professional manner. We represent clients throughout Texas in State and Federal Courts, in arbitration proceedings, and before various State and Federal administrative agencies, including the EEOC, OSHA and the Texas Department of Insurance – Division of Workers' Compensation.

THE FIRM'S AREAS OF PRACTICE include business and contract litigation, class action lawsuits, products liability, premise liability, trucking and motor vehicle claims, toxic tort claims, representation of nonsubscribers, representation on employment issues and employment litigation (non-compete, discrimination and discharge matters), bad faith litigation, Texas Deceptive Trade Practices Act and Insurance Code litigation, wrongful death claims, OSHA investigations and claims, workers' compensation, life, health, disability and accidental death insurance claims, construction issues and claims, excess liability and umbrella insurance issues and litigation, and insurance coverage issues.

WE HANDLE MATTERS for several Fortune 500 companies, small businesses, partnerships, individuals, insurance companies, third-party administrators, insured's with large retentions and selfinsurers. Our goal is to obtain the best possible result for our clients in the most cost-efficient manner. We believe that an aggressive, tenacious and innovative approach to dispute resolution is in the client's best interest and that our results-oriented approach to litigation brings about resolution of matters more quickly and efficiently.



TRIAL VICTORIES

We have obtained major victories for our clients...



Recovery of a \$3.8 million summary judgment for an excess carrier on a coverage issue involving a catastrophic loss. This summary judgment was recently affirmed by the Court of Appeals and the parties settled the matter for \$4.15 Million.



A defense verdict for a manufacturer and its distributor in a jury trial wherein the plaintiff sought damages in excess of \$11 Million claiming a defect in the manufacturer's product caused fire resulting in 3rd degree burns to over 37% of his body.



A defense verdict for a national restaurant chain in a federal jury trial wherein the plaintiff sought damages of \$15 Million on claims he suffered serious permanent injuries when a chandelier fell striking him on the head and neck.



A summary judgment for a contractor on claims a defective fan which resulted in a homeowner's electrocution. The estate of the deceased was seeking in excess of \$5 Million in damages.

WE HAVE OBTAINED MAJOR VICTORIES FOR OUR CLIENTS...

- Recovery of a \$3.8 million summary judgment for an excess carrier on a coverage issue involving a catastrophic loss. This summary judgment was recently affirmed by the Court of Appeals and the parties settled the matter for \$4.15 Million;
- A defense verdict for a manufacturer and its distributor in a jury trial wherein the plaintiff sought damages in excess of \$11 Million claiming a defect in the manufacturer's product caused fire resulting in 3rd degree burns to over 37% of his body;
- A defense verdict for a national restaurant chain in a federal jury trial wherein the plaintiff sought damages of \$15 Million on claims he suffered serious permanent injuries when a chandelier fell striking him on the head and neck;
- A summary judgment for a contractor on claims a defective fan which resulted in a homeowner's electrocution. The estate of the deceased was seeking in excess of \$5 Million in damages;
- A summary judgment on a premise liability claim;
- A defense verdict for a nonsubscriber restaurant chain in a jury trial in Johnson County on claims for food poisoning;
- A defense verdict after a six-week jury trial on claims for \$6 Million in damages on premise and product liability claims;
- A defense verdict in a jury trial in Harris County on claims for \$750,000 in damages for alleged violations of the Deceptive Trade practices Act and the Insurance Code;
- A defense verdict in a jury trial on negligence claims for toxic exposure;
- A summary judgment on a food poisoning claim;
- A defense verdict on negligence claims against a nonsubscriber;
- A defense verdict in a jury trial on soft-tissue injury claims involving a motor vehicle accident;
- Recovery of a judgment for fraud on claims involving wrongful procurement of insurance benefits;
- A favorable arbitration award of no liability in a death case involving allegations of a premise defect;
- A defense verdict in a trial on an old law workers' compensation claim for closed head injuries.
- A favorable arbitration award for a nonsubscriber rejecting an employee's claims of damages for permanent bodily injury, lifetime medical expenses, disfigurement and bad faith;

We have also obtained favorable settlements for our clients on matters involving a variety of claims for damages ranging from soft-tissue injuries to catastrophic losses.



Individual Victories

Darrell G. Adkerson

- Successfully defended a national restaurant chain in a 2 ½ week federal jury trial where an owner of a successful asbestos abatement company claimed that the defendant's negligence in failing to properly maintain a hanging chandelier caused it to fall and strike his head and neck, resulting in a verified broken cervical vertebra, and other injuries. Independent witnesses testified how they saw the accident occur. He claimed the injuries prevented him from continuing his asbestos abatement business, and his total damages reached \$20,000,000. The Dallas Federal District jury returned a verdict of no negligence for our client.
- Successfully defended a non-profit day care and employee from the parents of an infant child that they placed in the care and custody of the non-profit day care. An employee of our client was changing the baby's diaper on a counter, when the baby rolled off the counter and landed on a hard floor fracturing the child's cranium. At the jury trial, and before the jury began to hear the evidence, we filed several motions requesting the Judge to sanction the Plaintiffs for improper discovery conduct and expert witness designation. The Dallas District Judge dismissed the Plaintiffs' lawsuit with prejudice before the jury could hear any evidence in the case.
- Successfully represented a business partner in regards to a breach of contract and fiduciary duty, fraud, and trespass to real estate title against their ex-business partner and businesses. Our clients maintained their ex-business partner unlawfully obtained valuable income producing real estate surrounding a major sports stadium to the exclusion of our clients. After 2 years of extensive discovery and litigation in Tarrant and Dallas counties, our clients were pleased to obtain a settlement from the defendants.
- Successfully represented a homeowner who was sued for actual and unlimited punitive damages for having sharpened metal stakes along his front yard property dividing line. The next door neighbor's 8 year old child ran across the property line and punctured his foot. When the father of the child carried his bleeding child to our client's front door to confront him, our client said, "It will teach the little [expletive] to keep off my lawn." The Tarrant County jury unanimously decided our client was not liable for any damages.
- Successfully defended an amusement park for products liability, negligence and gross negligence due to a mother and her 12 year old daughter were allegedly injured while riding a wooden rollercoaster, claiming back, neck, elbow and head injuries. The 6 week trial included testimony from biomedical engineers, product and rollercoaster ride expert witnesses. The Dallas County jury unanimously held our client was not negligent.
- As published in the "Texas Justice," a collection of the most famous cases tried in Texas, we represented our client against a plaintiff who claimed total and permanent disability due to allegedly permanent liver and lung damages from being required to work in a paint and coatings spray booth without protective masks for an automobile part manufacturer. It involved dueling medical doctors regarding causation. A Delta County district court jury voted 11 to 1 for a no liability verdict.

Bernie E. Hauder

- Successfully represented an underlying carrier in a suit against an excess carrier after the excess carrier backed out of part of a settlement with a plaintiff who suffered paraplegia in an accident. Recovered \$3.8 Million summary judgment for the underlying carrier from the excess carrier and the summary judgment was affirmed on appeal.
- A defense verdict for a manufacturer and distributor of an air purifier on plaintiffs' claims the air purifier caught their house on fire completely destroying the house and causing 3rd degree burns over 37% of one of the plaintiff's body. Plaintiffs were seeking over \$11 Million in damages.
- Obtained summary judgment for an accidental death insurance company on a claim by beneficiaries that an insured's death while riding a three-wheeler was death involving a passenger motor vehicle.
- Represented nonsubscriber against employee's claim of traumatic brain injury, permanent impairment and lifetime medical expenses arising out of a work-related injury. Arbitrator found no negligence on the part of the nonsubscriber.
- Successfully defended nonsubscriber on claims by employee that she sustained severe and permanent back injuries.
- Obtained summary judgment for accidental death insurance company on extra-contractual claims (bad faith, DTPA and Insurance Code) beneficiary continued to pursue after claim was paid once insured provided sufficient proof of accidental death of insured.
- Obtained dismissal of an entity that demolished bridge over interstate in suit by plaintiffs seeking recovery of damages allegedly caused by a project widening and reconfiguring the interstate.
- Successfully defended a third party administrator against claims by a hospital that the third party administrator misrepresented coverage when a patient was admitted to the hospital and before the hospital rendered services to the patient.
- Successfully represented a third party administrator and several ERISA plans against claims by several medical providers that they provided medical services to numerous plan participants based upon alleged representations by the third party administrator and the plan administrators/sponsors about plan provisions and coverage.
- Medical providers sought recovery of over \$940,000.
- Successfully represented nonsubscriber insurance company on claims by general liability excess carrier asserting nonsubscriber policy provided coverage to leased employee.
- Obtained summary judgment for accidental death insurer that interpleaded funds when a dispute arose over the beneficiary's complicity in the insured's death. Beneficiary sued for abuse of process, libel, slander and breach of contract.
- Obtained dismissal of claims against an accidental death and dismemberment insurance company on claims by the insured for injuries sustained when insured was assaulted. Court held policy was unambiguous and, because there was no coverage, there was no bad faith by the insurance company and no violation of the DTPA or the Insurance Code.

Paul A. Bezney

- Plaintiff was injured while in the pit area at a Tarrant County speedway when a race car shot off a trailer. The Plaintiff initially demanded \$1,000,000.00. Plaintiff dismissed all claims against our client during trial.
- Successfully represented a construction company who was sued by the parents of an 18 year old who was fatally injured while playing on a piece of construction equipment at a bridge improvement project. A jury found the deceased plaintiff was trespassing and 100% negligent in causing his own accident. A take nothing judgment was entered in favor of the Defendants.
- Plaintiff was operating a motorcycle in Hidalgo County and had a fatal crash when he entered the freeway striking our client's tractor-trailer. A Hidalgo County jury found no fault on our client and 100% negligence on the deceased Plaintiff.
- Plaintiff brought suit against our client a Jefferson County distributor, alleging a right knee cartilage tear injury when a 12 pack of beer fell over while being delivered to a convenience store. After all parties presented their evidence at trial, the jury found no negligence on our client.
- Successfully represented a crude oil transportation and marketing company, whose tractor-tanker was involved in a collision with a pedestrian. Plaintiff alleged our client's tractor-tanker hit him while he was jogging early one morning on the side of the highway. The jury rendered a verdict in favor of the Defendants finding the Plaintiff 87% negligent in causing his own accident by running in the outside lane of the highway.
- Successfully represented a multi-purpose arena in Tarrant County from Plaintiff, who suffered a spiral fracture in her ankle while descending the stairs during a rodeo at our client's establishment. A jury found our client 0% negligent in causing Plaintiff's injuries.
- Plaintiff brought suit for injuries sustained when he slipped and fell in the service bay area while waiting for routine maintenance to be performed on his car. A jury found no negligence on our client in causing the accident and Plaintiffs were ordered to reimburse Defendant for court costs.

ADKERSON HAUDER & BEZNEY, P.C.

Is AV rated by Martindale-Hubbell and is listed among Best's Directory of Recommended Insurance Attorneys.

We have extensive experience representing clients in State and Federal trial and appellate courts and before the Texas Workers' Compensation Commission. The Firm offers its clients experience in litigation and dispute resolution and through its success has won the trust of its clients.





DARRELL G. ADKERSON

Director-Shareholder

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Areas of Practice

- Defense of Catastrophic Injury Claims
- Professional Sports Litigation (Dallas Cowboys, Texas Rangers, etc.)
- Complex Commercial and Corporate Litigation
- Non-Subscriber Defense
- Premises and Construction Liability
- Automobile/Commercial Trucking Defense
- Products Liability
- Property/Casualty
- Workers' Compensation and Subrogation
- Wrongful Termination/Discrimination,
- Negligent Hiring, Supervision and Retention
- Governmental/Civil Rights Defense
- Environmental and Toxic Tort Defense

Representative Transactions

- Complex commercial cases involving breach of fiduciary duty/contract, derivative actions, dissolution of partnerships, real estate litigation, trespass to try title, constructive trusts due to fraud, and trade secret litigation
- Defense of serious injury and wrongful death claims on behalf of Fortune 500 companies and self-insured companies
- Defense of sexual abuse claim, toxic torts, product liability, wrongful death and premises security related matters
- Federal and State trials of catastrophic claims on behalf of various clients
- Approved Defense Counsel for insurance companies

Shareholder Profile

- Won substantially more trials than were lost
- Board Certified as Specialist in Personal Injury Trial Law by the Texas Board of Legal Specialization,
- Since 1990
- Assistant District Attorney of Tarrant County (1984-1987)
- Member:
 - American Board of Trial Advocates (Top 1% of Texas Trial Attorneys)
 - Life Fellow-Texas Bar Foundation (1/2 of 1% of Texas Bar Membership)
 - Appointed Chairman of Texas Business Advisory Council
 - Member of Council on Litigation Management
 - Texas and Dallas Bar Association
 - Defense Research Institute
- Admitted to practice before all Texas State Courts and before Federal Courts
- Frequent speaker at continuing education seminars
- Texas Wesleyan University (B.A., Magna Cum Laude, 1980); Voted by faculty as most outstanding senior student of 1980 graduating class
- Texas Tech School of Law (J.D., 1983); Phi Delta Phi Scholastic Honors Fraternity





BERNIE E. HAUDER

Director-Shareholder

bernie@ahblaw.net

Areas of Practice

- Commercial Litigation
- Construction Litigation
- Bad Faith, DTPA and Insurance Code Claims
- Non-Subscriber Litigation
- Life, Health and Disability Insurance Defense
- ERISA litigation
- Wrongful Death
- Personal Injury Defense
- Excess Insurance Coverage
- Employment Litigation
- Workers' Compensation
- Oil and Gas Litigation

Representative Transactions

- Business and contract litigation
- Construction litigation
- Representation of carriers and certified self insurers in workers' compensation matters
- Defense of personal injury and wrongful death claims
- Defense of claims on life, health and disability insurance policies and ERISA claims
- Counseling to and defense of nonsubscribers Non-compete, business interference and business interruption claims
- Defense of premises liability and property claims
- Representation of excess carriers in catastrophic loss and death cases
- Defense of bad faith, DTPA and Insurance Code claims
- Insurance coverage issues and opinions
- Representation of entities involved in OSHA investigations and inspections

Shareholder Profile

- Briefing Attorney for the Dallas Court of Appeals (1985-86)
- Admitted to practice before:
 - United States Supreme Court
 - All Texas State Courts
 - All Federal Courts in Texas
- Frequent speaker at seminars for various companies and organizations
- Kearney State College (B.S., 1981)
- Creighton University School of Law (J.D., 1985); Dean's List; Moot Court Board; Creighton Law Review; Assistant Editor;
- Authored Summary Judgment in Anti-Trust Litigation, Creighton Law Review; Recent Developments in Oil and Gas Litigation, State Bar of Texas; Texas Nonsubscriber Law, State Bar of Texas; What Every Responsible Nonsubscriber Should Know, TXANS Nonsubscriber Conference
- Actively involved in various community projects and charitable organizations
- Member:
 - American Bar Association
- State Bar of Texas
 - Dallas Bar Association
 - Dallas Association of Defense Counsel
 - Defense Research Institute
 - Dallas Claims Association
 - North Texas Association of Insurance Counsel





PAUL A. BEZNEY

Director-Shareholder

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Areas of Practice

- Personal Injury Defense
- Construction Defect Defense
- Premises Liability Defense
- Products Liability Defense
- Wrongful Death Defense
- Automobile/Commercial Trucking Defense
- Non-Subscriber Claim Defense
- Workers' Compensation Defense
- Subrogation

Representative Transactions

- Trial of all personal injury, wrongful death, commercial litigation and subrogation matters
- Defense of non-subscriber employers and employees in personal injury and premises liability matters
- Defense of premises liability, products liability and wrongful death cases
- Defense of insurance carriers and self-insured in workers' compensation cases in Texas and Oklahoma
- Prosecution of subrogation matters
- Defense of Deceptive Trade Practices Act, bad faith and Insurance Code
- Defense in construction defect litigation

Shareholder Profile

- Admitted to practice before all Texas State Courts
- Admitted to practice before all Federal District Courts in Texas
- Admitted to practice before the Federal 5th Circuit Court of Appeals
- Member State Bar of Texas
- Assistant District Attorney of Tarrant County (1994-1996)
- Briefing Attorney for the Texas Court of Criminal Appeals (1993-1994)
- Frequent speaker at seminars for various claims organizations, insurance carriers & companies
- University of Texas at Austin, B.S. 1990
- St. Mary's School of Law, J.D. 1993



MARK SENTER

Shareholder

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Areas of Practice

- Construction Defect Defense
- Mediations
- Commercial Litigation
- Products Liability Defense
- Premises Liability Defense
- Wrongful Death Defense

Representative Transactions

- Defense in construction defect litigation
- Trials/arbitrations in commercial litigation
- Defense of Deceptive Trade Practices Act, bad faith and additional insured disputes
- Defense of premises liability, products liability and wrongful death cases

Shareholder Profile

- Admitted to practice before all state courts in Texas, Louisiana, and Arkansas
- Member of the State Bar of Texas, Louisiana, and Arkansas
- Admitted to practice before the United States Fifth Circuit Court of Appeals
- Admitted to practice before the United States District Court for the Northern, Eastern, and Southern District of Texas
- Admitted to practice before the United States District Court for the Eastern and Western District of Louisiana
- Tried, mediated, and arbitrated cases in either Federal or State Courts in California, Washington, New Mexico, Texas, Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Virginia, North Carolina, South Carolina, Kentucky and Tennessee.



JEFFREY D. ANTONSON

Associate Attorney

jeff@ahblaw.net

Areas of Practice

- Insurance Defense
- Personal Injury
- Products Liability
- Commercial Litigation
- Labor and Employment
- Government Contracting

Representative Transactions

- Extensive experience in representing clients in all types of personal injury litigation, including traffic accidents, trucking accidents, premises liability, industrial accidents, and medical malpractice. Represented both Defendants/Insurers and Plaintiffs.
- Extensive experience in complex commercial litigation including all types of business disputes, commercial fraud, products liability, and UCC claims. Represented both Defendants and Plaintiffs.
- Practices the full range of Labor and Employment issues including anti-discrimination laws (Title VII, ADA, ADEA, and their Texas equivalents); FMLA, FLSA; Texas Non-Subscriber; Non-Compete Agreements; and Affirmative Action. Practices both employment litigation and transactional.
- Assists clients who are federal contractors with compliance issues, including mandatory Affirmative Action under the Executive Order 11246, as amended, and its implementing regulations, as well as contractor disputes and litigation with the federal government.

Associate Profile

- Admitted to practice before all Texas State Courts
- Admitted to Practice in the United States Court of Appeals for the Fifth Circuit, the Northern District of Texas, the United States Court of Federal Claims, and the United States Tax Court.
- Member of the State Bar of Texas.
- University of Virginia School of Law, J.D. (2003).
- Carleton College, B.A. in Political Science with distinction, magna cum laude (2000).
- Phi Beta Kappa.

KEENA SMOTHERMAN GREYLING

Associate Attorney

keena@ahblaw.net

Areas of Practice

- Construction Litigation
- Commercial Litigation
- Wrongful Death Defense Litigation
- Catastrophic Loss/Premises Liability Defense

Representative Transactions

- Representation of general contractors and subcontractors in residential and commercial construction defect litigation
- Business and contract litigation
- Defense of wrongful death claims
- Defense of large premises liability and property claims, including wrongful death/inadequate security cases
- Counseling to and defense of small and mid-size entities, primarily in the construction business

Associate Profile

- Admitted to practice before all Texas State Courts
- Admitted to practice before Federal District Courts for the Eastern, Southern and Northern Districts of Texas
- Member State Bar of Texas
- Member State Bar of Texas Construction Law Section
- University of North Texas, B.S., 1992
- Southern Methodist School of Law, J.D. 1996
- Served on Board of Directors for the Smith County Bar Association (2002-2003)
- Founding director of the Smith County Bar Foundation
- Authored Reducing and Defending Construction Defect Claims, to be presented at Lorman's Construction Defect Claims in Texas seminar (2006)



KEVIN KINDRED

Associate Attorney

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Background

Kevin Kindred is an Associate Attorney at Adkerson, Hauder & Bezney. His areas of practice include commercial vehicle accidents, premises defect cases, SIU/EUO, product liability claims, first party property and coverage, construction injuries, construction defect, medical negligence lawsuits/nursing home liability cases, premises liability, and general liability claims of all natures. Kevin's philosophy in defending cases is to thoroughly investigate matters, and provide the client with an early evaluation of liability and potential damages. He then works with the client to develop a litigation plan which will move the case to resolution by settlement or trial. Communication between attorney and client are critical in reaching the best possible outcome. As such, Kevin places a strong emphasis on keeping his clients apprised of significant developments throughout litigation.

Kevin has over 20 years of experience as an insurance defense attorney. During that time he has tried more than 75 cases to verdict in State and Federal Courts throughout Texas. This includes obtaining numerous defense verdicts in wrongful death claims and cases involving catastrophic injuries. Further, for the past 12 years the majority of his case load has been trucking defense. Kevin has tried at least 10 trucking cases to verdict, including three death cases. Most involved small to medium sized companies. He also served as the Texas counsel for O'Reilly Auto Parts, who maintained their own trucking fleet. Lastly, he did a great deal of work for National Interstate Insurance.

Kevin is licensed to practice law in the state of Texas.

Education

- Baylor University, B.A. History
- Baylor School of Law, J. D.

Licenses & Admissions:

Texas State Bar

Education

- Employment Law & Immigration
- Employment Litigation
- First Party Property Defense, Bad Faith, & Extra Contractual Defense
- General Liability
- Hospitality & Retail Defense
- Insurance Defense
- Medical Malpractice
- Medical Malpractice and Health Care Defense
- Personal Lines Auto
- Premises Liability
- Premises Liability Litigation
- Products Liability
- Professional Liability
- SIU Insurance Fraud Defense
- Transportation, Trucking, and Logistics





HEATHER BANAHAN NEASE

Associate Attorney

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Background

Heather and her family moved to Dallas in 1988. In 2002, she earned her Bachelors of Arts degree in History from Rockhurst University in Kansas City, Missouri. After graduation, Heather worked as a file clerk at DeHay & Elliston in Downtown Dallas. During her tenure at DeHay and Elliston, she went to paralegal school and in 2009 she earned her associates degree from El Centro Community College. In 2006, she joined forces with Jones Geisler as a paralegal. In 2011, Heather was accepted to Texas Tech University School of Law where she earned her J.D. in December 2014. Heather worked as an associate attorney at a small civil and employment litigation firm in El Paso, Texas and at another firm in Dallas, Texas.

Heather's focus is to do the best job possible for the client. Heather is currently a member of the Texas Young Lawyers Association, Dallas Young Lawyers Association, Texas Women Lawyers, and belongs to the American Indian Law, Family Law, Labor & Employment Law, Litigation, and Women and Law sections of the State Bar of Texas.