



Partner

## Raymond E. White

Partner | (512) 617-5228 | rwhite@diamondmccarthy.com

### Experience

Raymond White is an experienced, Board Certified trial lawyer who has handled an extensive litigation docket of complex commercial disputes since 1980. He provides a seasoned, tough but practical approach to litigating complex cases. Before joining Diamond McCarthy, Raymond was a Litigation Partner in Akin Gump Strauss Hauer & Feld, L.L.P.'s Austin office.

Raymond's practice focuses on complex business litigation, representing plaintiffs and defendants in a wide variety of disputes in federal and state trial and appellate courts. His cases include disputes concerning business torts, contracts, fraud, intellectual property, trade secret theft, trademark infringement, false advertising, class actions, lender liability, construction, products liability, bad faith claims, insurance, deceptive trade practices, unfair competition, real estate, officer and director liability, and toxic torts. Raymond has tried several dozen cases. He also has experience in handling commercial disputes through arbitration and mediation. He represents clients on hourly and contingency fee bases.

### Representative Cases

Some of the representative cases Raymond has handled include the following:

#### **Intellectual Property**

- Defended Ball Aerospace & Technology Corp. against claims by a competitor of alleged theft of trade secrets and employee raiding relating to security software for the U.S. government.
- Prosecuted suit for maker of "AstroTurf" against main competitor in artificial turf industry for false advertising and infringement of trademark "AstroTurf."
- Defended Samsung Electronics Company against claims of misappropriation of trade secrets and employee raiding in connection with design and development of a telecommunications next generation switching platform in which plaintiff sought damages in excess of \$900 million.
- Represented Dixie Chicks musical group in trademark infringement dispute with national greeting card company.
- Prosecuted case for software development company against licensee for trade secret theft and copyright infringement concerning noise reduction technology.
- Wrote appellant's briefs obtaining the reversal of judgment in one of leading Fifth Circuit trademark infringement cases, *Armco v. Armco Burglar Alarm Co., Inc.*, 693 F.2d 1155 (5th Cir. 1982).

#### **Location:**

Austin, Texas

#### **Certifications:**

Board Certified  
Civil Trial Law and Consumer &  
Commercial Law  
Texas Board of Legal  
Specialization

#### **Education:**

Duke University, 1977  
B.A. magna cum laude

University of Texas  
School of Law, 1980  
J.D. with honors

#### **Areas of Practice:**

Complex business litigation  
Business torts  
Intellectual property  
Class actions  
Construction  
Toxic torts  
Insurance  
Officer & director liability

#### **Clerkships:**

The Hon. Jerre S. Williams  
U.S. Court of Appeals for  
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#### **Admitted to Practice:**

Texas, 1980



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### Class Actions

- Defended AT&T Universal Card against attempted class action claiming Texas Deceptive Trade Practices Act and Credit Code violations in credit card services.
- Defended Abitibi-Consolidated, Inc. against attempted multi-million dollar toxic tort class action of purported class of 5,000 property owners for alleged pollution by large paper mill in east Texas.
- Defended Travelers Insurance against attempted class action alleging misrepresentations regarding premium financing.
- Defended large construction company against attempted class action asserting claims of violations of the Securities Act and Securities Exchange Act.
- Defended nation's largest manufactured home manufacturer in attempted class action asserting claims of DTPA and other violations in sales of manufactured homes.

### Insurance

- Defended Allstate Texas Lloyds in several administrative rate proceedings by the Texas Department of Insurance relating to Allstate's homeowners' insurance rates for the State of Texas.
- Defended Kemper Lloyds in prosecution by the Texas Department of Insurance for alleged violations of Texas surcharge statute.
- Prosecuted suit for Prudential Insurance Company against major hospital in dispute concerning provider contract with hospital.
- Defended a large third party administrator in dispute with Texas Guaranty Fund for alleged misrepresentations and DTPA violations.



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### Construction Litigation

- Defended MasTec North America, Inc. in a multi-million dollar suit claiming defective construction and breach of contract relating to construction of fiber optic centers around the country.
- Defended Illbruck/USA, Inc. against multi-million dollar suit by GE claiming sound proofing insulation in large twin plant manufacturing facility in Mexico was defective and caused facility to be destroyed in a fire.
- Prosecuted claims by large mail order business against owner, builders, engineers, and architect for defective construction of office/warehouse building as a result of catastrophic collapse of roof.
- Defended architectural and construction firm against suit seeking over \$5 million for alleged defective construction and installation of fire doors in auto supply store/warehouse that was destroyed in a fire.

### Financial Litigation

- Prosecuted suit for large premium finance company for breach of premium finance agreement involving dispute concerning premiums and commissions.
- Defended large mortgage company in substantial multi-party suit claiming fraud and other violations of Texas law in connection with sales of a large number of investment condominiums.
- Prosecuted suit on behalf of large Mexican investor against Mexican securities company and Mexican bank for fraud and various securities violations.
- Prosecuted a number of suits for fraud and an accounting against corporations, officers and directors, and partnerships.
- Represented large national bank in defense of lender liability suit against bank.
- Defended FDIC against suit by several banks alleging breach of large loan participation agreement among banks.



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### General Commercial Litigation

- Defended several dairy businesses in multi-million dollar suit by City of Waco against dairy industry for alleged pollution of Lake Waco.
- Defended large oil and gas producer in suit alleging breach of oil and gas trading agreements.
- Defended on appeal a \$10 million judgment for breach of contract and fraud against large operator of oil wells in west Texas.

### Government

- Represented The University of Texas System and the Texas Department of Public Safety in several separate lawsuits concerning various disputes under the Texas Public Information Act relating to the Texas Homeland Security Act, transfers of special agents, and other cutting-edge issues.
- Defended a majority of the El Paso County Commissioners Court in suit by citizens alleging various violations of the Texas Government Code and breaches of duties.
- Prosecuted a suit for several large paper companies challenging the constitutionality of the formation of a municipal utility district with taxing authority in east Texas.

### Education

Raymond received his B.A., magna cum laude, from Duke University in 1977, and his J.D., with honors, from the University of Texas School of Law in 1980. While at UT Law School, Raymond was a Teaching Quizmaster in Legal Research and Writing. Following law school, he was a law clerk to the Honorable Jerre S. Williams of the U.S. Court of Appeals for the Fifth Circuit from 1980 to 1981.

### Professional Memberships/Activities

Raymond is Board Certified both in Civil Trial Law and in Consumer & Commercial Law by the Texas Board of Legal Specialization. He has an "AV" Peer Review Rating in Martindale-Hubbe. He is a member of the State Bar of Texas, the American Bar Association, the Austin Bar Association, and the Texas Association of Defense Counsel. He is a Life Fellow of the Texas Bar Foundation and a Founding Life Fellow of the Austin Bar Foundation. He is admitted to practice before all Texas state courts; the U.S. District Courts for the Western, Northern, Southern and Eastern Districts of Texas; and the U.S. Courts of Appeals for the Fifth and Eleventh Circuits. He has spoken on various litigation topics at Continuing Legal Education seminars for the State Bar of Texas.