

## Daniel Guerra

**DIRECTOR**

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Daniel Guerra is a director in the Litigation Section and co-chair of the Firm's Transportation Practice Group. He has tried cases in both state and federal courts throughout the state. He formally is part of the Houston office but lives in Austin and routinely handles matters along the Austin–San Antonio corridor.

Danny began his career as an Assistant Attorney General in the Transportation Division of the Attorney General's Office. There he handled legal matters related to the Texas Department of Transportation including condemnation proceedings and employment discrimination claims. He moved into private practice and gained broad industry experience but always with a focus on trial work. He currently represents clients in the defense of industrial, trucking and rail incidents.

Danny has continued to develop his experience by attending industry training. He attended a 40-hour course to learn the fundamentals of emergency response to rail hazardous material incidents presented by the Security and Emergency Response Training Center in Pueblo, Colorado. He uses his training and experience to provide immediate, on-site advice to clients following an incident.

### Practice Focus

Complex Commercial Litigation, Energy, Oil and Gas, Insurance, Intellectual Property, Litigation, Railroad, Personal Injury, Retail, Restaurant & Hospitality, Transportation

### Associations

- Austin Bar Association
- Travis County Bar Association
- SERTC Tank Car Specialist
  - *TTCI Tank Car Safety Course*, Pueblo, Colorado, August 2011

### Admissions

- State Bar of Texas, 1995
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit

### Experience

- *Sullivan v. Chase Bank of Texas, N.A.*, filed in the 270th Judicial District of Harris County, Texas. Defense verdict in a



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#### **LAW SCHOOL**

The University of Texas School of Law  
J.D., 1995

#### **UNDERGRADUATE**

Texas A&M University  
B.E.D., 1991

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case where plaintiff alleged wrongful loan servicing, negligent misrepresentation and fraud.

- *BCE Emergis Corp. v. Community Health Solutions, Inc.*, filed in the United States Federal Court for the Western District of Texas – Austin Division. Obtained defense verdict in trade secret and breach of confidentiality agreement case.
- *Gustafson v. Texas Department of Transportation*, filed in the United States Federal Court for the Western District of Texas – Austin Division. Obtained directed verdict in case where plaintiff alleged gender and age discrimination.
- *Gonzales v. Green Metal, Inc. et al.*, filed in the 131st District Court of Bexar County, Texas. Obtained summary judgment in a wrongful death case of worker in an industry railyard.
- *Martinez v. Union Pacific Railroad Company*, filed in the United States Federal Court for the Western District of Texas- San Antonio Division. Obtained summary judgment in a case where the plaintiff asserted antitrust violations for allegations related to access to an intermodal facility.
- *Carr v. Union Pacific Railroad Company*, filed in the 258th Judicial District of San Jacinto County, Texas. Obtained summary judgment in a case where plaintiff alleged exposure to hazardous materials following a derailment.
- *Arbor Windsor Court, Ltd. v. Weekley Homes, L.P.*, Cause No. 2009-55538, In the 165th Judicial District Court of Harris County, Texas. Jury verdict and judgment in favor of the defense against a developer claiming more than \$1.2 million in damages and more than \$300,000 in attorneys' fees, April 2013.
- *Richard Speirs v. Union Pacific Railroad Company*, Cause No. 2009-CI-17924, In the 150th Judicial District Court, Bexar County, Texas. Jury verdict and judgment in favor of the defense on a carman case, where plaintiff asserted total disability and sought in excess of \$1 million, February 2013.

## Publications

- Contributing author to Cybersaurus Lex, a Cyber Security Law blog - part of the KRCL blog network
- Author, To Compete or Not to Compete, Association of Corporate Counsel, Austin Chapter Newsletter.

## Presentations

- Speaker, *Railroad Right of Ways, Trespassers and Current Attitudes*, National Association of Railroad Trial Counsel Fall Meeting, La Jolla, California (2017)
- Speaker, *Impact of Technological Developments on Oil Hauling and Trucking*, South Texas Chapter of the Association of Corporate Counsel, San Antonio, Texas (2017)
- Speaker, *Fiduciaries In Litigation*, Co-author, Texas Association of Defense Counsel, 2010 Spring Meeting.
- Speaker, *Right of Way Acquisition of Hazardous Material Sites: Legal Issues*, TxDOT Transportation Conference.
- Speaker, *How to Testify at Trial and in Deposition*, TxDOT Employment Law Seminar.
- Speaker, *Texas Agency Structure*, Contributor, Chapter 2, Volume 45, Texas Practice, Environmental Law.

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