

# KANE RUSSELL COLEMAN LOGAN

One Mission. Your Mission.



## Brian M. Stork

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**Brian Stork centers his practice on a simple business philosophy: Create value for clients by solving problems through diligent counseling and aggressive advocacy.**

Handling business litigation, construction disputes and contract formation, labor and employment law, catastrophic personal injury losses, and real estate matters, he focuses on gaining an in-depth understanding of his clients' organizations so he can best help them craft effective and creative strategies.

Brian litigates in commercial cases on behalf of start-ups and entrepreneurs, as well as medium and large businesses, using his excellent speaking and writing skills to his clients' advantage. These matters include contractual disputes, banking and financial services litigation, franchise disputes, business torts, commercial landlord-tenant disputes, injunctive relief and post-judgment collection actions.

In conjunction with his business litigation practice, Brian places a special emphasis on serving companies in the construction industry, representing lenders, property owners, developers, sureties, design professionals, general contractors, and various industry trades. Disputes involve claims for breach of contract, defective design and construction, delay and impact damage, warranty related issues, enforcement and defense of mechanic's liens and bonds, and jobsite personal injury matters. Brian also assists clients with contract formation and evaluation.

With ample experience advising clients in labor and employment matters, Brian provides counsel in the application, analysis, and enforcement of severance and non-compete agreements. He also defends employers of all sizes in disputes involving claims for sexual harassment, discrimination (age, race, gender, religion, and national origin), retaliation, and wage and hour claims. In addition, Brian represents insurers and self-insured companies in a variety of tort-based litigation, particularly product liability claims, wrongful death actions, dram shop violations/liquor liability, premises liability disputes, professional malpractice, and multi-party real estate fraud.

Drawing on his background in economics, Brian uses both his legal and business acumen to help clients transform problems into growth opportunities. He always aims to act as a highly informed resource able to connect them with the right people and companies to complete projects and scale their organizations.

Brian is AV Rated by Martindale-Hubbell and has been selected numerous times by his peers for the *Texas Super Lawyers* list of Rising Stars, a designation given to lawyers under 40 who are viewed by their colleagues as preeminent in their respective practice areas. In 2018 and 2019, he was also named to the Super Lawyers Texas Rising Stars Up-and-Coming 100, a listing of the lawyers who ranked top of the list in the Texas Rising Stars nomination, research, and blue ribbon process.

### **Away from the Office**

Brian stays busy keeping up with the various activities of his three children. He is a prolific reader, particularly of US presidential history and business thought leadership. A Dallas Cowboys fan, he enjoys watching and playing sports and traveling with his son to baseball stadiums across the country, as well as following his daughters' swimming and dancing events.

### **Bar Admissions**

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- State Bar of Texas
- United States District Court for the Northern, Southern, Western and Eastern Districts of Texas

### **Education**

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St. Mary's University School of Law, J.D., 2006

- Phi Delta Phi, academic honor society
- Published member of *The Scholar: St. Mary's Law Review on Minority Issues*
- Recipient of the Francisco Leos Award for excellence in clinical studies

St. Edward's University, B.B.A., *magna cum laude*, 2002

Economics (with an emphasis in finance)

### **Practice Focus**

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- Construction
- Labor & Employment
- Energy, Oil and Gas
- Litigation
- Complex Commercial Litigation
- Insurance
- Personal Injury
- Products Liability
- Professional Liability
- Manufacturing
- Nonsubscriber Defense
- OSHA Defense
- Retail, Restaurant & Hospitality

### **Experience**

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#### **Construction Disputes**

- Represented a property developer of a large-scale multi-family development in defense of several lawsuits and the negotiation of various mechanic's lien and payment related issues.

- Successfully prosecuted and defended numerous construction defect claims on behalf of developers, design professionals, general contractors and various industry trades.
- Prosecuted claims on behalf of a general contractor concerning large shopping center development and defended against alleged multi-million dollar delay damage counterclaims.
- Regularly prepares and defends against claims for mechanic's liens, indemnity bonds, payment bonds and performance bonds.
- Defended a window and door manufacturer in connection various product liability and warranty related claims.
- Assisted clients with the review and preparation of construction contracts and related documents.
- Defended subcontractor and its principal on claims asserted by a surety in connection with numerous projects located throughout North Texas.
- Assisted client with evaluating WRAP insurance related products and options for large construction project involving numerous subcontractors.
- Defended property owners, general contractors and construction trades in claims related to jobsite injuries.

### **Employment and Trade Secrets Litigation**

- Successfully defended a start-up logistics company in a hard-fought, five (5) day temporary injunction hearing designed to attempt to put the client out of business. After examining more than ten (10) witnesses, the parties reached an agreement with a favorable client outcome that resulted in the client being able to continue its operation and grow its business.
- Defended software service provider in a heavily litigated injunctive proceeding against claims related to the alleged violation of a non-compete agreement, tortious interference with contract, trade secret misappropriation, conversion and violation of the Texas Theft Liability Act. Resolved matter amicably for a nominal amount.
- Efficiently and economically negotiated several Fair Labor Standards Act (FLSA) claims prior to the applicable client being forced to make an appearance in the particular lawsuit.
- Resolved a retaliation claim for the alleged wrongful denial of leave under the Family Medical Leave Act (FMLA) for nuisance value prior to the parties being forced to undertake any written discovery.
- Negotiated a favorable settlement on behalf of a national multi-family property owner involving multiple discrimination claims based on age, sex and national origin for less than five percent (5%) of Plaintiffs' claimed damages.
- Defeated an application for injunctive relief on behalf of a public relations and marketing firm, and negotiated a favorable walkaway settlement agreement

### **Financial Services Litigation**

- Prosecuted claim on behalf of a regulatory agency, as a receiver on behalf of a failed bank, against seven former officers and directors for claims of negligence, gross negligence and breach of fiduciary duty, resulting in a settlement in excess of \$2 million in favor of the regulatory agency. Obtained a dismissal of a case involving claims of breach of contract, fraudulent inducement, negligent misrepresentation and constructive trust on behalf of a large regional bank.
- Successfully defended a broker/dealer dispute involving a Financial Industry Regulatory Agency (FINRA) arbitration. Pursued collection actions on behalf of several large, regional banks

### **Commercial Litigation**

- Second-chaired an eleven (11) day jury trial in Dallas County, Texas involving manufacturing, design and marketing product defect claims against a national exercise equipment manufacturer/distributor wherein Plaintiff claimed \$5 million in damages. Prior to trial, obtained a summary judgment on Plaintiff's manufacturing and design defect claims. At trial, obtained a take-nothing verdict on behalf of manufacturer, wherein Co-Defendants were held liable for in excess of \$2.1 million in damages.
- Facilitated a favorable settlement for less than five (5%) of the amount sought in damages by the opposing party on behalf of a leading property management company in reference to claims for breach of contract and breach of fiduciary duty involving 15+ apartment complexes located in the Dallas and Houston markets.

- Obtained a summary judgment in the United States District Court for the Middle District of Louisiana on behalf of landlord involving the breach of a commercial lease with more than \$1.5 million in dispute.
- Second-chair bench trial in Dallas County, wherein, Plaintiff claimed a lifetime disability and inability to work going forward.
- Obtained a federal court preliminary injunction for a national casual dining franchisor against eleven (11) franchisees located in California, Oregon and Washington who were impermissibly using the franchisor's trademarks and had failed to pay a substantial amount of royalties and other fees owed under the parties' franchise agreements. Successfully represented numerous collection agencies against unfair debt collection claims brought under the Federal Debt Collection Practices Act, Texas Debt Collection Act and Fair Credit Reporting Act.
- Obtained a summary judgment dismissing all claims with prejudice against a non-profit organization involving allegations of negligence, assault and hazing with more than \$1 million at issue.

## Publications

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- *Mechanic's Lien Update*, Framing Issues, KRCL Insights, February 2022
- Framing Issues, "How do Original Contractors Perfect a Mechanic's Lien?" February 2021
- Framing Issues, "Series on Texas Mechanic's Liens on Commercial/Non-Residential Projects - Post One - Introduction," January 2021
- Framing Issues, "Recent Legislative Changes to the Certificate of Merit Requirements in Texas," September 2020
- Framing Issues, "Certificate of Merit Requirements in Texas," August 2020
- Framing Issues, "Construction Industry Alert – Summary of the Dallas County Amended Shelter-in-Place Order," March 2020
- Analysis of Indemnity Agreements
- Removal of a Case to Federal Court
- Investigating and Defending a Dram Shop Claim
- Can Employers Prohibit Employees From Discussing Their Salaries?
- Cat's Paw Theory - Expanding Employer Liability for Discriminatory Acts
- Co-author of Penn State Fallout: Actions Employers Should Take When Confronted with Suspicious Activity
- Texas Insurance Law Update-Is the Duty to Indemnify Dependent on the Duty to Defend?
- The New Consumer Product Safety Commission Public Database: Product Safety or Lawyer Bonanza?

## Honors

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- AV Preeminent®, Martindale Hubbell
- *Super Lawyers*® (2022-2025)
- *Super Lawyers*® *Rising Stars* (2014-2019)
- *Super Lawyers*® Up-and-Coming 100: Texas Rising Stars: (2018, 2019)
- *Best Lawyers In America*, Ones to Watch, 2022, 2023

## Associations

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- American Bar Association
- State Bar of Texas (Litigation and Construction Sections)
- Dallas Bar Association (Business Litigation and Construction Sections)
- TEXO
- RIMS

- CLM
- Defense Research Institute (DRI)
- Texas Association of Defense Counsel

## Presentations

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- 2021 Deadlines for Texas Mechanic's Lien Claims on Private, Commercial Construction Projects, January 20201
- Co-presenter of Internal Investigations of Employee Misconduct

## Community

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- Mary Immaculate Dad's Club
- Ann Catholic Church (Coppell, Texas)
- Young Friends of Ronald McDonald House of Dallas

## Insights

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- KRCL Webinar - The Texas Construction Industry and Top-of-Mind Critical Employment Issues
- Twenty-three Kane Russell Coleman Logan Attorneys Recognized in 2025 Texas Super Lawyers and Rising Stars Lists
- Seventeen Kane Russell Coleman Logan Attorneys Recognized as 2023 Texas Super Lawyers
- Five Steps General Contractors Can Take to Mitigate Against The Dangers of "No Damage for Delay Clauses"
- Seventeen Kane Russell Coleman Logan Attorneys Recognized as 2022 Texas Super Lawyers
- Mechanic's Lien Update
- The Best-Laid Plans of Mice and Men – Texas Senate Bill 219
- How do Original Contractors Perfect a Mechanic's Lien?
- Series on Texas Mechanic's Liens on Commercial/Non-Residential Projects - Post One - Introduction
- Recent Legislative Changes to the Certificate of Merit Requirements in Texas
- Certificate of Merit Requirements in Texas
- Construction Industry Alert – Summary of the Dallas County Amended Shelter-in-Place Order