

PUBLIC NOTICE
CITY OF RIVER OAKS, TEXAS
COUNSEL RETENTION FOR CITY OF RIVER OAKS, TEXAS

The City of River Oaks, Texas has determined that it has a substantial need to employ a special counsel to assist it in the prosecution of a claim arising under the laws of the State of Texas against one or more of the following: the general contractor and design professionals and related entities responsible for the design and construction of the City's water treatment plant, including but not limited to the water clarifier system. The claim concerns complaints of breach of contract and related warranties due to defects in the design and construction of the City's recently constructed water clarifier system. The costs to pursue the person or persons responsible for the design and construction exceed the City of River Oaks' resources. The City of River Oaks is choosing to act by retaining attorneys and pursuing its claims, with the expected outcome being recovery of both past damages and future abatement costs. Pursuing the claims of the City of River Oaks will be in the best interest of the taxpayers.

The City of River Oaks intends to retain Gravely P.C. to file the lawsuit and represent the City of River Oaks' interests in this water treatment plant construction litigation. The City of River Oaks chose this firm due to its record of accomplishments in this area of the law, its reputation, acumen, and extensive experience in previous complex construction cases. The attorneys of Gravely P.C. have many years of experience in representing Texas property owners, including dozens of state governmental entities, in the type of complex construction case that the City of River Oaks would like to pursue for the benefit of the community. It is the experience that the attorneys of Gravely P.C. have demonstrated in obtaining recovery of costs of repair for similarly situated state governmental entities that has led the City of River Oaks to choose this firm to represent the interests of the City in its construction and/or design defect claims. Attached to this Notice, and incorporated by reference herein, are the qualifications of the attorneys of Gravely P.C. that will be handling this matter. No prior relationship existed between Gravely P.C. and the City of River Oaks.

The City of River Oaks determined that the City's contemplated litigation is specialized and requires specialized counsel to undertake this type of litigation. The City of River Oaks does not keep attorneys on staff who handle specialized construction and design defect cases on behalf of the City of River Oaks; therefore, hiring outside counsel is necessary for the City of River Oaks.

The City of River Oaks does not have the financial resources to retain lawyers at an hourly rate without regard to outcome due to the anticipated amount of legal work required for this specialized litigation, which is document and expert intensive. The only practical way the water treatment plant construction/design defect litigation is possible for the City of River Oaks is with a contingency fee arrangement, which results in no costs to the City of River Oaks unless the City of River Oaks is able to recover through a lawsuit.

The City of River Oaks chose to hire Gravely P.C. in the best interests of the taxpayers. This is specialized litigation that costs the City of River Oaks no out-of-pocket expenses to pursue. The City of River Oaks has the potential to recover damages through this lawsuit and protect the best interests of its taxpayer citizens.


CITY OF RIVER OAKS, TEXAS
REPRESENTATIVE

Marc E. Gravely

Education:

Bellarmino University B.A.
University of Texas at San Antonio M.S.
St. Mary's University School of Law J.D.
University of Connecticut School of Law L.L.M.

Practice and Expertise:

Marc Gravely is the founder of Gravely, PC. With over twenty years experience in commercial and business disputes, he has a hard-earned reputation for success. He has been recognized by his peers many times over the years and is a frequent speaker at legal conferences and continuing education events for lawyers and property owners. His clients have included a number of Texas district court and county judges. And in what is perhaps the most telling compliment, Mr. Gravely is often referred clients by opposing counsel who have seen the kind of results he can get. He and his firm have recovered millions in verdicts and settlements over the years for their clients.

Mr. Gravely's practice includes civil and business litigation across the nation. He has extensive commercial litigation experience including disputes involving construction defects, insurance coverage, business and commercial litigation and technology-related matters.

His construction litigation experience includes representing owners against general contractors, subcontractors, architects, engineers and developers. He has represented hospital systems, surgery centers, physician groups, governmental subdivisions like school districts, hospital districts, cities and counties, and commercial building owners in actions to recover damages due to defects in construction.

Mr. Gravely's insurance law practice has been on behalf of policyholders against insurance companies, brokers and agents. He has represented businesses and private individuals in a variety of matters including claims denial, claims underpayment and insurance bad faith. He has handled hundreds of cases involving coverage issues relating to benefits due under insurance policies in a wide array of contexts.

His business and technology litigation experience includes handling commercial disputes between companies involving breach contract, misrepresentation, fraud and deceptive marketing. Mr. Gravely handled a representative class action matter involving small and large businesses against Verisign, Inc. for deceptive marketing of digital encryption certificates. The matter was certified as a national class action and was settled in what at the time was the largest information technology security settlement in the United States.

He has served as Special Counsel to the Texas State Commission on Judicial Conduct, and for the Center for Infrastructure Assurance and Security at the University of Texas at San Antonio.

Mr. Gravely is licensed to practice in the State of Texas and all federal districts in Texas, the Northern; Southern; Eastern & Western District of Texas.

Professional Affiliations

American Bar Association
Insurance Law Section

State Bar of Texas
Litigation Law Section
Insurance Law Section
Construction Law Section

Texas Bar Foundation
Life Fellow

American Board of Trial Advocates

Honors

Best lawyers in America – Insurance Law (Woodward/White)
Benchmark Litigation – Insurance Litigation Star
Texas Super Lawyer – Business and Insurance Litigation
Legal Media Group Guide to Leading Insurance Lawyers
Contributing Author – Texas Insurance Law Digest
Contributing Editor – Texas Annotated Insurance Code

Michael M. Gavito

Education:

St. Mary's University School of Law, J.D. 2004

University of Texas at San Antonio, B.A. Criminal Justice-Legal Studies 2000

Practice and Expertise:

My practice includes civil and business litigation throughout Texas. I have extensive litigation experience in cases involving construction defects.

I was licensed to practice in Texas in November 2004. I spent a number of years working for prominent civil litigation defense firms in Central and South Texas, focusing primarily on construction defect litigation. I now apply my knowledge and expertise in defense litigation to better serve business and residential property owners in prosecuting construction defect claims against contractors, architects, and engineers. My predominant ability is being able to anticipate defense strategies and take appropriate steps to minimize or defeat defense attempts to limit or reduce a property owner's recovery. I have extensive experience analyzing AIA form agreements between owners and contractors and architects. I have extensive experience litigating multi-party construction defect cases. I represent school districts, hospitals, and other property owners throughout Texas assisting them in recovering damages resulting from substandard design and construction of various building systems including, but not limited to, roofing, exterior wall envelope, masonry, plumbing, HVAC, windows, foundation, and electrical systems.

I am licensed to practice in Texas, Oklahoma, and in the Southern and Western Districts of Texas – U.S. District Courts.

Publications and Seminars

Contributing Author, "Chapter 150 of the Civil Practice & Remedies Code: The Protections and Pitfalls," San Antonio Bar Association – Construction Law Section CLE Luncheon, January 9, 2008.

Speaker, "Employment Law 101: The Do's and Don't's in the Workplace," Radiology Tech. Seminar, Brownsville, Texas, June 2010.

Co-instructor, "The Top Eight Pitfalls of Hospital Construction," State Bar Minimum CLE Course, March 10, 2014.

Speaker, "Claims Against Architects/Engineers: Practical Considerations for Plaintiff's Counsel," 28th Annual Construction Law Conference, March 5, 2015.

Panelist, "What I had to Learn (and What I Wish I'd Been Taught)," 21st Annual Insurance Law Institute, November 10, 2016.

Co-instructor, "Recent Legislation Affecting the Government's Rights: New Procedures and Laws Affecting Construction Defect Claims," State Bar Minimum CLE Course, June 26, 2019.

Panelist, “Understanding the Implications of Remediation Costs,” Consulting Estimators Round Table, 2021 CERT National Conference, August 24, 2021.

Daniel R. Barrett

Education:

University of Texas at Austin – B.A. 1975

Texas Tech University School of Law – J.D. 1979

Practice and Expertise:

Dan Barrett has been trying civil lawsuits in Texas for over forty years. He is a past President of the Fort Worth Chapter of the American Board of Trial Advocates and a former member of ABOTA's National Board. He was a Director of both the Texas Trial Lawyers Association and the Texas Association of Defense Counsel, as well as President of the Tarrant County plaintiffs' and defense bars. He has held certificates of specialty from the Texas Board of Legal Specialization and the National Board of Trial Advocacy.

A frequent speaker and author at continuing legal education programs, his civil litigation practice has encompassed a variety of practice areas. Earlier in his career, he was selected as a Texas Monthly Super Lawyer for numerous years in the area of medical negligence litigation. More recently, he has received the Super Lawyer honor for several years in business litigation.

Mr. Barrett has represented clients in Texas courts ranging from individuals to multi-national corporations and insurance companies to municipalities and other governmental entities. His business litigation experience has encompassed insurance coverage and bad faith disputes as well as construction defect suits and has involved cities, school districts, general contractors and specialty subs, engineers, architects, and planners.

Mr. Barrett is licensed to practice before all Texas state courts, the Northern, Southern, Eastern, and Western federal districts of Texas, the United States Court of Appeals for the Fifth Circuit, and the United States Supreme Court. Mr. Barrett was also a Member of the Texas House of Representatives, having been elected to represent the 97th District of Texas. He served on the Land and Resource Management and Pensions and Investments committees.

Selected Legal Publications & Presentations:

- “Deposition Tips for the Testifying Treater *or* Yes, They Can Make You Testify (Now, let's make it as painless as possible)” - *Tarrant County Physician*, January 1988.
- “Direct Examination of Witnesses” seminar presentation & paper - *Trial Advocacy in Texas* May 1990.
- “Loss of a Chance” Tarrant County Civil Trial Lawyers seminar & paper, April 1991.
- “Some Thoughts About Opening Statements” Texas Association of Defense Counsel - Young Lawyers Seminar, presentation & paper, December 1991.

- “Open Letter to Members of the Tarrant County Medical Society” - *Tarrant County Physician* - June 1992.
- “Emerging Theories of Liability in Professional Malpractice Cases” - Tarrant County Young Lawyers Association, presentation, September 1992.
- “Climbing the HMO Bad Faith Tree” - *Texas Bad Faith Bulletin* - October 1992.
- “Random Thoughts on Trial Preparation and Voir Dire” - Texas Association of Defense Counsel - Young Lawyers Seminar, presentation & paper, December 1992.
- “When the Bell Tolls for the Whole World: The Expanding Jungle of Psychiatric Health Care Liability” *Texas Health Law Reporter* - July 1993.
- Faculty Member - Texas Association of Defense Counsel Trial Academy - Fort Worth, Texas, February 1994.
- “Opening Statements” & “Direct Examination of Witnesses” papers & seminar presentation - *Trial Advocacy in Texas* - NBI, Inc., October 1995.
- *Direct Examination of Defendant’s Neurologist* - “Masters of Trial” program - American Board of Trial Advocates, Dallas, Texas, October 1996.
- “Taking & Defending Effective Depositions in Texas” – Lohrman Educational Systems, September 1999
- “Expert Witness Qualification: When and How to Challenge and How to Respond” – Panel Discussion – Tarrant County Bar Association Brown Bag Seminar – *The Stuff Before and After Trial*, January 2002
- “Accountability for Health Care is Sorely Lacking” – Guest Column – Fort Worth Business Press – March 8, 2002
- “‘Malpractice Reform’ shoves aside patients” – Op Ed – Fort Worth Star Telegram; Dallas Morning News – April & May 2002
- “Justice isn’t an item on a medical balance sheet” – Op Ed – Dallas Morning News – September 9, 2002
- “Bleeding away our rights” – Op Ed – Fort Worth Star Telegram – October 13, 2002
- “Defending trial lawyers: We’re not buying candidates” – Guest Column – Fort Worth Business Press – November 8, 2002
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- “Fort Worth Court furthers fetus/baby arguments” – Guest Column – Fort Worth Business Press – November 7- 13, 2003
- “Rule 202 Depositions of the Government – Cracks in the Shield or Spitting into the Wind?” State Bar of Texas – Suing and Defending Governmental Entities – July 2010
- “Non-conforming Reminders – The City’s Perspective” Presentation – International Right of Way Association – North Texas Chapter 36, Spring Seminar – April 2013
- “Eminent Domain for the General Practitioner” – Presentation – State Bar of Texas, Paralegal Division – District 3 meeting – June 2013

Matthew Soliday

Education:

Rutgers University School of Law, J.D. 2008
Wittenberg University, B.A.-History, 2002

Practice and Expertise:

Mr. Soliday's practice includes complex civil litigation throughout Texas. His areas of concentration include litigation related to complex contract disputes, insurance coverage disputes and construction defects.

Mr. Soliday, after working for the House of Representatives in the Ohio State Legislature, pursued his law degree at Rutgers University. Mr. Soliday then clerked for a judge in New Jersey before moving to Texas in 2011 to start a family with his wife. For the past eight years, he has represented insurance companies in first party coverage disputes and their insureds in complex civil litigation including cases involving wrongful death, commercial contract disputes, and construction defects.

Mr. Soliday's extensive experience representing insurance companies gives him a unique perspective representing owners challenging their insurance carrier's wrongful denial of their claims as well as insight into how insurers will try to shield themselves from liability for the poor workmanship of contractors and design professionals.

Mr. Soliday is licensed to practice in the State of Texas and the United States District Courts for the Western District of Texas.

Jonathan C. Lisenby

Education:

St. Mary's University School of Law, J.D. 2011
Sam Houston State University, B.S., Criminal Justice 2003

Practice and Expertise:

Mr. Lisenby's practice includes insurance coverage analysis, complex case strategy and civil litigation throughout Texas and Arkansas. His areas of concentration include litigation related to complex insurance coverage disputes and construction defects.

Mr. Lisenby's insurance practice has been on behalf of policyholders against insurance companies, brokers and agents. He has represented school districts, businesses, and private individuals in a variety of matters including claims denial, claims underpayment and insurance bad faith. He has handled hundreds of cases involving coverage issues relating to benefits due under insurance policies in a wide array of contexts.

Mr. Lisenby enlisted in the United States Army in 2004 where he joined the ranks of the elite military diving community as a Deep Sea Diver on the 86th Engineer Dive Team Fort Eustis, Virginia. Mr. Lisenby's experience as a Salvage Diver afforded him the opportunity to conduct missions around the world on behalf of the United States as well as conduct joint operations with the United States Navy, the United States Coast Guard and the Joint P.O.W./M.I.A. Accounting Command. His military experience led Mr. Lisenby to the belief that the ability to anticipate, adapt and overcome is indispensable to victory.

Mr. Lisenby is licensed to practice in the State of Texas and United States Court of Appeals for the Fifth Circuit, all United States District Courts in Texas, and the United States District Courts for the Western and Eastern Districts of Arkansas.

Publications and Seminars

Contributing Author, "If a Claim has Been Denied, Should A Public Adjuster Reopen or Obtain an Attorney," National Association of Public Insurance Adjusters, January 20, 2013.

Speaker, "Construction Defects & Insurance recovery – How to Identify whether Damage Stems from a Construction Defect vs. a Covered Peril," Texas Rural Education Association Annual Convention, June 2018.

Author and Speaker, "Construction Defects and Insurance Recovery – Finding Value for Your Clients in the Cracks," Continuing Legal Education Presentation, presented November 2019 and January 2020.

Tristan J. Robinson

Education:

St. Mary's University School of Law, J.D., 2021
Sewanee University, B.A.-Politics, 2018

Practice and Expertise:

Mr. Robinson's practice includes complex civil litigation throughout the state of Texas. His areas of focus include litigation involving contractual disputes, insurance coverage and construction defects.

Mr. Robinson was licensed to practice law in Texas in October 2021. He has gained experience representing public entities, businesses, and private individuals in complex litigation.

Immediately after graduating from Sewanee University, Mr. Robinson pursued his law degree at St. Mary's University School of Law in San Antonio, Texas. During his third year of law school, he clerked for Gravely, P.C., where he gained experience assisting the firm in representing property owners in first party coverage disputes. Following the bar exam, Gravely, P.C. offered Mr. Robinson a full-time job as an attorney.

Mr. Robinson is licensed to practice in the State of Texas and the United States District Court for the Western District of Texas.

Daniel R. Barrett

Education:

University of Texas at Austin – B.A. 1975
Texas Tech University School of Law – J.D. 1979

Practice and Expertise:

Dan Barrett has been trying civil lawsuits in Texas for over forty years. He is a past President of the Fort Worth Chapter of the American Board of Trial Advocates and a former member of ABOTA's National Board. He was a Director of both the Texas Trial Lawyers Association and the Texas Association of Defense Counsel, as well as President of the Tarrant County plaintiffs' and defense bars. He has held certificates of specialty from the Texas Board of Legal Specialization and the National Board of Trial Advocacy.

A frequent speaker and author at continuing legal education programs, his civil litigation practice has encompassed a variety of practice areas. Earlier in his career, he was selected as a Texas Monthly Super Lawyer for numerous years in the area of medical negligence litigation. More recently, he has received the Super Lawyer honor for several years in business litigation.

Mr. Barrett has represented clients in Texas courts ranging from individuals to multi-national corporations and insurance companies to municipalities and other governmental entities. His business litigation experience has encompassed insurance coverage and bad faith disputes as well as construction defect suits and has involved cities, school districts, general contractors and specialty subs, engineers, architects, and planners.

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