

## Preston T. Kamin

Partner

Energy and real estate clients call on Preston Kamin to handle complex commercial disputes in courthouses across Texas. Although Preston handles all business-related litigation, his practice most often includes cases involving contract and partnership disputes, real estate, fiduciary duties, trade secret theft and non-compete enforcement.

Preston grew up working in a family business, so he has a first-hand appreciation for the long hours his clients spend building successful companies and how prolonged litigation can distract them from concentrating on their core business. Preston is a trial lawyer first, but he always tries to find unconventional, cost-effective ways to solve clients' problems quickly and avoid litigation altogether.

Before joining the firm, Preston served as a judicial intern for the Honorable John D. Rainey of the U.S. District Court for the Southern District of Texas. This experience gave Preston unique perspective on how complex cases are evaluated behind the scenes and the effectiveness of different tactics in the courtroom.

### Representative Experience

#### General Contract/Business Litigation

- Obtained affirmation on appeal of summary judgment dismissing plaintiff's breach of contract claims against client pertaining to statute of limitations and discovery rule.
- Successfully obtained a full dismissal for a Houston-based civil engineering firm after the plaintiffs failed to comply with Certificate of Merit requirements under Chapter 150 of the Texas Civil Practice and Remedies Code.



**Preston T. Kamin**  
1300 Post Oak Blvd.  
Suite 2000  
Houston, TX 77056  
pkamin@grayreed.com

D: 713.986.7204  
T: 713.986.7000  
F: 713.730.5823

**Industries**  
Energy

**Practices**  
Commercial Litigation  
Energy Litigation

**Education**  
J.D., South Texas College of Law  
Houston, Certified in Mediation  
and Dispute Resolution (2007)  
B.A., The University of Texas at  
Austin (2004)

**Bar Admissions**  
Texas

**Court Admissions**  
United States Court of Appeals,  
Eighth Circuit  
United States District Court,  
Southern District of Texas  
United States District Court,  
Eastern District of Texas  
United States District Court,  
Western District of Texas

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- Co-chaired a bench trial in the Eastern District of Beaumont involving competing breach of contract claims; obtained a judgment on appeal; the plaintiff obtained a judgment, plus attorneys' fees, in its favor at the trial court and the Court of Appeals in a case styled *Conn Credit I, L.P. v. TF Loanco III, L.L.C.*, 903 F.3d 493 (5<sup>th</sup> Circuit 2018) reversed and rendered the judgment in favor of Gray Reed's client ([View opinion](#)).
  - First-chaired a successful bench trial regarding a contract dispute. The judge awarded his client a take-nothing judgment, plus his client's attorney's fees.
  - Second-chaired a jury trial involving a breach of contract dispute relating to a contract interpretation dispute.
  - Second-chaired jury trial involving the prosecution and defense of contract, fraud, and declaratory judgment claims resulting in a jury finding in favor of Preston's client.
  - Obtained Summary Judgment on behalf of paint manufacture involving a contract dispute, which awarded Preston's client over \$200,000 in damages, plus \$30,000 in attorneys' fees.
  - Successfully defended borrower against breach of contract and fraud against lender resulting in a favorable settlement.
  - Successfully prosecuted claims on behalf of a licensor of a software license agreement resulting in a favorable settlement.
  - Successfully prosecuted claims on behalf of a member of a limited liability company for improperly terminating his interest in the company.
  - Successfully defended a large international manufacture of valves against alleged misappropriation of trade

secrets.

## Energy Litigation

- Successfully defended and received a recovery of costs for MidCon Gathering LLC, a midstream gathering company, in a lawsuit brought by a man who alleged he developed a credit facility for the company and sought up to 3 million dollars in a case styled *Carleson v. MidCon Gathering, LLC*, 2017 WL 5900271 (E.D. Arkansas, Western Division) ([View opinion](#)) ([View Law360 article \(subscription required\)](#)).
- Successfully obtained a full dismissal with prejudice in case styled *Lindsay v. Logan Oil Tools, Inc.*, 2016 WL 7426404 (S.D. Texas, Houston Division) in a case brought by a former employee claiming negligence; breach of fiduciary duty; and negligent hiring, training, supervision and entrustment. ([View opinion](#)).
- Second-chaired a bench trial resulting in a verdict on behalf of mineral interest owners in violation of New Mexico law.
- Third-chaired a two-week jury trial resulting in a significant jury verdict in products liability action against the provider of oil field rental equipment (the judgment has yet to become final).
- Successful defense of oil and gas operators in various lawsuits alleging breaches of joint operating agreements by non-working interest owners.

## Real Estate Litigation

- Obtained affirmation of the confirmation of an arbitration award that found real estate fraud and that was appealed based on the arbitrators allegedly committing material errors of law and exceeding their authority.

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- Obtained a multi-million dollar award in arbitration for a minority owner of an LLC after the manager orchestrated a fraudulent foreclosure of a strip center on Westheimer Road in Houston.
  - First-chaired a successful jury trial for a commercial landlord and obtained a favorable judgment.
  - First-chaired a successful jury trial for a residential landlord and obtained a favorable judgment.
  - Obtained Summary Judgment for a commercial tenant involving a contract dispute and obtained a take-nothing judgment against the Plaintiff.
  - Obtained several favorable settlements and judgments for a successful real estate developer.

### Press Releases

- “Twenty-Nine Gray Reed Attorneys Named 2018 Top Lawyers in Houston,” (December 3, 2018)
- “Federal Judge Rules in Favor of Gray Reed’s Energy Client,” (June 15, 2018)
- “Gray Reed Elects New Shareholders,” (March 1, 2016)
- “Gray Reed & McGraw Secures Major Victory for Oil and Gas Operator,” (December 10, 2014)

### Thought Leadership

- “Coronavirus and the Energy Industry: Drilling into Force Majeure Clauses,” *TIPRO Target Newsletter* (March 19, 2020)
- “Coronavirus and the Energy Industry: Drilling into Force Majeure Clauses,” Gray Reed Legal Alert (March 12, 2020)

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## Speeches and Presentations

- “Consumers Right to a Jury Trial,” Texas Law Center in Austin, TX (August 17, 2010)

## Honors

- Named a Rising Star by Texas Super Lawyers (a Thomson Reuters company) as published in *Texas Monthly* and *Texas Super Lawyers* magazines (2013 – 2018)
- Named a *Houstonia Magazine* Top Lawyer in Houston (2018)
- Selected as a Fellow of the Houston Young Lawyers Association (2014). Only the top one percent of Houston Young Lawyers are honored.

## Certifications

- Certified Mediator, A.A. White Dispute Resolution Center, University of Houston Law Center

## Organizational Involvement

### Professional Activities, Memberships & Affiliations

- State Bar of Texas Committee on Court Rules (2017 – 2019)
- Texas Young Lawyers Association
- Texas Bar Foundation, Fellow
- Houston Bar Foundation, Fellow
- Houston Young Lawyers Association

### Community Activities, Memberships & Affiliations

- Co-Chair, Aid to Victims of Domestic Abuse Gala (2016)
  - As co-chair, Preston assisted in raising over \$400,000 to support victims of domestic violence.
- President, Coastal Conservation Association–Houston Chapter (2009 – 2011)
  - As president, Preston was in charge of an organization that has over 500 members. In his role as president, he spearheaded CCA's annual banquet, with the assistance of his board members, and raised thousands of dollars for CCA.