

Cause No. 2023-14607

FM 529 SQUARE, INC.	§	IN THE CIVIL DISTRICT COURT
	§	
v.	§	OF HARRIS COUNTY, TEXAS
	§	
THUY DIEM HUYNH	§	234 <sup>TH</sup> JUDICIAL DISTRICT

PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

Pursuant to Rule 194.2(f) of the Texas Rules of Civil Procedure, the following persons may testify as expert witnesses:

1. Phan Thi Hoang  
FM 529 Square, Inc.  
P. O. Box 720958  
Houston, TX 77272

In the event it is decided that Ms. Hoang will testify as an expert, she has knowledge of the shopping center lease agreement, the lost lease payments owed by Defendant, breach of the agreement, the condition of the lease premises prior to and after Defendant abandoned the premises, the additional costs owed for restaurant equipment Defendant absconded with, and knowledge as to efforts to mitigate Plaintiff's damages. Has knowledge as to the damages caused by Defendant. Also has knowledge of the reasonable and necessary costs and charges associated with the repairs and replacement of the fixtures, equipment and goods absconded by Defendant. She has knowledge of the sums owed as set forth in Plaintiff's most recent petition. She has knowledge of what the value of the property at issue is worth as required by the Property Owner's Rule. She may testify as to mitigation of damages. She also has knowledge as to payment of Plaintiff's reasonable and necessary attorney's fees incurred in this matter. Ms. Hoang has or will have reviewed all of the documents produced by all the parties to this lawsuit in giving her testimony. Ms. Hoang does not have a resume. Ms. Hoang is not being paid for her testimony in this case.

2. Stephen Soussan  
Greenberg & Company  
5959 Richmond Avenue, Suite 400  
Houston, TX 77057  
(713) 778-0900

Mr. Soussan is a property manager and licensed commercial real estate agent in Texas, specializing in commercial real estate. Associated with Greenberg & Company handling sales, leasing of properties & commercial property management. Mr. Soussan may testify as to the provisions of the lease agreement at issue. He may

testify as to the shopping center lease agreement, the lease payments owed by defendant, breach of the agreement by defendant, and as to efforts to mitigate Plaintiff's damages. He may testify as to mitigation of damages. He may also testify as to the sums owed as set forth in Plaintiff's most recent petition. He may also testify as to payment of Plaintiff's reasonable and necessary attorney's fees incurred in this matter. He will base his opinions on his training, education, experience and review of the reports, estimates, and data, as well as other documents in this case relating to the property. He has or will have reviewed all of the documents produced by all of the parties to this lawsuit in giving his testimony. Mr. Soussan may be provided access to and may rely upon and/or review any and all deposition testimony and/or pleadings in this case; any records and/or documents that have been obtained through discovery, depositions on written questions and/or subpoena duces tecum. This expert would anticipate counsel for Defendant has a copy of same. However, if such is not the case, the written discovery, depositions, depositions on written questions, and records produced pursuant to discovery and depositions on written questions will be made available, to the extent that they exist, for defendant's counsel's inspection, copying and review at a mutually convenient, prearranged time at Plaintiff's counsel's office. No report has been prepared in this regard. He may also offer testimony regarding the reports prepared by individuals on behalf of Defendant.

3. Andrew P. McCormick  
Laurie A. Landry Munoz  
McCormick | Landry Munoz, PLLC  
4950 Bissonnet St., Suite A  
Bellaire, TX 77401  
(713) 523-0400

Mr. McCormick and Ms. Munoz may testify as to reasonable attorney's fees in this matter. Mr. McCormick is board certified in civil trial law in the state of Texas and has been licensed since 1984. Ms. Munoz is a licensed attorney in the state of Texas and has been licensed since 2013. Both are familiar with the necessary, customary and reasonable charges for legal fees in matters such as this case. They may testify as to Plaintiff's reasonable attorney's fees herein and may testify in rebuttal to any and all of Defendant's experts concerning attorney's fees. Both of their resumes are attached. Pursuant to the Texas Civil Practices and Remedies Code, the contract between the parties, and all other permissible statutes, Plaintiff seeks reimbursement of costs and attorney's fees. Plaintiff is authorized to recover attorney's fees on its claim pursuant to the statutes listed. Plaintiff is represented by an attorney. Plaintiff has complied with all conditions precedent. Plaintiff is entitled to recovery of attorney's fees and has and will incur attorney's fees. All attorney's fees that have been and will be incurred are and will be reasonable and necessary. Plaintiff's reasonable and necessary fee incurred for representation will be based upon an hourly

basis at the rate of \$325.00-\$395.00 per hour and/or the contract rate set forth in the agreement between the parties. All the applicable “Arthur Anderson factors” will be considered when presenting evidence as to a reasonable and necessary fee in this case, and it is anticipated that the fee will be at least \$5,000.00 for work through trial and at least \$10,000.00 for each level of appeal. Any and all invoices, correspondence, and other documents produced in discovery may be reviewed by the experts. All attorney’s fee invoices/statements will be produced and/or may be presented at trial.

In the event there are any other witnesses to be called at trial, their names, addresses and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeaching witnesses, the necessity whose testimony cannot be reasonably anticipated before the time of trial.

In addition to the experts named above, Plaintiff reserves the right to elicit testimony from any and all expert witnesses designated by Defendant.

Plaintiff also reserves the right to call rebuttal expert witnesses concerning the topics set forth above, as well as the testimony elicited from Defendant’s experts.

Respectfully submitted,

MCCORMICK | LANDRY MUNOZ, PLLC

By: /s/ Laurie A. Landry Munoz

Andrew P. McCormick  
State Bar No. 13457100  
andy@mmtxtrial.com  
Laurie A. Landry Munoz  
State Bar No. 24071782  
laurie@mmtxtrial.com  
4950 Bissonnet St., Suite A  
Bellaire, Texas 77401  
(713) 523-0400 / Fax (713) 523-0408

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January, 2024, a true and correct copy of Plaintiff's Designation of Expert Witnesses has been served electronically upon Defendant's counsel of record, Robert C. Vilt, Vilt Law, P.C., 5177 Richmond Avenue, Suite 1142, Houston, TX 77056, in compliance with Tex. R. Civ. P. 21, by and through the electronic filing manager and/or by a manner required under Rules 21a(1) and (2).

/s/ Laurie A. Landry Munoz

Laurie A. Landry Munoz

Unofficial Copy Office of Marilyn Burgess District Clerk

**ANDREW P. McCORMICK**  
**4950 Bissonnet Street**  
**Bellaire, Texas 77401**  
**(713) 523-0400**

**EDUCATION:**

South Texas College of Law  
Doctor of Jurisprudence, 1984  
Montclair State College, New Jersey, B.A., 1981

**BAR ADMISSION:**

Admittance to Texas State Bar, November 1984  
Admittance to Federal Court Practice  
Supreme Court of the United States  
United States Court of Appeals  
United States District Courts, Southern District of Texas

**EMPLOYMENT:**

McCormick | Landry Munoz, PLLC - Partner, October 2016 to Present  
McCormick, Lanza & McNeel, LLP - Partner, October 2011 to September 2016  
McCormick, McNeel, Edler, Williams & Lanza, L.L.P. - Partner, October 2006 to September 2011  
McCormick & McNeel, L.L.P. - Partner, 1990 to October, 2006  
Law Offices of Andrew P. McCormick - 1989 to 1990  
Law Offices of Andrew G. Shebay III, 1984 to 1989

**AWARDS:**

Named a "Texas Super Lawyer" in the 2008-2018 issues of *Texas Monthly* magazine.  
Selected as a 2013 Top Rated Lawyer for Construction Law by American Lawyer Media and Martindale-Hubbell.  
Recognized as an AV® rated attorney by Martindale-Hubbell, the highest such rating available to any individual lawyer.

**AREAS OF CONCENTRATION:**

Board Certified, Civil Trial Law, Texas Board of Legal Specialization  
Accomplished attorney with a strong background in civil litigation, including the prosecution and defense of individuals and corporations in business disputes, construction disputes, deceptive trade practices causes of action, real property disputes, and contract disputes. Represents parties in complex claims involving commercial litigation, intentional torts, business torts, breach of contract, negligence, the Texas Deceptive Trade Practices Consumer Protection Act and the Texas Insurance Code.

**PERSONAL:**

Married to Aileen McCormick. Three children, Jenna, a graduate of Texas A&M; Drew, a graduate of McCombs School of Business at the University of Texas; and Sean, a graduate of Rice University.

**ACTIVITIES:**

Civil Trial Law Exam Commission, Texas Board of Legal Specialization - Member  
Alzheimer's Association/Greater Houston Chapter - Past Board President

**LAURIE A. LANDRY MUNOZ**  
**McCormick | Landry Munoz, PLLC**  
**4950 Bissonnet Street, Suite A**  
**Bellaire, TX 77401**  
**(713) 523-0400**

**EDUCATION:**

- Texas Southern University, Doctor of Jurisprudence, 2012
- University of Houston, B.A., 2005, Major: Humanities and Legal Studies
- San Jacinto College, A.A., 2002, Major: Social Sciences

**BAR ADMISSION:**

- Admittance to Texas State Bar, May 9, 2013
- Admittance to Federal Court Practice, December 2013
  - United States District Courts, Southern District of Texas

**EMPLOYMENT:**

- McCormick | Landry Munoz, PLLC, Partner, October 2016 to Present
- McCormick, Lanza & McNeel, LLP, Attorney, May 2013 to September 2016

**PROFESSIONAL MEMBERSHIPS:**

- American Bar Association
  - Member, Litigation Section
- Houston Bar Association
  - Member, Construction Law Section
- State Bar of Texas
  - Member, Business Law
  - Member, Construction Law
  - Member, Litigation
  - Member, Real Estate, Probate & Trust Law
  - Member, Women and the Law
- Texas Bar College, Member

**HONORS & PAST AWARDS:**

- Alpha Phi Sigma, National Criminal Justice Honor Society, Charter Member
- Phi Theta Kappa Alumni Association

**SPEECHES & PUBLICATIONS:**

- *Filing Commercial Mechanic's & Materialman's Liens and Payment Bonds in Texas – A Primer*, South Texas College of Law 29th Annual Real Estate Law Conference, June 2014 (Co-Author and Speaker)

**FAMILY:**

- Married to David Munoz with two children: “D” a graduate of The University of Alabama and Erika, a recent graduate of the University of Houston.

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Andrew McCormick on behalf of Laurie Landry Munoz

Bar No. 24071782

andy@mmtxtrial.com

Envelope ID: 83012656

Filing Code Description: No Fee Documents

Filing Description: Plaintiff's Designation of Expert Witnesses

Status as of 1/3/2024 8:33 AM CST

#### Case Contacts

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Robert C. Vilt		clay@viltlaw.com	1/2/2024 5:24:01 PM	SENT
Nicolas Vilt		nicolas@viltlaw.com	1/2/2024 5:24:01 PM	SENT

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