



## Mary Goodrich Nix, PARTNER

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Mary Goodrich Nix is a Partner at LPHS with 25 years of experience handling complex commercial, employment, franchise, and trade secret litigation for publicly traded and privately held companies, including **Fortune 500**, middle market companies, and startups in a variety of industries.

Ms. Nix is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. She has extensive courtroom experience, including multiple jury trials, bench trials and injunction evidentiary hearings. She has arbitrated numerous cases throughout Texas and in other parts of the country. Mary is frequently called upon to assist companies when key employees move between competitors. In her work related to confidential information and trade secret protection, she advises clients in the identification of confidential information, trade secrets and other intellectual property assets and options for protection.

Ms. Nix has worked successfully with the **U.S. Equal Employment Opportunity Commission (EEOC)**, the **U.S. Department of Labor (DOL)**, the **Texas Workforce Commission (TWC)** and several other federal, state and local government agencies when a client is the subject of a complaint. Advocacy in this area includes responding to the complaint, negotiating where appropriate and advocating for her clients in administrative hearings.

Frequent matters she handles include allegations of breach of contract, breach of fiduciary duty, tortious interference claims, Title VII claims, claims related to discrimination, harassment, retaliation and alleged violations of **Americans with Disabilities Act (ADA)**, **Fair Labor Standards Act (FLSA)**, **Family and Medical Leave Act (FMLA)**, **Families First Coronavirus Response Act (FFCRA)**, **Age Discrimination in Employment Act (ADEA)**, **Equal Pay Act (EPA)** and alleged **Occupational Safety and Health Act (OSHA)** violations.

### EDUCATION

- University of Houston Law Center, J.D.
- Baylor University, B.B.A.

### HONORS & AWARDS

- Recognized as a "Litigation Labor & Employment Star," by **Benchmark**, 2023
- Named as one of the "500 Leading Corporate Employment Lawyers," by **Lawdragon**, 2023
- Recognized in "The Best Lawyers in America," Litigation – Labor and Employment, by **Best Lawyers**, 2020-2024
- Recognized as a "Texas Super Lawyer," by **Super Lawyers**, 2012-2023
- Named a "Client Service All-Star," by **The BTI Consulting Group, Inc.**, 2020
- Recognized as one of the "Top 40 Under 40 Business Leaders in Dallas," **Dallas Business Journal**, 2009
- Recognized as an "Outstanding Young Texan," **Texas Junior Chamber of Commerce**, 2009
- Recognized as an "Outstanding Young Dallasite," **Dallas Junior Chamber of Commerce**, 2008
- Recognized as one of the "Best Lawyers in Dallas: Labor & Employment Law," **D Magazine**, 2008, 2009, 2011, 2016
- Recognized as a "Top Lawyer Under 40 in Commercial Litigation," **D Magazine**, 2006
- Recognized as one of the "Top 10 Young Professionals to Watch in Dallas," 2006
- Recognized as a "Rising Star, Texas" **Super Lawyers** magazine, 2004

## PROFESSIONAL & COMMUNITY INVOLVEMENT

- The Sedona Conference, Working Group 12 (Trade Secrets), Member 2018-Present, Steering Committee 2022-2024
- American Bar Association, Forum on Franchising
- Attorneys Serving the Community
- College of the State Bar of Texas
- CHIEF, Member, 2022
- State Bar of Texas Foundation, Fellow
- Dallas Bar Foundation, Fellow
- Dallas Bar Association, former Board Member, 2004-2006; Franchise and Distribution Section, Vice Chair, 2016
- Dallas Association of Young Lawyers, President, 2005
- Dallas Association of Young Lawyers Foundation, Chair, 2004
- Dallas Association of Young Lawyers Foundation, Sustaining Life Founding Fellows, 2002-Present
- Dallas Women Lawyers Association, Board Member, 2002; Current Member
- Patrick E. Higginbotham American Inn of Court, former Associate and Barrister
- DallasHR, Current Member
- Society for Human Resource Management, Current Member
- Highland Park Presbyterian Church, Deacon 2010-2020, Current Member
- The Lamplighter School Parents Association, President Advisor, 2019-2020; President, 2018-2019; Board of Trustees, 2018-2019
- The Hockaday School Parents' Association, Volunteer, 2019-Present

## REPRESENTATIVE MATTERS

- Obtained temporary injunction (TI) order in the U.S. District Court for the Southern District of Texas against a **former employee in the real estate industry** based on a breach of a restrictive covenant contained in a click-wrap agreement related to a grant of restricted stock units (RSUs); the Fifth Circuit Court of Appeals affirmed the court's TI Order (Order No. 19-20864, issued April 27, 2020)
- Obtained temporary restraining order (TRO) and TI order in Denton County, Texas, against a **former employee and competitor in the waste hauling and recycling industry** based on breach of fiduciary duty, breach of employment agreement and tortious interference claims
- Obtained TRO and TI order in Collin County, Texas, against a **former employee in the educational lending industry** based on breach of fiduciary duty, breach of employment agreement and tortious interference claims
- Obtained TI order in the U.S. District Court for the Southern District of Texas against a former **employee in the residential real estate industry** based on a breach of a restrictive covenant contained in a click-wrap agreement related to a grant of restricted stock units (RSUs)
- Obtained an \$11 million jury verdict in Dallas County, Texas, on behalf of an **entrepreneur in the hotel drapery manufacturing industry** based on a breach of a non-circumvent agreement
- Obtained a TI order in the U.S. District Court for the Northern District of Illinois against **former executives and a competitor in the building fastener industry** based on claims alleging misappropriation of trade secrets and violations of non-compete agreements
- Obtained a TI order in a Tarrant County, Texas, court against a **former employee and competitor in the software industry** based on a breach of restrictive covenants in an employment agreement and tortious interference claims against the new employer
- Obtained a TI order in Joplin, Missouri, on behalf of a **barbecue restaurant franchisor** in a non-compete and theft of trade secrets and trade dress case against a competitor who literally copied every aspect of the client's successful multistate business
- Obtained a ruling denying a request for injunctive relief in a Florida state court where the opposing business was attempting to a non-compete agreement against a **healthcare corporate client**

## REPRESENTATIVE MATTERS

- Obtained multiple TROs in a variety of Texas court venues on behalf of **corporate clients** in non-compete and trade secret theft disputes
- Obtained a full defense jury verdict in Dallas County in a sexual harassment and retaliation lawsuit in the **construction equipment industry**
- Obtained a jury verdict on behalf of a client in the U.S. District Court for the Northern District of Texas in an age discrimination claim
- Obtained a summary judgment on behalf of a client in the U.S. District Court for the Northern District of Texas in a gender discrimination claim in the hospitality industry
- Defending a well-known **nonprofit company** in response to allegations of race, color, and gender discrimination
- Obtained early dismissal on the pleadings of Title VII claims asserted against a **client in the hospitality industry** in U.S. District Court for the Northern District of Texas
- Defending well-known **car title lending company** in a race discrimination case; ongoing matter
- Defended prominent Dallas law firms in gender discrimination claims
- Obtained summary judgment on all Title VII claims asserted against an **oil and gas services company** in a Corpus Christi, Texas, state court
- Represented, as part of a team, a **prominent oil and gas company** in the largest on-land well blowout in OSHA matters; complete dismissal of OSHA citation
- Won jury verdict in the U.S. District Court for Northern District of Texas for **a woman in an age discrimination and intentional infliction lawsuit** that resulted in large jury verdict publicized throughout the world (press reports translated into multiple languages)
- Defended a prominent **credit company** in an FLSA class action litigation
- Defended a leading **cross-media advertising company** in ADEA litigation
- Tried and defended a **large equipment seller** in sexual harassment and intentional infliction claims in two lawsuits in Dallas County
- Served as part of multi-attorney team defending a **large national retailer** in an FLSA class action lawsuit based in California
- Defended a **food manufacturer** in age, national origin and gender discrimination claims
- Frequently defend companies by preparing position statements and negotiating with the EEOC
- Frequently manage DOL audits related to wage and hour claims and working conditions
- Frequently represent companies in negotiations and litigation involving former executives and other employees in employment contract and related disputes
- Assist multiple **high-profile and highly paid executives** in negotiating contracts with publicly traded and privately held companies, including negotiating stock options and equity agreements
- Litigated employment contract disputes in several industries including **aviation, retail, restaurant, fast food, hotel, real estate, healthcare, medical services, elder care, personnel, recruiting and more**
- Frequently prepare employment and trade secret protection guidance, policies and procedures
- Received full defense verdict on an \$8 million claim in a jury trial in Collin County, Texas, when representing a **title insurance company** in a mortgage fraud claim; affirmed on appeal
- Represented a large **Fortune 100 oilfield services company** in a case involving the largest well blowout on land in the U.S.
- Represented a large **Fortune 100 oilfield services company** in a case involving deaths from oilfield blowouts in Texas
- Successful defense of a **liquid waste company** in allegations brought by a city
- Successful defense of a **solid waste company** in allegations brought by a city
- Defended an **internet-based tutoring company** in franchise and sales tax claims brought by the Texas Comptroller
- Defended a **hospitality management company** in claims by Texas Workforce Commission related to alleged "common paymaster" issues

## REPRESENTATIVE MATTERS

- Assist **financial lending institutions** in evaluating claims and analyzing risk related to open litigation and claims against current or potential borrowers and portfolio companies
- Represented a **franchisor in the real estate industry** in a dispute related to territorial encroachment by one franchisee against another in U.S. District Court for the Northern District of Texas
- Represented an **association of franchisees of a restaurant industry franchisor** in a dispute over marketing and gift card fees in Arapahoe County, Colorado
- Represented a **franchisor and one of its franchisees in the real estate industry** in a dispute venued in the U.S. District Court for the Southern District of Texas against the franchisee's former employee alleging breach of non-disclosures, non-compete and non-solicit agreements; obtained injunction barring employee from competing and soliciting for full term of the agreements and from disclosing information
- Represented two franchisees and the owners in a dispute asserting fraud and breach of franchise agreement against a **franchisor in the home healthcare industry**; arbitration award in favor of client
- Successfully defended a **franchisee of a weight loss franchise** against the franchisor in a dispute asserting fraud and breach of franchise agreement
- Obtained dismissal from Collin County court on an employment claim based on vicarious liability and respondeat superior filed against a **multinational real estate franchisor**
- Draft franchise agreements and assist with required disclosures to franchisees

## SPEAKING ENGAGEMENTS

- *Protecting Trade Secrets in Litigation About Them*, The Sedona Conference Working Group 12 Inaugural Meeting, November 2018
- *Hiring Competitors' Employees and Protecting the Company When Competitors Hire Yours*, Dallas Bar Association, November 2016
- *Navigating the Open Carry Law*, Houston West Chamber of Commerce 2016 Employment Law Update, November 2016
- *Labor and Employment Law Breakfast Briefing*, March 2016
- *Navigating the Open Carry Law in Texas*, Webinar, January 2016
- *Legal Issues in the Texas Hospitality Industry: Litigating Over Core Agreements*, TexasBarCLE Program, November 2015

## ADMISSIONS

Texas

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas
- All U.S. District Courts in Texas
- All Federal Courts in Texas
- All State Courts in Texas
- All Appellate Courts in Texas

U.S. Supreme Court

Texas Supreme Court