

# Grant B. Martinez

PARTNER

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## Credentials

- Yale Law School  
J.D.  
Comments Editor, *Yale Law Journal*
- Stanford University  
B.S., Mechanical Engineering  
B.A., History, *with distinction*  
Phi Beta Kappa  
Tau Beta Pi Engineering Honor Society
- Law Clerk to the  
Hon. Diarmuid F. O'Scannlain,  
U.S. Circuit Judge for the Ninth Circuit
- Admitted to Practice:  
New York  
Texas, 2017  
U.S. District Court for the Eastern, Southern, &  
Western Districts of Texas  
U.S. Court of Appeals for the Ninth Circuit,  
Fifth, and Sixth Circuits

Grant's practice focuses on high-stakes appeals and commercial litigation. His experience includes leading and contributing in multi-week jury and bench trials, arbitration hearings, and preliminary injunction hearings. Grant has briefed and argued disputes at all levels of the federal and state courts. Clients and co-counsel trust him to help them solve difficult legal issues from beginning to end.

Prior to joining the firm in 2016, Grant practiced with Cravath, Swaine & Moore LLP. At Cravath, he worked with Evan Chesler, the presiding partner and chairman of the firm. He also clerked for the Hon. Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit.

Grant is a graduate of Yale Law School, where he was a Comments Editor of the *Yale Law Journal*, President of the Yale Law & Business Society, and Alumni Chair of the Latino Law Students Association. He served in the Civil Liberties & National Security Clinic and the Supreme Court Advocacy Clinic.

Grant is recognized in commercial litigation in *Best Lawyers in America* "Ones to Watch" list and as a "Texas Rising Star" by Thomson Reuters' *Super Lawyers*.

## Experience

### Appeals

- **Williams v. Happy State Bank.** Secured reversal on key claim as lead counsel for consumer in appeal over bank's breach of contract by charging improper fees. Drafted briefs and argued in the Texas' Seventh Court of Appeals.
- **BTEC v. BNA.** Drafted briefs and argued in Texas' First Court of Appeals on complex, multi-issue, intra-company dispute between members of Delaware LLC that owned a power plant. Settled favorably after argument.
- **Weiner v. Lashford.** Secured reversal and dismissal of all claims as lead appellate counsel for Houston Methodist Hospital doctor in appeal over adequacy of expert report for a health-care-liability claim.

- **In re Houston Astros, LLC.** Secured complete victory on class action claims against Houston Astros involving issues of first impression; drafted briefs in trial and appellate courts.
- **Bridges v. Houston Methodist Hospital.** Fifth Circuit affirmed dismissal of 119 plaintiffs' claims against hospital for implementing a COVID-19 vaccine policy.
- **Lion Copolymer v. Lion Polymers.** Served as lead counsel in two appeals in intra-corporate dispute between members of Delaware LLC over breach of operating agreement. Secured partial reversal of trial court judgment on prejudgment interest and costs; won appeal to Texas Supreme Court on one issue.
- **Nix v. Major League Baseball.** Drafted successful motion for appellate sanctions and contributed to successful appellees' brief on behalf of Major League Baseball and Major League Baseball Players Association.
- **Commissioner of Correction v. Freedom of Info. Commission.** Drafted briefs and argued in Connecticut Supreme Court in complex case involving interpretation of federal regulations and national security issues.
- **Stop the Beach Renourishment, Inc. v. Fla. Dep't of Evntl. Servs. ; Carr v. U.S.** Drafted briefs, researched, proposed arguments, and prepared advocates for oral argument, resulting in two victories in the U.S. Supreme Court.

#### Trial-Level

- **Southwestern Manufacturing v. Forum Energy Technologies.** Led team in dispute over quality of manufactured goods in oil & gas industry. Secured dismissal or summary judgment on numerous claims. Prepared and cross-examined experts. Case settled favorably on eve of trial.
- **Harris County v. Glenn Hegar.** Co-led team in multiple disputes over new statute regarding counties' defunding the police. Most recently, Harris County obtained a complete victory when its lawsuit caused the Comptroller to rescind his improper determination that the county had defunded the police.
- **Harris Local Government Solutions v. True Prodigy.** Co-leading team in dispute over alleged copyright infringement and trade-secret misappropriation in connection with software source code. Drafted motions to dismiss.
- **Stash Hotel Rewards v. Synchrony Financial.** Co-led team for start-up hotel rewards network suing bank over failed loyalty credit card program. Managed case, conducted discovery, drafted successful briefing on multiple dispositive and expert-exclusion motions. Case settled favorably during trial.
- **BTEC v. BNA.** In trial court, presented witness at temporary injunction hearing; drafted numerous briefs in intra-corporate dispute between members of a Delaware LLC that owned a power plant. Drafted successful motions for summary judgment on opposing party's central claim.
- **Fulcrum Credit v. Kent Int'l.** Obtained complete dismissal under the TCPA of breach-of-contract, declaratory judgment, and promissory estoppel claims.

- **Lufkin Industries v. IBM Corp.** Prepared and cross-examined damages experts, drafted summary judgment briefing in dispute over software implementation.
- **Jewelry Television v. Sterling Commerce (IBM).** Participated in a five-week jury trial on breach of contract and fraud relating to software implementation. Drafted successful briefing in federal district court and Sixth Circuit that saved IBM over \$25 million.
- **NCR Corp.** Participated in confidential arbitration hearing relating to breach of contract for river pollution cleanup. Client obtained favorable results.
- **U.S. v. American Express.** Participated in seven-week antitrust trial, which was followed by successful appeals in both the Second Circuit and the U.S. Supreme Court.

### Professional Honors & Affiliations

- “Ones to Watch” in Commercial Litigation, *Best Lawyers in America*, 2021-2024
- “Texas Rising Star,” in Business Litigation by Thomson Reuters’ *Super Lawyers*, 2020-2021
- Senior Fellow: American Leadership Forum, Class XLIX, 2019-2020
- Member: Houston Methodist Hospital President’s Leadership Council
- Member: Federal Bar Association for the Southern District of Texas
- Member: Houston Bar Association, Appellate Practice Section, Federal Practice Section
- Team Member: Pro Bono Attorneys of the Year, American Arab Anti-Discrimination Committee, 2009

### Presentations & Publications

- “Equitable and Declaratory Remedies for Ultra Vires Acts,” UT Law CLE’s 33rd Annual Conference on State and Federal Appeals – June 2023 (presenter)
- “Proving Up Damages in Business Cases,” State Bar of Texas Business Disputes Course – September 2022 (presenter)
- Comment: “Indefinite Detention of Immigrant Information,” 120 Yale Law Journal 667 (2010)