

## Kimberly L. McMullan

OF COUNSEL

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713.632.8020



### Credentials

- Harvard Law School  
J.D.
- Harvard and Radcliffe Colleges  
B.A. Government, *cum laude*
- Admitted to Practice:  
Massachusetts  
Texas

Kim focuses her practice on complex commercial litigation, arbitrations, and appeals and represents a diverse range of clients involved in the financial services, technology, energy, and mining industries.

Kim is admitted to practice in Texas and Massachusetts, and before the U.S. District Court for the Southern District of Texas and the Fifth Circuit Court of Appeals.

### Experience

- **SkyVenture Int'l Ltd. V. Indoor Skydive Australia Group Ltd.** Part of team that won a complete victory for our client in an arbitration administered by the Int'l Centre for Dispute Resolution. The client operates as iFLY Indoor Skydiving in selling and operating vertical wind tunnel equipment. We filed the arbitration against our client's longtime Australian licensees over issues of contract compliance, and they raised antitrust defenses. At stake was our client's core business model which has helped it grow into the leading global provider in this new entertainment industry. After a final hearing that included both side's founders as well as financial, economic, and foreign law experts, the tribunal divided the matter into liability and remedy phases and issued a full liability award for our client.
- Assisted client in pre-suit investigation involving offshore drilling equipment failure by conducting detailed fact investigation and assessing its potential liability.
- **Woolley, et al. v. VistaPrint, et al.** Successfully defended VistaPrint Ltd. in a putative class action alleging federal and state law claims arising out of online "cramming." All claims were dismissed, judgment was entered in favor of VistaPrint, and the judgment was affirmed on appeal to the Fifth Circuit Court of Appeals.
- **Peregrine Litigation Trust v. John Moores, et al.** Investigated and prosecuted claims by bankruptcy litigation trust against former officers and directors of a software company for insider trading and breaches of fiduciary duties. In a novel decision, the California Court of Appeal ruled in favor of the litigation trust that the internal affairs doctrine did not bar claims against officers and directors of a Delaware corporation for violations of California's securities fraud statute.

- **Friese v. Superior Court, 134 Cal. App. 4th 693, 36 Cal. Rptr. 3d 558**  
The case settled for a confidential amount.
- **Equatorial Tonopah v. Kvaerner U.S. Inc.** Represented plaintiff mining company against worldwide engineering firm in post-trial supersedeas bond proceedings in trial and appellate court. The case resulted in one of the largest actual damages verdicts and settlements in Nevada history.

### Professional Honors & Affiliations

- “Houston Top Lawyer”, *H Magazine*, 2012-2013
- “Texas Rising Star,” by Thomson Reuters’ Super Lawyers in *Texas Monthly Magazine*, 2005-2010
- Member: State Bar of Texas, Houston Bar Association, and Houston Young Lawyers Association