

## Ralph C. Perry-Miller

### Senior Counsel

Ralph Perry-Miller is a trial lawyer and problem-solver with more than 35 years of experience guiding clients to successful outcomes in all types of business and real estate disputes and transactions. His extensive trial and litigation experience includes trying business and real estate cases to verdict or judgment and arguing appeals in more than 100 cases. Ralph's unique background in handling a variety of complex business issues in litigation successfully translates into helping clients find practical ways solve to problems both inside and outside the courtroom.

Ralph has achieved favorable outcomes in trials and appeals before a variety of state and federal appellate courts. Recently in *GrandView PV Solar Two v. Helix Electric*, 847 F.3. 255 (5th Cir. 2017), he successfully blocked a defendant's attempt to remove a contractual dispute to federal court and later reached a favorable settlement for his client. He is also particularly proud of the result he achieved in *Creditwatch v. Jackson*, 197 S.W.3d 814 (Tex. 2005), an employment case he argued before the Supreme Court of Texas that clarified the law favorably for employers in sexual harassment cases.

### Experience

- Obtained favorable opinion from Fifth Circuit Court of Appeals on behalf of purchaser of solar power plant against contractor resulting in settlement and substantial payment to client.
- Obtained defense jury verdict for commercial tenant (nightclub) and guarantor of lease in lease termination suit in which landlord sought over \$1 million in rent and property damage, with jury awarding less than \$50,000 and completely releasing guarantor.
- Obtained jury verdict in favor of tenant in commercial lease dispute with jury finding that landlord had constructively evicted commercial tenant and awarding substantial relocation damages.



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**Industries**  
Real Estate  
Restaurants & Clubs

**Practices**  
Commercial Litigation  
Real Estate

**Education**  
J.D., Southern Methodist University  
Dedman School of Law (1982)  
B.A., Oberlin College (1979)  
The Hill School (Preparatory) (1975)

**Bar Admissions**  
Texas (1982)

**Court Admissions**  
United States Supreme Court (2000)  
United States Tax Court (1983)  
U.S. Court of International Trade (1985)  
United States Court of Appeals, Sixth  
Circuit (1991)  
United States Court of Appeals, Fifth  
Circuit (1986)  
United States District Court, Eastern  
District of Texas (2002)  
United States District Court, Southern

- Obtained defense summary judgment with the court ruling that the trade secrets, claimed by a corporate plaintiff to be misappropriated and worth millions of dollars, were not protected trade secrets resulting in settlement of entire case for less than \$10,000.  
District of Texas (2001)  
United States District Court, Western District of Texas (1989)  
United States District Court, Northern District of Texas (1983)
- Obtained jury verdict for commercial landlord in complicated commercial real estate lease dispute with jury finding that restaurant tenant had committed percentage rent fraud and awarding punitive damages to landlord.
- Successfully argued appeal to Supreme Court of Texas that intentional infliction of emotional distress claim was pre-empted by sexual harassment statutes, resulting in take nothing judgment in favor of corporate employer.
- Defended Estate and Administrator sued for \$50 million on breach of fiduciary duty claim. Obtained take nothing summary judgment with the case settling after a notice of appeal.
- Successfully defended component manufacturer on defective product claim seeking over \$2 million dollars resulting in small payment to client for unpaid product.
- Represented commercial landlord in litigation concerning right of tenant to move out and nullify the percentage rent provisions of the lease. Tenant sued claiming that it had overpaid the rent and claiming breach of lease by landlord. Case resulted in substantial payment to landlord.
- Represented commercial real estate broker on claim for commercial lease commissions where there was no formal listing agreement. Case resulted in payment in full of commission owed to client (broker) on \$6 million dollar transaction.
- Assisted in numerous stock sale and asset purchase transactions for clients with transactions ranging from \$500,000 to \$80 million dollars.

## Press Releases

- “New Blog Focuses on Texas Restaurant Law” (October 20, 2009)
- “Ralph Perry-Miller Appointed to the 2009 State Bar of Texas Annual Meeting Committee” (August 20, 2008)

### Thought Leadership

- “Dallas Court of Appeals Clarifies Where to Bring Injunction Suits”, Gray Reed Legal Alert (February 6, 2019)
- “Language Changes for Borrowers and Guarantors of Secured Real Estate Loans”, Gray Reed & McGraw Legal Alert (July 2, 2014)

### Speeches and Presentations

- “Intentional Infliction of Emotional Distress: A cause of action whose time has come - to go”, Dallas Bar Association Employment Law Section (June 2006)

### Honors

- Named a “Super Lawyer” by Texas Super Lawyers (a Thomson Reuters business) as published in *Texas Monthly* and *Law & Politics* magazine (2006 - 2007)
- AV Preeminent® rated (the highest possible Martindale-Hubbell Peer Review Rating designation)

### Reported Opinions

- In re Keith Ross, No. 05-18-01052-CV, (Tex.App.-Dallas 2018)
- GrandView PV Solar Two v. Helix Electric, 847 F.3. 255 (5th Cir. 2017)
- Robert C. Barton, Windoor World, Inc., and Deriso Development, LLC v. Fashion Glass and Mirror, Ltd., 321 S.W.3d 641 (Tex.App.-

Houston 2010)

- Donald B. Small v. Specialty Contractors, Inc., Billy Don Elliott, Leland T. Skinner, LDD, L.P., and Ess Management LLC, 310 S.W.3d 639 (Tex.App.-Dallas 2010)
- In re Gulf Coast Business Development Corp., 247 S.W.3d 787 (Tex.App.-Dallas 2008)
- Creditwatch, Inc. v. Jackson, 157 S.W.3d 814 (Tex. 2005)
- Jackson v. Creditwatch, Inc., 84 S.W.3d 397 (Tex.App.-Fort Worth 2002)
- In re Sheets, 971 S.W.2d 745 (Tex.App.-Dallas 1998, orig. proceeding)
- Constable Rick Richardson and Deputy Constable Terry Maitland v. Eddie Parker, 903 S.W.2d 801 (Tex.App.-Dallas 1995)
- Darwin v. Fugit, 914 S.W.2d 621 (Tex.App.-Fort Worth 1995, writ denied)
- R Communications, Inc., f/k/a R N Communications, Inc. v. Honorable John Sharp, Comptroller of Public Accounts of the State of Texas, 839.S.W.2d 947 (Tex.App.-Austin 1992)
- American Imaging Serv., Inc. v. Eagle-Picher Indus., Inc.; In re Eagle-Picher Indus., Inc., 963 F.2d 855 (6th Cir. 1992)
- Vastine v. Bank of Dallas, 808 S.W.2d 463 (Tex. 1991)
- Distribution Serv., Ltd. v. Eddie Parker Interests, Inc., 897 F.2d 811 (5th Cir. 1990)
- New Trends, Inc. v. United States, 10 Ct. Int'l Trade 637, 645 F.Supp. 957 (1986)

### Organizational Involvement

- Highland Park Community League
  - Chairman (2017 - present)
  - Vice-Chairman (2015 - 2017)
  - Executive Committee (2012 - 2015)
- Founding Board Member of Danielle Dawn Smalley Foundation, a private foundation committed to pipeline safety (2005 - present)