



Kimberly A. Chojnacki

Shareholder

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Kimberly Chojnacki is a catastrophic loss and complex commercial litigator and transactional attorney representing clients in an array of industries and in state and federal courts in Houston and throughout Texas. She is also a member of Baker Donelson's 24-hour Emergency Response Team.

In her litigation practice, Ms. Chojnacki represents clients in bet-the-company, high-exposure, high-profile pieces of litigation, including catastrophic and mass tort claims, complex commercial litigation, and eminent domain and condemnation proceedings. She has significant trial and appellate experience in both state and federal courts.

Ms. Chojnacki is highly regarded for the portion of her practice that centers on catastrophic loss litigation, primarily in defense of motor carriers and other corporate clients in high-profile fatalities, intentional tort losses, catastrophic personal injuries, and mass tort events. The nature of these claims requires a steady focus, both on the case at bar and the long-term implications of a given litigation maneuver. She deftly manages incident response, media engagement, and litigation with dedicated, persistent focus on the client's goals in resolving the case, whether through settlement or trial on the merits.

The balance of Ms. Chojnacki's litigation practice centers on complex commercial litigation (in instances in which resolution has implications far beyond the facts of the case) and condemnation (including all aspects of right-of-way matters for pipeline owners and operators, utilities, and other common carriers).

In her transactional practice, Ms. Chojnacki represents clients in stock repurchase and buyout transactions, real estate transactions (such as energy, surface mining, and real property leases), royalty true-ups, operational and business form agreements, and general contract negotiations and closings.

Ms. Chojnacki is known for her insightful and thorough attention to each matter, focusing on the precise (and often minute) details on which the outcome will depend. By identifying the most critical factual and legal issues in dispute or motivating the ultimate outcome, Ms. Chojnacki leverages efficient strategies and maneuvers in pursuing or defending against claims or negotiating a transaction, saving her clients valuable time and resources.



Representative Matters

Complex Commercial Litigation

- Defending an international logistics company as a member of their preferred counsel panel handling trucking accidents in Alabama, Florida, Georgia, Mississippi, Louisiana, North Carolina, Tennessee, and Texas.
- First-chaired a bench trial for breach of contract and negligence claims against a former property management company whose employees defrauded the Department of Housing and Urban Development of more than \$1.6 million through the client's low-income housing property resulting in a favorable judgment on behalf of the client.
- First-chaired jury trial to a favorable resolution on behalf of a convenience store owner in Jefferson County, Texas against claims that client had negligently allowed motorists to park on public

roadways. Following entry of judgment, leveraged appellate points to obtain a favorable settlement on behalf of the client.

- Second-chaired jury trial to a judgment favorable to clients, who were board members of Texas non-profit corporations affiliated with a historic local church, in a declaratory judgment action to determine the composition of the board amid allegations of mishandling of funds by the chairman and church members.
- Represented the limited partners of a partnership against claims of breach of fiduciary duties and *ultra vires* acts, resulting in payment of settlement proceeds to the limited partners.
- Represented a critical infrastructure services company in a suit to quiet title, resulting in a favorable settlement.
- Briefed and argued successful motions to dismiss and for sanctions in arbitration resulting in dismissal of contract and fraud claims valued at \$2.5 million in favor of revenue enhancement service provider in the health care industry.
- Represented a real estate developer against claims of fraud and breach of fiduciary obligations in relation to transactions totaling in excess of \$5 million, resulting in a favorable settlement.
- Represented the former employee of a hydrocarbon industrial corporation against claims of theft of trade secrets and breach of fiduciary duties in two separate lawsuits, resulting in a walk-away settlement encompassing both suits upon the filing of anti-SLAPP dismissal motions.
- Briefed and argued against dismissal motions brought under the Texas Citizens' Participation Act relating to clients' claims for trade secret misappropriation, breach of fiduciary duties, and related claims, resulting in favorable ruling for the clients. Briefed and argued the defense of this ruling on appeal to the First Court of Appeals, resulting in a favorable opinion both in the first instance and upon en banc reconsideration.
- Defended a client in a fraud case brought by the client's former employer and valued in excess of \$25 million. Successfully settled the case for less than \$1 million upon the filing of dispositive motions on behalf of the client.
- Briefed and argued successful motions to dismiss on the basis of standing and failure to state claims in favor of one of the world's largest private owners of timberlands in a dispute valued in excess of \$1.4 million. Briefed the defense of these motions on appeal to the Fifth Circuit Court of Appeals resulting in a favorable disposition.
- Represented nation's largest senior living company in the investigation of a Fair Housing Act complaint filed against it in Denver, Colorado, resulting in a favorable outcome for the client.

Transactional

- Represented a private buyer in the purchase and importation of CITES Appendix II animals from Namibia for conservation efforts, the first such successful importation to the United States on behalf of a private buyer.
- Represented executrix in share repurchase transaction valued at \$1.6 million.
- Represented landowner in surface mining royalty true-up transaction.

Eminent Domain

- Assisted client in the acquisition of right-of-way for a 120-mile NGL pipeline in West Texas, including negotiations and condemnation as appropriate.
- Represented South Texas landowner in negotiations for a right-of-entry for survey in anticipation of construction of border wall.



Professional Honors & Activities

- Listed in *Best Lawyers: Ones to Watch* in America™ for Commercial Litigation and Insurance Law (2021 – 2024); Eminent Domain and Condemnation Law (2023, 2024)
- Vice-Chair – American Bar Association Commercial Transportation and Litigation General Committee (2023 – 2024)
- Selected to Texas Rising Stars by *Texas Super Lawyers* (2020 – 2024)

- Recipient – President's Award for Outstanding Service, Houston Bar Association (2017 – 2018)
- Member – John J. Eikenburg Law Week Fun Run Committee (2015 – present)
- Chair – John J. Eikenburg Law Week Fun Run Volunteer Subcommittee (2015 – 2017)
- Co-chair – John J. Eikenburg Law Week Fun Run Committee (2017 – 2018)
- Member – The Houston Lawyer Committee (2015 – present)
- Guest Editor – *The Houston Lawyer Diversity in Practice* (March/April 2016)
- Guest Editor - *The Houston Lawyer Houston Strong* (November/December 2017)



Publications

- "More Than a Pipedream: Texas LNG Export Terminals Reauthorized by Federal Energy Regulatory Commission" (May 2023)
- "Essentials of Pre-Trial Strategy," republished in *Texas Lawyer* (June 2022)
- "International Shoe Drops Again: Expanding Personal Jurisdiction in Products Liability Cases" (June 2021)
- "Preparing for Trial: Five Tips for New Litigators," *Trial Spotlight Newsletter* (April 2021)
- "Baker's Dozen: Remembrances of RBG," *Women's Initiative Newsletter* (October 2020)
- Book Review – "The Chief: The Life and Turbulent Times of Chief Justice John Roberts," by Joan Biskupic, *The Houston Lawyer* (September/October 2019)
- "Baker's Dozen: Women Leaders We Admire," *Women's Initiative Newsletter* (August 2019)
- Book Review – "When Big Law Goes Wrong," *The Houston Lawyer* (March/April 2017)
- "A Look Forward with an Eye on the Past," *The Houston Lawyer* (March/April 2016)
- "A Look Back for the Benefit of the Future," *The Houston Lawyer* (March/April 2016)
- "Texas Supreme Court Protects Arbitration Provisions in Attorney-Client Employment Contracts," *The Houston Lawyer* (November/December 2015)
- Book Review – "Go Set a Watchman: Reconciling Our Inner Atticus," *The Houston Lawyer* (July/August 2015)
- "President-Prime Minister Relations, Party Systems, and Democratic Stability in Semipresidential Regimes: Comparing the French and Russian Models," *Texas International Law Journal* (2012)



Speaking Engagements

- Panelist – "How TCPA Motions to Dismiss Have Changed Texas Litigation," UT Law CLE Webcast (March 2019)



Webinars

- The Sting of Anti-SLAPP: Considerations for HR Professionals (October 2019)



Education

- The University of Texas School of Law, J.D., 2012
 - Managing Editor, Articles and Notes Editor, Submissions Review Board – *Texas International Law Journal*
- The University of Texas at Austin, B.A., 2009



Admissions

- Texas, 2012
- U.S. District Court for the Northern, Southern, Eastern and Western Districts of Texas
- U.S. Court of Appeals for the Fifth Circuit