



AVNIEL J. ADLER

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OVERVIEW

Avniel Adler has successfully represented clients at trial and on appeal for over a decade. Clients rely on Avniel because of his capacity to listen, his attention to detail, and his ability to consistently offer pragmatic, energetic, and creative solutions to challenging legal problems.

Avniel attended law school in New York, where he was first admitted to practice law, before returning home to Texas, where he was admitted to practice shortly thereafter. Avniel began his career at a plaintiff's litigation boutique specializing in complex fiduciary litigation between owners of privately held business entities. There, Avniel gained first chair bench trial experience and second chair jury trial experience in Brooklyn, New York and Galveston, Texas, respectively. These experiences, together with handling plaintiff's work generally, taught Avniel how to build a case for trial and how to assess the settlement value of a case. He then joined a national law firm where he defended governmental entities, financial services companies, and employers from general liability claims, federal consumer-protection claims, and employment-based claims.

For the past six years, Avniel has dedicated his practice to counseling and defending insurers. He has counseled and defended insurers against claims under a variety of insurance forms, including commercial general liability, directors & officers, trucking, cargo, residential and commercial property, excess and umbrella policies. Avniel has investigated and prepared coverage opinions, taken examinations under oath, prepared and argued summary judgment motions, and successfully obtained the dismissal of dozens of litigated claims.

Avniel has considerable expertise with insurance appraisal issues and he frequently counsels and represents insurers on a wide variety of matters pertaining to the insurance appraisal process. A small sample of Avniel's recent representative experience is summarized below.

EXPERIENCE

- In an insurance appraisal case, obtained grant of petition for writ of mandamus directing trial court to vacate its appointment of an attorney as umpire in contravention of the insurance policy's subject matter expertise requirements for umpires. See *In re State Farm Lloyds*, No. 13-22-00545-CV, 2023 WL 2029148 (Tex. App. – Corpus Christi-Edinburg Feb. 15, 2023).
- In a D&O liability case, obtained summary judgment for carrier on all of insured's claims arising out of coverage denial based on a contract exclusion precluding coverage for underlying class action seeking refunds after SXSW festival was cancelled due to Covid-19. See *SXSW, LLC v. Fed. Ins. Co.*, No. 1:21-CV-00900-RP, 2022 WL 1648500 (W.D. Tex. May 24, 2022), *report and recommendation adopted*, 2022 WL 4866706 (W.D. Tex. Sept. 29, 2022).
- In a D&O liability case, obtained summary judgment for carrier on all of insured's claims based on related-claims provision deeming claim first made before inception of the policy and based on insureds' breach of warranty in the insurance application. See *Drawbridge Energy US Ventures, LLC v. Fed. Ins. Co.*, No. 4:20-CV-03570, 2022 WL 991989 (S.D. Tex. Apr. 1, 2022).
- In a product liability case, obtained dismissal of plaintiff's claims against client under the Deceptive Trade Practices Act and for fraud, unjust enrichment, defective design and marketing defects. The parties reached a confidential settlement shortly thereafter. See *Zakaria v. STL Int'l, Inc.*, No. 4:20-CV-01722, 2020 WL 4368096 (S.D. Tex. July 30, 2020).
- In a first party property case, obtained summary judgment for carrier on all of insured's claims arising from below-deductible adjustment of claimed damages caused by Hurricane Harvey, after successfully moving to exclude all proffered testimony of insured's expert. See *Guzman v. State Farm Lloyds*, 456 F. Supp. 3d 846 (S.D. Tex. 2020).
- In an insurance appraisal case, obtained sanction against attorney for frivolous litigation and forum shopping, and handled subsequent appeal affirming sanction award and appointment of appraisal umpire after non-suit of insured's claims. See *Jada Etienne v. State Farm Lloyds*, No. 14-18-00665-CV (Tex. App. – Houston [14th Dist.] September 10, 2019).
- In a first party property case, obtained take-nothing jury verdict for carrier based on no storm-created opening to apartment complex, notwithstanding stipulation that amount of loss to insured's property exceeded the policy limits. See *Alfredo Alegria, et al v. State Farm Lloyds*, in the Justice Court, Harris County, Texas, Precinct 3, Place 1, Case Number 183100085302.
- In a governmental immunity case, obtained reversal of trial court order denying plea to the jurisdiction for City Building Official. See *Jack Fryday d/b/a Fryday Consulting Services, Inc. v. Linda Michaelski*, 541 S.W.3d 345 (Tex. App. – Houston [14th Dist.] 2017, pet. denied).

FOCUS AREAS

- Appellate
- Commercial
- Directors and Officers
- First Party Property
- Insurance and Reinsurance

- Litigation

CREDENTIALS

ADMISSIONS

- New York
- Texas
- U.S. Court of Appeals for the 5th Circuit
- U.S. District Court, E.D. Texas
- U.S. District Court, N.D. Texas
- U.S. District Court, S.D. Texas
- U.S. District Court, W.D. Texas

EDUCATION

- Hofstra University School of Law, J.D.
- Yeshiva of Greater Washington, Bachelor of Talmudic Law

AFFILIATIONS

- Houston Volunteer Lawyers
- Houston Young Lawyers Association
- Anti-Defamation League

NEWS

- Walker Wilcox Partner Promotions
- Texas Supreme Court Alters Duty to Defend Analysis
- Walker Wilcox Welcomes Avniel Adler