



Gina Viccinelli

Partner

Hermes Sargent Bates, L.L.P.
901 Main Street, Suite 5200
Dallas, Texas 75202

Phone: 214.749.6544
Fax: 214.749.6344
gina.viccinelli@hsblaw.com

“I believe that working hard, being thorough, and understanding each client's needs are essential to achieving success.”

Practice Areas

Products Liability • Premises Liability • Professional Liability • Commercial Litigation • Trade Secret Litigation • Contract Disputes • Defamation • Business Torts

Gina Viccinelli's practice is devoted primarily to general litigation, including products liability, commercial litigation, trade secret litigation, contract disputes, defamation, business torts and personal injury defense.

Representative Experience

- Extensive experience defending product manufacturers and distributors in multiparty litigation in both state and federal courts.
- Long standing representation and defense of water supply line manufacturer in over 130 product liability disputes in state and federal court as well as in arbitration.
- Prosecution and defense of businesses in complex commercial disputes in arbitration and litigation.
- Multiple cases representing a furnace/HVAC manufacturer in product liability litigation involving death, injuries, and/or large scale property damage.
- Defended and obtained a summary judgment securing the dismissal of inverse condemnation claims under the Fourth, Fifth and Fourteenth Amendments of the United States Constitution and state law private nuisance claims in federal court on behalf of a municipality pertaining to the construction of Dallas Cowboys Stadium and the traffic management plan for events. *Enclave Arlington Associates Ltd. P'ship v. City of Arlington, Tex.*, 669 F. Supp. 2d 735 (N.D. Tex. 2009) *aff'd sub nom. Enclave Arlington Associates Ltd. P'ship v. City of Arlington, Texas*, 09-11202, 2010 WL 4608816 (5th Cir. Nov. 15m 2010).
- Representation of crane hook manufacturer in product liability litigation involving the death of an individual allegedly caused by the failure of a crane hook on an overhead crane.
- Successfully obtained voluntary dismissal of wrongful death action involving an electric space heater after completely disproving plaintiff's theories through expert investigation.
- Represented candy manufacturer in claim against competing company involving claims of Lanham Act violations, trade dress infringement, tortious interference with business expectations and racketeering under 18 U.S.C. § 1962 (RICO)

- Representation of concrete pump manufacturer in product liability litigation involving multiple deaths/injuries.
- Defense of product manufacturer against claims of business disparagement, defamation, theft of trade secrets, breaches of the Texas Theft Liability Act and breaches of Computer Fraud and Abuse Act related to allegations of unlawfully obtaining confidential and proprietary electronic information
- Defense of individuals and companies against claims of defamation
- Defense of business property owners/operators in premise liability actions
- Defense of software company against claims involving alleged breaches of software agreements, fraud and violations of the Texas Deceptive Trade Practices Act

Bar Admissions

- State Bar of Texas, 1999
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit

Education

- Bachelor of Arts Degree from Baylor University, 1990
- Master of Arts Degree from St. Edward's University, 1995
- Juris Doctor Degree, *cum laude*, from the University of Houston Law Center, 1999; Book Reviews editor for the Houston Journal of International Law, 1998-1999

Awards & Recognitions

- "Texas Rising Star" - *Texas Monthly* and *Law & Politics Magazine*, 2005

Publications & Presentations

- Faculty/Moderator, "How to Manage Excessive Damages Cases Involving Unnecessary Care and Overtreatment." DRI Strictly Retail Seminar, Chicago, IL. May 2011
- Author, "Hermes Sargent Bates Texas Product Liability Manual," January 2011
- Co-author, "Texas Supreme Court Expands the Definition of 'Seller' and a Manufacturer's Duty to Indemnify," Hermes Sargent Bates E-Alert, September 2010
- Co-author, "Texas Legislative Update," 2003
- The Eleventh Court of Appeals Examines a Plaintiff's Burden In A Design Defect Case

Memberships

- State Bar of Texas, Member, Consumer & Commercial Law Section; Member, Litigation Section
- Defense Research Institute, Retail and Hospitality Committee, Webpage Vice-Chair
- Defense Research Institute, Member, Product Liability, Commercial Litigation, Electronic Discovery, Food Liability and Retail and Hospitality committees
- Dallas Bar Association