

CARLOS SOLTERO

PARTNER

Carlos Soltero has tried a wide range of cases for over 25 years throughout Texas and beyond the Lone Star State. Carlos is frequently asked close to trial or in connection with injunction proceedings to lead a case or assist as co-counsel with witnesses or jury instructions and other trial work. He represents other lawyers and assists them in a range of professional and personal litigation matters. Carlos has also published and lectured in various areas relating to trial and pretrial practice — including jury selection, expert challenges, attorneys' fees, discovery, choice of law in private international litigation and employment discrimination. Prior to starting Soltero Sapire Murrell PLLC, Carlos worked at other well-known firms and served as head of the Litigation Section at McGinnis Lochridge, LLP.

A graduate of Yale Law School and a trial lawyer that is board certified in Personal Injury Trial Law, Carlos primarily represents individuals, lawyers and small businesses in courtroom disputes ranging from commercial, intellectual property and technology, to landowner rights, personal injury, wrongful death, and other tort cases. He has tried a wide range of cases as a first chair or in a supporting role to juries, judges and arbitrators as well as handling dispositive or case-altering hearings. Carlos has also represented parties for over two decades in appeals including oral arguments before the Fifth Circuit Court of Appeals and Texas intermediate courts of appeals. Carlos is fully bilingual and a native Spanish speaker.

Representative Matters

Commercial Litigation

- ✓ Obtained summary judgment in Travis County for client in defense of alleged oral agreement where plaintiff sought over \$150 million in alleged damages.
- ✓ Obtained summary judgment and denial of plea to the jurisdiction in Travis County for plaintiff health plan client in ultra vires action against Health and Human Services Commissioner for breaching mandatory law pertaining to Medicaid contracting. The Austin Court of Appeals unanimously affirmed in favor of client on the plea which was the basis of HHSC's appeal.
- ✓ Recovered substantial assets on behalf of clients defrauded out of \$26 million as part of a Ponzi scheme.
- ✓ Obtained judgment in Hill County for the full amount of a construction debt dispute (including jury-awarded attorneys' fees) in Hill County, which was affirmed on appeal.
- ✓ Obtained summary judgment in La Salle County in favor of land mineral rights' owners against EP Energy in excess of \$40 million which is currently on appeal at the San Antonio Court of Appeals and in bankruptcy proceedings.
- ✓ Obtained judgment in bench trial in Travis County for client in defense of alleged breach of contract and fraud allegations in real estate transactions.
- ✓ Obtained a take-nothing judgment in the defense of a Mexican customs broker in a federal court bench trial in Houston.
- ✓ Obtained a favorable, case-changing, choice-of-law ruling in an arbitration between a pump manufacturer and a Puerto Rican distributor
- ✓ Represented a health insurer plaintiff in an unfair competition case in Bexar County arising from a conversion campaign between a competing health plan, agents and a physicians' group and involving allegations of misusing confidential information.
- ✓ Assisted in obtaining summary judgment against a challenge to the validity of a family mineral trust based on the rule against perpetuities in Webb County dispute.

- ✓ Assisted in obtaining settlement for convention event client in suit against hotel that failed to provide agreed-upon convention facilities in Travis County.
- ✓ Successfully represented several clients in defeating invasive Rule 202 requests for pre-suit depositions and other requested discovery.
- ✓ Assisted in representation of landowner in pipeline condemnation case in La Salle County. The matter settled for a confidential amount during jury selection.
- ✓ Successfully represented client in defeating motion for attorney's fees for appeal at the Fifth Circuit.
- ✓ Assisted in obtaining successful settlement for convention event client in suit against hotel unable to perform in Travis County.

Insurance

- ✓ Obtained Fifth Circuit opinion in 2016 affirming summary judgment for an insurer in a dispute over applicability of narcotics exclusion to insurance coverage.
- ✓ Obtained summary judgment for health insurer in ERISA dispute in Southern District of Texas which was affirmed by the Fifth Circuit Court of Appeals and which the United States Supreme Court denied a petition for writ of certiorari.
- ✓ Obtained dismissal of breach of life insurance claim for insurer client in face of pending hearing on summary judgment in Travis County.
- ✓ Obtained favorable opinion denying request for appellate attorney's fees at the Fifth Circuit Court of Appeals.
- ✓ Represented both insurers and insureds in coverage disputes.

Privacy, First Amendment, & The Constitution

- ✓ Obtained judgment including attorney's fees award in Travis County bench trial for plaintiff in "revenge porn" and invasion of privacy case.
- ✓ Obtained confidential settlement for clients in invasion of privacy dispute involving illicit video recording of them in workplace bathroom.
- ✓ Represented landowner in nuisance dispute arising from the placement of a cell tower on adjacent property which interfered with client's pre-existing use of a private airstrip.

- ✓ Obtained voluntary dismissal of personal injury case against client operating social gathering media website in federal court in Houston in face of Rule 12(b)(6) motion based on bar by the Communications Decency Act of 1996 and other grounds.
- ✓ Represented clients in drone litigation matters including a constitutional challenge to the "border exception" in Webb County and the Southern District of Texas, Laredo Division.
- ✓ Represented law firm in a dispute alleging misuse of confidential information and invasion of privacy.
- ✓ Represented immigrants in cases including constitutional challenge

✓ **Trade Secrets/Employment**

- ✓ Obtained 12(b)(6) dismissal of all claims against employer of new employee in trade secrets/non-compete dispute in the Western District of Texas after preliminary injunction hearing.
- ✓ Obtained dismissal with prejudice in defense of national origin discrimination and retaliation suit in Harris County in response to filing summary judgment.
- ✓ Obtained dismissal of defamation claim against client seeking \$2.5 million in damages in federal court in Austin.
- ✓ Obtained summary judgment based on TUTSA preemption in Travis County for client accused of various torts in trade secret/competition case.
- ✓ Assisted in the defense of a client in an oil and gas dispute where plaintiffs sought damages in excess of \$100 million. Carlos also assisted in prosecuting the counterclaims for misappropriation of trade secret seismic data in the Louisiana bench trial.
- ✓ Defended software engineers from claims of misappropriation and breach of covenants in Travis County from suit brought by former employer.
- ✓ Assisted in obtaining a summary judgment in federal court in Waco on behalf of an employer in an FLSA case filed as a collective action. The judgment was affirmed by the Fifth Circuit.
- ✓ Obtained temporary injunction in federal court in Galveston in a matter arising from the violation of a noncompete agreement by a trucking broker employee

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- ✓ Argued appeal to the Fifth Circuit that resulted in the reversal of an improperly granted summary judgment and directed verdict in a race and age discrimination case.
- ✓ Obtained no liability ruling in bench trial of former employee tried on YouTube in Travis County during COVID-19 pandemic resulting in dissolution of injunction and ruling in his favor on all claims against him.
- ✓ Together with counsel for other plaintiffs, obtained denial of Rule 91a dismissal in whistleblower case against Office of the Texas Attorney General which the Austin Court of Appeals affirmed
- ✓ Obtained Rule 12(b)(6) dismissal with prejudice of claims against former employee accused of various causes of action in trade secrets/competition case in Western District of Missouri

Personal Injury & Wrongful Death

- ✓ Represented family members in a landmark wrongful death and survival action in which he obtained a jury verdict and settlement for the widow and child of a man shot, killed and abandoned by the employees of a Webb County ranch company.
- ✓ Represented family in obtaining substantial pre-suit settlement in a multi-death case against a trucking company in Lee County.
- ✓ Assisted in the representation of a family in a wrongful death case against a trucking company and a road construction company. The case settled during trial in Zavala County.
- ✓ Assisted family members of a man who died in a vehicular accident in Texas defeat attempts to apply foreign (Mexican) law in wrongful death case in Jim Wells County.
- ✓ Obtained a no-negligence verdict in the defense of a nurse and hospital in a malpractice jury trial in Harris County.
- ✓ Represented plaintiff in pharmacy malpractice dispute arising from improperly filled prescription in Bexar County.
- ✓ Obtained a case-altering favorable ruling in Webb County on choice of law in defense of a trucking company in a wrongful death case arising from an accident in Mexico
- ✓ Assisted in the defense of a law firm in a legal malpractice action in federal court jury

trial in San Antonio, involving claims arising from patent matters and seeking in excess of \$100 million.

- ✓ Represented client in serious personal injury action arising from auto-pedestrian accident in Travis County.
- ✓ Assisted in obtaining the dismissal in Travis County of a law firm client in a securities suit alleging misrepresentations. The case was affirmed on appeal.
- ✓ Obtained favorable judgments in cases representing clients assaulted at bars and nightclubs, one of which was affirmed in part by the Supreme Court of Texas as to the security guard.

(<https://ssmlawyers.com/2021/10/28/recent-developments-in-nonparty-discovery-in-texas-plain-and-practical/>)

Recent developments in Nonparty Discovery in Texas: Plain and Practical (<https://ssmlawyers.com/2021/10/28/recent-developments-in-nonparty-discovery-in-texas-plain-and-practical/>)

🕒 October 28, 2021

Two 2021 opinions squarely align with the Texas Supreme Court's approach to nonparty discovery: they follow the plain language and practically [...]

Read more (<https://ssmlawyers.com/2021/10/28/recent-developments-in-nonparty-discovery-in-texas-plain-and-practical/>)

(<https://ssmlawyers.com/2021/07/16/executive-order-chides-non-compete-agreements-and-may-affect-employment-litigation-in-texas/>)

Executive Order Chides Non-Compete Agreements and May Affect Employment Litigation in Texas (<https://ssmlawyers.com/2021/07/16/executive-order-chides-non-compete-agreements-and-may-affect-employment-litigation-in-texas/>)

🕒 July 16, 2021

On July 9, 2021, President Biden signed EO-14036, an executive order that may have implications for the enforceability of [...]

Read more (<https://ssmlawyers.com/2021/07/16/executive-order-chides-non-con-and-may-affect-employment-litigation-in-texas/>)

(<https://ssmlawyers.com/2021/02/15/scope-of-trade-secret-preemption-in-texas->

Scope of Trade Secret Preemption in Texas Remains Disputed

(<https://ssmlawyers.com/2021/02/15/scope-of-trade-secret-preemp>




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( <https://ssmlawyers.com/wp-content/uploads/2020/04/Carlos-Soltero.vcf>)

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Honors

Texas Board of Legal Specialization, Board Certified, Personal Injury Trial Law

American Board of Trial Advocates (ABOTA), Member, Austin Chapter

Benchmark Local Litigation Star, 2017

Texas Super Lawyer (2012-2021), **Rising Star** (2004-2009)

Professional Activities

State Bar of Texas, Court Rules Committee Chair 2014-2016

Pattern Jury Charge (PJC) Committee, Vice Chair for Business, Consumer, Insurance and Employment Volume (2018-present)

Pattern Jury Charge Committee, Business, Consumer & Employment 2001-2007, 2016-present

Texas Board of Law Examiners, Director 2018-present

Joint Commission on Information Technology, Member

Education

Yale Law School, J.D. '94

Yale University, B.A., History & Political Science, '91

Our Attorneys

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[Matthew Murrell](#)

[Kayla Carrick Kelly](#)

[Abbey Chiodo Gray](#)

[Vanessa Suarez](#)

[Travis Maples](#)

About Us

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Practice Areas

- Business & Employment Disputes
- Construction & Real Estate
- Privacy, First Amendment & The Constitution
- Food, Beverage, & Hospitality
- Intellectual Property
- Health Care & Insurance
- Wrongful Death & Serious Personal Injury

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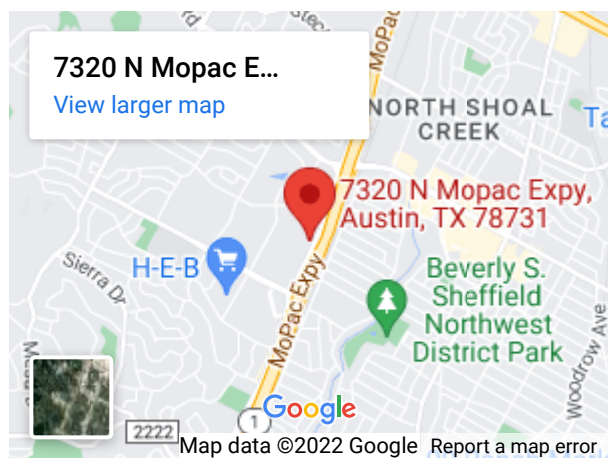
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