



Walter M. Berger

Partner

Casey Berger is a Partner in Howrey's Houston office and is a member of the firm's Global Litigation group.

Mr. Berger specializes in complex business litigation and trial practice with a focus on securities, antitrust, consumer fraud and class action defense. His range of experience includes defense of corporations, officers and directors in private securities litigation; derivative actions and enforcement proceedings, defense of companies in antitrust and consumer fraud class actions; disputes arising out of international construction projects, and the representation of major corporations in international arbitration. Mr. Berger has significant experience in all phases of trial and appellate practice in both state and federal courts, as well as arbitration proceedings throughout the United States and abroad.

Walter M. Berger

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ADMISSIONS

Texas

EDUCATION

University of Texas School of Law
(JD, 1996), *with honors*

Pomona College (BA, 1992), *cum laude*

Cambridge University (Study
Abroad Program, 1991)

Prior to joining Howrey in 2005, Mr. Berger practiced commercial litigation at a major Houston-based firm. Mr. Berger was elected to the Board of Directors for the Litigation Section of the Houston Bar Association in 2002. Mr. Berger has been repeatedly selected as a "Rising Star" in Business Litigation by *Texas Monthly* magazine.

REPRESENTATIVE MATTERS

- *Shirvanian v. Debrates*. Successfully defended a Fortune 200 company in an important case of first impression under state securities laws involving damages in excess of \$200 million; obtained a summary judgment verdict for the client, and successfully defended that judgment on appeal.
- *Securities and Commercial litigation*. Successfully defended a major international waste management company and its subsidiaries in several breach of contract and securities fraud actions in federal and state courts across the country; damages claims ranged from \$5 million to over \$100 million; cases involved use of the multi-district litigation transfer procedures; obtained several dismissals in advance of trial; successfully defended several dismissals on appeal to the United States Court of Appeals for the Fifth Circuit. *See e.g. Smith v. Waste Management, Inc.*, 407 F.3d 381 (5th Cir. 2005); *Jeffrey Courtney v. Arthur Andersen LLP*, 2008 WL 280897 (5th Cir. 2008).
- *In re Marine Hose Antitrust Litigation*. Defended European manufacturing firm in antitrust class action arising out of an alleged international price fixing and bid-rigging cartel in the marine hose industry.

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- *Securities litigation.* Represented a major pharmaceutical company in a securities fraud class action filed in the Southern District of New York. The case was settled prior to the Court's ruling on class certification.
- *International arbitration.* Successfully defended a Fortune 200 company in an International Chamber of Commerce arbitration that was tried in New York in 2005; claims were in excess of \$100 million and involved French, US, and Latin American assets.
- *Chicago Bridge & Iron NV v. Fluor Daniel, Inc.* Successfully defended US parent and Australian subsidiary in a breach of contract and tortious interference action related to a major construction dispute in Australia. The case involved proceedings in both state and federal court. Obtained effective dismissal under the International Abstention Doctrine, and defended that result in the United States Court of Appeals for the Fifth Circuit.
- *Commercial litigation.* Successfully defended an international energy services firm and its IT subsidiary in a tortious interference and intellectual property action in Texas state court; obtained a nonsuit for our client in advance of trial.
- *Securities litigation.* Successfully defended numerous officers and directors of publicly-traded corporations in shareholder litigation, derivative actions and SEC enforcement actions in several different jurisdictions.
- *Commercial litigation and arbitration.* Served as lead counsel for venture capital firm and its portfolio technology companies in several employment, executive compensation, securities and breach of contract disputes.
- *Securities litigation and arbitration.* Served as lead counsel in a number of National Association of Securities Dealers (NASD) arbitrations for major international brokerage firm.

COURTS & ADJUDICATIVE BODIES

- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Texas

PROFESSIONAL AFFILIATIONS

- Member, American Bar Association
- Board of Directors, Houston Bar Association (2002–present), Litigation Section
- Member, Houston Young Lawyers Association