

Eric Taube

PARTNER



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Known by clients as "a good and trusted friend, but a bad and fearsome enemy," Eric is a trusted advisor to and advocate for real estate developers, financial services companies, oil and gas companies, manufacturers, technology companies, professional services firms, restaurants, hospitality companies and more. From start-ups and small businesses to publicly traded multinationals, companies in a wide range of industries rely on Eric Taube to help solve their problems - both in and out of the courtroom.

He thrives on collaborative problem-solving to help clients achieve their objectives, and he has earned a reputation as a formidable advocate in state and federal courts who fights hard to protect clients' interests. Eric is equally adept at representing plaintiffs or defendants in complex commercial disputes, and he has extensive experience in the representation of debtors, secured and unsecured creditors, trustees and committees in bankruptcy proceedings. Eric has significant experience representing clients in fiduciary litigation, real estate disputes, employment disputes, entitlement litigation, securities litigation, construction litigation and contract disputes.

Before joining Waller, Eric was a founding member of Taube Summers Harrison Taylor Meinzer Brown, LLP, a preeminent bankruptcy and civil litigation boutique firm in Austin, Texas.

EXPERIENCE

- **Former bankruptcy judge seeks representation in litigation matter**

Represented Richard Schmidt, former bankruptcy judge appointed as independent advisor for an investment fund, following allegations of impropriety in the bankruptcy process by the fund's founder.

- **Regions Bank objects to oil company's bankruptcy plans**

Represented Regions Bank in the oil and gas production company's Chapter 11 proceedings, involving objection to plan treatment and classification, objecting to sale of the company and supporting alternative sale transaction.

- **Marketing agency involved in Tuesday Morning bankruptcy**

Represented marketing agency McGarrah Jesse as creditor in Tuesday Morning's bankruptcy

proceedings in connection with rejection of contract, administrative claim and prepetition claim.

- **Trustee pursues charges regarding mortgage servicing rights of \$5 billion in loans**
Represented post-confirmation chapter 11 plan trustee in complex adversary proceeding regarding the transfer of over \$50 million in mortgage servicing rights related to over \$5 billion in mortgage loans.
- **Lender enters chapter 11 proceedings of bankrupt borrower**
Represented a lender as creditor in the bankruptcy of one of its borrowers.
- **Payroll company recovers over \$3 million in stolen funds**
Successfully secured final judgment in litigation proceedings to recover over \$3 million in stolen funds for a payroll company.
- **Celis Brewing owner, operator files for bankruptcy**
Served as debtors' counsel for FFBC Operations and FFBC Real Estate in the bankruptcy proceedings of Celis Brewing.
- **Restaurant franchise owners file for bankruptcy**
Represented restaurant franchise owners in a jointly administered Chapter 11 bankruptcy proceedings, including advising with regard to complex master leases and subleases and franchise agreements.
- **Orthopedic surgeon seeks guidance in bankruptcy, treatment of trusts**
Represented an orthopedic surgeon, his wife and the family trust in multiple adversary proceedings filed by the trustee and creditors, seeking recovery of alleged fraudulent transfers, piercing of trust and denial of exemptions.
- **Texas bank deals with falsified records by former exec of tax consulting firm**
Represented a bank in Texas, lender to a tax consulting firm, after one of the firm's former executives falsely represented the group's financial position to qualify for a loan from the bank.
- **Reporter sued for mistaken photo published on website**
Defending a reporter and publisher in a lawsuit after mistakenly publishing a photograph of a suspected mass shooter on the employer's website.
- **Secured creditor accused of benefitting from petroleum company's bankruptcy**
Defended a secured creditor of a petroleum drilling company who was accused by a group of other secured creditors of abusing its insider status to burden the drilling company with substantial loans that ultimately led to its filing for Chapter 11 bankruptcy and of staving off the bankruptcy via a self-serving refinance deal.
- **Claims against former employee and his new business dismissed**
Represented a strength-training business owner against claims brought by his former employer, including breach of employment agreement, tortious interference with contract and misappropriation of trade secrets. Waller successfully defended against the former employer's request for injunction and obtained dismissal of all claims for damages.
- **Specialty finance company pulled into bankruptcy proceedings by subsidiaries**
Represented a specialty finance company in the bankruptcy of subsidiaries in connection with

negotiation of a Chapter 11 plan of reorganization and settlement of adversary proceeding with lenders over insurance policy portfolio.

- **Separate breach of lease lawsuits by restaurant group head to trial**

Represented a commercial landlord in two separate breach of contract cases by a sophisticated client, where we prevailed on partial summary judgments in both cases, including the near-total elimination of the defendants' counterclaims, narrowly limiting the issues at trial in each case. The cases are ongoing.

- **Secured lender owed \$30 million by bankrupt tech company**

Represented a senior secured asset-based lender in the Chapter 11 case filed in Dallas by the borrower, owing in excess of \$30 million.

- **Alabama-based bank faces \$30 million inter-creditor dispute with agent bank**

Represented an Alabama-based bank as loan participant in connection with its debt, additional DIP financing and a \$30 million inter-creditor dispute with agent bank.

- **Texas-based oil and gas company undergoes complex bankruptcy proceedings**

Represented an oil and gas company in adversary proceedings involving complex bankruptcy and jurisdictional issues.

- **Equity holder of property development faces complex bankruptcy, receivership proceedings**

Assisted an equity holder in solvent bankruptcy estate and owner of a property development with complex bankruptcy, including bankruptcy court jurisdiction, Oklahoma state court jurisdiction, interplay between bankruptcy proceeding and receivership proceeding over homeowners' association, and limits of Chapter 7 trustee's discretion.

- **Investment management company owed \$16 million**

Represented an Austin-based investment management company when one of the organizations to which it had lent money filed for bankruptcy.

- **Development company settles breach of contract dispute favorably**

Represented an individual in filing breach of contract claims when he was denied his 10 percent ownership share of a real estate development company where he worked, after he was forced out. The individual also had contingent right to 15 percent of profits in affiliated company. Parties successfully mediated a settlement for substantially net present value of ownership and profits interest.

- **St. David's HealthCare acquires Forest Park Medical Center in Austin**

Served as lead counsel to St. David's HealthCare, which is majority-owned by HCA Healthcare, Inc., in its acquisition of Forest Park Medical Center in Austin out of bankruptcy.

- **Client defends ownership of property used by family for generations**

Defended an individual in litigation brought by land heirs over a parcel of approx. 45 acres of real property that had not been properly conveyed in the 1940s.

- **Construction company owed \$10 million by property developer**

Represented the secured lender (\$10 million), a construction company, in connection with

Chapter 11 case involving large property development outside of Austin, Texas.

- **Surviving spouse defends against a contest to will**

Represented a surviving spouse in probating a holographic will and defending a contest to the will.

- **Heirs-at-law of Decedent contest death-bed will**

Represented heirs-at-law through the contest of a will executed by an elderly and infirm woman days before her death. The clients successfully obtained their rightful inheritance from the Decedent's Estate.

EDUCATION

- J.D., University of Houston Law Center, 1983
 - Associate Editor, *University of Houston Law Review*
 - Phi Delta Phi International Legal Honor Society
 - Order of the Barons
- B.A., Vanderbilt University, 1979

COURT ADMISSIONS

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- All U.S. District Courts in Texas

BAR ADMISSIONS

- Texas

RECOGNITIONS

Chambers USA

- Bankruptcy/Restructuring (Texas), 2018-2022

The Best Lawyers in America® (BL Rankings)

- Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, 2001-2023
- Bet-the-Company Litigation, 2010-2023
- Commercial Litigation, 2006-2023
- Litigation - Banking and Finance, 2011-2023
- Litigation - Bankruptcy, 2011-2023
- Litigation - Real Estate, 2011-2023

- Litigation - Securities, 2011-2023

The Best Lawyers in America® (BL Rankings), 2023

- Lawyer of the Year, Litigation - Banking and Finance (Austin)

Texas Super Lawyers (Thomson Reuters)

- Rated among the top lawyers in Austin (2003-2021) and as one of the Top 50 Lawyers in Texas

PROFESSIONAL INVOLVEMENT

- College of the State Bar of Texas
- Fellow, American Bar Foundation
- Member, Board of Directors, Austin Bar Foundation
- Member, Austin, Texas and Federal Bar Associations
- Member, Local Rules Committee, American Bankruptcy Institute
- Master, Larry E. Kelly Inns of Court
- Frequent Speaker, State Bar of Texas
- Member, Travis County Bar Association

COMMUNITY INVOLVEMENT

- Mobile Loaves & Fishes
- Texas Appleseed, Board of Directors
- Volunteer Legal Services of Central Texas