



Kenneth M. Krock
SHAREHOLDER
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Education:

- J.D., *cum laude*, University of Houston Law Center, 1996; Articles Editor, *Houston Law Review*
- B.B.A., Management, Texas A&M University at College Station, Texas, 1993

Admitted to Practice

- Texas, 1996
- District of Columbia, 1999
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Southern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Bankruptcy Court, Southern District of Texas
- U.S. Bankruptcy Court, Western District of Texas
- U.S. Bankruptcy Court, Northern District of Texas
- U.S. Bankruptcy Court, Eastern District of Texas

Professional Honors and Affiliations

- AV Peer Review Rated Preeminent® Martindale Hubbell Law Directory
- Best Lawyers in America® 2018-2024
- Top 100: Texas Super Lawyers: 2023
- Top 100: Houston Super Lawyers: 2023
- "Texas Super Lawyer" *Thomson Reuters*, 2012-2023
- "Top Lawyer" *H Texas Magazine*, 2010, 2014
- "Texas Super Lawyer" Rising Star, *Thomson Reuters*, 2006-2009
- "Texas Rising Star," *Thomson Reuters*, 2004-2006
- Board of Directors of the Texas Aggie Bar Association January 2008-2017,

Ken's practice focuses on litigation involving business disputes, real estate (including developer issues, landlord/tenant matters, and construction claims), insurance coverage matters, bankruptcy litigation, employment litigation, and stockbroker and financial institutions claims. He has experience representing parties in litigation in state and federal courts at the trial and appellate levels and has represented debtors and creditors in proceedings in various bankruptcy courts. Ken has also represented parties in connection with arbitrations before the National Association of Securities Dealers (NASD) and New York Stock Exchange (NYSE) (collectively now known as the Financial Industry Regulatory Authority (FINRA)), and other arbitration forums.

REPRESENTATIVE EXPERIENCE

Business Litigation

- Representing parties in a wide range of business and commercial disputes including partnership disputes, securities and investor claims, asset-backed securities, gas station distribution contracts, franchisor/franchise disputes, and antitrust claims.
- Counseling various businesses through pre-litigation investigations and evaluation of exposure to claims and potential liability.

Employment Litigation

- Representing parties in employment matters, including covenants not to compete, non-disclosure agreements, non-solicitation agreements, protection of and/or misappropriation claims concerning confidential information and trade secrets, temporary restraining orders, and injunctions, investigations of claims, wrongful termination, claims under FLSA, Title VII, ADEA, and other federal and state law, and other employment disputes.
- Routinely called on to prosecute or defend requests for injunctions to enforce covenants not to compete, non-solicitation clauses, confidentiality and non-disclosure agreements, trade secrets, and other employment-related issues.

Real Estate and Real Estate Litigation

- Representing a national retail commercial developer in multiple disputes and litigation matters in Texas for 10+ years.
- Representing a national construction company in multiple disputes and litigation matters in Texas for 8+ years.
- Representing owners, REITs, developers, landlords, property management companies, "big box" and other large tenants, sellers, buyers, general contractors, subcontractors, material providers, and construction equipment lenders, in various claims and disputes including:

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|--------------------------------------------------------|-----------------------------------------------|
| • Lease disputes and landlord/tenant issues | • Condemnation and eminent domain proceedings |
| • Collection actions | • Restrictive covenants |
| • Landlord and tenant bankruptcies | • Easements and boundary disputes |
| • Mechanics and materialman's and other property liens | • Earnest money contracts |
| • Developer liability and disputes involving amenities | • Design and construction claims |
| • Foreclosure | • Rights of first refusal |
| • Adverse possession | • Breach of fiduciary duty |
| • Slander of title | • Partnership disputes |
| | • Title and actions to quiet title |

- Providing general legal advice and drafting lease amendments and other general contracts.
- Prosecuting or defending requests for injunctions to enforce restrictive covenants, rights in real estate, contracts for sale, and other matters involving real estate.

Secretary 2012-2014, President-Elect
2014-2015, President 2015-2016

- Appointed to the Texas State Bar Court Rules Committee 2007-2013
- HBA Charity Golf Tournament Committee (Co-Chair 2005, 2021-2024)
- HBA Special Olympics Committee 2003, 2008 - 2023 (Co-Chair 2011-12)
- Advisory Board and Lecturer - Georgetown University Advanced Real Estate Litigation Institute, 2007
- Appointed to Unauthorized Practice of Law Committee of the State of Texas 2005- 2006
- Frequent volunteer at Special Olympics events including NFL Play 60 camps with Texans, NFL Super Bowl LI Play 60 camp
- Special Olympics Texas East Region Resource Board
- Life Fellow, Texas Bar Foundation
- Fellow, Houston Bar Foundation
- Member, State Bar of Texas
- Member, District Bar of Columbia
- Member, Houston Bar Association
- Member, Houston A&M Club
- Member, Texas Aggie Bar Association
- Order of the Barons
- Order of the Coif

Financial Institutions Litigation

- Representing parties in customer claims involving securities brokerage firms and brokers, regulatory actions, and other related matters. Claims include allegations of unsuitability; unauthorized trading; churning; failure to supervise/negligent supervision; fraud; statutory fraud; securities fraud under Section 10b, Rule 10b-5 and the Texas Securities Act; and negligence.
- Representing lenders and financing companies in secured creditor litigation; lender liability claims, claims of fraud, and other such claims; actions to obtain sequestration, injunctions, and other orders to preserve collateral; and collection matters.
- Handling disputes involving mortgages and complex real estate financing transactions.

Bankruptcy-Related Litigation

- Representing debtors, creditors, and shareholders in bankruptcy litigation including equitable subordination, constructive trust, fraud, insurance, claims objections, adversary proceedings, confirmation hearings, fraudulent transfer, preference actions, other Chapter 5 claims, FRCP 60 challenges, lender liability, and other claims.
- Representing debtors, trustees, and litigation trusts to assert claims against third parties such as former directors and officers, insurers, vendors, and other third parties to recover funds or monetize claims for the estate or trust.
- Representing parties in bankruptcy preference actions and adversary proceedings involving claims for subordination.