



MARK E. TORIAN

Shareholder

Mark represents plaintiffs and defendants in business litigation disputes heard in state and federal courts and arbitration proceedings. His experience includes cases involving breach of fiduciary duty, fraudulent or negligent misrepresentation, misappropriation of trade secrets, securities violations, civil theft, shareholder derivative rights, partnership breakups, and oil and gas disputes. Mark also prosecutes and defends claims for personal injury or wrongful death, as well as represents individuals and entities in state and federal white-collar criminal investigations conducted by the Texas Department of Insurance, Internal Revenue Service, Securities and Exchange Commission, and U.S. Department of Justice.

Mark previously served in the United States Marine Corps, where he was assigned to Diplomatic Security with the U.S. State Department at U.S. embassies and consulates around the world.

Practice Areas: Complex Business Cases, Catastrophic Death & Personal Injury Cases, Product Liability, Mass Tort, Securities Litigation, Partnership Disputes, Oil and Gas Litigation, White-Collar Criminal Defense

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REPRESENTATIVE CASES

An experienced litigator, Mark has tried more than 20 criminal and civil lawsuits to verdict. Examples of his litigation experience include:

Complex Business Cases

- *AerReach, et al., v. Stanford, et al.* – Successfully represented plaintiffs in a multi-million dollar business fraud, breach of fiduciary duty, and commercial bribery case against United Technologies Corporation and other defendants
- Successful defense of insurer in a breach-of-contract lawsuit brought by an international hotel chain seeking business interruption losses for all hotels in North America and the Caribbean following September 11 terrorist attacks.
- Successful defense of New York City hedge fund in significant lawsuit where Plaintiff sought damages in excess of \$7 Billion.
- Favorable settlement for named plaintiffs in shareholder derivative lawsuit concerning fraud and breach of fiduciary duties of officers and directors of Delaware company.
- Successful defense in a bench trial where the opposing party sought damages in excess of \$1 million on breach-of-contract allegations. Client earned a sizable judgment on counterclaims.
- Successful prosecution of securities fraud claims related to a private offering of automobile dealership. Multiple investor-clients received favorable settlement.
- Favorable settlement during arbitration for client with fraud and breach-of-contract claims against major insurance carrier.
- Zero-dollar defense verdict for corporate client in a bench trial against a major insurance carrier following an extensive complex insurance dispute.
- Substantial jury verdict for plaintiff following defendant's breach of an oral partnership agreement in a commercial real estate development deal. Case involved multiple properties in Texas and several other states, with damages based on past and future net profits.
- Successful defense and prosecution of counterclaims on behalf of a Fortune 50 company in a jury trial where the opposing party sought a considerable dollar amount for breach of contract.

REPRESENTATIVE CASES (CONTINUED)

Complex Business Cases (Continued):

- Substantial jury verdict was awarded on the client's counterclaims for misappropriation of trade secrets, theft of trade secrets, and conspiracy.
- Successful defense of a drilling company in a breach-of-contract lawsuit brought by investors. The claim involved the disruption of the deepest corkscrew gas well in the world at the time.

Catastrophic Death & Personal Injury Cases:

- Substantial settlement for family in a wrongful death lawsuit concerning a cement truck rollover.
- Significant settlement for family in a wrongful death lawsuit concerning oil field death.
- Substantial settlement for injuries sustained by construction worker concerning hydraulic failure of large machinery.

White-Collar Criminal Defense

- Coordinating clients responses to investigations by federal authorities, including U.S. Department of Justice, Securities & Exchange Commission, and Internal Revenue Service, as well as preparing client for testimony before U.S. Congress.

PROFESSIONAL BACKGROUND

- U.S. District Court for the Northern, Eastern and Southern Districts of Texas
- Texas State District Courts
- Dallas Bar Association
- Before joining Sayles Werbner, Mark practiced at the law firms of Fulbright & Jaworski, LLP and Lynn Tillotson & Pinker, LLP

EDUCATION

University of Arkansas School of Law, J.D., magna cum laude, member Law Review
University of Central Arkansas, B.A., magna cum laude

PUBLICATIONS

"Protecting Plaintiffs' Wins from the IRS," Texas Lawyer, June 2014