

DEREK U. OBIALO

I am a trial attorney in the civil litigation boutique firm of Law Office of Derek U. Obialo which was founded in 2007. The firm has a concentrated practice in construction and business litigation. I have obtained major judgments in business and construction cases for clients.

EDUCATION

University of Miami School of Law, Coral Gables, Florida: JD, *Cum Laude*, 2007

Houston Baptist University, Houston, Texas: MBA, 2000

Nigeria Law School, Victoria Island, Nigeria: Barrister at Law, 1991

Abia State University, Nigeria (formerly Imo State University): LL.B. (*Honors*), 1990

EXPERIENCE

2007 – Present

Attorney, The Law Office of Derek U. Obialo, Houston, TX.

- Tried several construction law and business dispute cases
- Obtained outstanding favorable results in major construction and business litigation
- Represented clients in appeals to the First and Fourteenth Courts of Appeals
- Successfully petition for mandamus in a precedent-setting case in *In re Obialo*, 01-23-00382-CV (Tex. App.-Houston [1st Dist.] Jul 06, 2023)

2001 – 2005

Consultant, The Nielsen-Wurster Group, Inc., n/k/a Marsh Corp., Construction Consulting Practice, Houston, TX.

- Performed schedule delay, acceleration, change impact, productivity and damages quantification analyses and research in complex construction disputed claims
- Researched and assisted in preparation of expert opinion reports
- Prepared written reports including developing recommendations for corrective action
- Assisted in conducting risk management compliance training and developed templates for compliance reporting

CERTIFICATION & LICENSES – State Bar of Texas license No. 24060354; U.S. District Court Southern District of Texas License, Member College of the State Bar of Texas

PROFESSIONAL AFFILIATIONS - State Bar of Texas Construction Law and Litigation sections; Fort Bend County Bar Association; Nigeria Bar Association

POLITICAL AFFILIATION – Democratic Party; Active member of the Fort Bend Democratic Party, Fort Bend Tejano Democrats

ACHIEVEMENTS/RECOGNITIONS:

Featured in CCTV America Heat Show, Who’s Who in Nigeria Diaspora, 2020, magazine.

Successful defense of \$12 Million federal RICO lawsuit in *Kasi Engineering, Inc. v. Andrea Davidson, et al*, Civil No. No. 4:14-CV-01405 in US District Court Southern District of Texas.

Notable appellate cases are (1) *In re Obialo*, 01-23-00382-CV (Tex. App.-Houston [1st Dist.] Jul 06, 2023) which was the second Texas case holding that in TCPA case, trial courts cannot use the Supreme Court COVID-19 Emergency Orders retroactively to grant TCPA motions after trial courts lose jurisdiction to rule, and (2) *4922 Holdings, LLC v. Rivera*, 625 S.W.3d 316 (Tex. App.-Houston [14th Dist.] 2021) holding in construction contract case, evidence offered by non-breaching party may be used as required evidence of remediation by breaching party who offered no evidence of remediation; numerous achievement awards from ORAUSA, Inc., a non-profit organization.

REPRESENTATIVE APPELLATE CASES:

01-23-00382-CV	In re Derek Obialo	Mandamus successful
14-22-00071-CV	Shave HQ, LLC, Artic Peacock, LLC v. LJ Parkway, LLC	Breach of contract. Brief resulted in settlement
01-21-00539-CV	James Clifford Walker v. Frederick Lunenberg and Melody Lunenberg	TCPA Motion denial by operation of law
01-21-00519-CV	Anita F. Kawaja, Anthony R. Sueing, et al v. Derek U. Obialo	TCPA Motion denial by operation of law
21-0649	4922 HOLDINGS, LLC AND HORIZON UNITED LLC v. SALVADOR RIVERA D/B/A RIVERA'S COMMERCIAL	Successful response to Petition for Review in breach of construction contract
09-20-00037-CV	Gulf Coast Fiber Services, LLC v. BMF Drilling, LLC	Successful defense of judgment in breach of construction contract

01-19-00913-CV	Michael Schaefer, Trustee, et al. v. Bellfort Chateau Limited Partnership	Successful defense of judgment in declaratory judgement case
14-19-00922-CV	4922 Holdings, LLC and Horizon United LLC v. Salvador Rivera d/b/a Rivera's Commercial	Successful defense of judgment in breach of construction contract case
14-19-00018-CV	Stanley Anemelu and Ashley Anemelu v. Jose Iraheta d/b/a Jose Auto Repair	Breach of automobile mechanic's contract
01-18-01002-CV	Jerald A. Brown v. Wells Fargo Bank, NA	Appellant's appeal of final order on garnishment
01-18-00939-CV	Anthony R. Sueing, Sr., Frontline Recovery Corporation, Inc. v. Jerald A. Brown, individually	Defense of breach of business contract
14-18-00333-CV	Billy Jerome Abbott, Jr. v. Hearthwood I Association Inc.	Successful appeal of judgment in breach of contract
01-17-00798-CV	Clement Njowo v. John Frederick Welling, Bobbie Lee McKinney	Appeal of breach of contract