

## **ELIZANN CARROLL**

Ms. Carroll represents client in intellectual property litigation, including trademark, copyright, unfair competition and trade secret cases in both federal and state court. Ms. Carroll also represents various parties in construction matters, primarily involving claims of defective construction, including pre-suit negotiations, mediation, arbitration, bench trials and jury trials. Her practice also involves counseling of clients on construction contracts, contract review, drafting contract revisions and contract negotiations, mechanic's lien issues and surety issues. Ms. Carroll works on both commercial and residential construction matters, representing owners, contractors, suppliers and design professionals. Finally, she also handles a variety of commercial litigation matters, including breach of contract, breach of warranty and various business torts, such as misrepresentation and interference with business relationship claims.

### **EDUCATION:**

Vanderbilt University School of Law, J.D. 1992

Tulane University, BA in Political Science and History, *magna cum laude*, with honors in political science, 1987

NCAA Division I Intercollegiate Women's Tennis

NCAA Academic All-America;

Tulane President's Student Athlete Commendation

### **BAR ASSOCIATIONS:**

Ms. Carroll was admitted to the State Bar of Texas in 1993, and to the State Bar of Georgia in 1992 (inactive), and currently authorized to practice in all state courts in Texas. She is also admitted to practice before the United States District Courts for the Northern, Southern, Western, and Eastern Districts of Texas and Central District of Illinois.

Ms. Carroll is a Member of the Construction Law Section of the State Bar and the Dallas Bar Association

Ms. Carroll has authored several articles and made presentations, including the following:

Mechanic's Lien and Bond Claim Manual for clients of Thompson & Knight (Dec. 2002 and updates).

Managing and Litigating the Complex Surety Case - The Surety's Recourse Against the Principal and Indemnitors (presenter), ABA Tort and Insurance Practice Section Fidelity and Surety Law Committee program, October 2000

Model Jury Instructions in Surety Cases - Indemnity and Subrogation Cases (co-author and presenter), ABA Annual Meeting, Tort and Insurance Practice Section Fidelity and Surety Law Committee, New York, July 2000

Real Estate Considerations and Priorities Under the Texas Mechanic's Lien Law, (co-author), unpublished paper presented at the Texas Construction Lien Law Seminar, 1997 and 1998

Ethical Considerations in Dual Representation unpublished paper presented to the Dallas Bar Association Construction Law Section, 1998

**REPORTED CASES:**

*KW Construction v. Stephens & Sons Concrete Contractors*, 163 S.W.3d 874 (Tex. App. - Texarkana 2005), *rev. den'd* (Tex. 2006) (denying appeal of final judgment on claims by S&S for breach of contract and objection to venue)

*Taylor Made Golf Company, Inc. v. MJT Consulting Group, LLC, et. al*, 265 F.Supp.2d 732 (N.D. Tex 2003)(granting summary judgment on claims of trademark infringement and counterfeiting).

*Microsoft Corp. v. Software Wholesale Club, Inc, et al*, 129 F. Supp.2d 995 (S.D. Tex 2000)(granting summary judgment on claims of trademark and copyright infringement).