

# Ashley T. Kisner

## Member

**Ashley Kisner** represents clients in commercial litigation matters with an emphasis on business disputes and business torts, environmental issues, fiduciary liability and real estate cases. Ashley brings a practical, client-focused approach to problem solving and believes that effective collaboration with the client team creates the best results. She appears regularly in State and Federal Courts, including experience in multi-district class actions and multi-party litigation.

Ashley provides counseling on a variety of environmental and real estate issues, including:

- post-transaction disputes;
- underground storage tank regulations and claims;
- deed restrictions;
- access, license and indemnity agreements; and
- commercial tenant disputes

Ashley has broad experience representing retail gasoline clients in all aspects the industry, including:

- personal injury and property damage lawsuits arising out of gasoline releases;
- appeal of reimbursement determinations by various state UST funds;
- universal waste management and consumer protection lawsuits involving pricing and product quality;
- compliance with UST regulations;
- audits and EMS development; and
- drafting indemnities in transactions and post-transaction disputes.

Ashley also represents clients in trust and estate disputes, including will contests, trustee fiduciary claims, and representation of non-profit entities and private foundations in trust and other related matters.

### EXPERIENCE

#### Environmental

- Defense verdict in favor of client in two-week jury trial alleging environmental contamination at the end of lease term.
- Negotiated multiple agreements for access to neighboring properties to affect environmental clean-ups.
- Obtained plaintiff summary judgment on liability in case involving breach of environmental indemnity.
- Assisted in successful settlement of litigation involving personal injury and property damage claims arising out of release of gasoline from underground storage tank.
- Assisted in successful defense of class action litigation filed against major UST owner by neighboring property owners.
- Represented PRPs in a variety of CERCLA matters and litigation.

#### Trust and Estates

- Jury verdict in favor of client executor in two-week trial of will contest alleging undue influence and lack of capacity.
- Successfully defended trustee against breach of fiduciary duty allegations involving trust administration.
- Obtained favorable settlement of claim for bequest on behalf of private foundation.
- Represented and successfully settled claim against a private foundation that major charitable gift had been wrongly given.

#### General Commercial Litigation

- Obtained summary judgment for defense on breach of gas supply contract.
- Represented gasoline retailers in multi-district class actions for alleged deceptive sales practices.
- Successful arbitration of partnership dissolution on behalf of general partner.
- Assisted in obtaining favorable verdict in trial of breach of contract dispute between a software developer and its customer.



### Office

Dallas

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### Education

J.D., Vanderbilt University Law School, Nashville, Tennessee, 1994,  
Moot Court Board

B.A., magna cum laude, Baylor University, Waco, Texas, 1991

### State Bar Licenses

Texas

### Court Admissions

U.S. District Ct., N.D. of Texas  
U.S. District Ct., S.D. of Texas

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## Real Estate

- Obtained permanent injunction in property-use restriction matter for large property owners' association.
- Successful trial of breach of restrictive covenant lawsuit arising out of unauthorized construction.
- Obtained defense verdict in trial of commercial lease dispute for technology company.
- Routine representation of large hospital owner in lease and commercial real estate disputes.

## PRESENTATIONS

- *Collaboration Techniques for Better Results*, 2018 ALFA International Conference (March 2018)
- *Strategies for Creating Diverse Workplaces*, 2018 ALFA International Retail Conference (Jan. 2018)
- *Environmental Liability in Real Estate Transactions*, Client CLE Presentation (April 2019, May 2018, June 2014)
- *Making It Work-Creating Better Relationships Between In-House and Outside Counsel*, 2014 ALFA International Conference (March 2014)
- *Maximizing Relationships with Outside Counsel*, Marcus Evans Conference (March 2013)

## Practices, Industries & Services

Environment, Energy & Natural Resources  
Litigation  
Real Estate  
Retail  
Tax & Estate Planning

## Areas of Emphasis

Trust and Estate Controversy

## Memberships

- Dallas Bar Association
- Texas Bar Foundation, Member
- Undermain Theatre, Past President, Past Secretary, Board of Trustees Member (1996-present)
- Suicide and Crisis Center, Board of Trustees, Past President (2010-2017)
- Attorneys Serving the Community, Sustaining Member, former Underwriting Committee Chair (1996-2013)
- Leadership Dallas, Class of 2009
- Leadership Arts, Class of 1996

## Honors

- Rated AV Preeminent by Martindale-Hubble