

Sarah N. Wariner

Member

Sarah Wariner creates sophisticated legal solutions to help her clients who range from corporations to partnerships to sole practitioners, corporate executives, and business professionals.

Sarah's experience includes litigating disputes involving contract claims, business torts, and statutory claims and specializes in general business litigation, lender liability, fraud, and energy litigation. She analyzes the multitude of complex facts specific to each case, delivers an honest assessment of what her clients can expect - both positive and negative - and proceeds to outline and implement effective litigation strategies or defense tactics that best serve her client's needs.

Sarah's thoughtful guidance helps clients in a variety of industries evaluate the risk and reward of legal proceedings and get to a final resolution. She is dedicated to supporting her clients through the entire process.

Experience

Financial Services Litigation

- Repeated representation of a national bank in disputes with commercial borrowers who have defaulted on their loans. In undertaking this representation, Sarah managed all aspects of the litigation, beginning with filing the initial lawsuit and concluding with Sarah second-chairing a trial on behalf of the bank and helped to secure a jury verdict in the bank's favor, despite the debtor's attempts to avoid the debt.
- Representation of multiple national banks in defending state and federal court litigations brought by consumer plaintiffs after defaulting on their residential mortgage loans. In representing these clients, Sarah has successfully secured summary judgment in her client's favor and negotiated settlements on her client's behalf.
- Representation of a business client in a dispute with a regional bank after cyber-thieves fraudulently wire-transferred millions from the client's account to China, and the bank sought to hold the client accountable for the loss despite the bank's own failure to maintain proper security. The matter resolved shortly after Sarah helped the client successfully defend against a summary judgment filed by the bank.
- Representation of a national bank and bank executives in a lender liability suit alleging multiple business torts allegedly arising from the bank's decision not to lend.

Energy Litigation

- Representation of royalty owners in a dispute with a well-known, national lessee over the lessee's erroneous deduction of post-production costs despite a proceeds-lease that called for zero post-production deductions on royalties and overriding royalties. This matter concluded with settlement in favor of the client.
- Representation of a mineral interest owner in disputes with multiple operators over interests in North Dakota, Pennsylvania and Texas based on the operators' failure to properly pay market price, timely place wells in pay, and/or provide statutory interest due the client.
- Representation of mineral interest owners in title disputes based on the estate misconception theory.
- Aided in the representation of an oil and gas company in a multi-defendant class action dispute over the deduction and payment of severance taxes.
- Assisted in the defense of an oil and gas company in a contract-based dispute in federal court concerning several joint operating agreements based on allegations that the client-operator failed to meet certain obligations.

General Commercial Litigation

- Representation of an international franchisor in a multi-year dispute with a franchisee after the franchisee failed to do what he promised under the parties' agreements, and then sued the franchisor to recover the money he invested prior to his default. The case concluded in a two-week trial, in which Sarah acted as second chair.
- Aided in the representation of a major airline in a federal class action dispute over baggage fees being charged by the airline.
- Representation of a former-business executive in federal court in a dispute with shareholders asserting various fraud claims, including claims under the federal and Texas securities statutes.



Office

Collin County

2600 Dallas Parkway
Suite 600
Frisco, TX 75034

(469) 287-3991 (phone)
(469) 227-6553 (fax)
swariner@clarkhill.com

Education

J.D., Wake Forest University School of Law, Winston-Salem, North Carolina, 2008, Order of the Barristers; Regional Semifinalist, National Moot court Competition, Spring 2008; Regional Semifinalist, Jessup International Law, Spring 2007

B.B.A., Dean's List, Baylor University, Waco, Texas, 2003

State Bar Licenses

Texas

Court Admissions

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

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

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

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

U.S. Court of Appeals, 5th Circuit

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- Representation of a national restaurant client in a dispute concerning whether its retail space is in compliance with, among other things, the American Disabilities Act.

Appellate Experience

- Briefed and argued before the United States Fifth Circuit Court of Appeals on behalf of the appellant who had previously been convicted under the Federal Kidnapping Act. The arguments concerned an erroneous jury charge and the sufficiency of the evidence.
- Assisted in an appeal to a Texas appellate court on behalf of a man convicted and sentenced to a forty-year sentence.

Practices, Industries & Services

Banking
Energy & Utilities
Environment, Energy & Natural Resources
Franchise & Licensing
Litigation
Oil & Gas
Retail

Areas of Emphasis

Business Litigation
Commercial Litigation
Financial Services Litigation
Oil & Gas – Litigation
Securities Litigation

Memberships

- N.E.W. Roundtable, Board Member
- Southwest Association of Bank Counsel

Honors

- Named among Texas Rising Stars by Thomson Reuters (2018, 2019)
- Named among Best Lawyers Under 40 by D Magazine (2018, 2019)