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Curriculum Vitae

EXPERIENCE:

- Roach & Newton, L.L.P. 7/2008
Lead attorney in complex commercial litigation, catastrophic personal injury litigation, employment litigation, environmental contamination and exposure litigation, oil and gas litigation, toxic tort litigation, and civil rights litigation.
- John W. Newton III 7/2007-6/2008
Lead attorney in complex commercial litigation, catastrophic personal injury litigation, employment litigation, environmental contamination and exposure litigation, oil and gas litigation, toxic tort litigation, and civil rights litigation.
- Newton & Kebodeaux, L.L.P. (partner) 6/2006-6/2007
Lead attorney in complex commercial litigation, catastrophic personal injury litigation, employment litigation, environmental contamination and exposure litigation, oil and gas litigation, toxic tort litigation, and civil rights litigation.
- Orgain, Bell & Tucker, L.L.P. (partner 1985-2006) 1979-2006
Lead attorney in complex commercial litigation, catastrophic personal injury litigation, employment litigation, environmental contamination and exposure litigation, oil and gas litigation, toxic tort litigation, and civil rights litigation.

EDUCATION:

- L.L.M. in Energy, Environmental & Natural Resources Law, University of Houston Law Center 2007
Thesis *No Habitat for Humanity*
- J.D., University of Houston Law Center 1978
cum laude
Order of the Barons
Recipient, American Jurisprudence Award in Evidence
- B.A., University of Texas at Austin (History) 1975

Admitted to Practice: Supreme Court of the State of Texas; United States Court of Appeals for the Fifth Circuit; United States District Court for the Eastern District of Texas; United States District Court for the Southern District of Texas.

Recognized:

Board Certified by the Texas Board of Legal Specialization in Civil Trial Law

Board Certified by the Texas Board of Legal Specialization in Personal Injury Trial Law
Named Texas Super Lawyer by Texas Monthly (2003-2010)

Who's Who in American Law (6th and 9th Editions)

Who's Who in Practicing Attorneys (1989-1990)

Rated: AV by Martindale-Hubbell

American Board of Trial Advocates

Professional Memberships and Activities

Member: State Bar of Texas

American Bar Association

Jefferson County Bar Association

Texas Association of Defense Counsel

Practice Areas: Statutory and Common Law Fraud; Commercial Litigation; Products Liability; Premises Liability; Environmental Contamination and Exposure; Employment Discrimination; Constitutional Torts; and Oil and Gas Litigation.

Representative Clients: Throughout his career, John has represented corporate defendants, governmental entities, and their employees in litigation. Representative clients include:

TIN, Inc. d/b/a Temple Inland: Temple Inland is an international manufacturer of paper products. It has facilities throughout the continental United States, Mexico, and South America. John has represented Temple Inland in a wide range of commercial disputes, fraud claims, construction disputes, employment discrimination claims, and personal injury claims.

Navistar (and its predecessor International Harvester): Navistar is a manufacturer of heavy and medium duty trucks, and formerly a manufacturer of farm and industrial equipment. John has represented Navistar in the defense of product liability claims and breach of warranty claims.

BMW: John has represented BMW in the defense of product liability claims.

General Motors: John has represented General Motors in the defense of products liability claims.

Conn's: Conn's is a retailer of electronics and appliances. John has defended Conn's against class action allegations of consumer fraud, misrepresentation, and negligence.

Shell: John has represented Shell and its subsidiary companies in premises liability and general negligence claims.

Texaco (and its successors): John has represented Texaco and its successors in premises liability, general negligence, and admiralty claims.

Salant Corporation: Salant is an international clothing manufacturer. John has represented Salant against allegations of negligence in a consolidated case involving the death of twelve factory workers and severe injury to fourteen other factory workers.

ABM: ABM is a national building maintenance company. John has represented ABM in negligence and employment claims.

Viking Corporation: Viking is a manufacturer of commercial and residential fire safety appliances. John has represented Viking in the defense of products liability claims involving its residential sprinklers.

Governmental Entities: John has represented various governmental entities including the City of Beaumont; Jefferson County, Texas; Hardin County, Texas; Chambers County, Texas; the Liberty Independent School District; and the Silsbee Independent School District in the defense of various constitutional torts. The issues in these cases have centered primarily on the 1st, 4th and 14th amendments to the United States Constitution.

Mastex Industries: Mastex is a manufacturer of healthcare products. John has represented Mastex in connection with negligence and personal injury claims.

GAF: John represented GAF in connection with personal injury and asbestos property damage claims.

Bridgestone/Firestone: John has represented Bridgestone/Firestone in general negligence and premises liability claims.

Babcock Power, Inc.: John has defended Babcock Power in claims alleging exposure to benzene containing products and theft of trade secrets.

International Specialty Products: John has defended International Specialty Products in premises liability claims.

Representative Litigation: The following list represents major cases tried to a jury verdict or disposed of shortly before jury selection:

1. *Action Box, Co. v. Gaylord Container Corp.*, Cause No. 2003-63481, 234th Judicial District Court Harris County, Texas.

Successfully defended Gaylord Container Corporation, a subsidiary of Temple Inland, in a breach of contract and fraud action arising from the execution of a settlement agreement. Obtained a favorable jury verdict on Gaylord's counter-claim.

2. *Cormier v. Travis*, Cause No. 1:88-cv-00599, United States District Court for the Eastern District of Texas.

Successfully defended the City of Beaumont and two police officers against allegations of 4th Amendment violations arising from the use of deadly force by the two police officers. Jury returned a verdict in favor of the defendants.

3. *Martin E. Smith, on behalf of himself and all similarly situated persons and entities vs. Conn Appliances, Inc.*, Cause No. E-168,515, 172nd Judicial District Court, Jefferson County, Texas

Successfully represented Conn's against class wide allegations of misrepresentation, consumer fraud, and negligence in the sale of extended warranties. Obtained dismissal of all class action allegations and liability claims on jurisdictional issues prior to class certification hearing.

4. *Betancourt v. IQ Products*, Cause No. E-152,328, 172nd Judicial District Court, Jefferson County, Texas

Obtained favorable jury findings on behalf of IQ Products, a manufacturer of a tire sealant, in a products liability claim involving catastrophic injuries to a tire mechanic.

5. *Breed v. BMW of North America*, Cause No. A-148,673, 58th Judicial District Court of Jefferson County, Texas

Successfully defended BMW against products liability allegations of defective component parts. Obtained jury verdict in favor of BMW.

6. *Urbina v. Bridgestone/Firestone, Inc.*, E-148,440, 172nd Judicial District Court of Jefferson County, Texas

Defended Bridgestone/Firestone in case involving catastrophic injuries to a truck driver and co-driver when truck overturned. Obtained a jury verdict in favor of Bridgestone/Firestone.

7. *Maurice Godejohn v. Inland Container Corp.*, Cause No. 970431-C, 260th Judicial District Court of Orange County, Texas

Obtained favorable jury findings on behalf of Inland Container Corporation (Temple Inland subsidiary) in a premises liability suit.

8. *Rodriguez-Olvera v. Salant Corporation*, Cause No. 97-07-14605-CV, 365th Judicial District Court of Maverick County, Texas

Obtained favorable settlement of Salant Corporation after two-week trial involving the death of twelve factory workers and severe personal injuries to fourteen other factory workers.

9. *Perez v. City of Diboll*, Cause No. 9:95-cv-00399; United States District Court Eastern District of Texas, Lufkin Division

Successfully defended the City of Diboll against discrimination claims by a city employee. Jury verdict in favor of the City of Diboll.

10. *Lori Greeno, et al. v. Brainerd Helicopter Service, Inc.*, Cause No. 2:06-cv-27, United States District Court Eastern District of Texas Marshall Division.

Represented Brainerd Helicopter Service, Inc., manufacturer of helicopters, against products liability and negligence claims arising from the death of the helicopter pilot in a crash. Favorably settled the case prior to jury selection.

11. *Rosalie Drago v. Don Cheatham*, Cause No. D-129-841, 136th Judicial District Court, Jefferson County, Texas

Successfully defended automobile owner in a negligent entrustment case arising from a fatal accident. Obtained favorable jury findings on behalf of car owner.

12. *Linda Doss, et al. v. Riley Power*, Cause No. D176-595, 136th Judicial District Court, Jefferson County, Texas.

Obtain favorable settlement on behalf of Riley Power in a case alleging fatal injuries from exposure to benzene.

13. *CMI Lloyds Insurance v. Colombia Insurance, et al.*, Cause No. 1:99-cv-00700, United States District Court for the Eastern District of Texas, Beaumont Division

Successfully defended excess insurer against claims of primary insurer. The case favorably settled prior to jury submission.

14. *Briggs v. International Specialty Products*, Cause No. D-1763,614, 136th Judicial District Court, Jefferson County, Texas

Obtained favorable settlement prior to jury selection in a premises liability case involving the death of contract worker.