



## Francisco J. Ortega

Attorney / Shareholder / Director

### Areas of Concentration

- Business/Commercial Litigation
- Appeals & Appellate Law
- Labor & Employment
- Employment Practices Liability

### Education

University of Wisconsin at Madison  
Juris Doctor

University of Texas at El Paso  
Bachelor of Arts

### Judicial Clerkships

Law Clerk

Hon. Philip R. Martinez  
U.S. District Court  
Western District of Texas, 2008-09

Law Clerk

Hon. David M. Medina  
Supreme Court of Texas, 2007-08

### Admission & Qualifications

State Bar of Texas

State Bar of New Mexico

United States District Court  
Western District of Texas

United States Court of Appeals  
Fifth District

United States Supreme Court

### Languages

- English
- Spanish

### Contact Information

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Mr. Ortega is a shareholder and member of the Firm's board of directors. His experience encompasses complex commercial litigation, appeals, and labor and employment law.

In the area of business litigation, Mr. Ortega was recognized in the 2021 and 2022 Editions of *The Best Lawyers in America*® in the area of Commercial Litigation by BL Rankings. He has also been selected to the 2017, 2018 and 2019 Texas Rising Star list and the 2022 Texas Super Lawyers list by Super Lawyers, a Thomson Reuters company. In this area of the law, Mr. Ortega's experience includes handling claims for breach of contract, breach of fiduciary duties, deceptive trade practices, fraud, usury, trade secrets, shareholder derivative claims, breach of partnership obligations, copyright infringement, trademark infringement, non-compete covenants, construction, RICO claims, tortious interference, labor and employment, and personal injury.

Mr. Ortega has been named an Abogado Consultor by the Ministry of Foreign Affairs for the Government of Mexico to provide legal counsel to the Consulate General of Mexico in El Paso.

Prior to joining the firm, Mr. Ortega served as a law clerk to the Honorable David M. Medina of the Supreme Court of Texas and as a law clerk to the Honorable Philip R. Martinez of the United States District Court for the Western District of Texas.

While attending law school, Mr. Ortega served as Lead Articles Editor for the Wisconsin Law Review, Note & Comment Editor



for the Wisconsin International Law Journal, staff member for the Wisconsin Journal of Law, Gender & Society, and member and team coach of the Wisconsin Moot Court Board.

Additionally, Mr. Ortega won First Place Brief and Second Place overall in the Hispanic National Bar Association (HNBA) National Moot Court Competition and was a Midwest Regional Semifinalist in the Philip C. Jessup International Law Moot Court Competition.

Mr. Ortega is a member of the State Bar of Texas and the State Bar of New Mexico. He currently serves on the Admissions Committee for the U.S. District Court for the Western District of Texas and is a past board member of the El Paso Federal Bar Association.

A graduate of the Greater El Paso Chamber of Commerce Leadership El Paso Class XXXIV, Mr. Ortega is active in the Borderplex community. He currently serves on the Advisory Board of IDEA Public Schools. He was appointed by Mayor Oscar Leeser and later re-appointed by Mayor Dee Margo to serve as a commissioner of the Housing Authority for the City of El Paso, where he was elected chairman. He has also served on the board of directors of El Paso Museum of Art, the El Paso Marathon Foundation, AVANCE-El Paso, and the Ethics Review Commission for the City of El Paso, the last two as vice-chairman.

## Representative Cases

### Litigation

- ***Rodriguez v. Office of the Attorney General of Texas (El Paso 2013)***. Jury trial victory against the Texas Attorney General in case involving the Texas Whistleblower Act and obtained the third largest employment jury verdict in Texas in 2013.
- ***Mendoza v. Old Republic Insurance Company (El Paso 2010)***. First-chair jury trial victory in case involving the Texas Workers' Compensation Act.
- ***Galvan v. Hunter Warfield (El Paso 2012)***. First-chair jury trial victory in case involving the Fair Debt Collection Practices Act.
- ***Broadcast Music, Inc. et al. v. Armstrong, 13-CV-32-KC, 2014 U.S. Dist. LEXIS 74204 (W.D. Tex. May 30, 2014)***. Obtained summary judgment and award of statutory damages and attorney's fees against defendant for infringement under the Copyright Act.
- ***Prince Payne Enterprises, Inc. v. Tigua Enterprises, Inc. and Restoration Specialists, LLC, No. 2:18-CV-2552-DCN, 2020 WL 1467340 (D.S.C. Mar. 26, 2020)***. Obtained summary judgment and dismissal of entire case under the Miller Act,

the South Carolina Unfair Trade Practices Act, breach of contract, fraud, and unjust enrichment arising from a federal construction project in Charleston, South Carolina.

- ***Dee Nash v. Kherimba Facility Service, LLC*, No. 1:19-CV-590-MHC (N.D. Ga. Feb. 12, 2020)**. Obtained summary judgment and dismissal of entire case on claims for premises liability, vicarious liability, and negligent training and supervision in federal project in Atlanta, Georgia.
- ***Conner v. G4S Secure Solutions (USA), Inc. et al.*, No. SA:15-CV-416-DAE, 2015 U.S. Dist. LEXIS 106339 (W.D. Tex. Aug. 13, 2015)**. Obtained favorable dismissal of claims of negligence, gross negligence, and false arrest/false imprisonment arising from alleged false report to law enforcement.
- ***Dominguez v. Receivables Performance Management*, No. 13-CV-117-PRM, 2014 U.S. Dist. LEXIS 69194 (W.D. Tex. Apr. 29, 2014)**. Obtained summary judgment and favorable dismissal of entire case under the Fair Debt Collection Practices Act, Texas Debt Collection Act, and Telephone Consumer Protection Act.
- ***GCC Rio Grande, Inc. v. Paso del Norte Ready-Mix, Inc. d/b/a El Paso Star Ready-Mix, Inc. and Jorge Garcia*, No. 14-CV-00100-FM, 2014 WL 12863360 (W.D. Tex. Jan. 26, 2014)**. Obtained favorable dismissal of counterclaims of common law fraud, fraud by non-disclosure, statutory fraud, negligence, and violations of the Texas Deceptive Trade Practices Act and secured judgment for breach of contract.

### Appellate

- ***G4S Secure Solutions (USA), Inc. v. Roswitha M. Saenz*, No. 15-50665, 2016 U.S. App. LEXIS 16689 (5th Cir. Sept. 12, 2016) (per curiam)**. Won appeal and secured reversal of district court order after presenting oral argument in U.S. Court of Appeals for the Fifth Circuit in a matter involving invocation of qualified immunity.
- ***Epicous Adventure Travel, LLC v. Tateossian, Inc. et al.*, 573 S.W.3d 375 (Tex. App.—El Paso 2019, no pet.)**. Won appeal at the Texas Eighth Court of Appeals affirming dismissal of case for lack of personal jurisdiction.
- ***In re Midland Funding, LLC*, No. 08-16-00078-CV, 2017 Tex. App. LEXIS 1398 (Tex. App.—El Paso, Feb. 17, 2017) (orig. proceeding)**. Won appeal before the Texas Eighth District Court of Appeals in a case involving mandamus review.
- ***In the Matter of the Estate of Sherman A. Hemsley*, 460 S.W.3d 629 (Tex. App.—El Paso 2014, pet. denied)**. Won appeal for the Estate of Sherman Hemsley, the actor of the television show, “The Jeffersons,” at the Texas Eighth Court of Appeals in a matter involving issues of testamentary capacity and disposition of bodily remains.
- ***Target Logistics, Inc. v. Office of the Attorney General of Texas*, 465 S.W.3d 768 (Tex. App.—El Paso 2015, no pet.)**. Won appeal at the Texas Eighth Court of

Appeals against the Texas Attorney General in a matter involving violations of constitutional due process rights.

- ***Rodriguez v. Office of Attorney General of Texas*, 420 S.W.3d 99 (Tex. App.—El Paso 2012, no pet.)**. Won appeal at the Texas Eighth Court of Appeals against the Texas Attorney General involving the Texas Whistleblower Act.
- ***In the Matter of the Estate of Noemi Ruth Sidransky*, 420 S.W.3d 90 (Tex. App.—El Paso 2012, pet. denied)**. Won appeal at the Texas Eighth Court of Appeals in a case involving undue influence claim in a contested will.
- ***Alvarez et al. v. Emery et al.*, No. 08-11-00140-CV, 2011 Tex App. LEXIS 8506 (Tex. App.—El Paso, orig. proceeding)**. Successfully defeated emergency motion to stay proceedings and set supersedeas bond at the Texas Eighth Court of Appeals in dispute under the Texas Uniform Condominium Act.

### Labor & Employment

- ***Ace Cleaning Services, Inc. and Genesis Total Management, Inc. v. Industrial, Technical & Professional Employees Union (OPEUI) Local #4873, AFL-CIO***. Launched successful union avoidance campaign and successfully represented Fort Bliss janitorial company in union election before the National Labor Relations Board, defeating the union.
- ***Maintenance Unlimited, Inc. v. International Union of Operating Engineers (IUOE), Local #351, AFL-CIO***. Launched successful union avoidance campaign and successfully represented janitorial company in union election before the National Labor Relations Board, defeating the union.

### Presentations & Publications

#### Presentations:

- ***Cross Border Discovery***. Lecture presented at the State Bar of Texas 35<sup>th</sup> Annual Advanced Evidence and Discovery CLE course, Dallas, Texas. April 7, 2022.
- ***Removal Process Checklist***. Lecture presented for TexasBarCLE course “Handling Your First (or Next) Removal or Remand.” El Paso, Texas. November 5, 2021
- ***Harassment and Equity in the New Decade***. Lecture presented at 12<sup>th</sup> Annual ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 5, 2020.
- ***TUTSA, The DTSA, Berry-Helfand and More: A Fresh Look at the Recoverable Damages in Trade Secret Cases***. Lecture presented at the State Bar of Texas 11<sup>th</sup> Annual Business Disputes, CLE in Austin, Texas. September 24, 2019.
- ***Harassment, Discrimination and Just Getting Along***. Lecture presented at 11<sup>th</sup> Annual ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 1, 2019.

- *Conducting Legally Compliant Investigations.* Lecture presented at 10<sup>th</sup> Annual ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 1, 2018.
- *DOL's Overtime Exemption Rule: Strategic Tips to Prepare Your Business.* Lecture presented at the Small Business Development Center in El Paso, Texas. November 18, 2016.
- *Ins & Outs of Corporate Structures/Business & Contract Law.* Lecture presented at the 11th Annual Veterans Business Conference in El Paso, Texas. August 23, 2016.
- *LGBT in the Workplace.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 3, 2016.
- *Unique Issues Involving Appeals of Probate Court Orders.* Lecture presented to the El Paso Probate Bar Association in El Paso, Texas. September 2015.
- *Post-Game Highlights: State and Federal Employment Case Law Updates.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 4, 2015.
- *A Guide to Your Legal Rights Under Construction Contracts.* Lecture presented at Associated General Contractors Seminar by ScottHulse and Associated General Contractors in El Paso, Texas. April 23, 2014.
- *Avoiding the Blacklist: Preparing for Governmental Audits Before Hiring.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 4, 2014.
- *Army Wives' Tales.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 4, 2014.
- *Union Issues for Non-Unionized Employers.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. April 2, 2013.
- *Avoiding Pitfalls in Hiring and On-Boarding.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 30, 2012.
- *State/Federal Employment Law Update.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. March 30, 2012.
- *Social Media and Workplace Technology.* Lecture presented at the Fall Employment Law Update of El Paso Society of Human Resource Management in El Paso, Texas. 2012.
- *Union Avoidance: A Canvas of Conflict.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. 2011.
- *Healthcare Law: A Collage of Issues in Healthcare Reform.* Lecture presented at the ScottHulse Labor & Employment Law Seminar in El Paso, Texas. 2011.
- *State/Federal Employment Law Update.* Lecture presented at the Fall Employment Law Update of El Paso Society of Human Resource Management in El Paso, Texas. 2011

Publications:

## ScottHulse | Francisco J. Ortega – Shareholder

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- De Facto Life Imprisonment in Mexico and the U.S.-Mexico Extradition Treaty of 1978. *Wisconsin International Law Journal*, 24(4), 1017. (2007)
- Taking a Closer Step Toward Equality: Domestic Partner Benefits for Same-Sex Couples and the University of Wisconsin System. *Whittier Journal of Child & Family Advocacy*, 6(2), 463. (2007)
- Eyewitness Reliability: Causation & Preclusion of Erroneous Convictions. *Journal of Law & Border Studies*, 3, 33. (2003).

### Organizations

- Admissions Committee for the U.S. District Court for the Western District of Texas
- Associated General Contractors
- AVANCE-El Paso (former Vice-Chairman)
- Border Industrial Association
- El Paso Bar Association
- El Paso Federal Bar Association (former Board member)
- El Paso Marathon Foundation (former Board member)
- El Paso Museum of Art (former Board member)
- Ethics Review Commission for the City of El Paso (former Vice-Chairman)
- Housing Authority for the City of El Paso (former Chairman)
- IDEA Public Schools Advisory Board