

Tarush Anand



member

houston

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Legal Assistant

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education

University of Houston Law Center (J.D., 2006)

- *Houston Business and Tax Law Journal, Executive Board Member*

University of Houston (B.S., 2003, *magna cum laude*)

admissions

Texas

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Northern District of Florida

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

honors

- 40 Under 40 honoree, *Houston Business Journal* (2021)

Litigation is a last resort. But when my clients find themselves involved in a legal dispute, I work very hard to ensure that they have a successful outcome, with minimal risk and cost. Engineering this outcome takes patience, hard work, and experience, but it is also deeply satisfying when a case concludes in a manner that satisfies my client.

Tarush Anand is a Member in McGlinchey's Houston office in the Litigation practice group. As a seasoned and versatile trial lawyer, he has represented clients from a wide range of industries, some of which include construction, energy, health and fitness, hospitality, insurance, manufacturing, retail, and transportation.

Tarush brings to his matters an extensive level of courtroom experience. He has first-hand experience in every facet of the litigation process, from obtaining emergency temporary restraining orders and injunctions in state and federal courts to trials and appeals. Tarush has personally tried over a dozen cases in different state and federal courts. He also has significant appellate experience and has successfully argued

- Recognized on Top Texas Defense Verdicts list as reported by VerdictSearch (2013)
- *Texas Super Lawyers* "Rising Stars" (2011–2022)
- Martindale-Hubbell™ AV Preeminent® Peer Review Rated Lawyer
- Litigation Counsel of America, Senior Fellow

affiliations

- Federation of Defense & Corporate Counsel, Member
- Garland R. Walker American Inn of Court, Barrister
- Houston Bar Association, Member
- Indian-American Lawyers of Houston, Past President and Board Member
- Indo-American Chamber of Commerce of Greater Houston, Immediate Past President and Board Member
- Indo-American Charity Foundation, Past Board Member and Officer
- India House Legal Center, Past Chair
- National Retail & Restaurant Defense Association, Board Member

before multiple U.S. Courts of Appeals. Many of his cases have involved issues of first impression, where he helped create law on a given subject. And while Tarush enjoys the challenge of trials and appeals, he maintains a hands-on approach at every stage of the case from its inception.

For fifteen years, Tarush has represented clients in a wide variety of claims, some of which involve:

- Breach of Contract
- Business Disputes
- Business Fraud
- Commercial Leasing
- Construction Defects
- Construction Injuries
- Employment Litigation
- Manufacturer-Distributor Disputes
- Mass Torts
- Product Defects and Recalls
- Serious Personal Injuries
- Wrongful Death

As an aggressive, yet pragmatic courtroom lawyer, he focuses his approach to litigation on developing and implementing strategies tailored to each client's specific goals and priorities. Where one client may prioritize resolving a dispute quickly, another may be motivated by the lasting impact of setting a precedent. Tarush recognizes that each client will have their own definition of success, which may even change during the course of litigation, and he endeavors to craft and implement a unique strategy tailored to each case at hand. Tarush is the opposite of a one-size-fits-all attorney. Through the development of a genuine partnership, he becomes an integral member of the client's legal team.

representative experience

- Obtained complete summary judgment as lead counsel in federal court in Utah on behalf of a leading international retailer and a children's product manufacturer. The case was a products liability case involving a serious brain injury sustained by an infant. The plaintiffs were seeking \$13.6 Million in actual damages and at least an additional \$10

Million in punitive damages. Succeeded in convincing the court that none of the claims had enough merit to proceed to trial, and further convinced the court to award over \$31,000 in court costs to the defendants.

- Prevailed before the U.S. Court of Appeals for the Fifth Circuit in a premises liability case involving a legal issue of first impression—whether businesses have a duty under Texas law to use an available automatic external defibrillator (AED) on patrons that experience a sudden cardiac arrest on the premises. Succeeded in convincing the Court to affirm the district court's decision that no such duty exists.
- Presented oral argument before the U.S. Court of Appeals for the Fifth Circuit in a products liability case involving an alleged traumatic brain injury sustained by an infant; fully prevailed on all issues.
- Served as lead trial counsel in a commercial dispute before the U.S. District Court for the Southern District of Texas in a breach-of-contract case related to the international trading of polymer products. Convinced the Court to find for our client. The Court awarded our client 100% of the claimed damages, plus \$150,000.00 in punitive damages, another \$150,000.00 in sanctions for discovery misconduct, attorney's fees, court costs, and interest. The Court also found that the counterclaims brought against our client did not have merit.
- Obtained summary judgment in a wrongful death case involving a legal issue of first impression in Texas. The federal court agreed that Texas law does not impose a duty on a business owner to use an automatic external defibrillator (AED) on patrons, even if the business has an AED on its premises.
- Serving as national counsel for an international product manufacturer and managing its entire litigation docket across numerous states.
- Obtained a unanimous defense jury verdict in federal court as lead counsel for a product manufacturer and retailer. The case was a products liability case involved a depressed skull fracture suffered by an eight-month-old child and allegations of a mild-to-moderate traumatic brain injury with the risk of developmental problems in the future. The

plaintiffs claimed strict products liability, negligence, and gross negligence. The jury found that the product was not defective and that the defendants were not negligent. This defense verdict was selected for inclusion in the list of 2013 Top Texas Defense Verdicts as reported by VerdictSearch.

- Obtained a unanimous jury verdict as lead trial counsel for a restaurant chain in a breach of contract case related to the sale of one of its restaurant locations.
- Counseled a product manufacturer through a voluntary product recall conducted in several countries.
- Obtained a full defense verdict after the bench trial of a case seeking to enforce a commercial lease guaranty.
- Obtained summary judgment on behalf of a large, international chain of fitness centers in a premises liability case, and subsequently convinced the U.S. Court of Appeals for the Fifth Circuit to affirm the decision.
- Obtained an injunction in federal court on behalf of an international product manufacturer against its U.S. distributor after the distributor suggested it would disrupt supply to major retailers.

*p*resentations

- "Looking Ahead of the Curve: The Future of Commercial-Transportation Litigation," Claims and Litigation Management Alliance (CLM) Annual Conference, Tampa, FL, March 30, 2023
- "Handling Difficult Removals with Success," Federation of Defense and Corporate Counsel (FDCC) Winter Meeting, Nashville, TN, February 21, 2023
- "AEDs and the Related Legal Issues: The Shocking Truth," National Retail and Restaurant Defense Association (NRRDA) Annual Meeting, San Antonio, TX, March 2022
- "Youth Injuries are not Child's Play," National Retail and Restaurant Defense Association (NRRDA) Lighthouse Seminar, Denver, CO, October 2019
- "Key Legal Issues in Claims Involving Minors," Houston Chartered Property and Casualty Underwriters (CPCU) Society, August 2019

- Products liability course, Houston Claims Association, June 2018
- “Major Issues that Arise when Handling Minors’ Claims,” Claims and Litigation Management Alliance’s 2017 Annual Conference, Nashville, TN, March 2017
- “Product Liability: Defense, Indemnity, and Tender Issues in Today’s Global Economy,” Claims and Litigation Management Alliance’s 2016 Annual Conference, Orlando, FL, April 2016
- Premises liability course, Houston Chartered Property and Casualty Underwriters (CPCU) Society, February 2016
- CLE on changes to the Federal Rules of Civil Procedure with Judges Gregg Costa and Lee Rosenthal, January 2016
- CLE on changes to the Texas Rules of Civil Procedure regarding Rule 91a motions to dismiss and expedited actions, Houston Bar Association, May 2013