

#### Practice Areas

- Labor & Employment Litigation
- Commercial Litigation

#### Education

- Louisiana State University, B.S. Management, 1993
- Loyola University – New Orleans, J.D., cum laude, 2001

#### Honors

- Best Lawyers in America, 2021-present
- Texas Super Lawyer, 2020-present
- Loyola University School of Law, Comment Editor, Loyola Law Review
- "Lawyer on the Fast Track," H Texas Magazine, 2007 and 2008
- "Top Lawyer," Houstonia Magazine, 2019-2022

#### Bar Admissions

- Texas

#### Court Admissions

- Texas, Southern District
- Texas, Eastern District
- Texas, Northern District
- Texas, Western District

### **C. Larry Carbo, III**

Shareholder - Labor & Employment Co-Chair  
**Houston**

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Larry Carbo maintains an active, nationwide commercial litigation practice and has tried over 30 cases to final verdict in state court, federal court and before arbitration tribunals. Larry focuses on the representation of private companies in employment and general commercial matters including misappropriation of trade secrets, enforcement and defense of non-competition agreements and breaches of fiduciary duty. Larry also routinely represents companies in disputes arising from corporate transactions. Larry has successfully prosecuted and defended companies in significant injunction matters where the resolution of the case depended heavily on the outcome of the injunction. When necessary, Larry has pursued these matters to final trial obtaining favorable results for the Firm's clients.

On the federal level, Larry has been, and continues to be, lead counsel on a number of large, significant Fair Labor Standards Act collective actions. He also represents clients in proceedings before the National Labor Relations Board and the National Football League Players Association. Larry has recently argued before the Federal Second and Fourth Circuit Courts of Appeal, the NLRB and the NFLPA involving significant and novel employment arbitration, class waiver and jurisdictional issues.

Larry routinely represents closely held companies involving significant matters including breach of contract, executive compensation, shareholder oppression, fraud, breach of fiduciary duty, copyright and trademark matters.

When not litigating, Larry counsels companies in various aspects of employment related matters including preparation of employment agreements, employment manuals, non-disclosure agreements, separation agreements, non-competition/non-solicitation agreements as well as consultations regarding hiring and termination practices. Larry is also on the Firm's Board of Directors and is National Co-chair of the Firm's labor and employment practice group.

#### **Significant Matters**

##### **Non-Compete and Trade Secret Litigation**

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- Texas, Supreme Court
- U.S. District Court, District of Colorado
- Court of Appeals, 2nd Circuit
- Court of Appeals, 4th Circuit
- Court of Appeals, 5th Circuit
- Court of Appeals, 8th Circuit

### C. Larry Carbo, III, *Continued*

- Represented private equity group and one of its oil field services portfolio companies in a federal court lawsuit involving allegations of theft of trade secrets, non-compete violations and breach of fiduciary duty.
- Represented IT consulting firm in connection with the hiring of several employees from competitor. Defended employees and company in evidentiary hearing. Shortly after injunction was denied, case settled and clients recovered damages and all costs of defense.
- Represented industrial supplier in connection with former employee's breach of fiduciary duty and violations of non-compete. Obtained injunctive relief and case settled favorably on the eve of arbitration.
- Represented supplier of welding supplies and gases in connection with former employees violation of their non-compete agreements and for misappropriation of trade secrets and confidential information. Obtained a temporary restraining order and, later, temporary injunction after evidentiary hearing. Case later settled on favorable terms including a significant injunction and recovery of all fees and costs.
- Successfully defended company and eight of its employees in \$30 million dollar lawsuit by one of its largest competitors alleging claims of misappropriation of trade secrets and breach of fiduciary duty. After 2-week trial, obtained directed verdict on all claims and a jury verdict in favor of client for recovery of attorneys' fees defending claims.
- Represented company in significant litigation involving president's resignation, non-compete issues and severance obligations. After 2-day evidentiary hearing, obtained injunction against former president precluding competition. Case settled on favorable terms shortly thereafter.
- Represented employer in lawsuit brought by a competitor alleging violation of employee non-compete agreements, tortious interference and business disparagement. Jury found in favor of employer and awarded employer over \$70,000 in attorneys' fees incurred in connection with the lawsuit.
- Represented oil field services company in a dispute regarding violation of former president's non-compete. After 3 day jury trial, obtained verdict for significant damages and attorneys' fees.
- Represented sports agency and its agents in case involving non-compete issues and violations of the National Football League Players Association's Regulations. Litigated in multiple forums including Texas and Florida State Courts, the NFLPA and the AAA, and obtained injunction against former employee. Obtained favorable ruling from NFLPA on jurisdictional issues. Case later settled on favorable terms.

## C. Larry Carbo, III, *Continued*

- Represented local franchisee in dispute with franchisor. Successfully defended franchisor's attempt to enforce non-competition agreement at injunction hearing and, subsequently, obtained favorable settlement for franchisee.
- Successfully prosecuted claim for breach of covenant not to compete and, after 2 day evidentiary hearing, obtained temporary injunction in favor of client. Client later obtained very favorable settlement including significant damages and a permanent injunction on certain competitive activities.

### Wage and Hour

- Represented national retailer in federal court class action lawsuit seeking nationwide certification of over 10,000 employees. Case challenged the company's compensation structure. Successfully compelled arbitration and avoided class certification. Successfully defended three individual arbitrations brought after order compelling arbitration, obtaining complete defense verdict on all. Subsequently, Plaintiffs dismissed all remaining claims and arbitrations.
- Represented national retailer in federal court class action involving allegations of FLSA and state wage law violations based on alleged misclassification of employees. Successfully defeated class certification and obtained complete dismissal of all state law claims. Successfully limited FLSA damages after week long trial. Argued three separate appeals before the Second Circuit Court of Appeals.
- Represented national retailer in dispute with National Labor Relations Board regarding legality of a class waiver provision in its company arbitration clause. After unfavorable ruling from NLRB, Eighth Circuit reversed, finding the class waiver provision was legal. *Cellular Sales of Missouri, LLC v. Nat'l Labor Relations Bd.*, 15-1620, 2016 WL 3093363 (8th Cir. June 2, 2016).
- Successfully represented national retailer in arbitration involving FLSA and state wage law violations. Obtained complete defense verdict.
- Successfully compelled multi-plaintiff FLSA and state wage law case to arbitration. Obtained defense verdict on state wage law claims and reduction of FLSA damages. Successfully resolved all claims on favorable terms after arbitration.
- Successfully compelled arbitration of FLSA retaliation claim. First chaired 3-day arbitration hearing which resulted in a complete defense verdict.

### Other Commercial Matters

- Represented private equity group and several of its managers involving claims of fraud and breach of fiduciary duty brought by members of one of its portfolio companies. Claimed damages exceeded \$75 million.
- Represented large retailer in AAA arbitration and related state court litigation against large oil and gas companies related to breach of purchase agreement. Successfully defended claims for injunctive relief which allowed sale to proceed. Claimed damages were approximately \$90 million.
- Represented national construction company in AAA arbitration involving claims of breach of covenants in an asset purchase agreement, causing damage to company in excess of \$10,000,000. Obtained favorable settlement on eve of final hearing.
- Represented executive in state court litigation involving breach of executive compensation agreement and failure to pay severance benefits. Prevailed on all claims after trial.

### C. Larry Carbo, III, *Continued*

- Represented large homebuilder in AAA arbitration involving allegations under the Residential Construction Liability Act. Complete defense verdict that was confirmed by state court.
- Represented large residential developer in AAA arbitration involving claims against engineer for inadequate design of subdivision. Obtained favorable settlement on eve of final arbitration hearing.
- Represented large industrial supplier in state court involving claims for breach of contract and negligence related to employee theft. Obtained directed verdict after presentation of plaintiff's case.
- Successfully defended company and majority shareholders in a claim for minority shareholder oppression and breach of fiduciary duty brought by a disgruntled former employee and shareholder. Claimant sought damages in excess of \$6 million. After a 13-day arbitration, the arbitrator issued award in favor of company and majority shareholders on all issues. Case affirmed on appeal. *Baty v. Bowen, Miclette & Britt, Inc.*, 423 S.W.3d 427 (Tex. App.—Houston [14th Dist.] 2013, pet. denied).
- Represented law firm and several shareholders in claim by former shareholder for breach of contract and fraud. Plaintiff sought in excess of \$1,000,000. After 4 day jury trial, obtained complete defense verdict.
- Represented retailer in connection with trademark and Lanham Act violations by a competitor. Obtained complete injunctive relief protecting the retailer's name and business interest. Case later settled.
- Prosecuted claim for trademark infringement and breach of fiduciary duty against former employer in Louisiana federal court. After 4-day jury trial, successfully settled case before deliberations. Client obtained damages and ownership of trademark.
- Represented an oil field services company in a breach of contract based on a contractor's failure to deliver. After 3-day bench trial in federal court, court entered judgment in favor of client in excess of \$5 million. Judgment affirmed on appeal. *ARV Offshore Co., Ltd. v. Con-Dive, L.L.C.*, 514 Fed. Appx. 524 (5th Cir. 2013).
- Represented closely held corporation in a claim involving shareholder oppression and breach of fiduciary duty. Successfully obtained summary judgment on most claims. Case settled after voir dire. Client obtained favorable settlement.
- Represented husband of deceased in a will contest. After four day jury trial, successfully obtained judgment voiding beneficiaries' bad faith contest of will. Obtained judgment of over \$200,000 against bad faith litigants. Judgment affirmed on appeal.
- Represented tenant in a lease dispute with landlord. Jury verdict in favor of client for all damages plus attorneys' Judgment affirmed on appeal. *Cellular Sales of Knoxville, Inc v. McGonagle*, 05-13-00246-CV, 2014 WL 3513254 (Tex. App.—Dallas July 15, 2014, no pet.)
- Represented employer in malicious prosecution lawsuit against employee who brought frivolous lawsuit in prior state court litigation. Jury found underlying lawsuit was brought with malice and bad faith.
- Represented former executive of large oil field services company in breach of contract claim related to executive compensation. Case settled on third day of jury trial.
- Successfully prosecuted breach of contract and fraud claim against former employer for commissions owing. After 1-week trial, obtained favorable settlement for Plaintiff after jury indicated it was only deliberating on issue of the appropriate amount of exemplary damages.
- Represented insurance broker in dispute with former shareholder and employer involving claims of breach of contract and tortious interference. Case settled on third day of jury trial.

### C. Larry Carbo, III, *Continued*

- Successfully compelled arbitration of former contractor's claims. Defended trucking company in a claim by a contract truck driver for breach of contract, theft and extortion. Arbitrator issues an award in favor of company on all claims.
- Successfully prosecuted malicious prosecution claim. After 2-week trial, obtained jury verdict in favor of client awarding client all litigation costs and attorneys' fees related to malicious prosecution.
- Represented subcontractor in connection with claim against contractor for failure to pay. After arbitration hearing, complete verdict in favor of subcontractor.
- Successfully defended general contractor in lawsuit brought by subcontractor for non-payment of over \$300,000. After 3-day jury trial, jury returned a unanimous verdict in general contractor's favor. Court also ruled in general contractor's favor on general contractor's request for declaratory judgment on interpretation of contract between parties. Court affirmed judgment. *EMS USA, Inc. v. Epoxy Design Sys., Inc.*, 14-10-01037-CV, 2012 WL 1424802, at \*1 (Tex. App.—Houston [14th Dist.] Apr. 24, 2012, no pet.)

### Professional Affiliations

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- Houston Bar Association
- Texas Bar Foundation
- American Bar Association

