



# Kelsi Wade Piatkowski

Partner

[Kelsi.Piatkowski@wilsonelser.com](mailto:Kelsi.Piatkowski@wilsonelser.com)

Houston, TX – 713.353.2017

Kelsi Wade Piatkowski represents established businesses and individuals in all aspects of civil litigation in state and federal courts in Texas. Her practice focuses on the defense of claims related to general liability, commercial automobile liability, construction disputes, products liability, catastrophic personal injury, commercial litigation and real estate litigation.

Through comprehensive evaluation and planning during the initial stages of litigation, Kelsi has succeeded in securing a unanimous jury trial defense verdict, dismissals of lawsuits, and favorable rulings in both state and federal courts in matters involving commercial and complex tort disputes. She also has litigated matters at the appellate level.

## Education

- University of Houston Law Center (J.D., 2013)
  - Senior Articles Editor, Houston Journal of Health Law and Policy
- Baylor University (B.A., 2010)

## Bar Admissions

- Texas

## Court Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. District Court, Eastern District of Texas

## Services

- Construction
- Hospitality
- Medical Malpractice & Health Care
- Real Estate Professionals
- Complex Tort & General Casualty

## Professional Affiliations

- Houston Young Lawyers Association

## Awards & Honors

- Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2024-2025
- Selected for inclusion in the *Texas Super Lawyers® Rising Stars™*, 2022-2024
- Selected for inclusion in *The Best Lawyers in America®: Ones to Watch to Watch in the Area of Construction*, 2021-2023

## Representative Matters

Acted as sole lead trial counsel to successfully obtain a unanimous “take-nothing” defense verdict in lawsuit involving discrimination, harassment and intimidation claims against a property management company in Harris County, Texas.

Prevailed on summary judgment in the Southern District of Texas in breach of contract case involving dispute over indemnity provisions in oil and gas services agreement; obtained all costs and fees, including pre-tender costs and fees, on behalf of client.

Obtained summary judgment in Harris County, Texas, against a subcontractor in breach of indemnity agreement governing renovation construction at a commercial site.

Prevailed on appeal in which the Fifth Circuit affirmed summary judgment on behalf of client in a multi-party lawsuit involving allegations under the Racketeer Influenced and Corrupt Organizations (RICO) Act.

Achieved dismissal of a lawsuit against a health care provider after prevailing on summary judgment in premises liability dispute involving a fixture on commercial property in Harris County, Texas.

Obtained dismissal of lawsuit and an award of attorney’s fees in the Western District of Texas in a matter arising out of false imprisonment and negligent misrepresentation claims.

Successfully petitioned the Supreme Court of Texas, argued on the merits in lawsuit involving negligence claims against a subcontractor on a utility easement project in South Texas.

Defeated a plaintiff’s subject-matter jurisdictional argument to maintain jurisdiction in the Southern District of Texas, based on post-answer, amount-in-controversy argument, to obtain a more favorable outcome on behalf of the client.

Obtained summary judgment in the Southern District of Texas in a case involving premises liability allegations on commercial property.

## Client Wins

### **Piatkowski & Rivas Defeat \$4.3 Million Demand in Personal Injury Claim**

Kelsi Piatkowski (Of Counsel-Houston, TX) and Servando Rivas (Associate-Houston, TX) scored a huge win on behalf of one of the nation's largest hardware stores and Fortune 500 company. The plaintiffs brought claims against the client arising out of an alleged failure of a garden shopping cart that struck the foot of one of the plaintiffs. Plaintiffs alleged the incident caused plantar fasciitis for which the plaintiff underwent a surgical procedure and sought \$4.3 million in damages. Kelsi and Servando moved for summary judgment on all claims, arguing that the client had no notice of the purported defects and therefore could not be held liable under Texas law. After a month of extensive briefing, the U.S. District Court for the Eastern District of Texas agreed with the client's arguments and dismissed the entire case with prejudice.

### **Piatkowski & Rivas Obtain Dismissal for Landlord Based on Provisions in the Commercial Lease Agreement**

Kelsi Wade Piatkowski (Of Counsel-Houston, TX) and Servando Rivas (Associate-Houston, TX) prevailed on a motion for summary judgment that tossed the plaintiff's claims against our commercial property landlord client. The plaintiff asserted negligence and premises liability claims and contended that the client's failure to correct a defect on the property entitled him to more than \$1 million in damages for significant injuries arising from an incident on the premises. On behalf of the client, Kelsi and Servando argued that it had no control over the subject property pursuant to several provisions contained in a commercial lease agreement with a tenant. The Brazoria County District Court agreed and granted the motion for summary judgment in its entirety, dismissing the plaintiff's claims and ordering that he take nothing from our client.

### **Piatkowski, Domaszek & Rivas Score Summary Judgment for Major Global Technology Company**

Kelsi Wade Piatkowski (Of Counsel-Houston, TX), assisted by John Domaszek (Of Counsel-Houston, TX) and Servando Rivas (Associate-Houston, TX), secured summary judgment for one of the firm's major global technology clients in a case in which the plaintiffs filed a lawsuit following an automobile accident alleging various claims, including vicarious liability and gross negligence, against our client. The plaintiffs further alleged that the incident resulted in a death of the decedent. The plaintiffs demanded \$1 million to resolve the claims. However, after extensive briefing by both sides and oral arguments, the 127th District Court in Harris County, Texas granted Kelsi's traditional and no-evidence motion for summary judgment, ordering all claims to be dismissed with prejudice and ordering that the plaintiffs take nothing of, from, or against our client.

### **Houston Team Obtains Dismissal in Discrimination Case on Jurisdictional Grounds**

Kelsi Wade Piatkowski (Of Counsel-Houston, TX) and Zoe Ansell (Associate-Houston, TX) obtained an order of dismissal in the U.S. District Court for the Southern District of Texas in the preliminary stages of a lawsuit brought against Wilson Elser's client, a global charitable organization. The plaintiff in this matter alleged discrimination and harassment by our client, resulting in economic loss. In lieu of answering the claims, Kelsi and Zoe

filed a motion pursuant to 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, arguing that the plaintiff failed to establish proper subject matter jurisdiction to continue the lawsuit in federal court, in addition to failing to state a claim upon which relief could be granted. The court concurred, finding that it had no subject matter jurisdiction to consider the plaintiff's claims, dismissing the lawsuit without addressing the second argument.

**Shepperd and Piatkowski Obtain Dismissal in Alleged Failure to Diagnose**

John Shepperd (Partner-Houston, TX) and Kelsi Wade Piatkowski (Of Counsel-Houston, TX) secured a dismissal on behalf of physician clients in Harris County, Texas, 333rd Judicial District Court. The plaintiff, in her early 30s, alleged that our clients failed to timely diagnose a hip fracture that resulted in a total hip replacement and alleged disabilities. Throughout the case, John and Kelsi maintained that our clients met their respective standards of care and that the plaintiff's injuries were not caused as a result of our their treatment. The court found that the plaintiff did not have the necessary evidence to support her allegations, and the lawsuit was ultimately dismissed.