

PUBLIC NOTICE
In association with Agenda Item No. 14 at the
February 25, 2026 Regular Meeting of the CTRMA Board of Directors

This notice is given pursuant to Tex. Gov't Code § 2254.1036.

- A. The Central Texas Regional Mobility Authority (“CTRMA”) intends to pursue claims for monetary damages, declaratory relief, and other legal remedies (“Damages”) in relation to the retaining walls located along the US 183 corridor from approximately US 290 to SH 71 (the “Litigation”). CTRMA’s desired outcome in pursuing the Litigation is to recover Damages owed to CTRMA for the failure to properly design and/or construct the subject retaining walls, in addition to other relief allowed under the law. Therefore, there is substantial need for the legal services.
- B. CTRMA wishes to engage Kaeske Law Firm (“Counselors”). Details regarding their competence, qualifications and experience are attached at Exhibit 1.
- C. The legal services for which the Counselors are retained cannot be adequately performed by the attorneys and supporting personnel of CTRMA. CTRMA’s budget is limited and the legal department only has a single in-house attorney. CTRMA General Counsel is engaged in numerous transactional matters and in overseeing, managing, and litigating other matters. In addition, the investigation, research, and litigation of the claims will require specialized attorneys who have knowledge and experience with complex engineering principles, including structural and geotechnical engineering; retaining walls, including Mechanically Stabilized Earth walls; construction and contract issues, including the procurement, standards, specifications, and designs associated with roadway projects; and professionals with expertise in these fields. Such work will require numerous specialized attorneys, paralegals and others who are familiar with the wrongful actions and/or inactions involved in the design and construction of retaining walls. Thus, CTRMA does not have the resources it believes will be necessary to engage in protracted, time-consuming, and expensive litigation.

D. The legal services for which Counselors are proposed to be retained cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without regard to the outcome of the matter for the following reasons:

- (1) TIME: It is not economically feasible for CTRMA to pay outside counsel on an hourly basis for what CTRMA anticipates, based on similar previous litigation, will require thousands of hours of unbudgeted attorney time advanced in pursuing the relief CTRMA expects to achieve.

The issues involved in CTRMA's claims, including the parties' respective responsibilities for the proper design and construction of Mechanically Stabilized Earth retaining walls, are complex. The parties will likely aggressively oppose all aspects of the Litigation. It will require the skill of attorneys who have familiarity with such unique, complex litigation.

- (2) COMPLEXITY/DAMAGES: Besides legal issues, determining damages may be complicated. Damages will be based, in part, on: 1) expenses incurred by CTRMA on a limited portion of the subject walls, and 2) anticipated expenses to be incurred by, CTRMA on the remaining portion of the walls which have not yet been remediated. The engineering and construction data necessary to formulate the calculation is unclear at this time, but it is anticipated to be complex and difficult to understand. Further, because there are expected to be multiple defendants, it is likely that they have different business practices and ways of maintaining their data. It will require experienced lawyers with the assistance of experts to decipher the data and determine a mathematical or formulaic calculation for each of the retaining walls at issue, each based on their individual needs.

- (3) EXPENSES: Finally, while CTRMA has agreed to reimburse certain expenses, Counselors have agreed to advance any expenses in the case required to retain special outside counsel to assist on matters other than prosecuting CTRMA's claims. Examples of such instances include: a defendant may seek bankruptcy protection; a defendant may attempt to transfer some of its assets to avoid paying CTRMA's claim; a complex, multi-party settlement may require an ethics opinion from outside counsel; or a separate lawsuit may need to be filed against a defendant's insurance company. In such an instance, the fees of such special outside counsel shall be advanced by Counselors. If there is no recovery, Counselors will be solely responsible for payment of such special outside counsel expenses. In CTRMA's experience, hourly lawyers are unable and/or unwilling to make such concessions.
- E. In 2025, CTRMA contacted the North Texas Tollway Authority ("NTTA") to discuss their retaining wall experiences, and as part of those discussions, CTRMA learned of Counselors' retaining wall litigation work for NTTA. Thereafter, CTRMA contacted Counselors to discuss their competence, qualifications, and willingness to represent CTRMA. CTRMA's selection of Counselors is based in part on their representation of NTTA, which first began in about April 2012 in another retaining wall civil case captioned Cause No. 12-01431, *North Texas Tollway Authority vs. James Construction Group, LLC, KBR, Inc. and Bureau Veritas North America, Inc.*, then pending in the 160th Judicial District of Dallas County, Texas. In that case and in NTTA's three other retaining wall cases that followed, Counselors demonstrated their specialized skills with respect to this type of complex engineering and construction litigation, and Counselors successfully concluded each of those cases on NTTA's behalf. CTRMA has had no prior relationship with Counselors, and CTRMA's relationship with Counselors pursuant to the proposed contract would continue until the Litigation is completed.
- F. The advance of expenses for special outside counsel is risky because there is no guarantee litigation will be successful. In contrast, under the terms of the legal services agreement, such expenses are reimbursed only out of any recovery. Because CTRMA has limited funds, it is especially in CTRMA's interest, and that of its constituents, to have

Counselors advance those special counsel expenses and only be reimbursed by CTRMA out of any recovery if CTRMA is successful. Entering a contingent fee contract for legal services is also in the best interest of CTRMA and the constituents of CTRMA because it will allow CTRMA to recoup damages owed CTRMA for retaining wall repairs spent to date and obtain a judgment ordering the defendants to pay the additional repair expenses not yet spent. The damages recovered in the Litigation will be used to support essential CTRMA services in order to protect against further loss of or damage and prevent or minimize serious disruption in critical CTRMA services that affect health, safety, or the collection of substantial toll revenues. Retaining counsel who will perform these services on a contingency fee and who will advance expenses of outside special counsel will allow CTRMA to use those funds instead to support necessary CTRMA services, and if CTRMA does not obtain a recovery from the litigation, CTRMA additionally benefits from the proposed contract by not having to pay for those expenses or the substantial attorneys' fees that would have been incurred if the services had been performed on an hourly basis.

EXHIBIT 1

COUNSELORS

Michael Kaeske

Kaeske Law Firm was founded in 1999 by Michael Kaeske. Mr. Kaeske has decades of courtroom experience. He consistently tries tough, complex cases to verdict. Kaeske Law Firm has successfully handled multiple retaining wall litigation matters.

Mr. Kaeske attended Syracuse University, graduating in 1991 summa cum laude with a degree in International Relations and Philosophy. In 1995, Mr. Kaeske graduated from the University of Texas with a joint J.D./M.B.A.

Mr. Kaeske began his legal career by trying cases for Baron & Budd. D Magazine selected Mr. Kaeske in the first group of the “Best Lawyers in Dallas Under 40” in 2002 and again in 2004. Mr. Kaeske earned this reputation by achieving multiple verdicts for Baron & Budd’s clients.

In 1999, Mr. Kaeske left Baron & Budd to form his own firm and then opened offices in Austin and Dallas, where he has handled a range of significant cases for the last two decades, including complex business and construction litigation.

Mr. Kaeske continues to be recognized by Texas Super Lawyers. In 2011, he tried a large commercial case to verdict that was recognized as the “#1 Contract Case Verdict in Texas” and the “#8 Top Texas Verdict of 2011” by Texas Lawyer.

Since 2012, Mr. Kaeske has been the lead counsel for the North Texas Tollway Authority’s retaining wall litigation. In 2024, Mr. Kaeske achieved a \$280 million jury verdict on behalf of the NTTA. Mr. Kaeske has successfully resolved each of the four retaining wall cases he litigated for NTTA.

In 2020, Mr. Kaeske led the team that received the Public Justice “Trial Lawyer of the Year” award, including for their achievement of monetary verdict awards for their clients in excess of \$500 million in the subject litigation – as documented in the book Knopf published, “Wastelands” by Corban Addison.

Mr. Kaeske will be supported in the Litigation by additional attorneys associated with or of counsel to Kaeske Law Firm, including the following:

Jonathan Nockels

Jonathan Nockels is lawyer with 20 years of experience handling complex commercial litigation. Prior to joining the Kaeske Law Firm, Mr. Nockels was the managing partner of a civil litigation firm from 2011 until 2025, and he has extensive experience in highway retaining wall litigation. His retaining wall litigation experience commenced in 2012 and includes the successful prosecution of four court cases, including Mr. Nockels serving as second chair in the retaining wall jury trial that resulted in a \$280 million verdict. Prior to that, Mr. Nockels was an integral part of the team that secured a highly favorable result on behalf of an heir to the H.L. Hunt estate following highly publicized and contested federal court litigation involving multiple defendants represented

by the nation's premier defense firms. Mr. Nockels has also secured numerous other multi-million dollar recoveries in both commercial and personal injury cases.

Mr. Nockels graduated with honors from the University of Texas in Austin (BA) and from Southern Methodist University School of Law (JD), where he was the William L. Hutchinson Scholar.

Lisa Blue

Ms. Blue's accomplishments have been nationally recognized. She has been named one of the *Top 100 Most Influential Lawyers in America* and one of the *Top 50 Women Litigators in the U.S.* by *National Law Journal*, and she has received numerous other state and national recognitions for her legal expertise. She served as president of the American Association for Justice from 2014-2015 and was inducted into the National Trial Lawyer Hall of Fame in 2015.

Ms. Blue received her undergraduate degree from the University of Georgia and two master's degrees from the University of Virginia in Counseling Psychology. After a brief teaching career, she returned to school and earned a PhD in Counseling Psychology from North Texas State University and a Juris Doctorate from the South Texas College of Law.

After completing law school, Ms. Blue joined the Dallas County District Attorney's office where she prosecuted more than 125 cases to verdict and later advanced to the DA's Organized Crime Division. In 1985, she moved to the law firm Baron & Budd, where she specialized in environmental and toxic tort law. Lisa and her husband, Fred Baron, supervised 800+ employees and managed all financial aspects at Baron & Budd, the largest environmental law firm in the United States.

Jeremy Martin

Mr. Martin has been an attorney for 25 years and is Board Certified in Civil Appellate Law. He graduated Magna Cum Laude from St. Mary's University School of Law and served as a judicial clerk for the Court of Appeals for the Third District of Texas in Austin as the briefing attorney for former Chief Justice Marilyn Aboussie.

Mr. Martin has extensive experience handling the complex legal issues, briefing, and appeals on behalf of Kaeske Law Firm and has been an integral part of each of its retaining wall litigation matters (2012-current).

Sarah Martin

Sarah Martin is a 25-year attorney with complex commercial litigation experience. After graduating Cum Laude from St. Mary's University School of Law where she served as the Executive Editor of the law review, Ms. Martin practiced for a year at one of the nation's premier law firms before clerking for then-U.S. District Judge Edward C. Prado (now U.S. Ambassador to Argentina). Following her clerkship, Ms. Martin practiced litigation at Jones Day for a decade before joining Mr. Martin in Martin Appeals, PLLC, their litigation-support/appellate boutique practice. Ms. Martin has also previously assisted the Kaeske Law Firm on other matters.

Timothy Perkins

Mr. Perkins has been a licensed Texas attorney since 1983. He received his undergraduate degree from Baylor University in 1981 and his law degree from Baylor University in 1983. His primary practice is complex litigation.

Mr. Perkins has represented plaintiffs and defendants in high stakes personal injury, breach of fiduciary duty, contract, and product liability matters for over 40 years. In 2011, Mr. Perkins was part of the Kaeske legal team that obtained one of the largest verdicts in Dallas County history. The jury award followed a commercial dispute in an alternative energy transaction that included claims of breach of partnership agreements, breach of fiduciary duties, and fraud. Also, in 2024, Mr. Perkins was part of the Kaeske legal team that obtained the \$280 million jury verdict in a highway retaining wall matter.

Mr. Perkins is admitted to practice by the Texas Supreme Court and numerous federal courts. Martindale-Hubbell rates Mr. Perkins “AV Preeminent”™ for 2026.

Eric Manchin

Mr. Manchin has been a licensed Texas attorney since 1999. His primary practice is complex mass tort and business litigation.

Mr. Manchin has represented plaintiffs in wrongful-death litigation, nuisance litigation, patent litigation, and breach of contract litigation for 27 years. He has been with Kaeske-Reeves and Kaeske Law Firm since 1999. Accordingly, he has been part of the litigation team that obtained 8 and 9 figure verdicts in five hog nuisance litigation verdicts, 2 breach of contract verdicts, and the firm’s 2024 highway retaining wall matter. He has also been central to the representation of the firm’s wrongful death victims’ settlements and trials since the firm began pursuing such lawsuits.

Mr. Manchin is admitted to practice by the Texas Supreme Court and the federal courts in the state of Texas. He graduated in 1999 from the Texas Tech University School of Law and has practiced in Dallas and Austin, Texas since graduation.