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PRACTICE AREAS

- Bad Faith and Extra-Contractual Liability
- Breach of Contract
- Commercial Litigation
- Construction

BAR AND COURT ADMISSIONS

- State Court: Texas
- U.S. District Court:
- Eastern District of Texas,
Western District of Texas,
Northern District of Texas,
Southern District of Texas,
Northern District of Florida,
District Court of Colorado

EDUCATION

- Southern Methodist University, J.D., 1991
- Texas Christian University, B.B.A., 1984

Texas Lawyer • National Lawyer

Brad has spent his life in the Dallas/Fort Worth area. He grew up in DFW and received his undergraduate education at Texas Christian University in Fort Worth, Texas. After college, he acted as a general contractor building over 200 homes in the DFW area before obtaining his law degree from Southern Methodist University, Dallas, Texas. He started his law practice in Arlington, Texas, serving local clients and acting as City Attorney for Pantego, Texas. Brad has spent the last 17 years practicing from the firm's Dallas office representing clients in federal and state courts around the country in complex contract and tort matters.

Trusted Advocate

Brad has the honor of representing sophisticated and experienced purchasers of legal services. He provides his clients with cost effective and client oriented services. For this reason, when his clients face unique or complex litigation, they look to him for guidance and counsel. Some examples of these types of cases are listed below.

Catastrophic Loss/Weather Events

Clients have consistently turned to Brad for catastrophic loss litigation. When Hurricane Katrina caused devastation throughout the Gulf States, clients sought his guidance on large commercial property losses in an emotionally charged environment. Brad litigated first party insurance coverage disputes involving storm damaged hospitals, apartment complexes, non-profit facilities, industrial facilities, multi-location retailers, and nursing homes that were literally submerged during Hurricane Katrina. When Hurricanes Ike and Gustav hit, Brad was again contacted to help litigate, negotiate and resolve property claims arising from various industrial complexes, golf courses, high rise condominiums and office buildings.

Representation of Markets

The creation, delivery and structure of insurance products has become much more complicated. Brad has substantial experience with "shared and layered" insurance products as well as insurance programs created under Texas

statutory law allowing risk purchasing groups and group commercial policies. Brad has represented individual carriers as well as entire markets made up of domestic and foreign carriers.

Radioactive Material Exposure

When a one billion dollar judgment was taken in Louisiana against a major oil company for knowingly exposing people and property to naturally occurring radioactive materials (NORM), Brad was contacted to represent multiple insurers in coordinating and defending the flood of direct action claims brought for property damage and bodily injury spawned by the judgment.

Class Actions

When a policyholder sought defense and indemnity for thirteen class actions, a carrier chose Brad to litigate coverage for the underlying claims for economic damages brought against a respected member of the organic milk industry. He has defended and prosecuted "mass actions" and class actions seeking damages arising from both bodily injury and damage to property rights.

Mold

When mold claims appeared in the mid to late 1990's, three major insurance carriers hired Brad as their regional or national consultant/litigator for mold claims. He defended policyholders against claims of bodily injury and property damage, and litigated first party claims for catastrophic mold contamination at hospitals, luxury condominiums, single family homes, and multi-family residences.

REPRESENTATIVE MATTERS

Insurance Disputes (First Party Claims)

- Defense of claims of fraud in the issuance of a multi-million dollar appraisal award relating to a dog racing facility utilized for pari-mutuel betting.
- Investigation, analysis and post award negotiations relating to improper appraisal awards arising from hail damage to commercial properties in West Texas and North Texas.

- Defense of claims of hail damage to commercial property in numerous cities in Texas involving alleged damage to roofing systems, HVAC equipment, EIFS, exterior windows and other building components.
- Defense of several property carriers and layers of coverage in twenty-eight litigated matters and over fifty non-litigated claims brought by individual policyholders under a single Group Commercial Property relating to hurricane damage to otherwise unrelated multi-family locations.
- Defense of claims of hurricane damage to twenty-two separate apartment complexes insured under a single policy issued to a property management company.
- Defense of \$30 Million first party property damage claim for loss to nursing homes caused by Hurricane Katrina in Louisiana.
- Defense of first party property damage claims for loss to theater caused by Hurricane Ike in East Texas.
- Resolution of first party property claims arising from damage to more than twenty retail locations in and around Louisiana caused by Hurricane Katrina.
- Defense of \$20 million liquidated first party property damage claim for cost of reconstruction of luxury condominiums damaged by mold in Texas.
- Defense of business interruption claims for hospital complex caused by Hurricane Katrina.
- Defense of first party claims for damage caused by construction defect to high rise commercial building.
- Defense of first party property claim for damage to dormitory complex caused by Hurricane Katrina.
- Defense of service interruption claims for industrial facilities caused by Hurricane Ike.

Insurance Disputes (Third Party Claims)

- Defense of claims by policyholder for defense and indemnity for thirteen class actions seeking economic loss relating to organic milk allegedly produced in violation of organic standards.

- Defense of claims for coverage of bodily injury caused by grain escaping from grain elevators.
- Defense of claims for coverage for pollution at more than fifty sites allegedly polluted by various industries, some for over a century.
- Defense of claims against carriers brought by bankruptcy estate of manufacturer of asbestos pipes seeking coverage for bodily injury claims.
- Defense of claims against carriers brought by bankruptcy estate of an installer of asbestos insulation seeking coverage for bodily injury claims.
- Defended direct action suit by 49 plaintiffs for personal injuries arising from policyholder's operations at a Louisiana wood treating site.
- Defended direct action against three carriers relating to the operations of eight policyholders arising from two sites – a landfill and a deep well disposal site in Louisiana. Participated in creation of settlement class for claims of over 500 individuals and 50+ companies.
- Defended declaratory judgment action in Indiana brought by policyholder against all of its carriers seeking damages for clean-up costs relating to TCE contamination caused by prior owners.
- Defended three carriers from direct action claims seeking collection of \$1 billion joint and several judgment taken against oil company and client policyholders for contamination of property with naturally occurring radioactive material (NORM). Also defended or assisted various carriers on 20+ bodily injury mass actions against numerous policyholders arising from that contamination.
- Defended claims by policyholder/poultry farmer for coverage for claims by The City of Tulsa, Oklahoma and the State of Oklahoma for contamination of water supply and natural resources.

Coverage Advice

- Addressed and provided coverage advice on response to several class actions against dog food manufacturers relating to defective dog food that caused injury and death to thousands of dogs.
- Addressed and provided advice to national sugar cooperative relating to

claims brought by artificial sweetener manufacturer.

- Addressed and provided coverage advice on duty to defend and indemnify on wrongful death claim brought by leased employee's estate.

Insurance Disputes (Non-Claim Matters)

- Defended carrier in claim for \$42 million loss by large engineering/construction company relating to the amount of letters of credit required by carrier to collateralize monthly obligations of policyholder under high deductible general liability insurance program.
- Defended carrier in claim where policyholder was seeking to avoid obligation to repay carrier for wrongful death claim in the Bahamas under high deductible general liability insurance program.
- Defended carrier in unusual Texas bill of review procedure brought by policyholder for improper collection of premiums.

Recovery

- Prosecuted class action against telecommunication companies for improper use of railroad easements for fiber-optic corridor.
- Prosecuted class action against railroads for improper transfer of individuals' land to government.
- Prosecuted action against Fortune 40 companies concerning patent in interactive computing.

Liability Defense

- Defense of trailer manufacturer against wrongful death claims brought by a family's estate for a motorist struck by a trailer.
- Defense of insecticide manufacturer against bodily injury claims in the Texas Rio Grand Valley.
- Defense of broker/dealer in securities matter involving failed investment vehicle.
- Defense of contractor against claims of bodily injury and property damage arising from mold.

- Defense of log cabin builder against claims of bodily injury and property damage arising from mold.

Reported Cases

Brelian Inc. v. Liberty Mutual Fire Ins. Co., (First party coverage dispute involving issues of number of occurrences, subsequent negligent repair, application of policy terms to appraisal awards, and post appraisal claims for extra-contractual damages)

All Metals Inc. v. Liberty Mutual Fire Insurance Co., (Insurance coverage dispute over the number of occurrences relating to an interruption of electrical service during the operation of a large rotary furnace)

Employers Ins. Of Wausau A Mutual Company v. Burlington Northern and Santa Fe Railway Co. (liability coverage dispute)

Maison Orleans I, LLC, Maison Orleans II, Inc. and Louisiana Health Care Consultants, LLC v. Liberty Mutual Fire Insurance Company (first party coverage dispute)

Oxford v. Williams Companies, Inc. (class action – subject matter jurisdiction)

Grefer v. Scottsdale Ins. Co. (insurance coverage - direct action)

Bywater v. United States of America (class certification)

ARTICLES & PRESENTATIONS

"The Uncertainty of Remand in Texas," *Texas Law360*, March 18, 2016, co-author

"*Graber v. State Farm* is a Texas Prompt Payment Outlier," *Texas Law360*, August 10, 2015, co-author

"Texas High Court Doesn't Take Fishing Expedition Bait," *Texas Law360*, December 2, 2014, co-author

"Surplus Lines Insurance in Texas: A Dark Horse," *Texas Law360*, March 9, 2014, co-author

PROFESSIONAL AFFILIATIONS

State Bar of Texas

American Bar Association

Dallas Bar Association

American Inns of Court