

Appellate Litigation

Bracewell's appellate team is highly regarded within the legal industry because of its impressive track record handling issues of first impression and landmark appeals at federal courts of appeal and state appellate courts throughout the country, as well as before the Texas Supreme Court.

Clients rely on us to handle some of the nation's most complex cases at the appellate level. Recently, for example, we successfully defended **Hilcorp Energy** in a closely watched royalties dispute. We have also helped secure appeals for Apache Corporation, **Carlton Energy**, **GDF SUEZ**, **KBR**, **Prosperity Bancshares**, **Westlake Chemical** and **Weatherford International**.

We handle a range of matters, from energy to environmental litigation, to insurance and toxic torts, to healthcare and intellectual property matters. We regularly join clients' legal teams early in the litigation process and work to develop a comprehensive appeal strategy from the very beginning.

Areas of Focus

Litigation

Key Contacts



Warren
Partner

Experience

Apache Corporation

- on appeal in a case brought by two Texas-based energy companies and a third from Oklahoma in which they alleged potential damages of more than \$1.1 billion relating to certain purchase and sale agreements

ASARCO LLC

- in a dispute over whether a Bankruptcy Code provision authorized a law firm to recover legal fees that it incurred in litigating against ASARCO. The US Supreme Court ruled in ASARCO's favor and resolved a significant legal issue that applies in every bankruptcy in the United States

BMC Software

- on appeal defending a \$1.6 billion judgment obtained by BMC Software against IBM for fraud and violating a licensing agreement

Carlton Energy Group, LLC

- on appeal in a large business dispute involving breach of, and tortious interference with, contracts regarding a gas lease. The trial court signed a judgment of approximately \$50 million in Carlton Energy's favor, which the Supreme Court of Texas affirmed. After a remand on a limited issue, Carlton Energy prevailed again in the court of appeals

GDF SUEZ Energy North America (ENGIE)

- on appeal on behalf of GDF SUEZ in a first-of-its-kind case that involved novel legal and regulatory issues related to the Texas electricity markets

Hilcorp Energy Company

- on appeal defending a judgment dismissing a class-action lawsuit against Hilcorp Energy Company alleging underpayment of royalties from natural gas leases

KBR, Inc.

- on appeal to the US Court of Appeals for the Fourth Circuit against claims asserted by hundreds of thousands of service members and civilian employees alleging they were injured by KBR's use of burn pits to dispose of solid waste at military bases across Iraq and Afghanistan

- on appeal from an \$80 million judgment against KBR arising out of claims alleging exposure to sodium dichromate by 150-plus National Guardsmen at a water-treatment facility in Iraq. The Ninth Circuit ruled case in KBR's favor just a week after oral argument, reversing a roughly \$80 million judgment in its entirety based on lack of personal jurisdiction

McAllen Trust Partnership (James Argyle McAllen and other McAllen Ranch entities)

- on appeal against Forest Oil Company for environmental contamination relating to drilling operations. Bracewell prevailed in the Texas Supreme Court on behalf of the client

Prosperity Bancshares, Inc.

- in an adverse temporary injunction ruling in a dispute with former employees over enforcement of the parties' non-compete and non-solicitation agreements

The Board of Regents of the University of Texas System

- on appeal defending a \$50 million judgment in the University of Texas's favor for a healthcare lab's failure to pay the required royalties under a licensing agreement

Weatherford International, LLC

- on appeal representing two Weatherford entities in the Supreme Court of Texas in seeking mandamus relief from an order denying the entities' motions to dismiss for forum non conveniens

Westlake Chemical Corporation

- on appeal to the federal circuit in a patent infringement case involving two of the largest publicly traded polymer manufacturers in the United States. The Federal Circuit affirmed the lower court's ruling that Westlake did not infringe a patent related to a method for producing adhesive resins

Westlake Chemical Corporation

- on appeal represented Westlake in a dispute arising out of construction of a new plant

W&T Offshore, Inc.

- in the Fifth Circuit by obtaining reversal of a district court's dismissal of \$50 million in claims brought by W&T Offshore against its excess insurers over damages to drilling platforms arising out of Hurricane Ike

Recognition

Our appellate team consistently ranks among the leading practices in the United States in *Chambers USA*, *Legal 500 US* and *US News – Best Lawyer Best Law Firms*.

Chambers USA

- Texas Appellate Litigation

Legal 500 US

- Appellate

US News – Best Lawyers Best Law Firms

- Nationwide Appellate (Tier 1)
- Houston Appellate (Tier 1)