



Brian Antweil

SENIOR COUNSEL

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Practice Areas:

- Commercial Litigation
- Bankruptcy Litigation
- Oil & Gas Litigation
- Real Estate Litigation
- Technology Litigation

Education:

- J.D., University of Houston Law Center, 1990
- B.B.A., University of Texas at Austin, 1977

Admitted to Practice

- Texas, 1990
- Montana, 2018
- New York, 2009
- North Dakota, 2015
- U.S. District Court, Southern District of TX
- U.S. District Court, Northern District of TX
- U.S. District Court, Eastern District of TX
- U.S. District Court, Western District of TX
- U.S. District Court, Southern District of NY
- U.S. District Court, Eastern District of NY

Prior Work Experience

- Katten Muchin Roseman LLP, Partner, 2014-2020
- Akin Gump LP, Partner, 2011-2014
- Haynes and Boone LLP, Partner, 2000-2011
- Winstead PC, Shareholder, 1990-2000

Brian has had a successful, 30-year career as a trial and appellate lawyer. While proud of his many courtroom accomplishments, Brian's priority is to creatively and efficiently solve disputes.

REPRESENTATIVE EXPERIENCE

Commercial Litigation

- Lead counsel for Norwegian private equity-owned software company in a lawsuit involving rights and obligations under LLC and distribution agreements pending in New Mexico state court. Obtained three separate summary judgments resolving all claims and counterclaims in the case leading to the entry of a \$2.8 million final judgment in client's favor.
- As lead trial and appellate counsel for large, international building materials manufacturer, obtained a take-nothing judgment in a jury trial involving the termination of a distributorship agreement. Affirmed on appeal.
- Lead trial counsel to a partnership that sued a former partner for breach of fiduciary duty and fraud. Obtained a \$1.5 million judgment in a two-week jury trial and a take-nothing judgment on defendant partner's \$3 million counterclaim.

Bankruptcy & Creditor Rights

- Lead trial counsel for the bankruptcy debtor's parent, in a five-week trial brought by the debtor for fraudulent transfer and various other claims stemming from the debtor's sale of a controlling interest in a subsidiary company. Key issues involved the solvency of the debtor and value of the shares in the subsidiary company at the time of the transfer, as well as the value of the consideration debtor received in exchange for the shares. Despite finding that the shares were transferred with the intent to defraud creditors, the US District Court for the Southern District of Texas found that the debtor received reasonably equivalent value for the shares.
- Lead trial counsel to pharmaceutical company in a dispute involving rights from and obligations to chapter 11 debtor under supply agreement. Case settled.
- Lead counsel for federal court-appointed receiver to operate and ultimately sell all assets in a west Texas oil and gas-related water disposal business. The receiver successfully recovered proceeds sufficient to pay all secured debt.
- Part of trial team that successfully obtained a bankruptcy court recommendation and district court confirmation of the client's \$3.9 billion plan of reorganization over a competing plan in a four-week contested hearing.
- Represented primary secured lender in bankruptcy adversary proceeding defending against claims brought by a working interest owner against a debtor/operator for breach of a joint operating agreement. Favorable settlement cleared the way for confirmation of a lender-sponsored plan of reorganization

Energy, Oil, & Gas

- As lead trial counsel, obtained and take-nothing judgment in two-week jury trial defending working interest owner from breach of contract and fraud claims over payment of oil and gas royalties.
- Lead counsel in obtaining confirmation of a \$10 million arbitration award in federal court involving post-closing adjustments under an asset purchase agreement for South American oil and gas assets. Affirmed on appeal to the 5th
- Lead trial counsel in lawsuit involving preferential rights under oil and gas joint operating agreements and corresponding indemnity rights as between sellers and purchasers of the oil and gas assets. Case settled.
- Lead counsel for one of the country's largest upstream natural gas producers in an arbitration involving a licensing dispute for the digitization of well logs. Case settled.
- Lead trial and appellate counsel to one of the world's largest oil and gas seismic technology companies in a case of first impression under Texas law involving negligence and warranty issues arising out of a software defect. Obtained summary judgment that was affirmed on appeal.

Real Estate

- Represent developer/owner of prestigious Houston multi-use real estate development in all lease and contractor disputes. All favorably resolved without litigation.
- Lead trial and appellate counsel to a national grocery chain in a case involving lease termination rights arising out of a partial taking under Texas' eminent domain power. Obtained summary judgment that was affirmed on appeal.
- As lead trial and appellate counsel, obtained a take nothing judgment for truck manufacturer in the successful defense of a \$4 million real estate breach of contract claim brought by the property owner.
- Represented life insurance company in a jury trial brought by a real estate broker to recover \$16 million in lease renewal commissions arising out of a corporation's purchase of its 50-story Houston headquarters. Obtained a take- nothing judgment that was affirmed on appeal.

Technology/Intellectual Property

- Obtained a take-nothing, final summary judgment for owner of off-shore development rights in Grenadian territorial waters and two of its seismic consultants sued for theft of trade secrets.
- Lead trial counsel in 10-day arbitration for a national supply chain software and technology company. Successfully defended claims for breach of software license and implementations agreements.

Pharmaceutical/Life Sciences

- Lead trial counsel for generic drug manufacturer in arbitration against brand manufacturer over a breach of a license agreement arising out of the generic's ANDA filing. The brand manufacturer sought almost \$40 million in lost profit damages. The three-judge panel ruled in the generic manufacturer's favor and awarded no lost profits.
- Lead counsel for a South Korean licensor of stem cell technology in a lawsuit with its North American licensee over breach of license agreement. Case settled.

Insurance/Reinsurance

- Lead counsel to U.S. mining company defending \$10 million indemnity claim brought by an insurance company under settlement agreement. Obtained summary judgment.
- Lead counsel to an employer service company declaring rights to coverage under an errors and omissions insurance policy. Obtained summary judgment.

PROFESSIONAL HONORS AND AFFILIATIONS

- AV Peer Review Rated Preeminent ®, Martindale Hubbell Law Directory
- "Best Lawyers in America" ® in Commercial Litigation, 2019, 2020
- "Texas Super Lawyer" *Thomson Reuters*, 2018-Present
- Recognized Practitioner, Chambers USA, 2017, 2018
- Instructor, National Institute for Trial Advocacy
- Board of Directors, Loan Star Flight Museum
- Board of Directors, University of Texas Cowboys Alumni Association
- Member, State Bar of Texas
- Member, American Bar Association
- Member, Texas Bar Foundation
- Member, Houston Bar Association