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## BIOGRAPHY

Mr. Tully has represented plaintiffs and defendants in a broad range of disputes, such as breach of contract, misappropriation of trade secrets, negligence, professional negligence and fraud. His practice currently focuses on the trial and appeal of complex commercial disputes. Prior to joining the firm in 2010, in addition to his experience at other law firms, he served as a Law Clerk to the Hon. Nathan L. Hecht of the Supreme Court of Texas.

## REPRESENTATIVE EXPERIENCE

- Appellate counsel for Chesapeake Energy Corp. in appeal from summary judgment dismissing Texas Securities Act and common law claims alleging "aiding and abetting" of fraud in connection with plaintiffs' cumulative purchase of \$23.6 million in unsecured bonds. Although the First Court of Appeals reversed a portion of the summary judgment against another defendant, it affirmed the summary judgment in favor of Chesapeake in its entirety. *Highland Capital Mgmt., L.P. v. Ryder Scott Co.*, — S.W.3d —, 2012 WL 1136607 (Tex. App.—Houston [1st Dist.] Apr. 5, 2012).
- Lead counsel representing Chesapeake Operating Inc. to prosecute claims against vendor, and the vendor's factoring company, for oilfield equipment that was never delivered. Following summary judgment and a bench trial, the federal district court entered judgment in favor of Chesapeake, awarding actual and punitive damages against the vendor, and also awarding Chesapeake a partial recovery against the factoring company on a theory of "money had and received."
- Counsel for oil and gas exploration company, as amicus curiae, in appeal from judgment entered on jury verdict, affirmed by the court of appeals, finding that Shell had underpaid royalties. The Supreme Court of Texas initially declined to consider the case, but after considering the motion for rehearing, and briefs of amicus curiae, reversed and rendered judgment in favor of Shell, holding that the doctrine of fraudulent concealment did not apply to toll the statute of limitations on the mineral interest owners' claims and that the discovery rule exception to the statute of limitations did not apply. *Shell Oil Co. v. Ross*, 156 S.W.3d 924 (Tex. 2011) (No. 10-0429).v
- Defense of personal injury attorney against claims of legal malpractice following dismissal of "Mass Tort" pharmaceutical claims from Multi-District Litigation due to failure to comply with pleading deadline. The defense of this case required exhaustive research into the elements of the "case within the case," particularly medical issues unique to the claimant. Following extensive factual investigation and development of expert witness issues on epidemiology, pharmacology and neurology, the case settled on favorable terms on the eve of arbitration.

- Defense of buyer's commercial real estate agent against seller's third-party claims of tortious interference with contract following buyer's termination of contract for sale of office building during option period. All claims against the buyer's agent were dismissed by summary judgment. No. 2007-35256, Ronald W. Henriksen vs. ASR Washington, L.P. et al., In the 80th Judicial District Court of Harris County, Texas.
- Defense of personal injury attorney against claims arising from breach of an alleged "local counsel agreement." The claims against the individual attorneys, all tort claims and the claim for breach of contract were dismissed by summary judgment, forcing the plaintiff to proceed solely on a theory of quantum meruit, and only against the law firm. The case then settled on favorable terms. No. 26397, Jesus M. Dovalina et al. v. The O'Quinn Law Firm, et al., In the 63rd Judicial District Court of Val Verde County, Texas.
- Secured emergency mandamus relief from on behalf of motor carrier from facially overbroad discovery order. In re Ace Transp., Inc., .No. 14-08-01152-CV (Tex. App.—Houston [14th Dist.] 2008, orig. proceeding).
- Extensive collaboration on summary judgment briefs and trial preparation in defense of global manufacturer of fuel systems and diesel engines in major U.C.C. breach of contract and business tort action against rival fuel systems supplier. Following summary judgment briefing, the case settled for a confidential sum as well as favorable commercial considerations on the eve of a scheduled 17-week jury trial in Illinois state court.

## PRACTICE AREAS

- Commercial Disputes Litigation
- Energy Litigation
- Appellate Litigation

## PUBLICATIONS

- Court Confirms Anti-Indemnity Statute Protects Carriers, Vol. 74, No. 2, THE STEERING WHEEL 41 (Fall/Winter 2009-2010)
- Collateral Estoppel Effect of Arbitration, Vol. 11, No. 4 PIABA B.J. 57 (2004)
- Determining the "Fair Value" of a Withdrawing Partner's Partnership Interest: Exploring the Uncharted Alphabet Soup of Texas Partnership Law, 54 BAYLOR L. REV 927 (Fall 2002)

## MEMBERSHIPS

- State Bar of Texas
- Garland R. Walker American Inn of Court

## COURT ADMISSIONS

- Fifth Circuit Court of Appeals
- United States District for Northern District of Texas
- United States District for Southern District of Texas
- United States District for Eastern District of Texas
- United States District for Western District of Texas
- United States District Court for the District of North Dakota

## EDUCATION

- J.D., magna cum laude, Baylor University School of Law, 2003
- B.S., Economics, Texas A&M University, 1995