

Brandon Winchester

Senior Counsel

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Practice Areas

Construction

Energy

Trial

Education

Tulane University Law School, J.D., 2011,
cum laude; Tulane Senior Trial
Competition champion; Managing editor,
Tulane Maritime Law Journal; The Order of
Barristers

New Mexico State University, M.S., 2008

New Mexico State University, B.A., 2003

Admissions

State Bar of Texas

District of Columbia Bar

U.S. District Court for the Southern,
Northern, and Western Districts of Texas

U.S. District Court for the Eastern and
Western Districts of Arkansas

U.S. Court of Appeals for the Fifth Circuit

OVERVIEW

Brandon represents plaintiffs and defendants in a wide array of commercial disputes and tort claims in state and federal courts. His practice includes business torts, class actions, breach of contract cases, and a variety of other disputes. He has defended and prosecuted claims for breach of contract, real estate disputes, fraud, trespass, and violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act.

Prior to joining the firm, Brandon served as an associate at a public law boutique in Houston, where he handled commercial litigation and transactional matters for public entities. His professional experience also includes a judicial clerkship with the Honorable Brian S. Miller, Chief Judge of the United States District Court for the Eastern District of Arkansas.

NOTABLE EXPERIENCE

- Member of legal team in lawsuit pending in Illinois state court arising out of declaration of force majeure at one of nation's largest coal mines, with \$80 million-plus in controversy.
- Member of legal team in contentious, convoluted partnership dispute involving approximately 30 commercial real estate partnerships.
- Representing oil field service company in construction defect case against general contractor, with \$10 million in controversy.
- Representing technology startup in ongoing litigation seeking recovery of more than \$1 million in damages for breach of contract, misappropriation of trade secrets, and fraud.
- Representing global oil and gas pipe, valve, and fitting products distributor in dispute with shipper over damaged product.
- Representing large telecommunications clearinghouse holding company in dispute with over 100 companies seeking fulfillment of indemnity obligations of over \$10 million.
- Representing shareholder in civil engineering and consulting firm in dispute with co-owner alleging fraud, misappropriation of corporate funds, breach of fiduciary duty, and unjust enrichment.
- Defended our client against claims brought by a hospital landlord seeking approximately \$5 million in damages related to licensure issues and client's termination of the lease. We prevailed on our motion for summary judgment, obtaining dismissal of all of the plaintiff's claims.
- Part of trial team that won a complete defense/no liability jury verdict after a two-week trial in one of the few such cases ever tried. In a class action brought on behalf of 12,000

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landowners, we successfully represented a large natural gas company as well as its E&P, midstream, and marketing affiliates against class action claims of breach contract, fraud, violation of the Arkansas Deceptive Trade Practices Act, conspiracy, and other royalty-related statutory claims. Plaintiff and the class sought over \$500 million in actual damages, punitive damages, and statutory penalties and interest for alleged royalty underpayments. Plaintiff alleged that E&P affiliate was prohibited from deducting the costs of its sister company's post-production services.

- Summary judgment in favor of a school district against claims of breach of contract, RICO Act violations, and constitutional violations.
- Successful appeal on behalf of school district against general contractor's breach of contract claims.
- Successful appellate representation of large school district on breach of contract, RICO Act, and constitutional claims.

RECOGNITIONS

- Texas Rising Star, Thomson Reuters' *Super Lawyers*® (2018, 2019, 2020, 2021)

AFFILIATIONS

- Houston Young Lawyers Association
- Houston Bar Association