

Gerald L. Bracht



**Partner**

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A member of the Litigation section, Gerald has extensive experience in defending corporations, officers and/or directors in securities and class action litigation, and counseling fiduciaries in estate, trust and partnership disputes. In addition, Gerald represents individuals and businesses in all types of commercial and business litigation, and represents manufacturers and sellers of products in products liability actions, commercial disputes and toxic tort litigation. Gerald serves as General Counsel to the firm.

**REPRESENTATIVE EXPERIENCE**

- Lead trial counsel for creditors of an automotive parts supplier involving valuation of the company. Pending. (2008-2009)
- Plaintiff representation of hedge fund in multimillion-dollar securities dispute against a public company involving breach of an exchange offer. Case settled favorably on eve of trial. (2007-2008)
- Co-counsel for energy sector service provider in connection with alleged violations of U.S. export laws.
- Lead trial counsel in plaintiff representation of an energy company in multimillion-dollar accounting malpractice suit against Big 8 accounting firm. Settled favorably at mediation. (2008)
- Lead trial counsel for trustee of subsidiary in multimillion-dollar litigation involving inter-company and breach of fiduciary duty claims between subsidiary and parent. Multi-week trial in Southern District of New York. Case settled favorably for client after trial. (2004-2005)
- Co-counsel for creditors of energy company in multi-week trial involving valuation of the company. Case settled favorably for client after trial. (2005)
- Representation of chemical specialties company in wrongful death case involving industrial accident. Special appearance granted after bench trial.
- Representation of individual investors and broker in SEC enforcement action alleging securities laws violations. Settled favorably before trial. (2005-2006)
- Representation of safety equipment manufacturer in shareholder class action suit alleging fraud in connection with merger. Summary judgment granted. No appeal. (2002)
- Representation of group of doctors as defendants in suit alleging breach of partnership agreement. Summary judgment for defendants granted. Appeal dismissed. (2003)

**INDUSTRIES**

Aviation  
Banking/Financial Services  
Construction  
Energy  
Finance  
Insurance  
Manufacturing and Sales  
Oil and Gas  
Real Estate

**PRACTICES**

Appellate  
Arbitration/Mediation  
Aviation Litigation  
Banking/Finance Litigation  
Class Action Litigation  
Commercial Litigation  
Construction Litigation  
Corporate Compliance, Investigations and Defense  
Energy  
Energy Disputes and Litigation  
Litigation  
Mass Tort  
Oil and Gas Disputes  
Probate, Wills and Trust Litigation  
Products Liability  
Professional Liability  
Qui Tam  
Securities Litigation  
Subprime and Distressed Assets

**EDUCATION**

JD, 1976, *with honors*,  
The University of Texas

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- Representation of vessel fabricator in asbestos litigation in various Texas district courts. All claims against client non-suited and dismissed without payment. (2004-2005)
- Representation of solvent and coatings suppliers in multi-plaintiff toxic tort suit. Clients dismissed without payment before trial. (2002)
- Representation of clay products manufacturer in breach of contract and fraud case brought by environmental remediation companies. Cases filed in district court and before American Arbitration Association. Settled favorably at mediation. (2001)
- Representation and coordination of defense of major chemical manufacturer in multi-county, statewide litigation involving allegedly defective agricultural chemical. (1993-2001)
- Representation of officers and directors of Fortune 500 company in multi-plaintiff litigation in Houston, Harris County, Texas. Special appearances granted after bench trial. Defendants dismissed. No appeal. (1999)
- Obtained summary judgment on statute of limitations grounds for major chemical company in multiple property damage cases. Affirmed in part, revised in part on appeal to court of appeals. Petition for Review granted by Texas Supreme Court. Argued; case settled before decision. (1999-2002)
- Represented aircraft manufacturers in several federal district court cases that were dismissed on personal jurisdiction grounds. All were affirmed by the Fifth Circuit Court of Appeals.
- Representation of trustees of a joint stock association against allegations of breach of fiduciary duties and self-dealing in connection with the lease of oil and gas properties in the Permian Basin. Case dismissed against trustees. (2000)
- Representation of an oil and gas producer in a benzene exposure case brought by a contractor's employees. Settled favorably at mediation. (2001)

### AFFILIATIONS

- Houston Bar Association
- Texas Association of Defense Counsel
- The University of Texas Law School Alumni Association, Executive Committee
- American Bar Association
- Federal Bar Association
- American Judicature Society
- Garland R. Walker Inn of Court
- Houston Bar Foundation, Life Fellow
- Texas Bar Foundation, Life Fellow

School of Law, Phi Delta Phi, Board of Advocates, Research Assistant, Dean Page Keeton

BBA, 1973, *with highest honors*, The University of Texas, Finance Faculty Award, Beta Gamma Sigma, Phi Beta Kappa

### ADMISSIONS

Texas 1976

US Court of Appeals for the Fifth Circuit

US Court of Appeals for the Eleventh Circuit

US District Court for the Northern District of Texas

US District Court for the Southern District of Texas

US District Court for the Eastern District of Texas

US District Court for the Western District of Texas

US Supreme Court