

Timothy S. McConn



**Associate**

600 Travis  
Suite 4200  
Houston TX 77002

P: 713.220.4773  
F: 713.238.7404  
timmcconn@andrewskurth.com

Tim is a senior litigation associate in the firm's Houston office, and represents firm clients in a wide variety of civil litigation and white collar criminal defense matters in federal and state courts. Tim has successfully represented firm clients (both as plaintiffs and defendants) in large-scale commercial disputes that have included claims of breach of contract, fraud, tortious interference, and breach of fiduciary duty. Tim has also represented clients in matters ranging from oil and gas disputes to wrongful death/product liability matters to investigations related to white-collar criminal activity. Tim's representation of these clients includes handling all aspects of trial and, if necessary, appeal.

**REPRESENTATIVE EXPERIENCE**

- Trial counsel for hedge funds that were prevented from participating in an exchange offer involving securities that were owned by the funds. Asserted breach of contract claims against the issuer of the securities (a publicly-traded corporation) and breach of fiduciary duty claims against the issuer's controlling shareholders and many of the issuer's officers and directors. Successful in persuading the trial court to deny the defendants' motion for summary judgment on breach of fiduciary duty claims, and court indicated that it would allow the client's breach of contract claim to proceed to trial as well. At a recent mediation just days before trial, the parties settled all disputes for confidential amount. (2006-08)
- Lead trial counsel for oil and gas industry consultant who was sued for breach of contract and breach of implied warranty of agency by the plaintiff, and for breach of fiduciary duty by the co-defendant, in connection with a seismic acquisition project in Lavaca County, Texas. Prior to trial, obtained summary judgment on the plaintiff's breach of contract claim against the firm's client. After a week-long trial, the firm's client won a unanimous defense verdict on all remaining claims, while the co-defendant was hit with a verdict in excess of \$1 million. (2005-06)

**PRACTICE AREAS**

Appellate  
Corporate Compliance,  
Investigations and  
Defense  
Litigation

**EDUCATION**

JD, 2001, honors, The  
University of Texas  
School of Law  
BA, 1998, *magna cum  
laude*, University of  
Notre Dame

**ADMITTED**

Texas 2001  
Southern District of  
Texas  
Western District of  
Texas

## Timothy S. McConn

- Trial counsel in a series of labor and employment cases in which former employees filed *Sabine Pilot* wrongful discharge and breach of contract claims against the firm's clients. Tim argued in front of the trial court for one of the cases that the claims should be dismissed on summary judgment. The trial court agreed, and the plaintiff appealed. Tim handled oral arguments in front of the First Court of Appeals, which on April 17, 2007 affirmed the trial court's dismissal. See *Miller v. Raytheon*, 229 S.W.3d 358 (Tex. App. - Houston [1st Dist.] 2007, no pet.). The appellate court's opinion set new precedent in Texas on various labor and employment issues, and the other three cases remain pending. (2002-2008)
- Co-first chair trial counsel for hospital and nurses in wrongful death/medical malpractice case in which the plaintiffs claimed that the defendants' negligence caused the deceased to die after a tonsillectomy/adenoidectomy. After a week-long trial, the jury returned a 10-2 defense verdict. (2005)
- Trial counsel in oil and gas arbitration representing publicly-traded company who was sued for breach of contract, fraud, and tortious interference in connection with a lease acquisition and development agreement. Case is still pending. (2007-08)
- Trial counsel for helicopter manufacturer that was sued for wrongful death in connection with a fatal helicopter crash in Mexico. After client filed motion to dismiss for lack of personal jurisdiction, plaintiffs agreed that Texas courts could not exercise jurisdiction over client, and transferred case to client's home venue. (2007)
- Trial counsel for trustee of subsidiary in multimillion dollar litigation involving intercompany 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. (2002-04)
- Co-first chair trial counsel for hospital and nurses in wrongful death/medical malpractice case in which the plaintiffs claimed that the defendants were negligent and grossly negligent in their care and treatment of the deceased, who allegedly developed a decubitus bed sore while in the defendant's care. After a week-long trial, the jury returned a unanimous defense verdict. (2002-04)

### PROFESSIONAL/CIVIC AFFILIATIONS

#### Member

- State Bar of Texas
- Houston Bar Association
- Fellow, Texas Bar Foundation
- Co-chair, Houston Bar Association Habitat for Humanity Committee
- Board Member, St. Thomas High School Alumni Association Board
- Member, Steering Committee for RedBuds (affiliated with Trees for Houston)
- Young Professional, United Way

### HEADLINE NEWS

- Andrews Kurth Lawyers Named Fellows of the Texas Bar Foundation (February 6, 2008)
- Andrews & Kurth Adds New Associates (December 18, 2001)