

**Brian C. Boyle**

Partner

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Brian Boyle is a trial lawyer with vast experience in complex commercial litigation and energy and construction disputes.

Brian represents a wide range of clients, from Fortune 500 companies to government entities and small businesses. His diverse litigation practice includes energy industry matters, construction and infrastructure disputes, trade secrets and unfair competition claims, and other high-stakes business litigation. Brian has been recognized as a Texas Super Lawyer in Business Litigation, a distinction reserved for the top 5% of lawyers in the state.

Commercial Litigation – Plaintiffs

A significant part of Brian's practice is representing businesses and government entities in litigation to recover monetary damages arising from troubled projects and transactions. Among other matters, Brian represented a municipality in securing a \$90 million settlement in a lawsuit against a multinational corporation over the defective design and installation of an automated water meter and billing system under an energy performance contract. In another recent case, Brian obtained a confidential seven-figure settlement for a county hospital system in litigation against a global elevator manufacturer over deficiencies in the hospital's elevator system. Brian also succeeded in obtaining a confidential eight-figure recovery for an energy company after extensive litigation related to a power generation project tainted by fraud and self-dealing.

Commercial Litigation – Defendants

Along with his representation of plaintiffs, Brian represents businesses in defending against claims in high-stakes business and construction disputes. As one example, after extensive litigation in federal court, Brian obtained the dismissal of breach of contract and fraud claims seeking \$20 million from his client for allegedly failing to supply sufficient volumes of oil to a recently expanded crude-by-rail facility. In another lawsuit, Brian helped an international oilfield services company win the

PRACTICE AREAS

Commercial Litigation
Construction
Corporate Plaintiff's Litigation
Energy Litigation
Environmental & Toxic Torts
Complex Government Litigation & Investigations
Trade Secrets & Unfair Competition

EDUCATION

University of Houston Law Center (J.D., *magna cum laude*)
Houston Law Review, Order of the Barons
University of Texas (B.A.)

BAR ADMISSIONS

Texas

dismissal of breach of contract and corporate veil-piercing claims asking for more than \$50 million in connection with an oil and gas development project in Mexico. Brian also successfully defended a global real estate investment company against contract and fraud claims seeking more than \$10 million related to the construction of chemical distribution facilities, securing a favorable settlement after the trial court entered summary judgment dismissing the claims.

Energy Industry Litigation

Brian has handled a wide range of complex litigation arising from various business ventures and contracts, many of which involve the energy industry. These matters have included claims related to purchase and sale agreements, merger agreements, oil and gas leases, drilling contracts, joint operating agreements, joint development agreements, energy savings contracts, supply and trading contracts, and license and distribution agreements.

In his work for energy clients, Brian has litigated many different claims spanning all areas of the industry, ranging from exploration and production disputes to force majeure issues, take-or-pay claims, AMI and right of first refusal claims, trading disputes, power generation matters, infrastructure disputes, and insurance recovery actions. Brian also has significant experience with environmental contamination and indemnification claims, including serving as co-counsel in the first-ever Clean Water Act enforcement trial under the Oil Pollution Act.

Construction Litigation

Another significant part of Brian's practice is construction litigation and arbitration. He represents owners, developers, and contractors in disputes involving design and construction defects, delays, cost overruns, and extra work. These cases arise from various types of projects, including mixed-use developments, high-rise office buildings and hotels, public infrastructure and government facilities, chemical plants, pipelines, and oil-and-gas terminals and processing plants.

Brian has tried construction cases in both lawsuits and arbitration proceedings. This includes a three-month arbitration arising from construction of a luxury hotel and a two-week jury trial resulting in a unanimous verdict in favor of his client in a pipeline construction dispute.

Trade Secrets and Unfair Competition

Along with his energy and construction-specific matters, Brian frequently litigates trade secret and unfair competition claims for clients in many different industries. For example, Brian assisted an energy industry client in obtaining injunctive relief and, following a week-long evidentiary hearing, a seven-figure arbitration award against a former officer of an oilfield services company who created a competing business in violation of non-compete restrictions in a merger agreement.

Before starting his commercial litigation practice, Brian served as a briefing intern for former Chief Justice Thomas R. Phillips of the Supreme Court of Texas. Brian also tried nearly 20 cases to verdict for the city of Houston. Over the years, Brian has been a frequent writer and speaker on trial advocacy and emerging legal issues.

A native Texan, Brian was born and raised in San Antonio. Prior to joining Lightfoot, he was a partner at Norton Rose Fulbright in Houston.

PROFESSIONAL ORGANIZATIONS

Houston Bar Association

Institute for Energy Law

Rocky Mountain Mineral Law Foundation

State Bar of Texas

University of Houston Law Alumni Association, Board of Directors

Young Professionals in Energy

AWARDS

H Texas Magazine, "Lawyers on the Fast Track" (2009)

Texas Super Lawyers by Thomson Reuters, "Rising Star" — Business Litigation (2008-09, 2012-18)

Texas Super Lawyers by Thomson Reuters — Business Litigation (2021-23)

PRESENTATIONS AND PUBLICATIONS

Author, "Buyer Beware: Energy Performance Contracts Don't Always Deliver on Promised Savings," *Texas Town and City* (June 2021)

Author, "2020 Year in Review – Energy Law," *Texas Bar Journal* (January 2021)

Author, "Pitfalls of Energy Performance Contracts," *POWERGRID International* (September 8, 2020)

Author, "Navigating energy performance contracts: Lessons learned from the City of Jackson's \$90 million recovery for a failed water meter and billing system," *American City & County* (August 14, 2020)

Author, "2019 Year in Review – Energy Law," *Texas Bar Journal*, (January 2020)

Author, "The Shrinking Reach of US Jurisdiction in Cross-Border Disputes," *Texas Lawyer* (August 28, 2018)

Author, "Discovery Pitfalls in Cross-Border Litigation," *Texas Lawyer* (August 30, 2018)

Author, "2017 Year in Review – Energy Law," *Texas Bar Journal*, (January 2018)

Author, "The Outlook for LNG Disputes Under Current Market Conditions," *Gastech News*, (March 27, 2017)

Author, "2016 Year in Review – Energy Law," *Texas Bar Journal*, (January 2017)

Presenter, "Preparing Witnesses for Deposition, Taking Depositions, and Defending Depositions," Norton Rose Fulbright Annual Litigation Training Program, Houston, Texas, (2014-17)

Presenter, Opening Statements, Norton Rose Fulbright Annual Trial Advocacy Program, Houston, Texas, (2014-17)

Presenter, "Recent Litigation and Regulations Affecting the Upstream," 2016 AICPA/PDI Oil and Gas Conference, Denver, Colorado, (Nov. 14, 2016)

Presenter, "LNG Disputes Under Current Market Conditions," 11th Annual Texas Journal of Oil, Gas, and Energy Law Symposium, (Jan. 29, 2016)

Author, "2015 Year in Review – Energy Law," *Texas Bar Journal*, (January 2016)

Author, "LNG Disputes Under Sale And Purchase Agreements: Part 4," *Law360*, (Nov. 10, 2015)

Author, "LNG Disputes Under Sale And Purchase Agreements: Part 3," *Law360*, (Nov. 4, 2015)

Presenter, "LNG Disputes," Norton Rose Fulbright Energy Academy, Houston, Texas, (Nov. 3, 2015)

Author, "LNG Disputes Under Sale And Purchase Agreements: Part 2," *Law360*, (Oct. 28, 2015)

Author, "LNG Disputes Under Sale And Purchase Agreements: Part 1," *Law360*, (Oct. 21, 2015)

Presenter, "Outlook for LNG Disputes Under Current Market Conditions and Contracting Practices," 14th Annual Gas and Power Institute, Houston, Texas, (Sept. 10, 2015)

Presenter, "LNG Disputes Update," 14th Annual Gas and Power Institute, Houston, Texas, (Sept. 10, 2015)

Presenter, "30(b)(6) Depositions," Norton Rose Fulbright Litigation School, Houston, Texas, (Feb. 12, 2014)

Author, "Obtaining Foreign Discovery in U.S. Litigation," *The Advocate State Bar of Texas Litigation Section Report*, Volume 63 – International Civil Litigation in American Courts, (Summer 2013)

Author, "Minimize the Risk of Post-Deal Fraud Claims," *Texas Lawyer - In-House Texas*, (March 4, 2013)

Author, "2012 Year in Review – Energy Law," *Texas Bar Journal*, (January 2013)

Author, "Criminal Market Manipulation," *Trends in Energy Disputes*, Fulbright & Jaworski LLP (2011)

Author, "The Oregon Death with Dignity Act: A Successful Model or a Legal Anomaly Vulnerable to Attack?," *Houston Law Review*, (2003) – Awarded Shook, Hardy, Bacon LLP Award for "Best Comment Written for the *Houston Law Review*."