

## Bradley H. Bains

Bradley is a member in the Firm's Litigation Section. Bradley has a varied litigation practice, representing clients throughout West Texas - and in over 80 counties throughout the state. Bradley is licensed to practice before all state courts in Texas, the Texas Supreme Court, all four districts for the United States District Courts, the Bankruptcy Courts for the Western and Northern Districts of Texas, as well as the Fifth Circuit Court of Appeals. Bradley is the past president of the Firm.

### **AREAS OF CONCENTRATION**

#### *Oil and Gas Litigation*

Bradley represents oil and gas clients throughout the State of Texas in disputes involving Purchase and Sale Agreements, Joint Operating Agreements, Oil and Gas Leases, Division Orders and Master Service Agreements. He represents operators, non-operators, as well as leased and un-leased mineral owners.

Recent matters involving oil and gas litigation:

Represented non-operators in a Purchase and Sale Agreement dispute involving a large acreage play in the Texas Panhandle;

Represented an exploration and development company in a dispute with non-operators concerning provision in various unit agreements;

Represented a surface owner in a contamination suit against an exploration company. Suit resulted in extensive remediation;

Represented an exploration and development company in dispute with non-operators concerning interpretation of Unit Operating Agreement;

Represented a major pipeline company in easement dispute with developer;

Represented royalty owners with an exploration company concerning interpretation of various mineral deeds, resulting in a favorable verdict from the Texas Supreme Court; and

Represented private equity group in dispute with exploration company concerning Purchase and Sale Agreements, Area of Mutual Interest Agreement and Bridge Financing Agreements.

#### *Trade Secret Protection*

Bradley regularly prosecutes and defends claims involving Trade Secret Misappropriation, Non-disclosures and Non-compete Provisions.

Recent matters:

Defended drilling company against claims of alleged Trade Secret Misappropriation and Corporate Raiding;

Defended and prosecuted major supplier of down hole equipment involving claims of Trade Secret Misappropriation and violations of Non-Compete and Non-Disclosure Agreements;

Successfully prosecuted claims of Trade Secret Misappropriation involving large electrical contractors in the Permian Basin;

Successfully defended electrical contractor against claims of Trade Secret Misappropriation and conspiracy to violate Non-Compete and Non-Disclosure Agreements;

Successfully prosecuted claims of Trade Secret Misappropriation involving oilfield service company's equipment used throughout West Texas and New Mexico;

Successfully prosecuted claim of Trade Secret Misappropriation and Breach of Non-Solicitation Agreement for major wind turbine company involving projects throughout West Texas and the Texas Panhandle.

*Trespass to Try Title, Boundary Dispute, Partition*

Bradley represents land owners and title insurers in disputes over title, boundary disputes and partition claims.

Recent Matters:

Successfully prosecuted Trespass to Try Title claims involving title dispute on several sections in Brewster County;

Successfully prosecuted Trespass to Try Title claims involving lands in Glasscock County;

Successfully prosecuted Partition Claims involving large ranch in Brewster County;

Successfully prosecuted Partition Claims involving a large ranch in Upton County;

Successfully prosecuted Partition Claims involving a large ranch in Winkler County; and

Successfully defended trust company and beneficiaries regarding road easement and boundary dispute for large ranch in Culberson County.

#### *Will Contests/Fiduciary Litigation*

Bradley represents clients involved in will contests and fiduciary litigation involving Trustees and Executors.

Recent matters:

Successfully litigated a three will, will contest lawsuit involving large ranches and minerals in Upton and Pecos Counties;

Successfully defended breach of fiduciary duty allegation against Executor and Trustee involving a large estate in Midland County;

Successfully prosecuted breach of fiduciary duty claim against Executor and Trustee in large estate in Ector County.

#### *Personal Injury*

Bradley represents service companies and operators with large self-insurance retentions in wrongful death and catastrophic injury claims throughout the Permian Basin and Eastern New Mexico.

Recent matters:

Represented major service company in catastrophic injury claim in Ector County;

Represented transport company in Federal Motor Carrier Safety Act claim in Midland County;

Successfully defended major exploration company in catastrophic injury claim in Scurry County;

Successfully defended a major service company in quadriplegic injury claim in Crane County;

Successfully defended a major exploration company in wrongful death claim in Upton County; and

Served on the Defendants' Medical Committee for Silicosis MDL in Harris County.

Bradley is a member of the Litigation Section and the Oil, Gas & Energy Resources Law Section of the State Bar of Texas. Bradley is an active speaker at various continuing law education (CLE) programs.

## **Areas of Practice**

Oil and Gas  
Real Estate Litigation  
Personal Injury

## **Bar Admissions**

Texas  
U.S. District Court Eastern District of Texas  
U.S. District Court Northern District of Texas  
U.S. District Court Western District of Texas  
U.S. District Court Southern District of Texas  
U.S. Court of Appeals 5th Circuit

## **Education**

St. Mary's University School of Law, San Antonio, Texas

- J.D., Doctor of Jurisprudence – 1988 with honors

Texas Tech University, Lubbock, Texas

- B.A., Bachelor of Arts *cum laude* – 1985

## **Professional Associations and Memberships**

- Midland County Bar Association, Member
- State Bar of Texas, Member
- Association of Defense Counsel (ADTA), Member
- Texas Association of Defense Counsel (TADC), Member
- Texas Bar Foundation, Life Member