



## **Bryan S. Dumesnil**

Partner

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### **About Bryan**

Bryan Dumesnil provides Bracewell's clients with the intense dedication needed when facing [complex litigation](#) challenges. Although most cases are resolved outside the courtroom, a trial lawyer must be willing and able to try a case in order to achieve the best results for the client. Bryan knows this, and that is why he approaches every case as if it will be tried. By doing so, Bryan is prepared to zealously protect his clients and their interests if a negotiated resolution is not possible.

Bryan represents commercial clients in diverse civil litigation matters, including contractual disputes, business torts, [energy-related litigation](#), and [securities](#) and derivative litigation. He also serves as the chair of the firm's financial institutions litigation practice group, representing [financial institutions](#) and [financial services industry](#) clients in complex litigation matters such as consumer class actions, priority disputes, syndication and participation agreements, and traditional lender liability claims. Finally, Bryan represents institutional and individual [health care providers](#) in complex matters involving claims of alleged insurance fraud, medical billing fraud, and purported violations of state or federal anti-kickback laws.

In addition to his client responsibilities, Bryan serves as a member of the firm's Associate Evaluation Committee.

### **Recent Notable Matters**

***Southern Copper Corporation*** — defending client and certain members of its board of directors in a derivative suit filed in the Delaware Court of Chancery alleging breach of contract and breach of fiduciary duties arising from minerals contracts, transportation contracts, and construction contracts with related-parties

***Enerflex, Ltd. and Enerflex Energia, Ltda.*** — defending clients in a federal court case and an international arbitration proceeding administered by the AAA concerning the alleged breach of a contract related to services provided in Brazil

***Private clinical laboratory*** — defending clients against claims asserted by the commercial payor for alleged medical billing fraud and purported violations of state and federal anti-kickback laws resulting

from the submission of out-of-network claims and in-network claims through a laboratory services

***Southern Copper Corporation*** — defended client and certain members of its board of directors in a shareholder derivative class action complaint asserting an alleged breach of contract and an alleged breach of fiduciary duties

***Ryan LLC*** — successfully assisted client in assertion of FOIA (b)(4) exemption to prevent the government's disclosure of confidential commercial and financial information about client and its customers

***Individual physicians and their professional associations*** — defended clients against claims asserted by United Healthcare for alleged insurance fraud, alleged medical billing fraud, and purported violations of state and federal anti-kickback laws resulting from a business arrangement between clients and an out-of-network ambulatory surgical center

***Huntsman Corporation*** — represented Huntsman in the prosecution of claims against its former insurance broker, alleging federal antitrust and RICO claims and state law claims of breach of contract and breach of fiduciary duty. Bracewell resolved the case through a confidential settlement in late 2017.

***ASARCO LLC*** — Sterlite agreed to buy ASARCO's assets out of bankruptcy and reneged. The case went to trial where it was established that Sterlite had breached, and a \$132.75 million damage award was obtained.

***ASARCO LLC*** — Prevailed in the U.S. Supreme Court on behalf of ASARCO in a dispute over whether a Bankruptcy Code provision authorized Baker Botts LLP to recover legal fees that it incurred in litigating against ASARCO over its bankruptcy fees. Bracewell's appellate attorneys briefed and argued the case in the Supreme Court. The Supreme Court ruled in ASARCO's favor and resolved a significant legal issue that applies in every bankruptcy in the country.

***Confidential client*** — represented a company's former president as a plaintiff on a contingent basis in prosecuting claims against company and its chief executive; dispute involved millions of dollars of claims and was decided in arbitration

***Marubeni-Itochu Tubulars America, Inc.*** — defended against breach of contract claim concerning the manufacture and delivery of steel-line pipe

***Banorte-Ixe Securities International, Ltd.*** — defended client against competing claims by dual account holders

## **Publications and Speeches**

“New CFPB Rules Threaten More Consumer Class Actions Against Financial Institutions,” *Westlaw Journal*, July 26, 2016.

“That’s Repugnant – Additional Insured Endorsements and Priority of Coverage,” *24th Annual Insurance Coverage Litigation Seminar*, February 20, 2016.

## **Education**

Baylor Law School, J.D.  
1995

Texas A&M University, Bachelor of Arts  
1992 – *magna cum laude*

## **Noteworthy**

*The Legal 500 United States*, Energy Litigation: Electric Power, 2018 - 2019, 2023; Securities Litigation: Defense, 2023; General Commercial Disputes, 2020

BL Rankings, *Best Lawyers*, Litigation - Regulatory Enforcement (SEC, Telecom, Energy), 2021 - 2024

Lawdragon Inc., *Lawdragon 500 Leading Litigators in America*, Commercial Litigation, Including Energy, Securities and Financial Institutions, 2024

Thomson Reuters, *Texas Super Lawyers*, Rising Star, 2005 - 2010

## **Affiliations**

American Bar Association

State Bar of Texas

Houston Bar Association

## **Bar Admissions**

Texas