WALKER WILCOX
WALKER WILCOX MATOUSEK LLP



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OVERVIEW

Tony's main practice areas include primary and excess insurance coverage and related coverage litigation on behalf of U.S. and international insurers and others in matters involving public and private directors and officers liability, fiduciary liability, other professional liability and errors and omissions, and commercial general liability. Tony also has significant experience in commercial litigation, commercial bankruptcy, and bankruptcy-related litigation. Tony has litigated complex bankruptcy, insurance, and commercial disputes on behalf of domestic and foreign clients in state and federal courts throughout the country.

Given Tony's dual background in commercial bankruptcy and insurance coverage, he routinely represents insurance companies related to coverage issues arising from the fallout of large commercial bankruptcy cases, particularly regarding claims against debtors' current and former directors and officers. Tony has also represented insurance companies in many complex bankruptcy cases, including asbestos-related bankruptcy cases under 11 U.S.C. § 524(g) and other mass tort exposures, as well as large and small cases where insurers' rights and interests were at stake. Tony has significant insight and experience in identifying and addressing issues arising in bankruptcy cases that uniquely and specifically affect the insurance industry and insurers' various rights and obligations. Tony also has experience representing large, publicly traded entities, institutional and corporate creditors, creditor committees, chapter 11 Trustees, and Liquidating Trustees.

Tony routinely represents a wide array of clients in state and federal courts on matters ranging from complex coverage and commercial disputes to general civil litigation, contract disputes, asset sales, and statutory liens, among others. He has represented clients in a diverse range of industries, including insurance, insurance brokerage, oil and gas, oil-field supply, engineering, industrial services, environmental services, pharmaceutical, animal health, international shipping, metals processing and recycling, construction, transportation, employment staffing, and mortgage brokerage and service.

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FOCUS AREAS

- Bad Faith Litigation
- Bankruptcy and Reorganization
- Complex Tort Litigation
- Directors and Officers
- Insurance and Reinsurance
- Litigation

CREDENTIALS

ADMISSIONS

- Texas
- U.S. District Court, E.D. Texas
- U.S. District Court, N.D. Texas
- U.S. District Court, S.D. Texas
- U.S. District Court, W.D. Texas
- U.S. District Court, D. Colorado
- U.S. District Court, N.D. Illinois
- U.S. District Court, N.D. Ohio
- U.S. District Court, E.D. Michigan
- U.S. District Court, D. Nebraska
- U.S. Court of Appeals for the 3rd Circuit
- U.S. Court of Appeals for the 5th Circuit

EDUCATION

- South Texas College of Law, J.D., *magna cum laude*
  - Member of the Order of Lytae
  - Member of Law Review
  - Member and Officer of the South Texas Board of Advocates, 1994 to 1996
  - Member of the Phillip Jessup International Law Moot Court team
  - Member of the Texas Invitational Mock Trial team
- Sam Houston State University, B.A., *cum laude*

EXPERIENCE

NOTABLE DECISIONS

Represented cases include:

- Counsel for various U.S. and international insurers in numerous coverage actions, obtaining dismissal of many of those actions at the pleading stage, and successfully defending those dismissals on appeal, including at the U.S. Fifth Circuit Court of Appeals;
- One of the lead lawyers for insurance companies in multiple complex mass tort bankruptcy cases, including *Rite Aid*, *Kidde-Fenwal*, *Boy Scouts of America*, *Federal-Mogul*, *Asarco, Inc.*, *Pittsburgh Corning, Plant Insulation*, and *Garlock Sealing Technologies*;
- Lead counsel for insurance companies in other complex bankruptcy cases, including *Brooke Corporation, Lehman Brothers, Residential Capital, Empire Land LLC, Lyondell Chemical Company,* and others;
- Lead counsel in the direct defense of directors and officers of a large group of affiliated nonprofit companies;
- Co-Lead counsel for the Enron Employment-Related Issues Committee in pursuing recovery from more than 100 of Enron's energy traders; recovered approximately $50 million in settlements and tried the lawsuit over a two-month period against the 17 remaining defendants; the Committee prevailed on all counts and was awarded an $18 million judgment, over 90% of which was collected;
- Trial counsel for the defense of a large publicly-traded company in an international commercial dispute, where a favorable settlement was reached upon conclusion of a multi-week trial;
- Lead counsel for various clients in several chapter 15 international bankruptcy cases, including *AJU Besteel, Daebo International Shipping, O.W. Bunker* and *Hanjin Shipping*;
- Lead counsel for a wide of array of creditors and parties in numerous energy-related bankruptcy cases, including *ATP Oil & Gas, SunEdison, Energy XXI, Tri-Union Development, Rand Energy, SandRidge Energy*, and *Bennu Oil & Gas*.

PUBLICATIONS

- Co-authored "Creditors' Committee Rights, Obligations and Duties in Chapter 11 Cases," 8th Annual Civil Trial Law Conference, South Texas College of Law
- Co-authored "Purchasing Assets Out of Bankruptcy," University of Houston Law Foundation Corporate, Partnership in Business Law

PRESENTATIONS

- Tony has given many presentations to insurers and other clients regarding insurance coverage, commercial bankruptcy, and the issues that arise when coverage and bankruptcy intersect..

AFFILIATIONS

- American Bar Association
- Houston Bar Association
- American Bankruptcy Institute
- Humble Area Football League (Member, Board of Directors)

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NEWS

- Texas Supreme Court Alters Duty to Defend Analysis
- Fifth Circuit Adds New Consideration in Deciding Whether Policy Proceeds Are Property of the Debtor's Bankruptcy Estate: and How it Could Impact Insurers Unintended Ways