



## TONY L. DRAPER

### PARTNER

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### OVERVIEW

Tony's primary practice areas include commercial litigation, 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. Tony has also represented insurance companies in many complex bankruptcy cases, such as asbestos-related bankruptcy cases under 11 U.S.C. § 524(g), other mass tort exposure and large and small cases where insurers' rights and interests were at stake. Tony has gained significant insight and experience in identifying and addressing issues and matters arising in bankruptcy cases that uniquely and specifically affect the insurance industry and insurer's 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 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.

### FOCUS AREAS

- 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:

- Co-Lead Counsel for the Enron Employment-Related Issues Committee in pursuing recovery from more than 100 of Enron's energy traders. Recovered approximately \$50,000,000 in settlements and tried the lawsuit over a 2-month period against the 17 remaining defendants. The Committee prevailed on all counts and was awarded an \$18,000,000 judgment, approximately 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 in the direct defense of directors and officers of a large group of affiliated non-profit companies;
- One of the lead lawyers for insurance companies in multiple complex mass tort bankruptcy cases, including *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 for various clients in several chapter 15 international bankruptcy cases, including *AJU Besteel*, *Daeb 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*, *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 (April 2002)
- Co-authored "Purchasing Assets Out of Bankruptcy," University of Houston Law Foundation Corporate, Partnership in Business Law (June 2004)

## PRESENTATIONS

- "Bankruptcy Issues for Insurers in Claims Handling" at RSUI Group, Inc.'s 2009 Annual Claims Seminar, March 17, 2009.

## AFFILIATIONS

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

## 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