



## GENE F. CREELY, II

### Of Counsel

Gallagher & Kennedy  
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### My Practice

APPEALS

ENVIRONMENTAL

NATURAL RESOURCES - Oil & Gas

ALTERNATIVE DISPUTE RESOLUTION

BUSINESS LAW & TRANSACTIONS

INSURANCE

LITIGATION

PROFESSIONAL LIABILITY

PRODUCTS LIABILITY

CORPORATE COUNSEL

## PROFESSIONAL SUMMARY

Gene has represented numerous companies in various litigation matters over the past thirty years. He has extensive experience handling business-related and oil and gas/energy-related disputes and maintains special expertise in complex insurance coverage matters, including coverage for environmental, energy, and construction claims. Gene has also served as outside general counsel for various oil and gas-related companies.

For 20 years, he was a board-certified appellate attorney, involved in numerous appeals in both the Texas state and federal appellate courts. He is a certified mediator and has participated in numerous mediations and arbitrations.

## REPRESENTATIVE EXPERIENCE

Examples of his work in these areas include:

- Litigated and arbitrated claims arising from the purchase and sale of oil and gas properties.
- Represented operator of Superfund chemical waste site in connection with contribution claims against PRPs.
- Handled landmark coverage case dealing with applicable “trigger” for construction defect claims arising from numerous EIFS installations.
- Represented insurers in coverage cases involving construction defects, environmental/pollution, and various environmental exposures.
- Represented D&O insurers in coverage actions arising from securities fraud claims.
- Handled claims arising from storm damage to malls, apartment complexes, and other commercial properties.

- Represented manufacturer of transmission and distribution electrical equipment against various claims.
- Represented medical device manufacturers against various product liability claims.

## EDUCATION

Baylor University  
J.D., 1983

Rice University  
B.A., 1979

## BAR & COURT ADMISSIONS

- New Mexico
- Texas
- Arizona
- U.S. Supreme Court
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. District Court, District of New Mexico
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas

## ASSOCIATIONS & MEMBERSHIPS

- First Judicial District Bar Association, Member, 2003-2009
- American Bar Association

## HONORS & AWARDS

- AV Preeminent Peer Review Rating, *Martindale-Hubbell*
- *Texas Super Lawyers®*, Civil Litigation, 2012-2016
- *Top Lawyers in Texas*
- *Top Rated Lawyer - Insurance*
- *Texas "Top Legal Leaders" - Insurance*
- *Guide to the World's Leading Insurance & Reinsurance Lawyers*
- *Who's Who Legal: Texas - Insurance & Reinsurance*

## COMMUNITY & PHILANTHROPY

- Leadership Houston XXXV Class, Member
- Estancia Primera Community Services Association, Board Member

## PUBLISHED WORKS

- There's Going to be a Showdown in Texas – Courts Continue to Deal with Dueling Positions on Construction Defect Claims, *Claims Magazine*, January 2007
- Will Your Insurance Policy Cover Your Next Employment-Related Claim? HR Advisor, September/October 1998
- Will Your Insurance Policy Cover Your Next Employment-Related Claim? HR Advisor, September/October 1998
- Reinsurance May Impact the Claims-Handling Process, *RIMS Magazine*, June 1998
- Recent Developments Relating to Coverage for Environmental Claims, January, 1998
- Business Liability Policies May Cover More Than You Think (Availability of Insurance Coverage for Intellectual Property Claims), *Houston Business Journal*, November 1997

## SPEAKING ENGAGEMENTS

- Additional Insured and Contractual Liability Coverage, South Texas College of Law Insurance Law Symposium, January 2010
- Additional Insured and Contractual Liability Coverage, State Bar of Texas Advance Insurance Law Course, April 2009
- Current Issues Relating to Pollution Liability Coverages, South Texas College of Law Insurance Symposium, January 2006
- The Evolution of Pollution Exclusions, Houston Insurance Law Seminar, April 2005
- The Lessons of Soriano and Its Progeny – What an Insurer Can Do When Facing Multiple Claimants or Multiple Insureds with Excess Exposure, Texas Insurance Law Update, February 2005
- An Insured's Rights to Select Independent Counsel under Texas Law, Texas Insurance Law Update, February 2005
- Claims that Excess Insurers May Bring Against Primary Insurers and Self-Insureds under Texas Law, Texas Insurance Law Update, February 2005
- Common Discovery Disputes in Insurance Coverage /Bad Faith Actions against Liability Insurers, Texas Insurance Law Update, January 2005
- Looking through the Thicket of Discovery Disputes in Insurance Coverage/Bad Faith Litigation, State Bar of Texas Insurance Section Seminar, June 2004
- But We Don't Insure You...Or, Do We? (Problems General Liability Insurers Face in Dealing with Additional Insureds in the Context of Construction Claims), South Texas College of Law Insurance Symposium, January 2004
- Insurance Litigation in Bankruptcy, South Texas College of Law Insurance Symposium, January 2003
- The Status of Additional Insured Coverage under Texas Law, South Texas College of Law Insurance Symposium, January 2002
- Insurance Coverage for Employment Law Claims, Employment Law Seminar, January 1998
- Insurance Coverage Aspects of Intellectual Property Litigation, Intellectual Property Litigation Seminar, March 1997

## REPRESENTATIVE CASES

- Process Equipment and Service Company v. New Mexico Taxation and Revenue Department, No. A-1-CA-38779 (N.M. Ct. App. May. 16, 2023) (technology jobs and research and development tax credit)
- United Medical Supply Co. v. Ansell Healthcare Products, Inc., 476 S.W.3d 84 (Tex. App. – Dallas 2015, pet. denied) (products liability/indemnity)
- Bigham v. SE Texas Environmental, LLC, 458 S.W.2d 650 (Tex. App. – Houston [14th] 2015, no pet.) (breach of fiduciary duty/environmental claims)
- Chesapeake Louisiana, L.P. v. Buffco Production, Inc., 564 Fed.Appx. 751 (5th 2014) (purchase and sale agreement relating to oil and gas leases)
- Gastar Exploration, Ltd. v. U.S. Specialty Ins. Co., 412 S.W.3d 577 (Tex. App. — Houston [14th] 2013, pet. denied) (D&O coverage/securities fraud claims)
- PPI Technology Services, LP v. Liberty Mutual Ins. Co., 701 F.3d 1070 (5th 2012) (liability coverage/well site accident)
- Ansell Healthcare Products, Inc. v. United Medical Supply Co., 355 S.W.3d 736 (Tex. App. – Houston [1st]. 2011, pet. denied) (products liability/indemnity)
- One Beacon Ins. Co. v. Don's Building Supply, 267 S.W.3d 20 (Tex. 2008) (coverage/construction defect claims)
- Owens & Minor, Inc. v. Ansell Healthcare Products, Inc., 251 S.W.3d 481 (Tex. 2007) (answer to certified question) (products liability/indemnity)
- John Corp. v. City of Houston, 214 F.3d 573 (5th 2000) (sovereign immunity)
- Johnson v. Standard Fruit & Vegetable Co., 984 S.W.2d 633 (Tex. App. – Houston [1st] 1997) (trucking accident)
- McDonald v. Provident Indemnity Life Ins. Co., 60 F.3d 234, (5th 1995) (ERISA/medical coverage)
- Allied Bank-West, N.A. v. Stein, 996 F.2d 111 (5th 1993) (lender liability)
- American States Ins. Co. v. Hanson Ind., Inc., 873 F.Supp.17 (S.D. Tex. 1995) (coverage/environmental pollution)
- Straus v. Kirby Court Corp., 909 S.W.2d 105 (Tex. App. – Houston [14th] 1995) (landlord liability)
- Two Pesos Inc. v. Gulf Ins. Co., 901 S.W.2d 495 (Tex. App. – Houston [14th] 1995) (coverage/trade dress infringement claims)
- Dixon v. Houston Raceway Park, Inc., 874 S.W.2d 760 (Tex. App. – Houston [1st] 1994) (sporting event liability)
- Dover v. Baker, Brown, Sharman & Parker, 859 S.W.2d 441 (Tex. App. – Houston [1st] 1993) (professional liability)
- Haight v. Savoy Apartments, 814 S.W.2d 849 (Tex. App. – Houston [1st] 1991) (premises liability)
- Sweco, Inc. v. Continental Sulfur & Chemical Co., 808 S.W.2d 112 (Tex. App. – El Paso 1991) (DTPA)
- Garza v. Maverick Market, Inc., 768 S.W.2d 273 (Tex. 1989) (liquor liability)
- Life Ins. Co. of North America v. Klingler, 730 S.W.2d 32 (Tex. App. – Corpus Christi 1987) (life insurance)

## OTHER

- Board Certified in Civil Appellate Law by Texas Board of Legal Specialization, 1991-2021