



Robert A. Bragalone

PARTNER

Dallas

214.231.4714

bbragalone@grsm.com

RELATED SERVICES

- Employment
- Insurance
- Healthcare
- Trucking
- Trial Practice
- Mobility & Gig Economy
- Professional Liability Defense
- Product Liability
- Construction
- Sports
- Transportation

OFFICES

- Dallas
- Houston
- Tulsa
- Oklahoma City
- Austin

OVERVIEW

Bob Bragalone practices in state and federal courts across Texas, Oklahoma and other jurisdictions across the country. He is a member of the Firm's Professional Liability, Employment, Insurance, Product Liability, Transportation, Construction, Healthcare, and Commercial Litigation Practice groups. Bob is the former Managing Partner of the Firm's Dallas office and now manages the Oklahoma City office.

Bob is a trial lawyer with a very broad base of experience acquired during more than three decades of

practice. He maintains a diverse civil trial practice, representing a wide array of clients ranging from start-ups and non-profits to small and large businesses, major Fortune 500 companies, and leading national and international insurers. He uses his unique skill set to meet his client's legitimate business objectives, whether they be early resolution or trial. Chief among his skills are courtroom advocacy, cross-examination of witnesses, witness prep, and overall strategy to secure favorable resolutions of disputes.

Bob also is a frequent speaker and author on *Daubert* and *Robinson* challenges to expert witnesses and specializes in cross-examination of expert witness to create dispositive challenges.

Bob's experience includes representation of:

- Professionals (insurance agents, lawyers, architects, doctors, engineers, accountants, realtors) and healthcare institutions in malpractice litigation, business disputes, and in front of their respective state licensing boards;
- Professional Athletes
- TPAs, physician groups and organizations and other healthcare entities
- Commercial motor vehicle and trucking accidents, including the Mobility/Gig Economy sector
- Financial Institutions, including multinational and regional banks, credit unions, mortgage lenders and financial services companies in a wide variety of subjects;
- Manufacturers, Retailers and Suppliers in Product Liability Litigation and Environmental Torts;
- Employers/Employees in Contractual Disputes, Non-Competes and Employment Claims under Title VII, FLSA, FMLA, WARN, OSHA, ADA and the ADEA;
- Insurers, Reinsurers and Agents in Coverage & Bad Faith Litigation and Life, Health and Disability Litigation;
- Large and Small Businesses in a wide array of Torts, Fiduciary Claims, Intellectual Property Litigation, Securities Claims and Contractual Disputes;
- Builders and Homeowners in Construction and Construction Defect Litigation;
- Beneficiaries in Will Contests and Probate Matters;
- All Clients in Appeals to Federal and State Appellate Courts

Bob's practice area expertise and experience includes:

- Professional Liability
- Employment Law
- Commercial Litigation of All Types
- Coverage & Bad Faith Litigation
- Tort & Product Liability

- Directors and Officers Liability
- Healthcare and Medical Malpractice Litigation
- Environmental Torts
- Construction Litigation
- Class Actions
- Aviation

REPRESENTATIVE EXPERIENCE

Representative Experience

Employment Litigation

- Summary Judgment on Plaintiff's claims of disability discrimination and retaliation under the Americans with Disabilities Act, which the Fifth Circuit sustained on appeal.
- Defeated Motion for Conditional Class Certification in FLSA case applying California and 9th Circuit law.
- Summary judgment in race discrimination case.
- Summary judgment in sexual harassment case alleging Title VII violations.
- Summary judgment in federal Title VII pregnancy discrimination case.
- Summary judgment in non-compete case brought in Texas state court.
- Summary judgment in race discrimination case in federal court.
- Summary judgment against former employer alleging Title VII and 42 U.S.C. § 1981 racial harassment, discriminatory discharge, and retaliation.
- Numerous other summary judgments and favorable settlements of cases filed under a variety of Texas and federal statutes

Professional Liability

- **Jury Verdict** for 1.7% of Damages demanded by Plaintiffs through successful defense of comparative negligence and unreasonable demand in case against Insurance Agent.
- **Jury Verdict** for Defense (+ award of fees) in inherited case with spoliation instruction against client.
- **Trial Victory** for Defense in Professional Broker's E&O case.
- **Unanimous Jury Verdict** in federal court for medical malpractice case against surgeon for complications from enterotomy in laparoscopic inguinal hernia surgery with policy limits demand and claims for punitive damages.
- **Unanimous Jury Verdict** in wrongful death case against psychiatrist for failure to appropriately treat depression and prevent suicide, with policy limits demand and claims for punitive damages.

- **Trial Victory** on 3rd day of jury trial in legal malpractice case for failure to file liens and protect client's interests in construction case, with \$2 million dollar demand and claims for punitive damages.
- Dismissal of all claims in a high-profile malpractice case against a lawyer for breach of fiduciary duty, breach of contract, and civil conspiracy, and dismissal of all charges against lawyer in accompanying State Bar grievance proceeding.
- Summary Judgment Dismissal of Plaintiff's claims for professional liability against an insurance agent.
- Summary Judgment Dismissal of Plaintiff's breach of contract and negligent misrepresentation causes of action.
- Summary judgment for lawyer in legal malpractice case with claimed damages of \$2.5 million. Judgment was affirmed by U.S. Court of Appeals for the 5th Circuit.
- Summary judgment for insurance agent in a bad faith lawsuit against insurer and insurance agent.
- Summary Judgment for Law Firm in \$90 Million Trade Secrets case, where jury verdict against co-Defendant was \$8 million.
- Summary judgment for lawyer in state court malpractice action with claimed damages of \$1 million.
- Dismissal of all claims in malpractice action against lawyer for conflict of interest in representation.
- Dismissal of all claims in malpractice action against lawyer for failure to secure final judgment from court.
- Summary judgment for law firm in a lawsuit claiming fraud, breach of fiduciary duty and negligence.
- Dismissal of all claims against internist for wrongful death of nursing home patient, with policy limits demand and claims for punitive damages.
- Summary judgment in federal court in wrongful death medical malpractice action against hospital with allegations of patient-dumping and EMTALA violations.
- Multiple dismissals of HMOs in federal court for ERISA-preempted state court claims of medical malpractice.
- Dismissal of HMO in high-profile class action litigation, including claims of punitive damages.
- Dismissal of all claims against anesthesiologist for surgical and post-surgical complications.
- Summary judgment for pain management physician in spinal meningitis case with policy limits demand and claims for punitive damages.
- Dismissal of wrongful death case against hospital for failed cardiac catheterization procedure.
- Dismissal of all claims against physician for failure to diagnose cervical cancer.
- Summary judgment for hospital for wrongful death of infant, including punitive damages claims against obstetrical nurse employees.
- Dismissal of all claims, including punitive damages, in wrongful death case against internist for failure to perform peritoneal lavage and investigate source of internal hemorrhage.
- Dismissal of all claims against anesthesiology group for wrongful death of child.

- Dismissal of all claims against dermatologist in medical board investigation of physician for death of 9 year old.
- Dismissal of all claims in medical malpractice case against bariatric surgeon.
- Dismissal of all claims against plastic surgeon for facial plastic surgery.
- Multiple dismissals of all claims by Texas Medical Board against physicians accused of malpractice.

Commercial Litigation

- **Trial victory** on claim of breach of contract in multi-million-dollar healthcare dispute between TPA and Bill Review Company.
- **Trial Victory** in Case for Property Damage against Valet Company.
- **Jury Trial Verdict** in suit for Diminished Value of Property arising from negligence.
- Dismissal of Plaintiffs' claims brought under the Fair Debt Collections Act, Telephone Consumer Protection Act, Section 3-601 of the Uniform Commercial Code, Truth in Lending Act, 18 U.S.C. §§ 1341 and 1343, and Texas Deceptive Trade Practices Act via summary judgment.
- Dismissal of Plaintiff's claims brought under the Federal Trade Commission Act, Dodd-Frank Wall Street Reform and Consumer Protection Act, and Truth in Savings Act via motion to dismiss.
- Summary Judgment for TPA against Regional Hospital in dispute over reimbursement for services.
- Summary Judgment for Law Firm in \$90 Million Trade Secrets case, where jury verdict against co-Defendant was \$8 million.
- Dismissal of all claims, including punitive damages and attorney's fees, in software and copyright infringement case with claimed damages in excess of \$600,000.
- Dismissal of all claims for breach of oil and gas lease.
- Successful representation of homeowner's association to defeat variance application for 50' golf fence.
- Recovery of 99.5% of estate proceeds in will contest.

Construction Litigation

- **Trial Victory** for 1.8% of Demand in Case Against Window Subcontractor.
- Litigated claims of misappropriation of trade secrets and Lanham Act violations.
- Litigated claims for violation of trademarks.

Intellectual Property

- Dismissal of all claims for breach of oil and gas lease.
- Litigated claims of misappropriation of trade secrets and Lanham Act violations.
- Litigated claims for violation of trademarks.

- Representation of companies and individuals in a variety of IP matters, including trademarks, copyrights, theft of trade secrets and non-compete agreements.
- Dismissal of all claims, including punitive damages and attorney's fees, in software and copyright infringement case with claimed damages in excess of \$600,000.

D&O Liability

- Summary judgment for officers and directors of Bank and for Bank in \$20 Million case, with claims of conspiracy, negligence, tortious interference, fraud, breach of contract, and punitive damages, including award of \$85,000 in sanctions against opposing attorneys.
- Dismissal of all claims against officers and directors of corporation in \$7 million dollar securities fraud case.

ERISA and Bad Faith

- Summary Judgment for Insurer in Bad Faith Action in Beaumont, Texas.
- Dismissal of all claims, including punitive damages and attorney's fees, in ERISA claim under federal law.

Product Liability and Aviation

- Twice recently served as lead counsel in successfully defending an international component part manufacturer sued when the Plaintiff became a quadriplegic.
- Summary dismissal for bicycle product manufacturer in quadriplegic case alleging negligent manufacturing, negligent design, and strict liability.
- Experience with the interpretation of FAA regulations, valuation issues, and certification standards, and has presented and cross-examined witnesses such as aircraft maintenance power plant mechanics, valuation experts, private and commercial pilots, with the accompanying high-level of motion practice commensurate with these cases.

PRESENTATIONS

- Loose Lips Still Sink Ship: Avoiding Professional Liability Pitfalls in a Hybrid World, GRSM Legal Education Conference, New York, NY, May 2024
- Loose Lips Still Sink Ship: Avoiding Professional Liability Pitfalls in a Hybrid World, GRSM Legal Education Conference, Hartford, CT, April 2024
- Game of Phones: An Interactive Discussion About the Increasing Risks of Professional Liability Claims, GRSM Legal Education Conference, New York, NY, May 2023
- Game of Phones: An Interactive Discussion About the Increasing Risks of Professional Liability Claims, GRSM Legal Education Conference, Hartford, CT, May 2023

- What Every Claims Professional Should Know in Evaluating Professional Liability Damages, GRSM Legal Education Conference, New York and Hartford, May 2019
- Loose Lips Still Sink Ships: Avoiding Professional Liability Pitfalls in the Modern Communication Age, GRSM Legal Education Conference, New York and Hartford, May 2018
- Breaking Up is Hard to Do: Tips on Navigating the Difficult Waters of Terminating the Attorney-Client Relationship, GRSM National Professional Liability Webinar Series, 2017
- The Blame Game: The Rising Stakes in Professional Liability Claims, GRSM New York Legal Education Conference, 2017

CREDENTIALS

Admissions

- Texas
- Oklahoma
- U.S. Court of Appeals, Fifth Circuit
- U.S. District Court, Northern, Eastern, Southern, and Western Districts of Texas
- U.S. District Court, Northern, Eastern, and Western Districts of Oklahoma

Education

- M.A., *summa cum laude*, Dallas Theological Seminary, 1999
- J.D., University of Texas Law School, 1990
 - Managing Editor, *Law Review*
 - National Order of Barristers
 - Mock Trial Champion and Best Advocate Award; National Semi-Finalist, ABA Moot Court Competition
- B.A., *magna cum laude*, University of Texas, Austin, 1986
 - Phi Beta Kappa

Clerkship

- Hon. David O. Belew, Jr., United States District Judge for the Northern District of Texas

Honors

- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- *Texas Super Lawyers – Rising Stars*® top 2.5% distinction in the fields of Professional Liability, Civil Litigation and Employment

- *Best Lawyers in America*® distinction in Employment Law – Management (2021-2025), Insurance Law (2022-2025), Litigation – Healthcare (2022-2025), Litigation – Healthcare (2024-2025), Litigation – Labor and Employment (2024-2025)
- Continental *Who's Who*, 2007