



Raymond M. Kutch

Partner

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Ray focuses his practice on insurance coverage and bad-faith cases in state and federal courts throughout the United States. He also assists insurance companies and commercial clients with complex issues in litigation, including jurisdictional challenges, summary judgments, expert challenges, mandamus relief, the jury charge, and post-trial motions. Clients value Ray's ability to navigate intricate procedural and insurance coverage issues. Ray's record of accomplishments goes beyond prevailing in litigation. He frequently provides regulatory and advisory coverage opinions for insurers, and he provides insight to avoid future litigation.

In addition to his insurance coverage practice, Ray has extensive experience defending ERISA lawsuits, and he regularly advises employee welfare benefit plans and third-party administrators, during both the administrative review process and litigation.

Before entering private practice, Ray served as a law clerk for the appellate division of the United States Attorney's Office for the Southern District of Texas and a judicial intern for the Honorable Terry Jennings of the First Court of Appeals.

Representative Experience

- Obtained dismissal of all claims regarding a claim for benefits under a Group Accident Policy on behalf of a plan administrator. The court held that the plaintiff did not exhaust its administrative remedies under the plan and did not qualify for the futility exception to ERISA's exhaustion requirement. *Rodolfo Garza, et al., v. Zurich American Insurance Company, et al.* 1:18-cv-00163 (S.D. Tex. July 18, 2019).
- Prevailed on summary judgment on behalf of an insurance company regarding commercial property loss claims under a builder's risk policy. *Spih Tyler, LLC v. Liberty Mut. Ins. Co.*, 3:17-CV-1292-L, 2018 WL 3956443, at *1 (N.D. Tex. Aug. 17, 2018).

Services & Industries

- Insurance Coverage
- Insurance Litigation
- Appellate
- Insurance Regulatory & Transactions

- Prevailed in a declaratory judgment action regarding a dispute of Errors & Omissions coverage for an insurance agent. *Those Certain Underwriters at Lloyd's, London Subscribing to Policy No. PDB0327 v. Jessica Hernandez, Brook Agency Services Company, LLC, and Ivy Flemon d/b/a House of Prayer Ministries*, Cause No. 2015-57000, (129th District Ct., Harris County, Tex. Aug. 22, 2017).
- Prevailed on summary judgment on behalf of a commercial property insurer in *Anne Mead v. USAA, et al.* 2017-35495, (165th District ct., Harris County, Tex. June 14, 2018).
- Handled dispositive briefing in *De Jongh v. State Farm Lloyds*, 664 Fed. Appx. 405, 406 (5th Cir. 2016) that resulted in the dismissal of Plaintiff's claims due to post-verdict forum manipulation. The Fifth Circuit affirmed the favorable result.
- Handled the briefing on a motion summary judgment in the District Court for the Southern District of Texas on a multi-million dollar breach of contract case between an insurance agent and insurer involving a dispute over a master servicing agreement resulting in the dismissal of the Plaintiff's causes of action. *Milton O Johnston & Company, LTD., v. NGM Insurance Company, et al.*, 4:14-cv-00288, (S.D. Tex. June 3, 2015).
- Provide trial appellate assistance for various trial teams ranging from the preparation of the jury charge to post-trial briefing.
- Frequently assist clients with jurisdictional challenges in federal court. Including, but not limited to, issues regarding, improper joinder, snap removal, voluntary-involuntary rule, and federal question jurisdiction.

Education

- South Texas College of Law (J.D., 2009)
 - South Texas Law Review, Assistant Note and Comment Editor
 - Bodman Foundation Award for Best Law Review Article on Natural Resource Law
 - Academic Merit Scholarship
- Florida State University (B.S., cum laude, 2006)
 - Anthropology
 - Bright Futures Academic Scholarship
 - Dean's List

Bar Admissions

- Washington, 2019
- Texas, 2010

Court Admissions

- United States District Court, Northern, Southern, Western and Eastern Districts of Texas
- United States Court of Appeals, Fifth Circuit

Professional and Community Activities

- Houston Bar Association's Professionalism Committee Member
- Houston Bar Association's Lawyers for Literacy Member
- HWSA – Over 30 co-ed Soccer Team – Pingviner

- United Against Human Trafficking - Volunteer
- United We Dream

Speeches and Presentations

- 08.6.19 TC Monthly Webinar: Update: Texas Appraisal: The Texas Supreme Court Has Spoken
- 05.23.17 TC Monthly Webinar: Supreme Court of Texas: Recent Cases to Keep in Mind

Professional Recognition

- Texas Super Lawyers® - Rising Stars 2018-2020