



## Raymond M. Kutch

Partner

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Ray Kutch provides trial and appellate support to clients on a wide range of legal issues, including multi-party insurance coverage and extra-contractual litigation, prosecution of declaratory judgments, and reinsurance disputes. Ray has extensive experience working in state and federal courts throughout the United States, and he helps both U.S. and global clients navigate the complex world of U.S.-based litigation to achieve their goals.

Ray has a talent for writing winning briefs and persuasively arguing jurisdictional challenges, dispositive motions, critical issues motions, and post-trial motions in various trial courts, with a focus on creating an appellate record. He has served as counsel in numerous insurance matters, class actions, and appeals, and his experience spans various industries, including technology, health, financial services, automotive, and construction.

Before joining 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 Texas First Court of Appeals.

### ERISA

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.

### Representative Experience

Obtained favorable ruling reversing trial court's order to produce insurer's confidential documents prepared in anticipation of litigation

In re Mountain Valley Indem. Co., No. 09-22-00207-CV, 2022 WL 16842909, at \*1 (Tex. App.—Beaumont Nov. 10, 2022, no pet. h.)

Obtained judgment that was affirmed on appeal regarding a highly complex life insurance policy being used as an investment vehicle.

Sentry Equities, Ltd. v. Allstate Life Ins. Co., No. 22-20024, 2022 WL 16549210, at \*1 (5th Cir. Oct. 31, 2022).

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)

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)

Obtained complete dismissal on behalf of a Korean battery manufacturer due to lack of personal jurisdiction.

Ethridge v. Samsung SDI Co., Ltd., No. 3:21-CV-306, 2022 WL 2920429 (S.D. Tex. July 26, 2022)

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.

Integral member of Thompson Coe's Class Action team.

Prevailed on summary judgment on behalf of a commercial property insurer.

Anne Mead v. USAA, et al. 2017-35495, (165th District ct., Harris County, Tex. June 14, 2018)

## Awards & Recognition

### SUPER LAWYERS - RISING STAR

Listed for Insurance Coverage

2018-2020

### TEXAS BOARD OF LEGAL SPECIALIZATION

Board Certified in Insurance Law

## Related Services

Appellate Litigation

Insurance

## Publications & Speaking Engagements

Analysis: Texas Supreme Court Broadens Liability Under TPPCA Claims in Barbara Technologies, Ortiz

Jul 3, 2019

Update: Texas Appraisal: The Texas Supreme Court Has Spoken

Thompson Coe webinar

2019

Supreme Court of Texas: Recent Cases to Keep in Mind

Thompson Coe webinar

2017

Texas Supreme Court Broadens Liability Under the TPPCA Claims in Barbara Technologies, Ortiz.

Analysis

July 3, 2019

## Education, Admissions & Activities

### EDUCATION

South Texas College of Law

J.D., 2009

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 Court of Appeals, Fifth Circuit

United States District Court of Texas

Northern, Southern, Eastern, Western

## PROFESSIONAL AND COMMUNITY ACTIVITIES

Kids In Need of Defense (KIND)

Volunteer Attorney

Texas Bar Foundation

Houston Bar Association

Professionalism Committee & Lawyers for Literacy member

Houston Women's Soccer Association

Over 30 co-ed team – Pingviner

United Against Human Trafficking

United We Dream