



## Robert K. Fountain

### Associate

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Robert Fountain is a commercial litigator whose practice focuses on insurance recovery. In addition to representing commercial policyholders in all stages of litigation, Robby conducts comprehensive insurance program reviews and advises policyholders through every step of their insurance claims.

Known for his tenacity and exceptional writing skills, Robby is adept at spotting inconsistencies others overlook, a skill that regularly saves his clients time and money. His eye for detail and affinity for problem-solving, combined with his ability to quickly master complex legal issues, allow him to anticipate issues long before they arise and distill in-depth analysis into valuable advice for his clients. Robby's economics background informs his understanding of insurance as a business and the solutions he crafts for clients.

Robby's skills as a coverage lawyer also make him an exceptional contract lawyer. He has represented clients in contract disputes involving software licensing, employment contracts, service agreements, and mineral/royalty interests. His attention to detail is particularly valuable when drafting settlement agreements.

### Significant Matters

- Engaged to represent a global lodging company with preparing and presenting its business interruption claim for over \$100 million of pandemic-related losses sustained at over 200 properties in the U.S.A. and Canada and subsequently represented them in resulting coverage litigation
- Advised medical group on potential directors & officers liability coverage for claims alleging False Claims Act violations and persuaded insurer to reverse its denial
- Handled large-scale coverage litigation against first-layer excess insurers delaying coverage for nationwide asbestos docket of publicly traded cooling and heating company while negotiating terms of \$100 million cost share agreement

- Negotiated attorneys' fee rates for counsel defending insured Fortune 100 retailer in state attorneys general actions and MDL alleging consumer protection, property damage, and product liability claims
- Drafted appellants' briefing in first COVID-19 coverage dispute to reach the Fifth Circuit
- Defeated insurer's motion for judgment on the pleadings in dispute over coverage for settlement of a class action suit involving claims the insured alarm monitoring services company was vicariously liable for millions of Telephone Consumer Protection Act violations
- Engaged by multiple real estate developer clients to assist with claims track negotiations related to business income loss, large-scale property damage, depreciation, and exclusions

## Areas of Focus

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### Industries

- Art, Sports, and Entertainment
- Energy
- Financial Services
- Health Care
- Hospitality
- Manufacturing
- Non-Profit
- Professional Services
- Public Entities
- Real Estate and Construction
- Retail and Ecommerce
- Software, Technology, and Telecommunications
- Transportation and Infrastructure

### Services

- Insurance Coverage
- Litigation and Disputes
- Appeals and Analysis

## Education

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- Harvard Law School, J.D., 2017
  - Harvard Business Law Review
  - Harvard Law School Texas Club
  - Harvard Prison Legal Assistance Project (student organization representing Massachusetts inmates)
  - Recording Artist Project (student organization offering legal services to local musicians)

- University of Texas at Austin, B.A., Economics and Philosophy, 2012, highest honors
  - Phi Beta Kappa
  - Omicron Delta Epsilon Economics Honors Society
  - Intramural Swimming

## Admissions

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- Texas, 2021
- California, 2018
- U.S. Court of Appeals Fifth Circuit
- U.S. District Court Northern District Texas
- U.S. District Court Eastern District Texas
- U.S. District Court Southern District Texas

## Leadership

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- Bar None
- Dallas Bar Association
- Dallas Association of Young Lawyers
- Fellow: Texas Bar Foundation
- Fellow: Dallas Bar Foundation

## Recognition

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- Lawdragon 500 X – The Next Generation List, Litigation (Esp. Insurance Coverage), 2023

## Outside of Work

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An avid musician, Robby enjoys performing in Bar None, the annual variety show fundraiser put on by DFW legal professionals. He plays multiple instruments, including the piano and electric bass. He also likes to run.