

Haynes and Boone Secures Two Summary Judgments for Pioneer Natural Resources USA, Inc.

January 22, 2021 Ernest Martin, Emily Buchanan, S. Benjamin Schindler

PRACTICES Insurance Recovery, Litigation

Haynes Boone Partner [Ernest Martin Jr.](#) led a litigation team that secured two motions for summary judgment on behalf of firm client Pioneer Natural Resources USA, Inc.

Pioneer was sued in 2017 by a man injured at an oil and gas site in 2015. Pioneer sought contractual defense and indemnity against one of its service providers at the site under a Master Service Agreement (MSA) and sought insurance coverage as an additional insured under the service provider's policy. Both the service provider and the service provider's insurer rejected Pioneer's requests for defense and indemnity.

The insurer filed a declaratory judgment in Houston state court. Haynes Boone counterclaimed on behalf of the client and also brought in the service provider as a third-party defendant. Motions for summary judgment were filed by each party.

On Jan. 13, 2020, a Houston trial court granted Pioneer's summary judgments against both the service provider and the service provider's insurer and made the following rulings:

- Pioneer is an additional insured under the insurance policy
- The insurer breached the policy by failing to defend Pioneer in the personal injury suit
- The insurer is obligated to defend Pioneer on an ongoing basis
- The insurer violated the prompt pay statute, which authorizes 18% interest in addition to damages)
- Pioneer is entitled to attorneys' fees and pre-judgment interest

The service provider breached the MSA by failing to provide Pioneer with a defense and Pioneer is thus entitled to recover defense costs in the underlying suit, as well as attorneys' fees and costs against the service provider in Pioneer's suit.

Mr. Martin, who serves as chair of Haynes Boone's Insurance Recovery Group, was assisted in the case by Associates [Emily Buchanan](#) and [Benjamin Schindler](#).

The Insurance Recovery Group repeatedly has been ranked in Band 1 (Texas) by *Chambers USA*, Chambers & Partners (2005-2020), and the group also has been ranked among the leading insurance practices nationwide by the Benchmark Litigation U.S. directory, published by Euromoney Institutional Investor PLC (2019-2020). Several members of the group, including in Washington, D.C., also have been included in *The Best Lawyers in America* published by Woodward/White, Inc. (2016-2021).

Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With more than 575 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National*

Law Journal, The American Lawyer and *The Lawyer*. It also was recognized across the board for excellence in the BTI Consulting Group's 2020 "A-Team" report, which identifies the law firms that in-house counsel commend for providing superior client service.