

# FOUNTAIN, BRUCE & MELLENCAMP, PLLC

The attorneys at FB&M have invaluable experience, proven records and the dedication required to help their clients achieve successful outcomes in the resolution of legal issues and/or litigation.



## Areas of Practice:

Aviation Law and Litigation  
Business Law and Formation  
Commercial Litigation  
Construction Law and Litigation  
Family Law  
Homeowner Association (HOA)  
Insurance Litigation/Coverage/Bad Faith  
Personal Injury/Negligence  
Oil & Gas Law and Litigation  
Toxic Torts  
Transportation Law and Litigation  
Wills and Probate

**FB&M** Fountain, Bruce  
& Mellencamp  
Professional Limited Liability Company

Fountain, Bruce & Mellencamp, PLLC is dedicated to providing sound advice and the highest quality legal representation to its clients in all areas of civil law and litigation, including aviation, commercial, construction, HOA, insurance, personal injury, oil & gas, toxic tort, real estate, transportation and wills and estate law and litigation.

**Based in the Greater Houston Metropolitan Area,** our lawyers provide service throughout the State of Texas, from the upper and lower Gulf Coast Bend, inland to Dallas, Austin, and Bexar Counties and to all counties in between.

**At Fountain, Bruce & Mellencamp, PLLC,** we offer invaluable experience gained through over 60 years of combined practice representing a multitude of clients in all areas of civil law, including complex legal matters and litigation and successfully trying many jury cases to verdict. To achieve successful outcomes for our clients, FB&M applies the tried and true method of coupling the skill and knowledge of experienced attorneys with the unique facts and issues presented by each case. Each case is managed with a focus on our clients' individual interests, circumstances and desired outcomes, and we recognize the importance of hands-on, personal attention and accessibility for each client.



### Thomas M. Fountain

**Email:**  
TFountain@fbmpllc.com

**Practice Areas:**  
Aviation and Aerospace Law and Litigation  
Business Law and Entity Formation  
Commercial Litigation  
Insurance Law and Litigation (Aviation/Auto/Homeowners /CGL)  
Homeowners Assoc. (HOA)  
Labor and Employment  
Personal Injury/Negligence/Bodily Injury  
Transportation Law and Litigation (Trucking)  
Wrongful Death

**Admitted:**  
1981, Texas

**Law School:**  
South Texas College of Law, J.D.

**Member:**  
Houston and Montgomery County Bar Associations  
State Bar of Texas (Member, Sections on: Litigation; Insurance; Aviation).

**Biography:**  
Thomas Fountain received his Liberal Arts degree from the University of Texas at Austin in 1976 and was graduated from the South Texas College of Law in 1980. Mr. Fountain is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization and has served on several State Bar of Texas committees evaluating Texas Pattern Jury Charges. Thomas is also a member of the State Bar of Texas Sections on Litigation, Insurance and Aviation. He also earned an AV rating from Martindale-Hubbell, which is the oldest and most recognized peer review rating system in the country for lawyers and judges. This rating is the highest rating offered for ability and ethics. Mr. Fountain is a member in good standing of the Houston and Montgomery County Bar Associations. Furthermore, he is a Fellow of the Houston Bar Association and has authored and presented speeches on subjects such as Breach of the Duty of Good Faith and Fair Dealing.



Lisa LeDoux Bruce

**Email:**  
LBruce@fbmpllc.com

**Practice Areas:**  
Business Law and Entity Formation  
Commercial Litigation  
Insurance Coverage and Insurance Litigation (Auto/Homeowners/CGL)  
Non-Standard Auto Insurance Law/Litigation  
Wills/Estates  
Family Law

**Law School:**  
University of Houston Law Center

**Member:**  
State Bar of Texas  
Houston Bar Association  
Woodlands Bar Assoc.  
Defense Research Institute

**Biography:**  
Attorney Lisa LeDoux Bruce is rated AV Preeminent by Martindale-Hubbell. Attorney Bruce was born and raised in Breaux Bridge, Louisiana, graduated with honors from USL (currently University of Louisiana, Lafayette), taught high school English and then attended and graduated from the University of Houston Law Center in 1991. With twenty-one years of established practice in all areas of civil law and litigation, Attorney Bruce has obtained extensive experience providing counsel and representation to insurance carriers and businesses. Attorney Bruce provides Auto, Homeowners

and CGL Insurance Carriers insurance coverage advice, EUO and general fraud examination services, as well as bad faith and first and third-party defense. Ms. Bruce has also developed a highly specialized practice representing and advising and providing a full array of services to Non-Standard Auto Insurance Carriers. Attorney Bruce has also developed a significant practice representing Business Entities and Individuals in Commercial Litigation and Contract disputes and providing general counsel, representation, business formation, contract review, drafting and negotiation services for small to mid-size businesses.



Dale R. Mellencamp

**Email:**  
DMellencamp@fbmpllc.com

**Practice Areas:**  
Construction Litigation  
Commercial and Consumer Litigation  
Personal Injury  
Insurance Coverage Litigation  
Property Damage and Subrogation  
Oil and Gas Litigation  
Commercial Transactions  
Employment Litigation  
Environmental Litigation

**Admitted:**  
1986

**Law School:**  
University of Houston Law Center (J.D., cum laude)

**Member:**  
State Bar of Texas  
State Bar of Texas, Construction Law Section

**Recent Presentations and Publications:**  
*Protecting Trade Secrets and Proprietary Information*, presented to the Greater Houston Builders Association in 2007.

*Texas Residential Construction Commission Act and the Amended Residential Construction Liability Act*, presented to Houston area builders in 2004.

*Residential Construction Liability Act and Insurance Coverage issues*, presented to Houston area builders in 2001.

*Avoiding Violations of the Antitrust Laws*, presented to the Houston Elevator Association in 2001

**Biography:**  
Dale Mellencamp holds Martindale-Hubbell's highest rating. He has a broad professional experience due to the diversity of clients he has represented and the types of cases he has handled. Mr. Mellencamp has successfully represented clients in State and Federal court as well as in arbitrations before the American Arbitration Association and the Construction Arbitration Service. He has also handled appeals.

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IS AN ESTABLISHED LAW FIRM WITH A PROVEN  
RECORD OF DEDICATION TO HELPING OUR  
CLIENTS ACHIEVE SUCCESSFUL OUTCOMES  
IN A VARIETY OF CIVIL LAW MATTERS.

## Aviation Law and Litigation

Attorney Thomas Fountain is a licensed pilot with an instrument rating. Since 1994, attorney Fountain has litigated general aviation cases involving issues such as faulty or negligent repair of airplanes, airport infrastructure defects, and aircraft failures. Mr. Fountain's experience with aviation litigation has been diverse. He handled one case involving allegations that a Euro copter was an ignition source for an offshore platform explosion. Another case centered around the tragic death of a young person on an airport taxiway. Mr. Fountain's experience even extends to cases such as one involving a King Air 200, another involving a Turbo Commander with an "over temped" Allied-Garrett engine and one involving an IFR flight where an engine failure necessitated a descent below a cloud deck in a hilly terrain, resulting in personal injury and property damage. Mr. Fountain has also

represented and counseled certified flight instructors, aircraft owners being sued over the sale of their aircraft, fixed base operators, and pilots for some of our country's major airlines.

## Business Law and Formation

Whether you are just starting out and need assistance forming your business or whether your business needs a serious team of litigators with extensive trial experience, we can help. We advocate vigilantly and aggressively because we understand that your livelihood can depend on it.

## Commercial Litigation

The attorneys at FB&M have extensive experience in the area of commercial litigation. In one recent case, the client, a switch-based reseller of long distance time, was being damaged by the activity of a wholesaler of the long distance time. That wholesaler is one

whose name is familiar to everyone in the industry. The firm's detailed discovery led to the revelation that the wholesaler had been misrepresenting its ability to deliver the time or access it had promised. The wholesaler's misrepresentations had led directly to damage to our client's reputation and revenue. Our firm's early and aggressive discovery strategies assisted our client in achieving a favorable settlement and avoiding protracted litigation.

## Construction Law and Litigation

Our attorneys have achieved positive outcomes for clients in a number of construction law matters. These matters have involved allegations of design failure (both building and component design failure), claims for personal injury and property damage arising from the failure to implement proper safety procedures, oversight of personnel and/or guarding, claims for negligence construction management, use of defective materials, and

claims involving equipment related accidents and injuries. Some of these cases have also involved claims which require the determination of employment and/or independent contractor status and examinations of causation through a chain of events and involved entities.

## Homeowner's Association (HOA)

The attorneys at FB&M have experience in the area of HOA litigation. Significant cases in the past have resulted in successful results for our clients. While no lawyer can guarantee an outcome, we can insure that we will undertake all actions necessary to maximize the possibility of a positive result for our client. Additionally, because the firm has extensive experience in insurance law, our clients are afforded the benefit of that experience without the necessity to retain a separate law firm to provide advice in that area. Our combined 60 years of experience in the field

of insurance law and litigation is unique in the area of HOA representation. We can assist our HOA clients in the following areas:

- Amending governing documents
- Enforcing restrictions and covenants
- Collecting assessments and maintenance fees
- Reviewing contracts
- Providing general counsel to the board of directors
- Litigation arising out of the foregoing areas
- Insurance coverage affecting homeowners and their associations

## Insurance Litigation/ Coverage/Bad Faith

Insurance carriers assign our firm cases, because they rely on our trial abilities and extensive experience in analyzing and handling insurance issues. The firm's insurance assignments have included a broad spectrum of general insurance matters and have included issues arising from allegations of personal and property damage resulting from occurrences ranging from analysis and litigation regarding homeowners and automobile/trucking claims, claims for faulty construction of residential and commercial buildings and/or inadequate security, design and premises defects, to claims for toxic chemical exposures, catastrophic failures (such as collapsed oil and gas platforms) and improper procedures on drilling rigs, defective components at refineries.

## Personal Injury/ Negligence

FB&M's attorneys are experienced at defending of wide array of negligence and personal injury actions. The principals of the firm have handled innumerable negligence cases as counsel retained by various insurance carriers to represent their insureds. These cases also represent a wide range of jurisdictions, from cases arising as a result of offshore accidents to those arising in counties throughout the State of Texas. FB&M attorneys have handled negligence actions arising from aviation accidents involving Cessnas, Pipers and other aircraft, catastrophic tractor trailer accidents, equipment and machine failures, explosions, premises liability, auto accidents, slip and falls, and numerous other negligence actions.

## Oil & Gas Law and Litigation

Prior to undertaking a legal career, Attorney Thomas M. Fountain's work experience included working as an oil & gas landman for several companies. As a landman, Mr. Fountain became experienced at "chasing title", drafting producer 88 forms, unionization and pooling agreements and other agreements and documents required in the acquisition and maintenance of oil and gas leases and properties. As an attorney, Mr. Fountain has handled many "oil patch" cases, including those involving failures to draw works, snubbing basket failures, offshore platform accidents,

and causes arising as a result of toxic spills on a landowner's property.

## Toxic Torts

FB&M attorneys have experience handling actions involving allegations of property damage and/or personal injury arising from chemical spills. These spills involved Chlordane, benzene, polyethelene and household chemicals. Our attorneys have also handled lawsuits regarding clean up programs and/or the designation or establishment of Superfund properties by the Texas Commission on Environmental Quality.

## Transportation Law and Litigation

FB&M's attorneys have been fortunate to represent several trucking companies, each with substantial fleets. Our attorneys have also been retained by various insurance companies to handle trucking litigation for trucking company insureds and their drivers. We feel it is crucial in our representation of trucking accident cases to provide a quick reponse and to arrive at the scene as soon as possible to obtain and preserve critical information and evidence.

We may also quickly engage the services of a re-constructionist to survey, inspect, photograph and measure all aspects of the accident scene. Acting quickly to preserve evidence provides us the ability to quickly and thoroughly evaluate the information and provide sound counsel to our clients regarding further proceedings. If a case proceeds through litigation, we act aggressively and pro-actively on behalf of our clients. We also take full advantage of the most modern technology and some commercially available products such as Google Earth to provide a compelling presentation of the scenes and events at issue.

## Wills and Probate

FB&M also provide services to individual clients in the area of Wills and Estates. It is our goal to assist clients in formulating a plan which will bring peace of mind to clients and their loved ones. Our firm is experienced in creating Wills, Trusts and other needed documents, such as Durable Powers of Attorney and Living Wills. Our attorneys can also assist clients in probating their loved ones' wills and to otherwise assist with any legal issues surrounding the death of a loved one.

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