

# Brandon L. Buchanan

Shareholder

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## Overview

Brandon Buchanan is an AV Preeminent-rated trial lawyer whose state and federal civil litigation practice encompasses a broad range of commercial and tort matters, including those involving products liability defense, mass torts, general tort defense, contract and insurance disputes, professional negligence, wrongful death claims, intellectual property litigation (including cases involving misappropriation of trade secrets), and employment law. Much of his practice is currently devoted to litigation involving healthcare, insurance, oil and gas, and complex construction disputes. He also has extensive experience defending healthcare providers in malpractice lawsuits and in administrative proceedings.

Brandon's achievements have earned him inclusion in the *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* (commercial litigation; construction litigation; insurance law, mass tort litigation/class actions – defendants) and *Oklahoma Super Lawyers*. He was named by *Best Lawyers* as "Oklahoma City Construction Litigation Lawyer of the Year" for 2020, an honor only given to a single lawyer in each legal specialty in each market.

Prior to joining McAfee & Taft in 2005, Brandon was a litigation associate with another Oklahoma City-based civil practice law firm. He has also served as legal advisor to the Oklahoma State Senate Judiciary, judicial intern for Oklahoma Supreme Court Justice Marian P. Opala, and legislative director for the University of Oklahoma's Norman campus and Health Sciences Center.

## Representative Experience

- Obtained jury verdict and judgment of nearly \$6 million on behalf of a national manufacturer of oil and gas equipment in an action against a former executive and former distributor involving allegations of misappropriation of trade secrets, fraud, unfair competition, breach of contract, tortious interference, conversion, deceptive trade practices, and breach of fiduciary duties.

## Admissions

Oklahoma, 2000

U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma

## Education

J.D., University of Oklahoma, 2000

Legal Studies, The Queen's College, University of Oxford, 1998

B.A., *cum laude*, University of Oklahoma, 1996; Phi Beta Kappa; PE-ET; Gold Letzeiser Medal

## Professional Organizations and Memberships

Oklahoma County Bar Association

Oklahoma Bar Association

Oklahoma Association of Defense Counsel

Defense Research Institute, Inc.

International Association of Defense Counsel

Luther Bohanon American Inn of Court (Barrister)

- Obtained favorable settlement and permanent injunction on behalf of commercial weather company client in a federal lawsuit against a competitor alleging creation of false user accounts on its website in order to obtain information that was used to improve its own products, with asserted causes of action that included misappropriation of trade secrets, copyright infringement, computer fraud and abuse, fraud, breach of contract, unjust enrichment, and unfair competition.
- Obtained favorable settlement on behalf of commercial weather sales and marketing firm against former client for unpaid commissions, breach of contract, and seeking declaratory relief arising from agreements for the sale of commercial hail and lightning products and services.
- Regional representation of major corporations in class action, multiple party and tort litigation, including pharmaceutical class action and asbestos litigation.
- Representation of engineers, architects and contractors in complex construction disputes.
- Representation of businesses in all manner of contractual disputes.
- Representation of healthcare providers in defense of all manner of malpractice lawsuits, involving such areas of medicine as family practice, neurology, radiology, pain management, orthopedics, ear, nose and throat surgery, pancreatic dissection, endocrinology and ophthalmology.
- Representation of nursing home and assisted living long-term care facilities in defense of malpractice lawsuits and administrative proceedings.
- Representation of dental care providers in defense of malpractice lawsuits and administrative proceedings.
- Representation of a major oil and gas company in defense of class action lawsuit involving gasoline pricing disputes.
- Representation of employers in employment discrimination litigation.
- Representation of oil and gas companies in defense of oilfield injury and downhole tool and property loss litigation and arbitrations.
- Representation of insurers in defending claims of bad faith.
- Successful trial representation of a family practice physician and physician's assistant in defense of claim of failure to diagnose the signs and symptoms of a myocardial infarction, resulting in jury defense verdict.
- Successful defense of products liability cases involving commercial forklifts, consumer products and pharmaceutical products.
- Successful representation of online travel agencies in defense of litigation alleging failure to remit sales tax in which the defendants prevailed on a motion to dismiss with prejudice.
- Trial representation of wrongful death claim arising from uvulopalatopharyngoplasty (UP3) surgery to treat severe sleep apnea condition.
- Successful trial representation of a security company in wrongful death lawsuit involving claim of excessive force and negligence.
- Successful trial representation of national restaurant chain against claims of negligence resulting in defense verdict.
- Successful representation of employers in actions against insurance agents for misrepresentations and negligence.
- Obtained favorable settlement on behalf of an HMO in a case involving allegations of breach of insurance agreement and bad faith for denying a portion of the plaintiff's out-of-network medical care and treatment.

- Obtained favorable settlement on behalf of a healthcare trust authority in an action to recover funds from its insurance agent for negligence, breach of contract, and financial misrepresentations related to the agent's recommendations, advice and promotion of an employee welfare benefit plan.
- Obtained summary judgment on behalf of church denomination in lawsuit involving allegations of negligent hiring and retention, negligent supervision, failure to warn, and intentional infliction of emotional distress arising from alleged improper conduct by a church pastor.
- Obtained summary judgment or dismissals on behalf of employers in multiple separate lawsuits filed by injured employees involving Parret substantial certainty claims and the intentional tort exception to workers compensation exclusivity.

## Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business*
- Selected by peers for inclusion in *The Best Lawyers in America* (commercial litigation; construction litigation; insurance law, mass tort litigation/class actions - defendants)
- Named "Oklahoma City Construction Litigation Lawyer of the Year" for 2020 by *The Best Lawyers in America*
- Listed in *Oklahoma Super Lawyers*
- Rated AV Preeminent by Martindale-Hubble Peer Review Ratings