



Ryan K. McComber

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AREAS OF PRACTICE

BUSINESS LITIGATION

INSURANCE LITIGATION

LABOR + EMPLOYMENT



Practice Overview

Ryan is a Partner at Figari + Davenport, LLP, who has represented a diverse group of clients in both Texas and nationwide for more than 20 years in complex commercial litigation matters. Ryan is known for his tenacity and focus on getting the best possible result for his clients, and his ability to handle a wide variety of litigation matters from pre-litigation through trial. Ryan has successfully represented clients in a broad range of disputes, including contract disputes, TRO and injunctive relief proceedings, health, life, and disability insurance disputes, employment disputes, ERISA, ADA, FLSA, TCPA, FDCPA, TCPA, and FCRA actions, oil and gas disputes, product liability and negligence actions, manufacturing disputes, collection matters, banking and financial disputes, as well as construction and property disputes. Ryan has also successfully defended numerous class actions for his clients in federal courts across the United States, including class actions in Texas, New Mexico, California, Wisconsin, Michigan, and Colorado. Ryan also regularly publishes legal articles in the sports and entertainment industry, where he has represented clients in disputes involving professional sports contracts, advised and assisted collegiate athletes and their parents in navigating the NCAA rules, and advised professional athletes regarding their NFL free-agent contracts.

As a seasoned trial lawyer, Ryan has successfully tried cases in federal and state courts, and through hearing in significant arbitration proceedings. Ryan's outstanding work has earned him the recognition and respect of his peers. Ryan is rated AV Preeminent by Martindale-Hubbell; has been recognized by Thomson Reuters as a Texas Rising Star (2013-2016) or a Texas Super Lawyer (2016-2024) each year since 2013; was named as one of the Top 50 Attorneys of Dallas by Attorney Intel in 2022; and he was recognized as one of The Best Lawyers in America in the practice area of Commercial Litigation by Best Lawyers (2024-2026).

Honors + Highlights

- In *Wall Recycling, LLC v. 3TEK Global, LLC*, 588 F. Supp. 3d 647, the district court entered summary judgment in favor of Ryan's client, dismissing plaintiff's breach of contract claim. After oral argument by Ryan, the Fourth Circuit Court of Appeals affirmed the judgment. 2024 WL 3594697 (4th Cir. July 31, 2024)
- In *Ortiz v. Minnesota Life Ins. Co.*, 4:20cv00923, 2023 WL 6037906 (E.D. Tex. Sept. 15, 2023), the district court adopted the report and recommendation of the magistrate judge and entered summary judgment



in favor of Ryan's client on the ground that issue preclusion or collateral estoppel barred plaintiff's claims for breach of contract, violations of Chapter 541 of the Texas Insurance code for bad faith practices and misrepresentation, and breach of the accidental death and dismemberment policy at issue.

- Substituted as lead trial counsel for national financial services provider to defend company against claims exceeding \$1.8 million. Following a three-day bench trial, Ryan's client received a favorable verdict for a fraction of damages sought.
- In *McKinney v. Genesis FS Card Servs., et al.*, 22cv0275 (E.D. WI Oct. 28, 2022), the district court granted the motion to dismiss filed by Ryan's client, dismissing plaintiff's class action complaint alleging violations of the Equal Credit Opportunity Act and the Wisconsin Consumer Act.
- In *Gray v. Minnesota Life Ins. Co.*, 19cv4672, 2021 WL 861298 (S.D. Tex. March 8, 2021), the district court entered judgment on the administrative record in favor of Ryan's client on plaintiff's ERISA benefit claim for the alleged improper denial of accidental death and dismemberment benefits under an ERISA governed group policy.
- In *Byerly v. Standard Ins. Co.*, 18cv00592, 2020 WL 1451543 (E.D. Tex. March 25, 2020), the district court entered judgment on the administrative record in favor of Ryan's client on plaintiff's ERISA benefit claim based on the alleged improper denial of accidental death and dismemberment benefits under an ERISA governed group policy. The Fifth Circuit Court of Appeals subsequently affirmed the judgment. 843 Fed. Appx. 572 (5th Cir. 2021).
- In *Equine Holdings, LLC v. Jacoby*, 05-19-00758, 2020 WL 2079183 (Tex. App.—Dallas April 30, 2020), the Court of Appeals of Texas, Dallas, affirmed the denial of appellant's motion to dismiss under the Texas Citizens Participation Act, an Anti-SLAPP statute, in favor of Ryan's client, who successfully defended the motion in district court.
- In *McAfee v. Kinney, et al.*, 4:19cv463, 2019 WL 410119 (E.D. Tex. Aug. 29, 2019), Ryan successfully defended multiple employees against a motion for preliminary injunction, which was denied by the district court following a four-day preliminary injunction hearing where plaintiff asserted claims against his clients for misappropriation of trade secrets, breach of contract, tortious interference, breach of fiduciary duties, aiding and abetting breach of fiduciary duties, and conspiracy.
- In *Naiman v. TranzVia, LLC*, 17cv4813, 2017 WL 5992123 (N.D. Cal. Dec. 4, 2017), the district court granted the motion to dismiss filed by Ryan's client, dismissing plaintiff's class action complaint alleging violations of the TCPA.
- In *Breit v. Am. Heritage Life Ins. Co.*, 15cv2483, 2016 WL 3162814 (D. Md. June 6, 2016), the district court entered summary judgment in favor of Ryan's client holding that plaintiff's state law claims were preempted by ERISA and that the administrative record amply supported the decision of Ryan's client to deny plaintiff's claim for benefits.
- In *De Leon v. Standard Ins. Co.*, 15cv07419, 2016 WL 4919840 (C.D. Cal. Jan. 28, 2016), the district court granted the motion to dismiss filed by Ryan's client, dismissing plaintiff's class action complaint alleging violations of ERISA.
- In *Richard v. Golden Rule Ins. Co.*, 11cv3019, 2012 WL 6728582 (E.D. La. Dec. 28, 2012), the district court



granted summary judgment on plaintiff's various contractual and extra-contractual state law claims against Ryan's client.

- In *Washington Mut. Bank v. Commonwealth Land Title Ins. Co.*, 07-01664, 2008 WL 4188983, the district court granted summary judgment on plaintiff's breach of contract claims against Ryan's client, which was subsequently affirmed on appeal. 2010 WL 135685 (Tex. App.—Corpus Christi—Edinburg Jan. 14, 2010, no pet.).
- Co-trial counsel for Globex International, Inc. in a suit to recover amounts due under a partnership agreement with a national sports marketing company. Following a two-week jury trial, the jury returned verdict for Globex in excess of \$3.5 million.
- Successfully representing NBA coach Don Nelson in his arbitration to recover \$6.5 million in earned deferred compensation, which the Dallas Mavericks refused to pay him when he accepted a job as the coach of the Golden State Warriors. As a result of the arbitration proceedings, Ryan's client was awarded over \$7 million in damages, fees, and costs.
- In *Rolle v. Nelson*, 7cv0941, 2008 WL 2790502 (N.D. Tex, July 17, 2008), the district court entered summary judgment in favor of Ryan's client, former NBA coach Don Nelson, against claims for breach of contract and fraud where plaintiff sought damages of over \$300,000 arising out of a failed start-up company.

Education

- JD, SMU Dedman School of Law, cum laude, 2003
Articles Editor, International Law Review, 2002-2003
- BA in Letters, University of Oklahoma, magna cum laude, 2000
Phi Beta Kappa
Men's Letzeiser Honor List

Admissions + Memberships/Associations/Certifications

- State Bar of Texas
- U.S. District Courts for the Northern, Eastern, Southern, & Western Districts of Texas
- U.S. Bankruptcy Courts for the Northern & Western Districts of Texas
- U.S. District Court for the Eastern District of Arkansas
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of New Mexico
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Courts of Appeals for the Fourth, Fifth, Ninth and Tenth Circuits
- Dallas Bar Association



- Pi Alpha, 1998 Journey of Hope Team

Publications / Speaking Engagements

- Navigating the NCAA Rules to Maximize NIL Money, Dallas Bar Association Headnotes, March 2024.
- Understanding On-Set Safety Requirements in Texas, Dallas Bar Association Headnotes, March 2023.
- Tips for Successfully Starting Your Legal Career, SMU Dedman School of Law, Spring 2023.
- Featured Guest, Latte with a Lawyer Podcast, Fall 2022.
- Business Interruption Coverage for COVID-19, Summer 2021.
- The Impact of Technology and Social Media on the Jury Trial, University of Oklahoma, Spring 2021.
- Protecting the Health and Health Privacy of Professional Athletes, Dallas Bar Association, Spring 2019.
- From Blue Chip to Backup: Navigating the NCAA Transfer Rules, Dallas Bar Association, Spring 2018.
- Social Media and Litigation, Texas Advanced Paralegal Seminar, Fall 2018.
- Co-author, Tort Trial & Insurance Practice's Committee Newsletter, American Bar Association, 2017.
- You Insured What? Sports & Entertainment Disability Insurance, Dallas Bar Association, Spring 2017.
- Co-author, Annual Survey of Texas Law – Texas Civil Procedure, SMU Law Review, 2016.
- Negotiating and Enforcing Morality Clauses in Texas, Dallas Bar Association Headnotes, January 2016.
- Social Media and Litigation, the Good, the Bad, and the Ugly, North Texas Paralegal Association, Spring 2015.
- Mediation Tips and Tricks, Advanced Mediation and Negotiation, El Centro College, Fall 2008.