SCOTT DOUGLASS McCONNICO



Abe Kuczaj

PARTNER

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Overview

Abe represents both plaintiffs and defendants in complex commercial disputes in Texas and throughout the country. In 2020, Abe, as plaintiff trial counsel, tried a breach-of-fiduciary-duty case and received a verdict in excess of $40 million, which, at the time was the largest private-plaintiff verdict in 20 years and the 2nd largest judgement for a private plaintiff in the history of Travis County, and is among the Top 100 Verdicts of 2021 as reported by The National Law Journal.

In 2026, Abe, again as plaintiff trial counsel, eclipsed that mark in a breach-of-fiduciary-duty derivative lawsuit that resulted in a jury verdict in excess of $92 million plus $23 million in exemplary damages.

Abe has secured injunctions securing cryptocurrency both in trial court and in arbitration, and has tried cryptocurrency cases to judgment as well as negotiated cryptocurrency-based resolutions.

Either as lead counsel or as part of a team of SDM attorneys, Abe has secured take-nothing defense judgments for his clients in cases involving director and officer liability, securities fraud claims, or shareholder appraisal actions, and has secured significant plaintiff judgments for clients damaged as a result of fraud, breach of fiduciary duty, or breach of contract. Abe has been hired by the Office of Attorney General of the State of Texas to assist in complex litigation, and has also been engaged by the Office of Attorney General of the Commonwealth of Kentucky to provide representation in complex, multi-party commercial litigation.

Experience

Plaintiff trial counsel in two-week jury trial of fiduciary-duty derivative case that resulted in verdict finding $92 million dollar in actual damages and $23 million in exemplary damages.

Plaintiff trial counsel representing exclusive licensee of mining software in cryptocurrency case in heavily litigated arbitration. Obtained interim relief preventing dissipation by licensor of significant cryptocurrency holdings. Matter was subsequently resolved by agreement.

Plaintiff trial counsel in two-week jury trial of fiduciary-duty case that resulted in a $40 million dollar verdict, the largest private-plaintiff verdict in Travis county in 20 years at the time. Among the Top 100 Verdicts of 2021 as reported by The National Law Journal. Obtained temporary injunction, permanent injunction, and post-judgment injunctions to prevent dissipation of significant cryptocurrency holdings by defendant. After extensive post-judgment proceedings that included contempt proceedings and court-ordered civil confinement, the matter was resolved by mutual agreement without admission of liability by any party.

Plaintiff trial counsel in three-week jury trial representing a start-up hospital in a heavily litigated case involving claims against a nearby hospital and its developer for breach of confidentiality and non-circumvention provisions in a letter of intent, obtaining judgment against the defendant hospital and developer.

Represented a large group of individual plaintiffs with claims arising from the largest wildfire in Texas history in a case against a Texas utility company and an international vegetation management company. Served as Lead Individual Plaintiff Liaison Counsel during hearings and multilateral negotiations among the hundreds of consolidated individual actions, class actions and subrogation actions arising from the wildfire. As Lead Individual Plaintiff Liaison Counsel, secured settlements on behalf of each client from each defendant.

Represented foreign investment company and several structured finance vehicles in fraud suit brought against large originator and underwriter in connection with numerous purchases of toxic residential mortgage-backed securities.

Represented institutional investor in fraud and breach of contract suit brought against large investment bank in connection with purchase of commercial paper issued by structured investment vehicles.

Defended 19 officers and directors of a large electric cooperative in a highly publicized class action brought on behalf of more than 200,000 cooperative members in conjunction with a derivative suit brought on behalf of the cooperative. Secured court approval of global settlement that required no admission of liability or personal contribution by any officer or director.

Represented over 40 employees of a Texas start-up purchased by a large European consortium in a multi-venue lawsuit for claims relating to wrongful cancellation of option agreements and breach of an employee retention agreement. The case settled shortly after the jury in the first venue returned a favorable verdict.

Defended chemical company in a shareholder appraisal action brought by multiple hedge funds after a going-private merger. Secured final summary judgment against all plaintiffs before a single deposition had been taken.

Defended former CEO of a publicly traded company in shareholder suit alleging fraud and violations of the Texas Securities Act. Secured dismissal of all claims with prejudice.

Represented architectural firm in multi-million dollar claim brought by general contractor of a large downtown hotel project. Case settled while defendant’s dispositive motion for summary judgment was under advisement.

Represented a large telecom equipment manufacturer in sales tax dispute with the State of Texas. The State originally claimed the company owed more than three million dollars in additional tax. The case settled with the company obtaining a refund in excess of one million dollars.

Selected Reported Cases

Ahlgren v. Ahlgren, 703 S.W.3d 378 (Tex. App.—Corpus Christi–Edinburg 2023, pet. denied)

Asplundh Tree Expert Co. v. Abshire, 517 S.W.3d 320 (Tex. App.—Austin 2017, no pet.)

Hall v. Pedernales Elec. Co-op, Inc., 278 S.W.3d 536 (Tex. App.—Austin 2009, no pet.)

Perry v. Cohen, — S.W.3d —, (Tex. App.—Austin 2009, no pet. h.)

Ennis v. Loiseau, 164 S.W.3d 698 (Tex. App.—Austin 2005, no pet.)

Awards

- Texas Rising Star, a Thomson Reuters business, 2010, 2012 – 2014
- Robert Calvert Chapter of American Inns of Court, 2004 to the present
- College of the State Bar of Texas
- Judge Suzanne Covington Service Award, 2009
- Order of the Coif
- Texas Law Review

News & Insights

- Bastrop County Complex Fire - Appeal on Behalf of Hundreds of Victims
- SDM obtains record setting verdict in bitcoin case
- Court of Appeals affirms $29M Disgorgement in cryptocurrency lawsuit
- Jury returns $116 million verdict against TDS CEO Bob Gregory in Family Business Dispute

Practice Areas

- Business Litigation & Torts
- Class Action Litigation
- Securities & Complex Financial Litigation
- State & Local Tax

Education

- Southern Methodist University, B.F.A., magna cum laude, 1993
- University of Texas School of Law, J.D., honors, 2004

Admissions

- State Bar of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Northern District of Texas