

## Energy Law

Winstead's oil and gas lawyers are preeminent because we thoroughly understand the business of the energy industry and its participants. We utilize our extensive knowledge to achieve clients' goals both in the boardroom and courtroom – it is this background that distinguishes Winstead from other law firms. Clients range from major oil and gas companies to large independents to start-up ventures. We also represent mid-stream, marketing, refining and pipeline companies.

Our transactional lawyers have negotiated and documented billion dollar upstream acquisitions and divestitures. We also handle mid-stream and downstream deals, and know the arrangements that work best for our clients to move production from the field to the end-user.

Winstead handles a wide array of regulatory matters before the Texas Railroad Commission, the Texas Public Utility Commission (PUC), the Louisiana Conservation Commission and the Federal Energy Regulatory Commission (FERC).

Winstead's trial lawyers have handled disputes covering every aspect of oil and gas law both on-shore and off-shore. We have represented clients on issues ranging from the bottom of the wellbore to the burner-tip. Our litigators have an extensive background in the value of oil, gas and natural gas liquids and how the industry enhances that value from production to consumption. As a result, Winstead has earned the reputation of being one of the Tier One "go to" firms in any litigation concerning the oil and gas industry.

### Featured Client Stories

#### *How to Partner with an Independent Co-Buyer to Acquire Substantial Oil and Gas Properties*

**Our client's opportunity:** To acquire a portion of the oil and gas assets offered for sale by the seller, knowing that only a bid for 100% of the assets would be accepted over a bid for only a portion of the properties.

**Winstead approach:** We developed agreements between our client and an independent co-buyer to facilitate a joint bid for 100% of the assets. The co-buyer wanted only a portion of the assets that our client was not interested in owning.

Detailed agreements needed to be formulated between the client and co-buyer to document their respective obligations for costs, due diligence, title issues and adjustments, post-closing adjustments and asset division, among other things, in order for them to jointly bid on the entire property package.

**Outcome:** Our client and the co-buyer were the successful bidder offering a nine-figure bid for all of the properties. The result allowed our client to acquire the properties in the package that it wanted and the co-buyer to own the properties that it desired. If agreements between the co-bidders had failed, neither party would have been successful.

#### *Defending Claims Made by 600 Individual Plaintiffs in 124 Lawsuits for a Total of \$100 million in Actual Damages*

**Our client's problem:** Our client had multiple lawsuits filed by individuals claiming that oil and gas lease agreements had been reached, that the client breached these agreements or had fraudulently induced the plaintiffs into the agreements. Further, the plaintiffs claimed that the client breached these oil and gas leases as part of a price fixing conspiracy in violation of the anti-trust laws.

**Winstead Approach and Solution:** Rather than defend and try each individual case, which would have cost the client a tremendous amount in attorneys' fees, we convinced the Court that the orderly process was to select four of the cases, conduct discovery on only those four cases and to consider the merits of the claims in only those cases. The cases selected ranged from the factually worst to the factually best cases from the defendant's perspective. Once the four cases were resolved, the strategy was to place the remaining cases in categories that reflected their similarities to the four cases that were tried and then either settle or try the remaining cases depending on the facts of the individual case.

**Outcome:** The client was granted a summary judgment in each of the four cases. The cases were consolidated for appeal and the trial court's judgment was affirmed. Thereafter, the unresolved cases were dismissed by the Plaintiffs in the face of a threat of a motion for sanctions. By utilizing this strategy, the client saved hundreds of thousands of dollars in attorneys' fees, avoided conflicting results, resolved 124 lawsuits involving 600 Plaintiffs for the cost of four lawsuits and, most importantly, won.

## Snapshot of Energy Strengths

Because of our deep energy industry know-how, we easily function as part of our client's in-house team. Consequently, we measure our responsiveness, flexibility and proficiency by your standards. Winstead lawyers naturally have a multi-disciplinary approach to solving problems and addressing issues – we seamlessly tap into the environmental, regulatory, condemnation, litigation and transactional talent that our clients need. Particular strengths include:

- Oil and gas, natural gas and LNG
- Unconventional hydrocarbon production, such as shale
- FERC, the Texas Railroad Commission, Texas Public Utility Commission – all federal and state regulation
- Pipelines
- Energy lending for lenders and borrowers
- Environmental events and issues
- Condemnation

## Next Steps

Winstead's energy team is large, highly experienced and business-oriented. Our history in the oil fields, sensible staffing and fee arrangements, and comprehensive understanding of the most technical issues confronting the industry, make Winstead the right, national choice for any energy company today.