



ENERGY & ENVIRONMENTAL

Issues involving energy and environmental law are key components of Diamond McCarthy's litigation practice. Our cases range from the defense of oil and gas royalty litigation to the prosecution of pipeline supply contracts, including contract and tort claims arising out of hurricane damage in the Gulf, and the defense of major class actions. We have provided legal representation regarding joint operating agreements, liens and mortgages on mineral interests, all aspects of lien perfection issues, transfers and assignments of leases, working interests and overriding royalty interests, oil and gas reserve issues, valuation and other issues. We also have prosecuted and defended clients in matters relating to both traditional and new energies.

Our representations include antitrust, price-fixing, breach of contract, Ponzi scheme, RICO, fraud, interstate commerce, royalty payment disputes, shareholder rights and securities irregularities in addition to international disputes. We have also established a formidable reputation in environmental litigation, with wins for clients involved in difficult toxic tort cases and in disputes relating to plant engineering and operations.

Illustrative samples of our representations include:

- This past year Diamond McCarthy defended Transfield Services Americas, now Broadspectrum Corporation, an international conglomerate based in Houston, Texas that is a leading provider of operations, maintenance and construction services to the oil and gas, chemical, industrial and infrastructure sectors across the United States, Canada and Chile, in connection with its litigation in California over the construction and repair of an energy power plant in Alameda, California. Diamond McCarthy obtained a total defense victory.
- Diamond McCarthy also this year successfully represented Transfield Services Americas in connection with its defense of contractual guaranty and insurance claims arising out of complex multi-party litigation in the southern district of New York.
- This past year Diamond McCarthy also represented the equity committee of ATP Oil & Gas in connection with its bankruptcy proceedings in Houston, Texas attempting to maximize the sales proceeds and value of ATP assets and later represented the Chapter 7 trustee for ATP Oil & Gas in the liquidation of its remaining assets including various litigation recoveries. In this connection, Diamond McCarthy successfully resolved (i) non-consents for joint operating agreements; (ii) abandonment of oil and gas properties; (iii) plugging and abandonment of oil reserves; (iv) valuation impacts of capex projects; and (v) reserve report covenant issues.
- Diamond McCarthy also just completed its representation of a Houston based chemical company in connection with its corporate and financial restructuring efforts with its financial institution lenders and other creditors and advised with respect to litigation claims involving plant defects, wrongful death and other damages.
- Diamond McCarthy also successfully represented a publicly traded exploration and Production Company against multi-hundred-million dollar claims that the company participated in an industry-wide antitrust conspiracy to suppress all lease bonuses and royalties paid for Barnett Shale leases. Our attorneys

successfully challenged the plaintiffs' standing to bring antitrust claims resulting in a dismissal of the plaintiffs' claims against our client with prejudice. We then defended that dismissal order before the Second Court of Appeals in Fort Worth, Texas.

- Diamond McCarthy is currently representing Northstar Energy, an exploration and production company, in connection with its bankruptcy proceedings in Houston, Texas addressing (i) royalty interest payments and disputes; (ii) Joint Operating Agreement requirements and relations with working interest holders; (iii) transfers and assignments of leases, working interests and overriding royalty interests; (iv) M&M lien assertion and perfection issues in the context of oil services and liens placed on third party leases and working interests under Texas and Louisiana law; (v) surety bonding requirements and regulations viz. BOEM and BSEE; (vi) Liens and mortgages on mineral interests generally, including perfection and other security issues; and (vii) reserve requirements.
- Diamond McCarthy currently represents C&J Energy Services (Texas counsel with Davis, Polk & Wardwell in NYC) in connection with (i) M&M lien and other statutory lien assertion and perfection issues with respect to oil services and third party leases in Oklahoma, Kansas and Texas;(ii) blanket lien perfection issues on operating equipment, including rolling stock and personalty and (iii) enterprise valuation disputes.
- Diamond McCarthy has represented Dune Energy, Inc. with respect to indemnity claims, M&M lien claims, and service provider contract disputes.
- Diamond McCarthy has litigated and defended hundreds of oil & gas royalty claims in numerous western states on behalf Anadarko Petroleum.
- Diamond McCarthy lawyers also have litigated many other cases for oil, gas and energy companies in years past.