

Sectors

Related Practices

Complex Commercial Litigation
Alternative Dispute Resolution, US
Domestic Arbitration, and Mediation
Fiduciary Litigation
Directors and Officers Liability
Litigation
Professional Liability Litigation
Corporate Asset Affirmative Recovery
Practice
Financial Institution Litigation
Breach of Contract
Business Divorce – Shareholder &
Partnership Disputes
Intellectual Property
International Dispute Resolution
Environmental Litigation

Related Sectors

Real Estate

Initial Contacts

Garrett S. Anderson
Associate
garrett.anderson@diamondmccarthy
.com
D: (713) 333-5128
David L. Earnest
Partner
david.earnest@diamondmccarthy.co
m
D: 212.430.5430

Energy and Natural Resources

Diamond McCarthy's energy and natural resource group handles a broad spectrum of issues and disputes across the sector. We act as advisors and counselors to our clients and are trusted to handle high-stakes litigation and arbitration in the United States and overseas. Our experience within energy and natural resources has evolved significantly over decades of representing clients from our origins in the oil patch of Texas to developing an international practice in which we have acted for clients across the globe from the US, Cayman Islands, Latin America, Africa, Europe, and others.

Diamond McCarthy's practice relies on a multi-disciplinary approach to deconstruct the vast array of complex issues that arise in the sector, and we are accomplished in navigating our clients through complicated jurisdictions. Our clients include domestic and foreign energy and natural resources producers, service and midstream companies, and terminals as well as governments and leading financial institutions that provide capital to the industry. We actively represent foreign and US domestic companies in cross-border disputes here in the US and in a wide array of jurisdictions around the world. Our entrenched relationships network of firms, experts, and consultants enable us to service our clients' needs in a variety of technical areas and venues around the globe.

Energy Litigation

Our litigation team has handled high-stakes and most complex disputes in the energy sector across the united states and abroad. For example:

- Multiple billion-dollar contract disputes and price renegotiations
- Defense of royalty litigation
- Prosecution of pipeline supply contracts
- Forced liquidations
- Fraud
- Breach of fiduciary duty
- Contract claims
- 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

Cross-Practice Experience

We have a particular concentration in areas that include financial distress situations including insolvency, intellectual property, and energy and natural resources. Diamond McCarthy's energy and natural resource team works closely with industry experts to adopt a contextualized, multi-disciplinary approach when needing to tackle complicated and sometimes novel international law issues.

Recent examples of our work include:

- Fraudulent Transfer, Negligent and Intentional Misrepresentation, Tortious Interference, Unjust Enrichment and Alter Ego/Piercing the corporate veil, and unfair business practices.
- Asserting claims for negligent and intentional misrepresentation arising from a dispute over construction of a gas-fired power plant.
- Dispute resolution and renegotiation of Natural Gas, Power, and other energy supply contracts.
- Complicated workouts and bankruptcy related proceedings with power companies.
- Evaluating and advising on how to renegotiate large uneconomic energy contracts including force majeure provisions.
- Representing minority and majority shareholders, and JV partners in various in natural gas pipeline, oil and mining disputes.

Representative Experience

- Acting as lead litigation counsel in connection with a multimillion-dollar cross-border litigation on behalf of major energy company and various of its affiliates against various Mexican based corporations and individuals. Parallel enforcement proceedings are ongoing in the Hague, Netherlands and Mexico with ultimate judgment enforcement in connection with Mexican legal proceedings.
- Advising a utility on potential claims under NAFTA arising from potential expropriation of a cross-border green energy project.
- Acted for energy company in dispute over a right of first refusal to acquire a natural gas pipeline in an international arbitration involving U.S., Mexican and Canadian interests
- Acted as lead and coordinating counsel on behalf of major energy company in cross-border litigation in the U.S., Trinidad & Tobago, and the BVI against various defendants in connection with a \$30+ million-dollar judgement by a Texas court. Brought liquidation proceedings in Trinidad and Tobago and BVI and international enforcement proceedings in NYC in connection under 28 U.S.C. Section 1782.
- Acted on behalf one of the largest utilities in the US through arbitration and litigation of California's multi-year efforts to get out of a US\$13 billion dollar Power Purchase Agreement.
- Acted for an energy company in dispute with Occidental Petroleum over whether a 500MW natural gas-fired power plant was dedicated to a specific Power Purchase Agreement.
- Acted for a U.S. oil and gas company in litigation and arbitration relating to the development of a gas field in the Norwegian North Sea. This matter involved parallel proceedings in the United States and Germany.

For more information on our representative experience please reach out to our initial contacts or email michael.evian@diamondmccarthy.com.