



William A. Moss

Senior Counsel

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About Will

Will Moss focuses his practice on complex commercial litigation matters with a special emphasis on energy disputes. His wealth of experience in oil and gas litigation enables him to provide effective business advice to both resolve and prevent disputes as well as advise clients navigating the energy transition. This includes everything from trade secrets and title disputes to joint operating agreements and ownership of subsurface pore space for carbon sequestration and enhanced recovery.

Will interned for the Honorable Frank Montalvo of the US District Court for the Western District of Texas and for the Honorable Reed O'Connor of the US District Court for the Northern District of Texas. Will also worked as an in-house landman for Chesapeake Energy Corporation and as a licensed commercial real estate broker which lend an inside perspective to his practice.

Recent Notable Matters

Fortune 500 O&G operator — carbon sequestration project in the Permian Basin involving analysis of land rights on approximately 25,000 acres.

King Ranch, Inc. — negotiation of a pore space lease and surface use agreement covering approximately 106,000 acres for the development of an industrial scale direct air capture carbon sequestration project in Kleburg County, Texas.

Private Oil Company — trial counsel to a private oil and gas company in a multi-million dollar dispute against its Retail Electric Provider and Qualified Scheduling Entity arising from the February 2021 Texas winter storm.

Confidential Client — trial counsel to surface and mineral owner of 30,000 acres in dispute against mineral lessee and operator for termination of mineral leases and conversion of proceeds from hydrocarbon production.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in products liability action against OCTG manufacturer and breach of contract claims against casing distributor, inspection, and installation companies stemming from damage to a horizontal oil and well

caused by defective casing. Case settled favorably following discovery.

Private Oil Company — successfully represented private oil company in a dispute with its drilling contractor under IADC Daywork Drilling Contract.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in coverage dispute under a control of well policy stemming from incomplete cement displacement caused by damaged drilling pipe. Case settled favorably following mediation.

Private Oil Company — represented a private oil and gas company in a multi-million dollar dispute brought by a putative purchaser stemming from a failed merger.

Private Energy Trading Company — represented a private natural gas trading firm in multi-million dollar dispute against electricity generator arising from the February 2021 Texas winter storm.

Foro Energy — successfully defended Foro Energy in a lawsuit brought by an engineering and manufacturing firm alleging misappropriation of trade secrets and breach of a non-disclosure agreement relating to the design of an offshore umbilical deployment system. Following a week-long federal bench trial, Foro obtained a complete take-nothing judgment and prevailed on all claims.

International Chemical Terminal Company — successfully defended worldwide operator of tank storage terminals in multi-million dollar commercial arbitration brought by a general contractor hired to construct a multi-tank brownfield expansion inside the client's operating terminal. Case settled favorably prior to arbitration hearing.

Private Equity Fund — successfully represented a multi-billion dollar private equity fund and three fund-affiliated entities against claims by a prospective management team for breach of a confidentiality agreement, misappropriation of trade secrets, and various other claims stemming from unsuccessful discussions regarding an investment in a project in the Austin Chalk formation in Southeastern Louisiana. During discovery, learned that the prospective management team had copied and disclosed the fund's work product to third parties without protection. The client asserted copyright infringement counterclaims and removed the case to federal court. After defeating repeated attempts to remand the case back to state court; striking the opposing technical and damages expert; and obtaining a liability finding on the fund's copyright counterclaims, the Court granted client's motion for summary judgment and dismissed all of the claims against the fund.

International Chemical Terminal Company — successfully defended worldwide operator of tank storage terminals in multi-million dollar in chemical exposure claim.

Private Oil Company — successfully represented a private oil and gas company against royalty payment claims from mineral lessee.

Timberwolf Minerals, LLC — successfully represented client in a title dispute involving the interpretation of a term mineral interest in Kingfisher County, Oklahoma. Bracewell argued that under Oklahoma law, even a temporary cessation of production automatically extinguishes a term mineral interest. Upon accepting Bracewell's argument, the Court dismissed all of the plaintiff's claims with prejudice.

Private Equity Fund — successfully represented a multi-billion dollar private equity fund against claims by a prospective management team for breach of a confidentiality agreement, misappropriation of trade secrets, and various other claims stemming from unsuccessful discussions regarding an investment in a project in the Eagle Ford Shale formation in South Texas. Less than three months into the lawsuit, Bracewell filed a motion to dismiss all of the prospective management team's claims under the Texas Citizens Participation Act. After the Court granted the motion and awarded the fund six-figures in attorney's fees, the parties entered into a confidential settlement agreement resolving the fund's counterclaims and the lawsuit.

International Chemical Terminal Company — successfully defended worldwide operator of tank storage terminals in multi-million dollar in toxic tort claim.

Private Equity Portfolio Company — successfully represented a private equity portfolio company against breach of contract claims stemming from the purchase of minerals in Ward County, Texas.

Private Equity Portfolio Company — successfully represented a private equity portfolio company against adverse title claims to an entire section in the Midland Basin brought by two competing E&P companies who had taken top-leases. After fending off claims that the base lease had expired due to a cessation of production; failure to produce in paying quantities; failure to comply with continuous drilling obligations; and whether lease saving operations were timely conducted, the parties entered into a confidential settlement agreement resolving the adverse title claims and resulting in a favorable divestiture of the leasehold for the client.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in a dispute related to drag along rights in large sale of oil and gas assets.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in a dispute related to third party's alleged right of first refusal to key leases included in a large of oil and gas assets.

Private Oil Company — successfully represented a private oil and gas company against environmental contamination and breach of contract claims from mineral lessee and surface owner.

Private Oil Company — successfully represented a private oil and gas company against royalty payment claims from mineral lessee.

Confidential Client — successfully represented provider of clinical trial research facilities and services in contractual dispute with clinical trial placement agency relating to agency's entitlement to commissions on existing and prospective clinical trial related business contracts. Less than a month after the lawsuit was filed, the parties entered into a favorable confidential settlement agreement.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in a dispute related to third party's alleged preferential rights to key leases included in a large sale of oil and gas assets.

Private Oil Company — successfully represented a private oil and gas company in challenging a cloud on its title to an entire section in the Midland Basin resulting from top-leases taken by a competing E&P company. Upon demonstrating that the base lease had not expired due to a cessation of production; failure to produce in paying quantities; failure to comply with continuous drilling obligations; or the timely commencement of lease saving operations, the parties entered into a confidential settlement agreement resolving the adverse title claims and obtaining a favorable acreage exchange for the client.

Private Equity Portfolio Company — successfully represented a private equity portfolio company in a dispute related to drag along rights in large sale of oil and gas assets.

Confidential Client — successfully represented provider of luxury plating services to the business aviation industry in breach of contract claims against a luxury aircraft company and a casino and resort company. Within three months of initiating the action, the parties entered into a favorable confidential settlement agreement.

Private Equity Portfolio Company — successfully represented a private equity portfolio company against adverse title and conversion claims relating to mineral interest that had been acquired via tax foreclosure. The Court granted Bracewell's motion for summary judgment on limitations and statutory prerequisite grounds and dismissed the plaintiff's claims in their entirety.

Bomasada Group, Inc. — successfully represented client and its principals against eight-figure breach of contract and fraud claims by former manager who claimed to be putative partner. Two months before trial, Bracewell identified a fatal legal flaw in the putative partner's claims and obtained a complete dismissal of all claims.

Triple Crown Energy LLC — successfully represented client and BCF Minerals as lead associate in a jury trial in Tulsa, Oklahoma, involving a dispute with a land services broker over commissions related to several large mineral rights and leasehold acquisition projects; plaintiff sought over \$2 million in connection with various contract and tort claims; after a week-long trial, the jury returned a verdict denying the plaintiff any commissions and rejecting all tort claims.

Juno Energy, LLC — successfully represented client as lead associate in a bench trial of an eight-figure title dispute involving oil and gas properties in West Texas; on the second day of trial, secured a successful

settlement with one party, but continued the trial against the other remaining party; after a week-long bench trial, the judge ruled immediately after closing arguments in client's favor holding that it had title to the disputed leasehold.

Vopak Terminal Deer Park — successfully represented client against Vertical, a Brazilian ethanol trading company, eight-figure breach of contract and fraud claims. Following dramatic revelations obtained from Vertical's own witnesses and documents, obtained the complete dismissal of the case one-week before trial.

Pro-Bono Representation — successfully represented student against attempt to recover on delinquent student loan. Despite language in the operative agreement applying a substantially longer statute of limitations from another jurisdiction, successfully argued the application of a shorter limitations period and obtained complete dismissal of all claims on summary judgment.

Publications and Speeches

"A Line In (and Under) the Sand," *Texas Bar Journal*, March 2024.

"Storage Wars: Ownership of Subsurface Salt Cavern Storage Rights," *National Law Review*, February 24, 2023.

"Critical Considerations for the Development and Operation of Carbon Capture, Utilization, and Storage Projects," Chapter 7, 68 FNREL-INST 7, 2022.

"Adverse Possession In The Oil Patch," *Oil & Gas Financial Journal*, December 8, 2016.

"From Classroom to Courtroom; Practical Tips to Help Prepare Associates for Their First Trial," *Texas Lawyer*, October 1, 2016.

Education

South Texas College of Law Houston, J.D.
2014 – *summa cum laude*

Rice University, B.A.
2009

Noteworthy

Lawdragon Inc., *Lawdragon 500 X - The Next Generation*, Commercial Litigation, especially Energy, 2023

The Legal 500 United States, Energy Litigation: Oil and Gas, 2023

BL Rankings, *Best Lawyers*, Ones to Watch, Commercial Litigation, 2022, 2024

U.S. District Court for the Western District of Texas, Intern

U.S. District Court for the Northern District of Texas, Intern

South Texas College of Law Houston, *South Texas Law Review*

Bar Admissions

Texas