



Energy Litigation

Bracewell has “the full spectrum of expertise needed” to handle any dispute in the energy sector, according to *Chambers USA* (2024).

Our lawyers, who are nationally ranked by *Chambers USA* and *Legal 500 US*, represent energy companies, both as plaintiffs and as defendants. This gives us a unique understanding the strategies used by both sides and the issues likely to make a difference in a case’s ultimate outcome. We draw on this knowledge to focus our arguments on the points that will most likely resonated with judges, arbitrators and juries.

Our energy litigation practice is broad in scope. We handle a range of matters that includes:

- royalty disputes, including private litigation and government actions
- upstream oil and gas operations
- supply contract litigation
- service contract litigation
- energy project construction disputes
- downstream operations and contracts
- pricing and trading litigation
- regulatory reviews and rate-making proceedings
- intellectual property, including patents and trade secrets
- government investigations and litigation
- international arbitration

In the oil and gas sector, for example, we successfully represented **Apache** against Apollo Exploration LLC in one of the most significant oil and gas cases in recent memory. We also represented Apache

Areas of Focus

Litigation

in industry-leading arbitration related to royalty ownership, pollution, class actions, oil and gas co-tenancies and lease termination.

In the power and renewables sector, we represent some of the world's largest power producers in litigation and arbitration throughout the United States, including before federal and state regulatory bodies. Our lawyers have addressed virtually every major issue in power sector, from issues related to renewable energy to cross-border disputes. For several years, we have advised **Powerex** in connection with novel legal issues related to Canada's cross-border participation in the California Independent System Operator (CAISO)'s western energy imbalance market (EIM).

We Know Energy®.

Key Contacts



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Experience

Apache Corporation

- in the dismissal of all claims brought against Apache in one of the more significant recent cases arising in the context of depressed oil prices
- in a case of first impression regarding royalty ownership and oil and gas co-tenancies, successfully defended Apache against claims that Apache failed to pay correct royalties and failed to account correctly for co-tenancy rights in more than 100 horizontal wells in the Permian Basin region

BG Americas & Global LNG

BRACEWELL

- in two related arbitrations that established BG's right not to pay for unused midstream transportation capacity, and the obligation of the operator to market all hydrocarbons produced

Bluescape Resources Company

- in arbitrations arising out of the sale of oil and gas assets in Pennsylvania, Maryland and West Virginia to companies owned by legendary Texas oil man Boone Pickens

Direct Energy

- in a suit against entities owning four large-scale wind farms regarding complex claims focusing on the real-time Texas electricity trading market and the use of tax credits during forced curtailments of production of electricity at the wind farms

Eni Petroleum US and Eni US Operating

- in a multi-million dollar dispute of first impression regarding production and use of lift gas at the Devils Tower Spar, one of the largest oil and gas platforms in the world

Eni Petroleum US LLC and Marubeni Oil & Gas (USA) Inc.

- in a matter arising from oil and gas production at one of the largest oil and gas platforms in the world, including the use of "lift gas" in the production of Gulf of Mexico hydrocarbons, the contractual allocation of production handling capacity on the spar, the weight available for the installation of a completion/workover rig and the defendants' alleged overuse of production handling equipment

Eni S.p.A.

- in defeating a \$6.4 billion claim against Eni for the value of an oil and gas concession off the coast of West Africa

Foro Energy

- in a complete take-nothing defense judgment in a trade-secret showdown over a deployment wheel concept used for offshore oil and gas decommissioning work

GDF Suez Energy North America

- against allegations brought by participants in the US energy futures derivatives market claiming that the company used its bidding strategy to manipulate the market, causing the plaintiffs to suffer tens of millions of dollars in damages

Hilcorp Energy Company

in the dismissal of a class action royalty dispute involving natural gas production throughout the state of Texas

Juno Energy LLC

- in the trial of an eight-figure title dispute involving oil and gas properties in West Texas. On the second day of trial, Bracewell secured a settlement with one party, and continued the trial against the remaining party. After a week-long bench trial, the judge ruled immediately after closing arguments that Juno had title to the property

Layline Petroleum

- in a dispute arising over the post-closing purchase price adjustment in the sale of oil and gas interests to Wapiti Oil & Gas for \$375 million

NEXUS Gas Transmission, LLC

- in defending FERC-certificated \$2 billion interstate natural gas pipeline against multiple environmental and Natural Gas Act challenges in the US Court of Appeals for the Sixth and DC Circuits, including briefing and oral argument

Powerex Corp.

- the trading and marketing subsidiary of BC Hydro and Power Authority, in a series of litigation and appellate matters arising from the California energy crisis, defending claims in excess of \$1 billion including related proceedings before the Federal Energy Regulatory Commission. This litigation involved novel and complex issues arising under the Federal Power Act, as well as issues involving the Foreign Sovereign Immunities Act, the North American Free Trade Act and the Columbia River Treaty

PPL Montana

- in the arbitration of the sales price of the Kerr hydroelectric dam, a three-turbine dam constructed on tribal land in Montana

Seahawk Drilling

- (successor in interest to Pride International) in claims arising from the loss of the Wyoming drilling rig in the Gulf of Mexico during Hurricane Ike

Recognition

BRACEWELL

Our energy litigation team consistently ranks as a market leader in independent legal directories such as *Chambers* and *Legal 500*.

Chambers USA

- Nationwide Oil & Gas Litigation

Legal 500 UK

- London Commercial Litigation: Premium; London International Arbitration

Legal 500 US

- Energy Litigation: Electric Power
- Energy Litigation: Oil and Gas