



Energy Litigation
in the Appalachian Basin



ENERGY & NATURAL RESOURCES

As the natural gas industry continues to expand in the Appalachian Basin, the challenges for E&P companies and midstream operators have grown dramatically. With so many diverse interests and circumstances involved in the world’s largest shale play, the need for high quality, cost-effective litigation support has never been more important.



THE INDUSTRY IS CURRENTLY FACING RECURRING LITIGATION IN A NUMBER OF AREAS, INCLUDING:

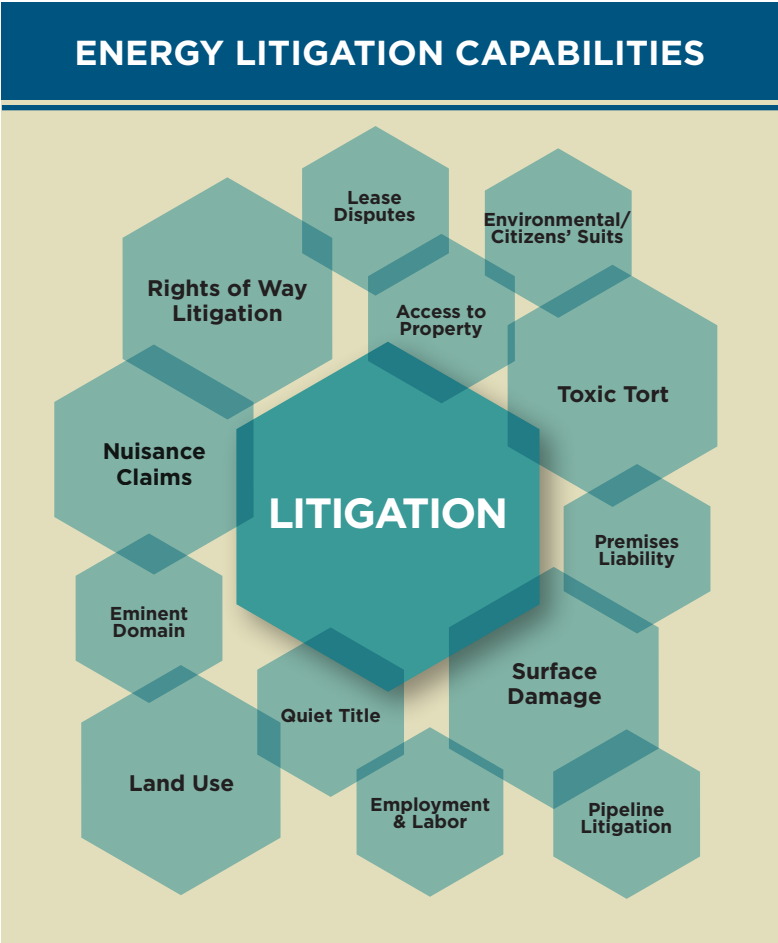
- Lease Challenges
- Challenges to Mineral Ownership
- Pipeline Construction Disputes
- Mechanics’ Lien Claims
- Pipeline Safety Actions
- Wage and Hour Claims
- Environmental and Toxic Tort Claims
- Regulatory Enforcement Actions
- Gas Migration Claims
- Seismic Activity Complaints

Energy litigators at Babst Calland are focused on each of these areas throughout the Appalachian Region. Our litigators in Pennsylvania, Ohio and West Virginia not only bring a deep understanding of the issues underlying these areas, they also offer a thorough understanding of the industry and its operations and state regulations.

PREVENTATIVE LAW APPROACH

Avoiding litigation, where possible, by resolving conflicts with precision is our first goal. Our multidisciplinary team of energy attorneys is focused on mitigating risk and exposure while meeting ongoing business needs. Although our Energy Litigation Practice Group is prepared to effectively and efficiently represent our clients in connection with litigation matters, our philosophy begins with developing a preventative legal strategy to reduce the likelihood of litigation.

Babst Calland’s Energy Litigation Practice Group is distinguishable in a number of other significant ways. Not only do we have energy litigators focused on the types of litigation now facing the industry, they are located in each of the states in the Appalachian Basin, and this team has the benefit of being supported by our multidisciplinary Energy and Natural Resources Practice Group. This approach allows us to provide our clients with high quality, cost-effective services in developing a litigation strategy and defending claims.



A DEEP BENCH FOR PA, OH & WV

Our energy litigation attorneys are a force in the Appalachian Region. We routinely litigate a broad range of matters affecting the energy industry, including toxic tort, gas migration, lease dispute, quiet title, environmental, regulatory, construction, land use, and zoning actions.

Since its inception, Babst Calland has been a “go-to” resource for the energy industry. Collectively, our attorneys have practiced in courtrooms and agency tribunals with a deep bench of litigators based in Pennsylvania, Ohio and West Virginia. We are uniquely qualified to represent producers and midstream operators in local courts throughout the Appalachian Region by providing a coordinated, consistent defense strategy to best protect our clients’ interests.

Our knowledge of both the judiciary system and regulatory environment in each state sets us apart to successfully defend a client’s interests in either negotiation or litigation. We have credible, accomplished litigators who not only manage litigation strategies, but also try cases.

MULTIDISCIPLINARY EXPERIENCE

The Energy Litigation Practice Group draws upon the depth and breadth of our diverse energy legal team, which includes former regulatory agency attorneys, in-house counsel, and attorneys with engineering and other technical degrees. This is particularly important to energy clients where environmental, employment and labor, pipeline safety, quiet title, and local land use issues are at stake. Our litigators are supported by energy attorneys who work collaboratively as a multidisciplinary team in the following practice areas:

- Environmental
- Title
- Construction
- Land Use
- Real Estate
- Employment and Labor
- Corporate and Commerical
- Transportation Safety

RESPONSIVE & RESULTS-DRIVEN

Our team of energy litigation attorneys is focused on addressing and anticipating client needs based on business strategy, priorities, and operating conditions in each state. We are able to mobilize quickly, efficiently and cost effectively. Our energy-related technical experience on many fronts is immediately available through our team of energy attorneys and advisors. We have offices staffed with attorneys who have a critical understanding of the practices, procedures, and personnel involved in resolving litigation disputes throughout the Appalachian Region.

COST-EFFECTIVE

A preventative legal strategy has the potential of providing more value and protecting a client’s bottom line. Similarly, an ongoing litigation process requires a knowledgeable team of energy attorneys with access to the right support system when and where it’s needed most. This type of collaboration requires fewer billable hours because of the short learning curve needed by attorneys with focused areas of practice. Our fees and approach to compensation for services are among the most competitive in the Appalachian Region. We believe every case requires a specific level of support that is most effective and efficient for advancing a client’s interest to a successful conclusion.



MEET OUR SENIOR ENERGY LITIGATORS

Our senior energy litigators manage each case and are well-prepared to handle a broad range of matters and issues confronting the energy industry. They are supported by a larger team of experienced litigators in each market area. We are experienced in handling energy lawsuits from inception through trial.



KATHY K. CONDO is co-chair of the Energy Litigation Practice Group. She is an accomplished litigator and is admitted to practice in Pennsylvania and West Virginia. Prior to Babst Calland, she spent more than 25 years in a national law firm practice, during which time she handled numerous jury and non-jury trials. She has extensive experience in handling toxic tort and commercial litigation in various federal and state courts, which has included trial work, as well as multi-state coordination of the defense of repetitive litigation.



TIMOTHY M. MILLER is co-chair of the Energy Litigation Practice Group. He is primarily involved in general civil litigation and has tried more than 30 significant cases to jury trial conclusion in the federal courts in both the Northern and Southern Districts of West Virginia, and numerous state courts. He maintains an emphasis on oil and gas, as well as natural resources and energy-related litigation with experience with defense of class actions and complex litigation before the West Virginia Mass Litigation Panel and the Supreme Court of Appeals of West Virginia. He has trial experience involving personal injuries, wrongful death, contract disputes, toxic torts, energy, timber and mineral law matters. He has also served as arbitrator and counsel in arbitration, mediation and litigation of contract claims, construction disputes, delay claims and changed site conditions.



KEVIN K. DOUGLASS has more than 30 years of experience litigating complex commercial matters, and he has handled multiple jury trials, non-jury trials and injunction proceedings in federal, state and bankruptcy courts. He is admitted to practice in Pennsylvania and West Virginia. He represents an increasing number of natural resources and energy clients in a variety of litigation matters involving lease, royalty, title and surface disputes, pipeline construction, and challenges to municipal ordinances. Mr. Douglass is also past president of the Energy and Mineral Law Foundation.



STEVEN B. SILVERMAN has more than 30 years of commercial litigation experience with an emphasis on natural gas title and lease disputes and other energy-related cases. He also routinely handles cases involving access to leaseholds and disputes among operators arising from industry-related transactions. He is admitted to practice in Pennsylvania and Ohio.



MARK K. DAUSCH specializes in energy, environmental and commercial litigation. As lead trial counsel, he has tried bench and jury trials to verdict in state and federal courts, alternative dispute resolution forums and before government agencies. He has defended oil and gas producers and contractors in personal injury, toxic tort, nuisance and lease dispute claims and in zoning and local government litigation. He also has represented oil and gas clients in claims before the Pennsylvania Environmental Hearing Board, including environmental permit appeals and water quality and civil penalty claims. He is admitted to practice in Pennsylvania, Ohio and West Virginia.



MATTHEW S. CASTO focuses his practice on energy matters, with an emphasis in commercial and general litigation, and is admitted to practice in West Virginia, Ohio and Kentucky. He represents clients in connection with contract and lease disputes, toxic tort, and energy and mineral law matters including, but not limited to, surface disputes, royalty, leasing and seismic matters. His experience with regard to these matters involves coordinating initial investigations, conducting negotiations on behalf of clients, and serving as lead trial counsel during all phases of discovery and at trial.



DAVID E. WHITE concentrates his practice on construction and commercial litigation. He has handled contract/scope of work disputes, mechanics' lien claims, delay and breach of warranty claims, and product defect/premises liability suits arising out of pipeline construction. He is admitted to practice in Pennsylvania.

ABOUT US

Babst Calland has a track record and reputation for representing clients in both conventional and unconventional natural resource development plays. We are best known for a comprehensive multidisciplinary legal team and approach complemented by our strong environmental practice and regulatory capability. We are viewed by clients as one of the key providers of legal services to the energy industry. Babst Calland was ranked by the *Pittsburgh Business Times* as the largest law firm energy practice in the region. Babst Calland is also recognized by Best Law Firms®, ranked by Best Lawyers® in various practice areas.

Find out more at BABSTCALLAND.COM.

CONTACT US

To request a confidential meeting or additional information about our Energy and Natural Resources practice, experience and capabilities, please contact:

ENERGY LITIGATION PRACTICE CO-CHAIRS

KATHY K. CONDO
KCondo@babstcalland.com
412.394.5453

TIMOTHY M. MILLER
TMiller@babstcalland.com
681.265.1361

ENERGY & NATURAL RESOURCES GROUP CO-CHAIRS

JAMES CURRY
JCurry@babstcalland.com
202.853.3461

SEAN M. MCGOVERN
SMcGovern@babstcalland.com
412.394.5439

PITTSBURGH, PA
412.394.5400

CHARLESTON, WV
681.205.8888

HARRISBURG, PA
717.868.8377

STATE COLLEGE, PA
814.867.8055

WASHINGTON, DC
202.853.3455