

Craig L. Stahl



**Partner**

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**PRACTICES**

Appellate  
Arbitration/Mediation  
Class Action Litigation  
Commercial Litigation  
Energy Disputes and  
Litigation  
Oil and Gas Disputes  
Qui Tam

**EDUCATION**

JD, 1984, Southern  
Methodist University  
Dedman School of Law  
BA, 1981, *cum laude*,  
Princeton University

**ADMISSIONS**

Texas 1984  
United States Supreme  
Court  
United States Courts of  
Appeals for the Fifth,  
Tenth, and District of  
Columbia Circuits  
United States District  
Courts for the Northern,  
Southern, Western, and  
Eastern Districts of  
Texas

Craig's practice is focused on complex commercial litigation with an emphasis on oil and gas, although he has also handled trial and appellate matters in a wide variety of fields involving business torts and contractual disputes. As lead trial counsel, Craig has had primary responsibility for numerous multi-million dollar lawsuits and appeals filed in state and federal courts, not only in Texas, but also throughout the nation. He has represented a broad range of clients, including major energy producers, pipelines and marketers, royalty trustees, national real estate concerns, technology companies, and financial institutions, and he has also served as an arbitrator on energy-related matters. Craig splits his time between the firm's Houston office and The Woodlands office, which he manages.

**REPRESENTATIVE EXPERIENCE**

Some of Craig's representative energy cases include:\*

- Case No. 1:11-CV-00045-DPM; *Phillip Berry and Peggy Berry v. Southwestern Energy Company, XTO Energy, Chesapeake Energy Corporation, and BHP Billiton Petroleum (Fayetteville), LLC*; In the United States District Court for the Eastern District of Arkansas. Defense of shale gas producer in putative class action in Arkansas federal court over alleged groundwater contamination caused by fracking. (Still pending)
- Case No. 1:11-CV-00044-DPM; *James Tucker and Mindy Tucker v. Southwestern Energy Company, XTO Energy, Chesapeake Energy Corporation, and BHP Billiton Petroleum (Fayetteville), LLC*; In the United States District Court for the Eastern District of Arkansas. Defense of shale gas producer in putative class action in Arkansas federal court over alleged groundwater contamination caused by fracking. (Still pending)
- Cause No. 4:11-CV-00943; *Chevron U.S.A. Inc. v. Samson Offshore Company*; In the United States District Court for the Southern District of Texas. Representation of GOM operator in successful suit to compel arbitration of dispute over idle drillship charges and related joint account expenses caused by Federal offshore drilling moratorium.
- Case No. 9:10-CV-01680-CWH; *Richard T. Sonberg v. ConocoPhillips Company*; In the United States District Court for the District of South Carolina, Beaufort Division. Defended producer in royalty owner check-stub litigation over Wyoming properties. Obtained dismissal of claims without any payment by client. (2010)

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- Civil Action No. 90 C 30; *Quinque Operating Co., et al. v. Gas Pipelines, et al.*; In the 26<sup>th</sup> Judicial District Court of Stevens County, Kansas. Defense of midstream clients in putative class action in Kansas state court alleging mismeasurement of natural gas. Still pending on appeal, but trial court has twice denied class certification. (2010)
- Case No. CJ 2007 03834; *Kaiser-Francis Oil Company v. Finley Resources Inc., et al.*, In the District Court of Tulsa County, State of Oklahoma. Defense of producer client regarding alleged preferential right of purchase contained in loan agreement. Court granted summary judgment that preferential right had not been properly exercised because claimant had exercised the right as to less than all properties covered by the preferential right. Affirmed by Oklahoma Supreme Court. (2010)
- Case No. 2006-01984; *MOSH Holding, L.P. v. Pioneer Natural Resources Company, Pioneer Natural Resources USA, Inc., Woodside Energy (USA) Inc., and JPMorgan Chase Bank, N.A., as Trustee of the Mesa Offshore Trust*; In the 334<sup>th</sup> Judicial District Court of Harris County, Texas. Defended corporate trustee of a publicly-traded royalty trust. Claims included allegations of failure to develop and breach of fiduciary duty. Plaintiffs sought \$1.1 billion, but after several weeks of bench trial, the court approved settlement releasing our client, the Trustee, for only \$5 million. (2010)
- Cause No. 48-221167-06; *James D. Finley, et al. v. Wagner Oil Company, et al.*; In the 48<sup>th</sup> Judicial District Court, Tarrant County, Texas. Suit by non-operator client to enforce AMI and PRP claims for properties in Texas and Louisiana. Obtained favorable confidential settlement and conveyance of properties at commencement of trial. (2010)
- Civil Action No. 97 CV 189D (99-MD-1604-D); *United States ex rel. Jack J. Grynberg v. Burlington Resources Oil & Gas Co., et al.*; In the United States District Court for the District of Wyoming. Represented six midstream defendants in industry-wide *qui tam* suit alleging that pipelines and gatherers mismeasured natural gas. U.S. Supreme Court refused cert on 10<sup>th</sup> Circuit affirmance of summary judgment for our clients. (2009)
- CA No. 5:03CV264; *United States of America ex rel. Harold E. (Gene) Wright v. Burlington Resources Inc., et al.*; In the United States District Court for the Eastern District of Texas, Texarkana Division. Defended producer in False Claims Act case over federal benchmark royalty payments. Although DOJ sued for \$1.1 billion in actuals and treble damages, we obtained favorable settlement for less than 1/3 of the actual damages without any FCA punitives. (2008)
- Civil No. 84628; *In Re The Freeport-McMoran Oil & Gas Royalty Trust, Charles D. Haley, et al. v. JPMorgan Chase Bank, N.A.*; In the Probate Court Number One of Travis County, Texas. Defense of trustee in \$16 million suit by former unit holders for alleged breach of fiduciary duty in termination and sale of oil and gas royalty trust. Summary judgment for client dismissing all claims. (2008)
- Cause No. 2007-46732; *EOG Resources, Inc. v. Bailey Banks Seismic, LP*; In the 157<sup>th</sup> Judicial District Court of Harris County, Texas. Suit for declaratory judgment that producer client had no duty to pay seismic licensing fees as a result of corporate reorganization. Obtained dismissal without any payment by EOG. (2008)
- Civil Action No. 4:07-CV-00986; *Maurice F. Alves, Jr., Denise G. Alves, Andrea Lee Thomas, Sandra P. Evans v. ConocoPhillips Company, Nippon Oil Exploration (Texas) Limited, et al.*; In the United States District Court for the Southern District of Texas, Houston Division. Defended several producer clients in \$5 million unit dispute over entitlement to oil and gas royalty payments. All claims against clients dismissed on summary judgment. (2008)
- No. CIV-05-1397; *United States of America, ex rel. Little and Morris v. ENI Petroleum Co., Inc., et al.*; United States District Court for the Western District of Oklahoma. Defended *qui tam* suit against producer clients over alleged failure to pay interest on past royalty obligation. Won summary judgment dismissal. (2007)
- Cause No. 05-1043; *Jennie B. Hanes, et al v. BP America Production Co., et al.*; In the 71<sup>st</sup> Judicial District Court of Harrison County, Texas. Defended producer client in class action alleging failure to develop. Settled favorably with agreed drilling program without any cash consideration. (2007)
- Cause No. 017-210270-05; *Finley Resources Inc., et al. v. XTO Energy Inc.*; In the 17<sup>th</sup> Judicial District Court of Tarrant County, Texas. Prosecuted AMI claim for producer clients. Case settled for \$93 million payment to our clients after successful bifurcated trial on liability. (2007)

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- Cause No. A400866; *Burlington Resources Trading Inc. v. Saguaro Power Co.*; In Dept. No. VIII of the District Court of Clark County, Nevada. Multi-week trial in Nevada State Court for producer client to enforce \$30 million long-term contract to provide natural gas to Las Vegas cogeneration plant. Judgment for client awarding specific performance plus \$1.3 million in fees and expenses. Affirmed by Nevada Supreme Court. (2005)
- Cause No. 2003-16828; *The Ludwig Institute for Cancer Research and Universe Tankships, Inc. v. BHP Billiton Petroleum Ltd., et al.*; In the 129<sup>th</sup> Judicial District Court of Harris County, Texas. Defended AMI claim concerning Dutch North Sea properties and successfully transferred case under forum non-conveniens motion to London court. (2004)
- Cause No. 97-51346; *North Central Oil Corp. v. The Louisiana Land and Exploration Company, W.A. Moncrief, Jr. and, Moncrief Partners, L.P.*; In the 164<sup>th</sup> Judicial District Court of Harris County, Texas. Defended AMI claims against operator client. Case was tried to jury and settled on favorable terms for client after JNOV. (2003)
- *In re Burlington Resources Oil & Gas Company, L.P. v. The San Juan Basin Royalty Trust, Bank One, Trustee* (AAA Arbitration). Representation of operator client in dispute with royalty trustee over the valuation of natural gas production and the resulting royalty obligation. Obtained 2-1 "baseball" arbitration decision in favor of our client. (2002)
- Civil Action No. 9:98CV101 (00-MD-1676-D); *United States ex rel. M. Glenn Osterhoudt, III v. Amoco Production Co., et al.*; In the United States District Court for the Eastern District of Texas. Defended producers in *qui tam* suit over federal royalty payments. Obtained summary judgment dismissal under *qui tam* "first to file" rules. (2001)
- Cause No. 9:00CV197 (01-MD-1678-D); *United States ex rel. Mark A. Perry v. Burlington Resources Inc., et al.*; In the United States District Court for the Eastern District of Texas. Defended producers in *qui tam* suit over federal royalty payments. Obtained summary judgment dismissal under *qui tam* "first to file" rules. (2001)
- Cause No. 98-12265; *South Dauphin II Ltd. Partnership v. M-I Drilling Fluids, L.L.C.*; In the 189<sup>th</sup> Judicial District Court of Harris County, Texas. Prosecuted claims for producer client against contractor for certain drilling fluids and technical advice in relation to the drilling on an offshore GOM well. Settled favorably with a confidential amount paid to our client. (2000)
- Cause No. 96-08-07451CV; *Gloria Garcia Lopez, et al. v. Mobil Producing Texas & New Mexico Inc., et al.*; In the 79<sup>th</sup> District Court of Brooks County, Texas. Defense of producer client in suit for "average of two highest prices in Railroad District" royalty suit. Plaintiffs sought \$150 million, but after we successfully recused the judge on eve of trial, case settled for \$2 million. (2000)
- Cause No. 95-08-19,538-CV; *Briscoe Ranch, Inc., et al. v. LAE Energy, Inc., et al.*; In the 38<sup>th</sup> Judicial District Court of Uvalde County, Texas. Defense of operator in royalty dispute with former Texas Governor. Obtained favorable confidential settlement. (1997)
- Cause No. 95-020846; *H.E. (Gene) Holder, Jr. and Dan H. Montgomery v. Offshore Energy Dev. Corp.*; In the 269<sup>th</sup> Judicial District Court of Harris County, Texas. Defense of producer client from claims by alleged "joint venturers" regarding ownership of gathering system in GOM waters off of Alabama. Obtained dismissal after summary judgment. (1997)
- Cause No. 94-009066; *Fina Oil and Chem. Co., McElvain Oil & Gas Properties, Inc., and T.H. McElvain Oil & Gas Ltd. Partnership v. Meridian Oil Inc.*; In the 11<sup>th</sup> Judicial District Court of Harris County, Texas. Defense of COPAS claims from non-operator against operator client. Obtained favorable settlement for approximately 1/2 of Plaintiff's attorneys' fees. (1996)

**Sample Reported Appellate Cases**

- *In re Torch Energy Marketing, Inc.*, 989 S.W.2d 20 (Tex. App.—San Antonio 1998, no pet.) (original proceeding).
- *Wenner, et al. v. Texas Lottery Comm'n*, 123 F.3d 321 (5<sup>th</sup> Cir. 1997), *cert. denied*, *Texas Lottery Comm'n v. Wenner*, 523 U.S. 1073 (1998).
- *Brown v. Bank of Galveston, N.A.*, 930 S.W.2d 140 (Tex. App.—Houston [14<sup>th</sup> Dist.] 1996), *affirmed*, 963 S.W.2d 511 (Tex. 1998).
- *Cherryhurst Properties v. Larry Latham Auctioneer's, Inc., et al.*, 1998 WL 653453 (Tex. App.—Hous. (1 Dist.) writ ref'd n.r.e.).

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- *Ward v. Resolution Trust Corp., et al.*, 796 F. Supp. 256 (S.D. Tex. 1992), *appeal dismissed*, 996 F.2d 99 (5<sup>th</sup> Cir. 1993).
- *In re Southmark Corp.*, 138 B.R. 831 (N.D. Tex. 1992), *affirmed*, 993 F.2d 117 (5<sup>th</sup> Cir. 1993).

\* Prior results do not guarantee a similar outcome in future matters.

### AFFILIATIONS

- Houston Bar Association
- State Bar of Texas
- Houston Bar Foundation
- Texas Bar Foundation
- Advisory Board Member of the Institute for Energy Law
- Rocky Mountain Mineral Law Foundation
- Former Adjunct Professor at the University of Houston Law Center
- Former Academic All-American and Collegiate Soccer Player
- US Soccer Federation "A" Licensed Coach

### PRESS RELEASES

- Andrews Kurth Announces 2011-2012 Policy Committee Election (August 2, 2011)