

Jeffrey T. Kuehne



Partner

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Jeff is a member of the firm's Litigation Section, primarily handling commercial litigation with an emphasis on oil and gas. Jeff has also handled trial and appellate matters in a wide variety of fields involving business torts and contractual disputes. Jeff has served as counsel in numerous multi-million dollar lawsuits and appeals filed in state and federal courts, not only in Texas, but also throughout the nation for major energy producers, suppliers and marketers, royalty trustees, technology companies and financial institutions.

REPRESENTATIVE EXPERIENCE

Some of Jeff's representative energy cases include:*

- Cause No. 48-221167-06; *James D. Finley, et al. v. Wagner Oil Company, et al.*; In the 48th Judicial District Court, Tarrant County, Texas. Suit by non-operator client to enforce area of mutual interest and preferential right to purchase claims for properties in Texas and Louisiana. Obtained favorable confidential settlement at commencement of trial. (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 to 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)
- Civil Action No. 90 C 30; *Quinque Operating Co., et al. v. Gas Pipelines, et al.*; In the 26th 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)
- 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 to grant certiorari on 10th Circuit affirmance of summary judgment for our clients. (2009)

INDUSTRIES

Banking/Financial Services
Energy
Natural Gas
Oil and Gas

PRACTICES

Arbitration/Mediation
Banking/Finance Litigation
Class Action Litigation
Commercial Litigation
Energy Disputes and Litigation
Litigation
Oil and Gas Disputes
Qui Tam
Securities Litigation

EDUCATION

JD, 1997, *magna cum laude*, Baylor University School of Law
BS, 1994, Mechanical Engineering, Texas A&M University

ADMISSIONS

Texas 1997
United States Court of Appeal for the Fifth Circuit
United States Court of Appeal for the Tenth Circuit
United States District Court for the Southern District of Texas
United States District Court for the Northern District of Texas
United States District Court for the Western District of Texas

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United States District
Court for the Eastern
District of Texas

- 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 Department of Justice sued for \$1.1 billion in actual and treble damages, we obtained favorable settlement for less than 1/3 of the actual damages. (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)
- 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.*; In the 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 71st Judicial District Court of Harrison County, Texas. Defended producer client in class action alleging failure to develop lease premises. Settled favorably without any cash consideration. (2007)
- Cause No. 017-210270-05; *Finley Resources Inc., et al. v. XTO Energy Inc.*; In the 17th Judicial District Court of Tarrant County, Texas. Prosecuted area of mutual interest claim for producer clients. Case settled for \$93 million payment to our clients after successful bifurcated trial on liability. (2007)
- Cause No. 2003-16828; *The Ludwig Institute for Cancer Research and Universe Tankships, Inc. v. BHP Billiton Petroleum Ltd., et al.*; In the 129th Judicial District Court of Harris County, Texas. Defended joint venture dispute claim concerning North Sea properties and successfully transferred case under forum non conveniens motion to London court. (2004)
- 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)

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- Cause No. 98-12265; *South Dauphin II Ltd. Partnership v. M-I Drilling Fluids, L.L.C.*; In the 189th 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)

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

AFFILIATIONS

- State Bar of Texas
- Houston Bar Association (Member, Oil & Gas and Litigation Sections)
- Institute for Energy Law, Advisory Board
- Woodlands Bar Association