

Stuart C. Hollimon



Partner

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Stuart is a former Chairman of the Oil, Gas and Mineral Law Section of the State Bar of Texas. His practice is devoted exclusively to oil and gas litigation and transactions and focuses primarily on the upstream and midstream segments of the industry. Stuart routinely represents producers, processors and pipelines in a wide range of matters, including royalty litigation, lease termination cases, disputes arising under operating agreements, gas contract litigation, implied covenant litigation and disputes arising under gas purchase contracts and gas processing agreements. He has been lead counsel in major energy litigation in state and federal courts throughout Texas and has extensive arbitration experience as well. In addition, Stuart regularly represents producer clients in acquisitions of producing properties.

REPRESENTATIVE EXPERIENCE

Some of Stuart's representative litigation and transactions include the following matters:

- In 2011, obtained \$3.8 million jury verdict for plaintiff operator in suit to recover cost of plugging wells in the Gulf of Mexico
- In 2010, successfully represented non-operator in joint interest audit claim relating to West Africa producing field and related damage claim against the operator for mismanagement of certain capital projects relating to the field
- In 2010, obtained dismissal of Federal Court RICO action accusing operator of conspiracy to "steal" certain mineral interests purportedly owned by various third parties
- In 2010, obtained favorable Judgment in a trespass-to-try-title action to pooled gas unit upholding validity of client's oil and gas lease
- In 2010, obtained order denying class certification of royalty owner suit alleging failure to reasonably develop gas units
- In 2009, obtained injunction enjoining landowner from denying surface access to operator client
- In 2008, obtained favorable defense judgment for large independent operator in damage suit brought by non-operator for loss of oil and gas lease due to late payment of royalty
- In 2007, obtained "take nothing" defense decision for major producer in arbitration relating to client's alleged failure to reassign certain federal leases situated in the Deepwater Region of the Gulf of Mexico
- In 2007, represented Sellers in divestment of \$48 million of producing properties in the Overton Field in Texas

INDUSTRIES

Energy
Energy Transactions
Natural Gas
Oil and Gas
Wind Energy

PRACTICES

Commercial Litigation
Corporate
Energy
Energy Disputes and Litigation
Litigation
Mergers and Acquisitions
Oil and Gas Disputes

EDUCATION

JD, 1975, Southern Methodist University
Dedman School of Law,
Southwestern Law Journal, Articles Editor
BA, 1972, *cum laude*,
Saint Olaf College

ADMISSIONS

Texas 1975
US District Courts for the Northern, Southern and Western Districts of Texas
US Court of Appeals for the Fifth Circuit

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- In 2006, defeated attempt to enjoin major oil company client from drilling Barnett Shale Prospect on Comanche Peak Ranch
- In 2006, represented Houston-based producer in \$140 million acquisition of producing properties situated in Texas, Louisiana and Mississippi
- In 2005, defended independent producer in South Texas litigation for royalty on pooled unit production
- In 2005, obtained unanimous arbitration award for a Houston-based producer in a multimillion dollar voting-rights dispute under an operating agreement covering a producing field located offshore West Africa
- In 2005, represented producers in four separate acquisitions of producing properties having total value of \$700 million
- In 2004, defended a large independent producer in West Texas litigation alleging that the client was responsible for the royalty burdening the client's non-consenting working interest in a producing well
- In 2004, obtained favorable arbitration award for Houston-based producer in a \$3.2 million dispute concerning whether a title defect created by the termination of a Term Assignment had been cured by the seller's tender of a farmout agreement covering the acreage
- Defended independent producer in South Texas litigation against claims of trespass, field-wide drainage, failure to reasonably develop the lease and failure to pay market value gas royalty
- Obtained favorable decision in the landmark oil and gas case of *Sun Exploration and Production Company v. Jackson* establishing that there is no implied obligation to explore an oil and gas lease in Texas

PUBLICATIONS

- "Joint Operating Agreement: Review of Oil and Gas Law XX" - Part II *Texas Oil and Gas Law Journal*, Vol. 19, Issue 6 (December 1, 2005)
- "Joint Operating Agreements - Part 1" *Texas Oil and Gas Law Journal*, Volume 19, Number 5 (October 1, 2005)
- "Joint Operating Agreement: Review of Oil and Gas Law XX" *Dallas Bar Association - Energy Law Section, Texas Oil and Gas Law Journal* (August 25, 2005)
- "The Plain Meaning Rule" *Matthew Bender* (1999)
- "The Accommodation Doctrine: Its Current Status and the Future Application" *Matthew Bender* (1994)
- "Annual Survey of Texas Oil, Gas and Mineral Law" *SMU Law Journal* (1992)
- "Division Orders - A Primer" *Matthew Bender* (1983)
- "Exxon Corporation v. Middleton: Some Answers But Additional Confusion in the Volatile Area of Market Gas Royalty Litigation" *13 St. Mary's Law Journal* 1 (1981)

PROFESSIONAL RECOGNITION

- *The Best Lawyers in America*, Oil and Gas Law (2010-2012)
- Texas Super Lawyer in Oil and Gas, *Texas Monthly* (2003-2011)
- Top Notch Lawyer in Oil and Gas, *Texas Lawyer* (2007)
- Chairman, Oil, Gas and Mineral Law Section, State Bar of Texas (1990-1991)

BRIEFINGS, SEMINARS & SPEECHES

- "Comparison of Surface Access Issues in Rural and Urban Areas," 28th Annual Advanced Oil, Gas and Energy Resources Course, State Bar of Texas (September 2010)
- "The Elements of a Temporary Injunction in an Oilfield Surface Access Dispute," 21st Annual Energy Law Institution for Attorneys and Landmen, South Texas College of Law (September 2008)
- "Revisiting the Gas Royalty Clause for the 21st Century" 34th Annual Ernst E. Smith Seminar, Oil, Gas and Mineral Law Institute (April 2008)

Stuart C. Hollimon

- "Emerging Issues Between Lessors and Lessees," The University of Texas Annual Oil and Gas Law Seminar, Houston (March 2002)
- "The Problem of Unpublished Opinions in Oil and Gas Law," Dallas Bar Association, Energy Law Section, Dallas (October 2000)
- "The Use and Effect of Division Orders Under Texas Law," National Association of Lease and Title Analysts, Dallas (September 1996)

AFFILIATIONS

- State Bar of Texas - Oil, Gas and Mineral Law Section
- Houston Bar Association - Energy Law Section
- Dallas Bar Association - Energy Law Section
- American Bar Association

PRESS RELEASES

- 54 Andrews Kurth Lawyers Named Best Lawyers in America 2012 (September 22, 2011)
- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2011 (September 12, 2011)
- 33 Andrews Kurth Lawyers Named in Texas Super Lawyers 2010 (September 10, 2010)
- 49 Andrews Kurth Lawyers Named Best Lawyers in America 2011 (August 16, 2010)
- 35 Andrews Kurth Lawyers Named in Texas Super Lawyers 2009 (September 16, 2009)
- 46 Andrews Kurth Lawyers Named Best Lawyers in America 2010 (August 10, 2009)
- Six Andrews Kurth Partners Featured in 2009 Super Lawyers May Corporate Counsel Edition (May 14, 2009)
- Thirty-Five Andrews Kurth Partners Named in Texas Super Lawyers 2008 (October 3, 2008)
- Stuart Hollimon Joins Andrews Kurth (July 21, 2005)